



**NATIONAL AGENCY FOR  
PROHIBITION OF TRAFFIC IN  
PERSONS AND OTHER RELATED  
MATTERS (NAPTIP)**

**TRAFFICKING IN PERSONS  
(PROHIBITION) LAW  
ENFORCEMENT AND  
ADMINISTRATION ACT.  
2003 AS AMENDED  
WITH TRAFFICKING IN  
PERSONS PROTOCOL**

## PROLOGUE

### MISSION STATEMENT

“NAPTIP is fully committed to the prevention of all forms of human degradation and exploitation through the coordinated use of the nation’s crime prevention and law enforcement resources; to stamp out human trafficking and to liberate and uplift the vulnerable, especially women and children, from dehumanizing and exploitative employment and usage; and to ensure their rehabilitation and effective reintegration into society”.

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## DISCLAIMER

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## PROLOGUE

National Agency for Prohibition of Traffic in persons and Other Related Matters (NAPTIP) came into being on the 8th of August, 2003, with the appointment of its pioneer Executive Secretary Chief Executive. The Agency which is the creation of Trafficking in persons (Prohibition) Law Enforcement of Administration Act, 2003 is the Federal Government of Nigeria's response to addressing the scourge of trafficking in persons in Nigeria and its attendant human abuses in its entire ramification. It is also a fulfillment of her international obligation under the Trafficking in persons Protocol supplementing the United Nation's Transnational Organized Crime Convention (TOC)

Nigeria became signatory to the Transnational Organized Crime Convention and its Trafficking in Persons Protocol on the 13th December, 2000. article 5 of the said Trafficking Protocol enjoins state parties to criminalize practices and conducts that subject human beings to all forms of exploitation which includes in the minimum sexual and labour exploitation. The Bill to implement this protocol in our national penal legislation was sponsored as a private member bill by Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), a non-governmental organization initiated and founded by Mrs. Titi Atiku Abubakar. The Bill was subsequently passed by the National Assembly on the 7th of July 2003, and Presidential assent given on the 14th of July 2003. from that day, the law took effect and became operational throughout the country.

The Law seeks to address trafficking in persons with its associated problems by creating National Agency for Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), a specific multi-disciplinary crime fighting agency to address them. To effectively tackle the problem associated with trafficking in persons, section 4 of the law, inter alia, vests in NAPTIP the following functions:

- (a) To coordinate of all laws on trafficking in persons and related offences.
- (b) To adopt measures to increase the effectiveness of eradication of trafficking in persons.
- (c) To adopt witness protection measures;
- (d) To enhance effectiveness of law enforcement agents to suppress traffic in persons;
- (e) To establish proper communication channels, conduct research and work on improving international cooperation in the suppression of traffic in persons; by land, sea and air;
- (f) To reinforce and supplement measures in bilateral and multilateral treaties and conventions on traffic in persons;
- (g) To work in collaboration with other agencies or bodies that may ensure elimination and prevention of the root causes of the problem of traffic in any person;
- (h) To strengthen cooperation between the Attorney General of the Federation, Nigeria Police, Nigeria Immigration Services, Nigeria Customs Services, Nigeria Prison Services, Welfare Officials and all other agencies in the eradication of traffic in persons.
- (i) To take charge, supervise, control and coordinate the rehabilitation of trafficked persons;
- (j) To investigate and prosecute traffickers.

By these functions, the agency became the country's focal point in the fight against trafficking in persons and its associated social problems. Specialized operational departments are created by section 8 of the law to implement the mandate of the agency. These departments are Investigation; Prosecution; Counseling & Rehabilitation and Public Enlightenment. Investigation and prosecution are meant to enforce the law by detecting, investigating and prosecuting trafficking in persons offenders, while counseling and rehabilitation is charged with the responsibility of care giving, counseling rehabilitation and

reintegrating the victims. The Public Enlightenment is to educate the public, vulnerable as well as people at risk of being trafficked.

There are about 21 penal provisions (Section 11-29,32 & 46) of the law prescribing different punishment ranging from twelve months (for an attempt to commit any of the offences) to life imprisonment for serious offences such as slavery, exportation or importation of girls under the age of 18 years for prostitution, etc. the definition of trafficking in persons by the law in its section 64, as amended, is in tandem with the United Nations' definition in Article 3 of the trafficking protocol. Exploitation is the key element of the offence, which is found in all the penal provisions of the law.

The seriousness of the law is underscored by its section 47, which provides for extra-territorial jurisdiction in the form of active personality jurisdiction. That is to say, any Nigerian or person granted permanent residence in Nigeria who commits any of the offences provided for in the law outside Nigeria is guilty of the offence and liable to be tried anywhere in Nigeria as if the offence was committed in Nigeria. The law also vests the power to arrest, search and seize on Police, Immigration, Customs and NAPTIP officials. Similarly, the Federal high Court, the High Court of a State and the High Court of the Federal Capital Territory have concurrent jurisdiction to try any of the offences under the law.

Victim protection is also central to the law. By virtue of the law, a victim of trafficking in persons offences is to be identified and treated as a victim and not as a criminal and, where the circumstances so justify, should not be detained or imprisoned. The identity and personal history of an identified victim should be protected from the public by investigators, counseling officers and any other person(s) authorized to work closely with him/her. A victim is entitled to compensation and restitution

from his/her exploiters(s) by of a civil action. The responsibilities of the agency towards the victim of trafficking in persons are well set out in section 50 of the law as amended. A fund known as victim to Trafficking Trust Fund is also established wherein monies realized from the sale of confiscated and forfeited assets of a convicted trafficker would be paid into for the benefit of the victim.

The law is a step forward in addressing crime together with its associated problems and NAPTIP is poised to enforce the law to the hilt.

## TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION ACT, 2003 AS AMENDED



### *Arrangement of Sections*

#### **Sections**

1. Establishment of National Agency for Prohibition of Traffic in Persons
2. Establishment, membership, and appointment of members of the Governing Board
3. Tenure of office, etc
4. Functions of the Agency
5. Special power of the Agency
6. Secretariat and appointment of secretary and other staff of the agency
7. Secretary and other staff of the Agency Pensions Cap 246 LPN 1990
8. Establishment of special departments
9. Duties of the special departments
10. Training programmes
11. Exportation of persons out of Nigeria and importation of persons into Nigeria
12. Procurement of any person
13. Causing or encouraging the seduction or prostitution of any person under eighteen years
14. Procurement of any person under eighteen years
15. Procurement of any person for prostitution, pornography and use in armed conflict.
16. Foreign travel which promote prostitution
17. Unlawful detention with intent to defile.

18. Procuring or defilement of any person by threats, fraud or administering drugs
19. Kidnaping from guardianship
20. Kidnaping and abducting in order to commit culpable homicide
21. Buying or selling a person for a purpose
22. Unlawful forced labour
23. Trafficking in slaves
24. Slave dealing
25. Effect of conviction aboard
26. Offence by alien
27. Attempt
28. Offence by bodies corporate
29. Commercial carrier
30. Responsibilities of tour operators and Travel agents
31. Responsibilities of airlines
32. Penalties for breach
33. Jurisdiction etc
34. Forfeiture of passport
35. Forfeiture after conviction in certain cases
36. Second schedule
37. Forfeited property
38. Foreign assets
39. Property subject to forfeiture
40. Further provisions as to forfeiture of property
41. Seizure of property
42. Investigation of assets and properties of and arrested person. Disclosure of assets and properties by an arrested person, etc. second schedule
43. Interim forfeiture order
44. Final order
45. Final disposal of forfeited property
46. Offences in relation to forfeiture orders
47. Consequences of an acquittal in respect of assets and properties.

48. Freezing order on banks or other financial institutions second schedule
49. Power to search, seize and arrest
50. Treatment of trafficked persons
51. Non-detention or presentation of a trafficked person in certain circumstance
52. Right to institute civil action
53. Application of certain enactment, Cap. 25 LFN 1990
54. Fund
55. Accounts and audit
56. Power to borrow money
57. Annual report
58. Obstruction of the agency or authorized officers
59. Protection of informant and information
60. Power of the minister to give directives to the agency
61. Offence committed outside Nigeria etc
62. Right of appeal
63. Power to make regulations
64. Interpretation
65. Short title  
Schedule

**TRAFFICKING IN PERSONS  
(PROHIBITION) LAW  
ENFORCEMENT AND ADMINISTRATION  
(AMENDMENT) ACT 2003**

**AN ACT TO ESTABLISH THE NATIONAL AGENCY FOR PROHIBITION OF TRAFFIC IN PERSONS AND OTHER RELATED MATTERS AND VEST IT WITH THE RESPONSIBILITY TO ENFORCE LAWS AGAINST TRAFFIC IN PERSONS, INVESTIGATE AND PROSECUTE PERSONS SUSPECTED TO BE ENGAGED IN TRAFFIC IN PERSONS; AND TO TAKE CHARGE AND COORDINATE THE REHABILITATION AND COUNSELING OF TRAFFICKED PERSONS; AND FOR RELATED MATTERS**

**ENACTED by the National Assembly of the Federal Republic of Nigeria**

(14th July, 2003)

**PART 1 ESTABLISHMENT OF THE NATIONAL AGENCY FOR PROHIBITION OF TRAFFIC IN PERSONS LAW ENFORCEMENT AND ADMINISTRATION**

1. (1) There is established a body to be known as the National Agency for Prohibition of Traffic in Persons and Other Related Matters (in this act referred to as "the agency").
- (2) The Agency shall be a body corporate with perpetual succession and A common seal; and
- (b) May sue or be sued in its corporate name
2. (1) There is establishment for the agency, a part-time Governing Board (in this act referred to as "the Board")

Commence  
ment

Establishment  
of National  
Agency for  
Prohibition of  
Traffic in  
Persons

Establishment,  
membership,  
and appoint  
ment of  
members of  
the Governing  
Board

**ANNOTATION**

*Section 2 of the amended act substituted (3) of the principal act with a new subsection (3) as follows*

- (2) The board shall be the governing authority responsible for supervising the activities of the agency and for the formulation of its policies and shall also superintend generally, the affairs of the agency, promoting the interests, objects and purposes of the agency.
- (3) The board consist of
  - (a) A chairman being a person who by reason of his ability, character, experience and knowledge can deal with the problem of trafficked persons.
  - (b) 6 other members who shall be appointed from each of the six geo-political zones on the recommendations of the minister; and"
  - (c) The executive secretary"
- (4) The Chairman and other members of the board shall be appointed by the president and commander-in-chief of the armed forces of the Federal Republic of Nigeria
- (5) The provisions of the first schedule to this act shall have effect with respect to the proceedings of the board and other matters mentioned therein.

First  
Schedule

**ANNOTATION**

2

- By deleting the word "and" in order to extend the provisions of the section*
- 2a Reduced the number of the board members from 12 to 6*
- 2b Added a sub-paragraph (c) to (3) by making the executive secretary a Member of the board*
- 2c By adding the word "First" in subsection 5 (distinguish it from the added schedule*

3. (1) The Chairman and members of the board other than the executive secretary shall hold office for a term of four years and shall be eligible for re-appointment for another term and no more.<sup>2d</sup>
- (2) The office of the Chairman or a member of the board shall become vacant if-
- he resigns his office by notice in writing under his hand addressed to the president and is accepted by him;
  - The President is satisfied that it is not in the interest of the agency or of the public for the person appointed to continue in office;
  - he dies;
  - he becomes of unsound mind or incapable of carrying out his duties;
  - he becomes bankrupt;
  - he is guilty of gross misconduct relating to his duties.
- (3) Where a vacancy occurs in the membership of the board, it shall be filled by the appointment by the president, of a successor to hold office for the remainder of the term of office of his predecessor, and the successor shall represent the same interest as that member whose exit created the vacancy.

Tenure of office, etc

#### ANNOTATION

<sup>2d</sup> section 3 of the amended act substituted subsection (1) of the principal act with a new subsection (1) by making the executive secretary's tenure on the board other than members determinable by her Duration in office as provided by Section 6 of the Act.

- 4.<sup>3</sup> The agency shall be responsible for
- The enforcement and the due administration of this Act;
  - The co-ordination of all laws on traffic in persons and related offences and the enforcement of those laws;
  - Adoption of measures to increase the effectiveness of eradication of traffic in persons;
  - The facilitation or encouragement of the presence or availability of persons, including persons in custody, who consent to assist in investigations or participate in proceedings relating to traffic in persons and related offences;
  - Enhancing the effectiveness of law enforcement agents to suppress traffic in persons;
  - Establishing, maintaining and securing communication to facilitate the rapid exchange of information concerning offences, conducting research and improving international co-operation in the suppression of traffic in persons by road, sea and air;
  - Reinforcing and supplementing measures in such bilateral and multi lateral treaties and conventions on traffic in persons as may be adopted by Nigeria to counter the magnitude and extent of traffic in persons and its grave consequences;
  - Taking such measure, and or in collaboration with

Functions of the agency.

#### ANNOTATION

3 Section 4 of the amended act amended section 4 of the principal act as follows;

Other agencies or bodies that may ensure the elimination and prevention of the root cause of the problem of traffic in persons;

- (i) Strengthening enhancing effective legal means for international co-operation in criminal matters for suppressing the international activities of traffic in persons;
- (j) Strengthening co-operation between the office of the Attorney-General of the Federal, Ministry of Foreign Affairs, the Nigeria Police Force, <sup>4a</sup> the Nigeria Immigration Services, the Nigeria Prison Service, welfare officials and other law enforcement agencies in the eradication of traffic in persons;
- (k) Taking charge, supervising controlling, and co ordinating the rehabilitation of trafficked persons and participating in proceedings relating to traffic in persons;
- (l) Taking charge of, supervising, controlling and co ordinating all the responsibilities, functions and activities relating to current investigation and prosecution of all offences connected with or relating to traffic in persons other related matters in consultation with the attorney general of the federation; and<sup>4b</sup>

#### ANNOTATION

<sup>4a</sup> Including in paragraph (j) the Ministry of Foreign Affairs as a collaborating partner of the agency toward the eradication of traffic in persons.

<sup>4b</sup> Introducing a new paragraph (l) by empowering the agency to oversee and control all current activities connected with investigation and prosecution of traffic in persons in consultation with the Attorney-General of the Federation.

- (m) carrying out such other active as are necessary or expedient for the full discharge of all or any of the functions conferred on it under this act<sup>4c</sup>

#### 5.5a The agency shall have the power to cause investigations to be conducted

Special power of the Agency.

- (a) as to whether any person has committed an offence under this act;
- (b) with a view to ascertaining whether any person has been involved in offences under this Act; and
- (c) Subsequently prosecute any person found to have committed an offence under this Act<sup>5b</sup>

- 6<sup>6</sup> (1) There shall be established a secretariat for the agency.
- (2) There shall be for the agency, an executive secretary who shall be from the Directorate cadre in the public service of the federation and shall be appointed by the president on the recommendation of the Attorney General of the Federation

Secretariat and Appointment of secretary and other staff of the agency.

#### ANNOTATION

<sup>4c</sup> Introducing a new paragraph (m) which mandates the agency to do what is necessary to ensure that it discharges its duties as conferred on it by the Act.

<sup>5a</sup> Section 5 of the amended act amended section 5 of the principal act by deleting figure 1 and

<sup>5b</sup> Including a new paragraph(c) which confers prosecutorial powers on the agency

<sup>6</sup> Section 6 of the amended act amended section 6 of the principal act by:

<sup>6c</sup> Including the title "Executive" to the title of the secretary of the agency in subsections (2) and (3)

- (3) The executive secretary shall
    - (a) Be the chief executive and accounting officer of the agency;
    - (b) Be responsible for the day-to-day administration of the secretariat;
    - (c) Keep the books and records of the agency; and
    - (d) Be subject to the supervision and control of the board of the agency.
  - (4) The executive secretary of the agency shall hold office for a term of five years in the first instance and shall be eligible for re-appointment for another term and no more<sup>6b</sup>
  - (5) The agency may, from time to time, appoint such other staff as it may deem necessary, to assist the agency in the performance of its functions under this Act.
  - (6) The staff of the agency appointed under subsection (2) shall be appointed on such terms and conditions of services as the agency may, after consultation with the Federal Civil Services Commission determine.
  - (7) The staff of the agency shall be public officers as define in the constitution of the Federal Republic of Nigeria and other existing laws.<sup>6c</sup>
7. (1) Service in the agency shall be public service for the purpose of the pensions act, and,

Secretary and other staff of the Agency.

#### ANNOTATION

<sup>6</sup> Inserting a new paragraph to provided for a 2 term in office of five years each for the executive secretary.  
<sup>6c</sup> Re-numbering subsections(4), (5) and (6) as subsections (5), (6) and (7) respectively.

Accordingly, officers and other staff of the agency shall in respect of their service in the agency, be entitled to such pension, gratuities and retirement benefits as are prescribed in the pensions Act.

- (2) Notwithstanding the provision of subsection (1) of this section, nothing in this act shall prevent the appointment of a person to any office on terms, which preclude the grant of pension and gratuity in respect of that office.
  - (3) For the purpose of the application of the provisions of the pensions Act, any powers exercisable there under by a minister or other authority of the Government of the Federation (not being the power to make regulations under section 23 thereof) are hereby vested in and shall be exercisable by the agency and not by any other person or authority.
- 8.<sup>7</sup> (1) For the effective conduct of the functions of the agency, there shall be established the following departments.
- (a) The investigation Department;
  - (b) The Legal Department;
  - (c) The Public Enlightenment Department;
  - (d) The Conseling and Rehabilitation Department and
  - (e) Such other Departments as the Agency may establish with the approval of the board

Pensions: cap 246LFN 1990

Establishment of special Departments.

#### ANNOTATION

<sup>7</sup> Section 7 of the amended act substituted the work "Unit" as contained in section 8 of the principal Act with the work department. This therefore applies to the whole Act and thus made the operational Units of the agency full fledge directorates headed by directors.

(2) Notwithstanding the provisions of subsection (I) of this section, the agency shall have power to set up technical committees and task forces to assist the agency in the performance of its duties and functions under this Act.

9<sup>8</sup> (1) The investigation department shall liaise with the police for the prevention and detection of offences in violation of the provisions of this Act, and shall work in collaboration with the Immigration Service, Customs Service and other relevant security agencies.

(2) The legal department shall be responsible for prosecuting offenders under this Act, supporting the investigation department with legal advice and assistance whenever it is required, acting as secretariat to the board, conducting such

**ANNOTATION**

<sup>8</sup> Section 8 of the Amended Act amended section 9 of the principal act as follows:

Proceedings as may be necessary to wards the recovery of any asset or properties forfeited under this Act and performing such other legal duties as the agency may refer to it from time to time.<sup>8a</sup>

(3) The Public Enlightenment Department shall, in collaboration with the Federal Ministries of Information and National Orientation Agency, Women and Youth Development, Employment, Labour and Productivity, Federal Ministry of Education<sup>8b</sup>, be responsible for campaigns , seminars and workshops aimed at educating the public on the problem of traffic in any person, thereby stimulating interest in and awareness about the problem.

(4) The Counseling and rehabilitation department shall in collaboration with the Federal Ministries of Women and Youth Development, Employment, Labour and Productivity and Culture and Tourism, Nigeria Prison Service<sup>8c</sup> be responsible for

- (a) Counselling, after care rehabilitation, social reintegration and education of trafficked persons; and
- (b) Counselling and the promotion of the welfare of convicts.

**ANNOTATION**

<sup>8a</sup> By inserting a new subsection (2) which defines the role and responsibilities of the legal department of the agency created in section 8 above.  
<sup>8b</sup> By including the Federal Ministry of Education as a partner with the public enlightenment department in creating awareness on trafficking issues.  
<sup>8c</sup> By including the Nigeria Prison Services as part of the collaborations with the counseling and rehabilitation department for the rehabilitation and re-integration of both victims and convicted traffickers

(5) There shall be appointed for each of the department a principal officer who shall be known by such designations as the agency may determine<sup>8d</sup>

10 (1) The agency may initiate, develop or improve specific training programmes for the relevant law enforcement agents and other personnel of the agency charged with the responsibility for the detection of offences created by this Act and the programmes shall include

Training programmes

(a) methods used in the detection and suppression of offences under this Act;

(b) give information on routes and techniques used by persons involved in offence under this Act and appropriate counter-measures;

(c) assistance in monitoring the movement of trafficked persons; and

(D) dissemination of information about traffic in persons laws.

11<sup>9</sup> Any person who

(a) Exports from Nigeria to any place outside Nigeria any person under the age of eighteen years with intent that such person may be, or knowing it to be likely that such person will be forced or seduced into prostitution in that place; or

Exportation of persons out of Nigeria and importation of persons into Nigeria

#### ANNOTATION

<sup>8d</sup> By re-numbering subsections (2), (3) and (4) as subsections (3), (4) and (5) respectively

<sup>9</sup> Compare the provision of section 276 of the penal code which prohibits the importation of any girl under the age of 21 years from any country into Northern Nigeria with this section. "Exportation and importation" see the definition of these terms in sections 64 of the Act.

(b) Imports into Nigeria from any place outside Nigeria any person under the age of eighteen years with intent that such person may be, or knowing it to be likely that such person will be forced or seduced into prostitution any where in Nigeria.

commits an offence and is liable on conviction to imprisonment for life.

12 Any person who

(a) by the use of deception, coercion, debt bondage or any means whatsoever, induces any person under the age of eighteen years to go from one place to another to do any act with intent that such person may be, or knowing that it is likely that the person will be forced or seduced into illicit intercourse with another person, or 10

Procurement of any person

(b) in order to gratify the passions of another persons, procures, entices or leads away, even with such person's consent, any person under the age of eighteen years,

commits an offence and is liable on conviction to imprisonment for ten years without an option of fine.

13<sup>11</sup> (1) Any persons who, having the custody, charge or care of any person under the age of eighteen years, causes or encourages the seduction, unlawful carnal knowledge or prostitution of, or the commission of an indecent assault upon any person, commits an offence and is liable on conviction to imprisonment for ten years.

Causing or encouraging the seduction or prostitution of any person under eighteen years.

#### ANNOTATION

<sup>10</sup> See the similarity of this section as well as section 19 (b) of the Act to section 275 of Penal Code

<sup>11</sup> See section 222A (1) of the Criminal Code. While the criminal code specifically used phrase "a girl" under the age of 16, the Act is carefully on the issue of gender by using the phrase "any person" in accordance with trafficking in persons protocol supplementing the transnational organized crime convention

(2) A person shall be deemed to have caused or encourage the seduction, unlawful carnal knowledge, or prostitution of or the commission of indecent assaults upon any person who has been seduced, unlawfully carnally known, or indecently assaulted, or who has become a prostitute, if he knowingly allows such person to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

14. (1) Any person who procures a person who in under the age of eighteen years to have unlawful carnal knowledge with any other person or persons, either in Nigeria or any place outside Nigeria, commits an offence and shall be liable on conviction to imprisonment for ten years Procurement of any persons under eighteen years
- (2) Any person who procures any person under the age of eighteen years to
- (a) Become a prostitute, either in Nigeria, or any place outside Nigeria;
- (b) Leave Nigeria with intent that such person may become a prostitute in any place outside Nigeria
- (c) Leave such person's usual place of abode in Nigeria, with intent that such person engage in prostitution either in Nigeria or any place outside Nigeria,<sup>12</sup> commits an offence and is liable on conviction to imprisonment for ten years.

#### ANNOTATION

<sup>12</sup> Compare this provisions with section 223(2) & (3) of the criminal code. Does the requirement that a person cannot be convicted upon the uncorroborated testimony of one witness apply to this section of the Act? See also section 178 of the evidenced act. The work "procure" as used this section and other provisions in the act must be given its ordinary meaning as in common English usage.

- 15.<sup>13</sup> Any person who
- (a) Procures, uses or offers any person for prostitution, or the production of pornography, or for pornographic performance;
- (b) Keeps a brothel;
- (c) Allows a person under the age of eighteen years to be in a brothel or trades in prostitution;<sup>13a</sup>
- (d) Procures, uses or offers any person for the production and trafficking in drugs;
- (e) Traffics any person for the purpose of forced or compulsory recruitment and use in armed conflict,

Procurement of any person for prostitution, pornography and use in armed conflict.

Commits an offence and is liable on conviction to imprisonment for fourteen years without an option of fine.<sup>13b</sup>

- 16.<sup>14</sup> Any person who organizes or promotes foreign travels, which promote prostitution of any person or encourages such activity commits an offence and is liable on conviction to imprisonment for ten years without an option of fine. Foreign travel which promotes prostitution.
17. Any person who-
- (a) Conspires with another to induce any person under the age of eighteen years by means of any false pretence or other fraudulent means and Unlawful detention with intent to defile.

#### ANNOTATION

<sup>13</sup> See also section 225B (b) of the criminal code. The definition of a brothel is as provided under section 64 of the Act.

Section 9 of the amended act amended section 15 of the principal act as follows:

<sup>13a</sup> By making anyone who keeps a brothel or allows anyone under the age of 18 to be in a brothel or trade in prostitution an offender under the Act as contained in sub-paragraphs (b) and (c). See the definition of prostitution in section 64 of the Act

<sup>13b</sup> By re-lettering sub-paragraphs (b) and (c) as (d) and (e) respectively.

<sup>14</sup> The word "organized" should be construed in its common English usage. It connotes "to arrange for something to happen". "Promote" in the section is also defined by Oxford Advanced Learner's Dictionary 6<sup>th</sup> Edition to connote among others "help something to happen or develop".

Permit any man to have unlawful carnal knowledge of such person commits an offence and is liable on conviction to imprisonment for five years.

(b) detains any person under the age of eighteen years against such persons will in or upon any premises for the purposes of being unlawfully carnally known by any man, whether a particular man or not, commits an offence and is liable on conviction to imprisonment for ten years.

18. Any person who

(a) with threats or intimidation of any kind procures any person under the age of eighteen years, to have carnal connection with a man or an animal, either in Nigeria or any place outside Nigeria;

(b) under false pretence procures any person under the age of eighteen years to have carnal connection with a man within or outside Nigeria;

(c) administer to any person under the age of eighteen years, or causes any person under the age of eighteen years, to take any drug or any other thing with intent to stupefy or over-power such person in order to enable any man, whether a particular man or not, to have carnal knowledge of such person,

Procuring defilement of any person by threats, fraud or administering drugs.

Commits an offence and is liable on conviction to imprisonment for ten years or a fine not exceeding N200,000.00

19. Any person who

(a) Takes or entices any person under eighteen years of age or any person of unsound mind out of

Kidnaping from guardianship.

**ANNOTATION**

<sup>13</sup> Though the provision of this section is similar to that of section 124 of the Criminal Code. The previous history of a victim that she known to be a common prostitute or to be of immoral character is not a defense under the Act as it is under the criminal code.

the custody of the lawful guardian of such person without the consent of the guardian or conveys any such person beyond the limits of Nigeria without the consent of someone legally authorized to give consent to such removal, commits an offence and is liable on conviction to imprisonment for fourteen years without an option of fine;

(b) by force compels or by any deceitful means induces any person to go from any place, commits an offence and is liable on conviction to imprisonment for ten years or to a fine not exceeding N200,000.00 or both;

(c) confines or detains another person in any place against his will, or otherwise unlawfully deprives another person of his personal liberty, commits an offence and is liable on conviction to imprisonment for five years or to a fine of N100,000.00 or both;

(d) Unlawfully takes an unmarried person under the age of eighteen years out of the custody or protection of such person's father or mother or other person having the lawful care or charge of such person and against the will of such father or mother or persons having lawful care or charge of such person, commits an offence and is liable on conviction to imprisonment for ten years without an option of fine; and

(e) with intent to deprive any parent, guardian, or other person who has the lawful care or charge of a person under the age of eighteen years, of the possession of such person forcibly or fraudulently takes or entices away, or detains the person, or receives or harbours the child, knowing the child to have been so taken or enticed away or detained, commits an offence, and is liable on conviction to imprisonment for fourteen years without an option of fine.

(2) A person is deemed to detain any person in or upon any premises in paragraph (e) of sub-section (1) of this Section when the person is in or brought upon any such premises with a view to such person being so carnally known, or to detain such person being so carnally known, or to detain such person in such premises with intent to compel or induce such person to remain in or upon the premises, he withholds from such person any wearing apparels, other property

20.<sup>16</sup> belonging to such person or the person's traveling documents  
A person who kidnaps, abducts or by deceitful means lures any person away in order that such person may be killed for any purpose, commits an offence and is liable on conviction to imprisonment for life.

Kidnapping and abducting in order to commit culpable homicide

21.<sup>17</sup> Any person who buys sells, hires, let or otherwise obtains possession or disposes of any person under the age of eighteen years with intent that such person be employed or person for used for immoral purposes or knowing it to be likely that such person will be employed or used for any such purposes, commits an offence and is liable on conviction to imprisonment for fourteen years without the option of a fine.

Buying or selling a person for a purpose

#### ANNOTATION

<sup>16</sup> It is doubtful if anyone would be charged under this Section if the victim is killed under any of the circumstances provided by the Act since the punishment is less than what is provided for under the criminal code or penal code laws.  
<sup>17</sup> Note that buys, sells lets etc in the section in of any under the age of 18 years should either be with intent that the person sold or bought would be employed for immoral purposes. Buying and selling of such of a person simpliciter without more may not be an offence under section. Compare this section with section 278 of the Penal Code.

- 22.<sup>18</sup> (1) Any person who-
- (a) requires any other person, or permits any place within or outside Nigeria to be used for forced labour;
  - (b) employs a child to work in any capacity except where he is employed by a member of his family or for light work of an agricultural, horticultural or domestic character;
  - (c) employs a child in any case to lift, carry or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral or social development;
  - (d) employs a child as a domestic help outside his own home or family environment; or
  - (e) employs a child in an industrial undertaking commits an offence and is liable on conviction to fine not exceeding N100,000.00 or imprisonment for a term of five year or both such fine and imprisonment
- (2) When an offence under this section is committed by a body corporate any person who at the time of commission of the offence was a proprietor director general manager or other similar officer servant or agent of the body corporate shall be deemed to have jointly and severally committed the offence and may be liable on conviction to a fine of N250,000.00.
- (3) Nothing in sub-section (1) and (2) shall apply to work done by children in technical schools or similar approved institution if the work is supervised by the appropriate authority.

Unlawful forced labour

#### ANNOTATION

<sup>18</sup> Section 10 of the Amended Act amended Section 22 by extending and expatiating on the provisions on forced labour to include child domestic outside the child's (a) family environments See Sections 28 of the child's Right Act No.26 of 2003 and Section 59(1)(a) of Labour Act, Cap 198 Laws of the Federation 1990 The definition of a child under the Labour Act (supra) is provided by Section 91 as a person under the age of 12 years The trafficking in persons Act did not provide any definition however section 277 of Child Right Act (supra) defines a child mean a person under the age of 18 years Section 274 of the same Child Right Act voids any other contrary definition of a child in any other enactment See also Section 29 of the Child's Right's Act as it pertains to sections 59,60,62 and 63 of the Labour Act.

23<sup>19</sup> Any person who imports exports removes buys sells, disposes traffics or deals in any person as a slave or accepts receives or detains a person against that person's will as a slave, commits an offences and is liable on conviction to imprisonment for life.

Traffic  
in slaves

24.<sup>20</sup> Any person who-

- (a) deals or trades in purchases sells transfers or takes any person in order or so that such person should be held or treated as a slave;
- (b) Places or receives any person in servitude as a pledge or security for debt whether then due and owing or to be incurred or contingent whether under the name of a pawn or by whatever other name such person may be called or known;
- (c) conveys or induces any person to come within the limits of Nigeria in order or so that such person should be held possessed dealt with or treated in purchased sold or transferred as a slave or be placed in servitude as a pledge or security for debt,
- (d) holds or possesses any person as a slave;<sup>21</sup>
- (e) enters into any contract or agreement with or without consideration of doing any of these or accomplishing any of the purposes enumerated in this section commits an offence and is liable on conviction to imprisonment for life.

Slave  
dealing.

25<sup>22</sup> Where a person is convicted outside Nigeria for an offence relating to trafficking in person he shall on his return to Nigeria after serving his sentence in that county be liable to be tried in Nigeria for bringing the image of Nigeria into disrepute and shall on conviction forfeit his assets to the Federal Government in addition to serving a term of imprisonment not exceeding two years.

Effect of  
conviction  
abroad .

#### ANNOTATION

<sup>19</sup> See Section 279 of the Penal Code. See also slavery Convention of 1926, Convention for the Suppression of Traffic in Persons and the Exploitation of other of 1949, Supplementary Convention on the Abolition of Slavery Slave Trade and Institutions and Practices similar to Slavery, ILO convention 182. See the definition of slave in section 64 of the Act which emphasizes control as distinct from ownership in Slavery Convention

<sup>20</sup> Ibid

<sup>21</sup> Ibid

26. (1) Any person resident in Nigeria who-

- (a) causes or encourages the seduction or prostitution of any person under the age of eighteen years,
- (b) keeps a brothel,
- (c) permits the defilement of any person under the age of eighteen years in his premises,
- (d) allows a person under the age of eighteen years to be in a brothel or trade in prostitution,
- (e) procures, uses or offers a person for the production of pornography or for pornographic performance, and procures a person for prostitution, commits an offence and is liable on conviction to imprisonment for ten years.

Offence by  
Alien

(2) An alien convicted under subsection (1) of this section shall be deported after serving his term of imprisonment unless the provisions of the Transfer of Convicted Offenders (Enactment and Enforcement) Act applies.

Cap. 439

LFN 1990

27. (1) Where a person is charged with any of the offences under this Act and the evidence establishes an attempt to commit that offence, he may be convicted of having attempted to commit that offence and shall be liable on conviction to 12 months imprisonment or a fine of N50,000.00 or both.

Attempt

(2) Where a person is charged with an attempt to commit an offence under this Act, but the evidence establishes the commission of the full offence, the offender shall not be entitled to acquittal but shall be convicted of the offences as prescribed in this Act.

#### ANNOTATION

<sup>22</sup> Does this provision offend the principle of double jeopardy? Opinions/Ire presently divided. While some believe that /I distinct offence of bringing Nigeria's name to disrepute is being created others say the cause of the present charge against the accused cannot be divorced from the initial offence. See the conflicting decisions of the Federal High Court on similar provision in NDLEA (Amendment) Decree, 1990 otherwise known as Decree 33 in FRN vs Anthony Chum/I Ikeobi FHC/L/215c/2000 and FRN vs Olayemi Oduwaiye FHC/L/26c/2001.

28. (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed on the instigation or with the connivance of or its attributable to any neglect, on the part of a Director, Manager, Secretary of the body corporate, or any person purported to act in any such capacity, he shall be liable on conviction to imprisonment for 3 years or to a fine of N200,000.00 or both.
- (2) Where a body corporate is convicted of an offence under this Act, it shall be liable to a fine of N2 million and the court may issue an order to wind-up the body and its assets and properties forfeited to the victims of Trafficking Trust Fund.

Offence  
by bodies  
corporate

29. (1) Any commercial carrier who knowingly carries any person in contravention of this Act in addition to any other penalty provided in any other Act or enactment, commits an offence and is liable on conviction to imprisonment for 2 years or a fine of<sup>23</sup> N2,000,000.00 instead thereof.

commercial  
carrier

30. Every tour operator and travel agent shall-
- (a) notify its clients of its obligation under this Act not to aid and abet, facilitate or promote in any way the traffic in any person;
- (b) notify their clients of their obligation under this Act not Agent to aid, abet, facilitate or promote in any way, any person's pornography and other person's exploitation in tourism;
- (c) insert in contracts with corresponding suppliers in destination countries, clauses requiring them to comply with the obligations stated in the preceding paragraphs of this subsection;
- (d) refrain from utilizing messages on printed materials, video or the Internet that could suggest or allude to behaviour incompatible with the objective of this Act;
- (e) inform their staff of their obligations under this Act; and
- (f) include clauses regarding their obligations under this Act to their staff in new employment contracts.

Responsi-  
bilities of  
Tour  
Operations  
and Travel  
Agents

#### ANNOTATION

<sup>23</sup>Section II of the Amended Act amended Section 29 of the Principal Act by inserting the words "fine or to correct a typographical error and erasing subsection (2) entirely

1. Every airline company shall promote through every possible means, public awareness of the guiding principles of this Act in in-flight magazines, tickets jackets, internet units and video on long lane flights.
2. Any tour operator, travel agent or airline who violates the provisions of sections 30 and 31<sup>24</sup> of this Act commits an offence and in addition to any other penalty provided in any other law or enactment is liable on conviction to a fine not exceeding N200,000.00
33. (1) The High Court<sup>25</sup> shall have jurisdiction to try offences under this Act.
- (2) The High Court has powers to impose the penalties provided for in this Act, notwithstanding anything to the contrary in any other enactment.
34. The passport of any person convicted of an offence involving traffic in persons under this Act shall be forfeited to the Federal Government and shall not be returned to that person unless or until the President directs otherwise, after the grant of a pardon or on the exercise of the Constitution of the Federal Republic of Nigeria.

Responsi-  
bilities of  
Airlines

Penalties  
for breac<sup>t</sup>

Jurisdicti  
on etc

Forfeiture  
of passport

#### ANNOTATION

<sup>24</sup>Section 12 of the Amended Act III I lended Section 32 of the Principal Act by substituting the figures 28 and 29 for the figures 30 and 31.

<sup>25</sup>Section 13 of the Amended Act amended section 33 of the Principal Act by eliminating the specific high courts that have jurisdiction over the trafficking in person offences and expend it to include the Federal High Court See Section 64 of the Act for the deflations of the High Court as provided by the section.

35.<sup>26</sup> (1) A person convicted of an offence under the Act shall forfeit to the Victims of Trafficking Trust Fund<sup>26a</sup>

Forfeiture(s) after conviction in certain cases

(a) all the assets or properties which may or are the subject of an interim order of the Court after an attachment by the Agency as specified in section 40 of this Act;

(b) any assets or properties confiscated, or derived from any proceeds the person obtained, directly or second indirectly, as a result of such offence not already disclosed in the Assets Declaration Form specified in Form 1 of the Second Schedule<sup>26b</sup> to this Act or not falling under paragraph (a) of this subsection;

Second Schedule

(c) any of the person's property or instrumentalities used in any manner to commit or to facilitate the commission of such offence not already disclosed in the Assets Declarations Form or not falling under paragraph (a) of this subsection.

(2) The Court in imposed a sentence on any person under this section, shall order, in addition to any other sentence imposed pursuant to this Act, that the person forfeit 10 the Victims of Trafficking Trust Fund all properties described in sub-section (1) of this section.

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

Forfeited Property

36. All properties of a person convicted of an offence under this Forfeited Act and shown to be derived or acquired from such illegal Property act which are already the subject of an interim order shall be forfeited 10 the 10 Victims of

**ANNOTATION**

<sup>26</sup>Section 14 of the Amended Act inserted new sections 35-48 after Section 34 of the Principal Act by providing for:

<sup>26a</sup>The forfeiture of the properties of traffickers;

<sup>26b</sup>An Assets Declaration Form as a Schedule to the Act;

37. (1) Where it is established that any convicted person has assets or properties in a foreign country, acquired as a result of such criminal activity, such assets or properties subject to any treaty of arrangement with such foreign country, shall be forfeited to the Victims of Trafficking Trust Fund.

Foreign Assets

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

**38. Any Property**

(a) Whether real or personal, which represents the gross receipts which a person obtains directly as a result of the violation of this Act or which is traceable to such gross receipts or

Property subject to forfeiture.

(b) within Nigeria which represents the proceeds of an offence under the laws of a foreign country within whose jurisdiction such offence or activity would be punishable by imprisonment for a term not exceeding one year and which would be punishable by imprisonment under this Act if such act or activity had occurred within Nigeria, is subject to forfeiture to the Victims of Trafficking Trust Fund.

39. Without prejudice to the provisions of any other law permitting the forfeiture of property the following shall also be subject to forfeiture under this Act and no proprietary right shall exist in them

(a) all means of conveyance including vehicles or vessels which are used or are intended for use to transport or in any manner, facilitate trafficking of any person such as

(i) known means of conveyance used by any persons as a common carrier in the transaction of business as a common carrier shall be forfeited under this section unless it shall appear that the owner or other person in charge of such means of conveyance was consenting party or privy to a violation of this Act;

(ii) known means of conveyance which shall be forfeited under this section by reason of any established by the owner thereof to have been committed by any person other than such owner while such means of conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of Nigeria or any party thereof; and

(iii) known means of conveyance which shall be forfeited under this section to the extent of an interest of an owner, by reason of any act established by that owner to have been committed without the knowledge, consent or willful connivance of that owner.

(b) All monies, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for any illegal act or in violation of this Act or all proceeds traceable to such an exchange, and all monies, negotiable instruments and securities used or intended to be used to facilitate any violation of this Act.

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

40. (1) Seizure of any property subject to forfeiture under this Act may be effected by the Agency where

- (a) the seizure is incidental to an arrest or search;
- (b) the property is liable to forfeiture upon process issued by the Court following an application made by the Agency in accordance with the prescribed rules.

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

- (a) place the property under seal; or
- (b) remove the property to a place designed by the Agency.

Seizure  
of  
Property.

41. Where a person is arrested for an offence under this Act, the Agency shall immediately trace and attach all the assets and properties of the person acquired as a result of such illegal act and shall thereafter cause to be obtained an interim attachment order by the Court.

Investigation  
of assets and  
properties of  
an arrested  
person.

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

Disclosure  
of assets and  
properties  
by an  
arrested  
person, etc  
Second  
Schedule.

(2) The declaration of Assets Form shall be forwarded to the Agency for full investigation by the Investigation Department of the Agency.

(3) Any person who

- (a) knowingly fails to make full disclosure of his assets and liabilities;
- (b) knowingly makes a declaration that is false;
- (c) fails to answer any question; or
- (d) fails, neglects, or refuses to make a declaration or furnish any information required, in the Declaration of Assets Form;

Commits an offence under this Act and is liable on conviction to imprisonment for a term often years.

(4) Subject to the provisions of section 39 of this Act, whenever the assets and properties of any person arrested under this Act are attached, the Agency shall apply to the court for an interim forfeiture order under the provisions of this Act.

43. Where-

- (a) the assets or properties of any person arrested under this Act has been seized; or
- (b) any assets or property has been seized by the Agency under this Act, the Agency shall cause an application to be made to the court for an interim order forfeiting the property concerned to the Victims of Trafficking Trust

Interim  
forfeiture  
order

Fund and the court shall if satisfied that there is *prima facie* evidence that the property concerned is liable to forfeiture make interim order forfeiting the property to the Victims of Trafficking Trust Fund.

44. Where an arrested person is convicted of an offence under this Act, the Agency or any authorized officer shall apply to the Court for the order of confiscation and forfeiture of the convicted person's assets and properties acquired or obtained as a result of the crime already subject to an interim order under this Act.

Final  
Order

45. (1) A copy of every final order forfeiting the assets and property of a person convicted under this Act shall be disposed forwarded to the Agency.

Final  
disposal  
of  
forfeited  
property

(2) Upon receipt of a final order pursuant to this section, the Executive Secretary to the Agency shall take steps to dispose of the property concerned by sale or otherwise and where the property is sold, the proceeds thereof shall be paid into the Victims of Trafficking Trust Fund.

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

(4) The Attorney General of the Federation may make rules or regulations for the disposal or sale of any property or assets forfeited pursuant to this Act.

Offences  
in relation  
to  
forfeiture  
orders

46. (1) Any person who, without due authorization by the Agency, deals with, sells or otherwise disposes of any property or assets which is the subject of an attachment, interim order or final order commits an offence and is liable on conviction to imprisonment for a term of five years without the option of a fine.

(2) Any manager or person in control of the head office or branch of a bank or other financial institution who fails to pay over to the Agency upon the production to him of a final order; commits an offence under this Act and is liable to conviction to imprisonment for a term of not less than one year and not more than three years, without the option of fine.

47. (1) Where a person is discharged or acquitted by a Court of an offence under this Act, the Court may make an order of revocation or confirmation as the case may be, of an interim order made pursuant to this Act, whichever order is considered just, appropriate or reasonable within the circumstances.

Consequences of an  
acquittal in  
respect of  
assets and  
properties.

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

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

48. <sup>26a</sup>(1) Notwithstanding anything contained in any other enactment or law, where any person is arrested under this Act, the Executive Secretary of the Agency may, if he is satisfied that the money in the account of an arrested person is made through the commission of an offence under this Act, apply to the Federal High Court *ex parte* for power to issue or instruct a bank examiner or such other appropriate regulatory authority to issue an order as specified in Form 2 of the Second Schedule to this Act, addressed to the manager of the bank or any person in control of the financial institution where the account is or believed by him to be at the head office of the bank or other financial institution to freeze the account.

Freezing  
order on  
banks or  
other  
financial  
institutions.  
Second  
Schedule.

## ANNOTATION

<sup>26a</sup> An order on banks and other financial Institutions to freeze the account(s) of traffickers where the money in the account are proceeds from the commission of the offence of trafficking in person;

(2) The Executive Secretary of the Agency or bank examiner may by an order issued under subsection (1) of this section, or by any subsequent order, direct the bank or other financial institution to supply any information and produce books and documents relating to the account and to stop all outward payments, operations or transactions (including any bill of exchange) in respect of the account of the arrested person.

(3) The manager or any other person in control of the financial institution shall take necessary steps to comply with the requirements of the order made pursuant to subsection (2) of this section.

(4) In this section

(a) "bank" has the meaning given to it in the Banks and other Financial Institutions Act 1991 as amended<sup>26d</sup>; and

(b) the reference to an order issued includes a reference to any order, direction or requirement addressed to the manager of a bank or any other officer of a bank which directs or purports to direct the manager or such officer to stop all outward payment, operators or transactions in respect of any account with that bank.

49. (1) Any police officer, customs officer, immigration officer, or the Chairman of the Agency or any officer of the Agency authorized by regulation in that behalf, may for the purpose of this Act.

(a) with a warrant, enter and search any land, building or carrier, including aircraft, vehicle or container or any other instrumentalities whatsoever, which he has reason to believe is connected with the commission of an offence under this Act;

#### ANNOTATION

<sup>26d</sup> A proper definition of banks and other financial institutions for the purpose of the Act.  
<sup>27</sup> Section 15 of the Amended Act re-numbered Sections 35-37 as Sections 49-51 respectively; and

(b) perform, test and take sample of any substance relating to the commission of an offence under this Act, which are found on land or building or carrier, including aircraft, vehicle, container or any other instrumentalities whatsoever searched pursuant to paragraph (a) of this subsection;

(c) arrest any person whom he has reason to believe has committed an offence under this Act; and

(d) seize any item or substance which he has reason to believe has been used in the commission of an offence under this Act.

(2) A written receipt of the Agency shall be given by a duly authorized member of the Agency for any item, substance or thing seized under subsection (1) of this section, to the person from whom any such item or substance is seized.

50. The Agency shall ensure that

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

(b) a trafficked<sup>28a</sup> person has access to adequate health and other social services during the period of temporary residence;

(c) a trafficked person has access to the embassy or consulate of the country of which he is a Citizen or where there is no embassy or consulate, ensure access to the diplomatic representative of the state that takes charge of the country's interest or any national to protect him;

#### ANNOTATION

<sup>28a</sup> Correcting a typographical error in sub paragraph (b) of the renumbered section 50

- (d) a trafficked person is able to return home safely, if he so wishes and when he is able to do so;
- (e) a trafficked person's not denied temporary residence Visas during the pendency of any criminal, civil or other legal actions;
- (f) investigation, detection, gathering and interpretation of evidence are conducted in such a manner as to minimize intrusion into the personal history of a trafficked person;
- (g) the identity of a person trafficked is protected;
- (h) the use of any person's history of being trafficked person, his family or his friends in any way whatsoever, his family or, particularly with regards to freedom of movement, marriage or search for gainful employment is not encouraged;
- (i) it takes steps to maintain and rehabilitate facilities provided for trafficked persons; and
- (j) a trafficked person and his family are protected from intimidation, threats, and reprisals from are protected from intimidation, threats, and reprisals from traffickers and their associates including reprisals from. Persons in position of authority.<sup>28b</sup>

51. Where the circumstance so justify, trafficked person shall not be detained, imprisoned or prosecuted for offences relating to being a victim of trafficking, including non-possession of valid travel stay or use of false travel or other documents.

Non  
detention  
or present  
-ation of a  
trafficked  
person in  
certain  
circumst-  
ances

### ANNOTATION

<sup>28</sup> By including the victim's family as part of the category of people to be protected from stigmatization as contained in paragraphs (h) and (j) respectively of Section 36 of the Principal Act now Section 50 by the amendment Sections 50, 51 and 52 of the Act are in consonance with article 6 of the Trafficking in person's protocol supplementing the Transnational Organized crime Convention, 2000 as well as the 1985 UN Declaration on Justice for Victims of Crime and Abuse of Power's ten basic principles

- 52. <sup>29</sup> A trafficked person, irrespective of his immigration status
  - (a) has the right to institute civil action against a trafficker and any other person including a public officer who has exploited or abused him; and
  - (b) is entitled to compensation, restitution and recovery for economic, physical and psychological damages, to be met from the assets, if any, 29a of the convicted trafficker, which has been forfeited and paid to the Victims of Trafficking Trust Fund.

Right to  
institute  
civil  
action.

- 53. (1) The President of the Federal Republic of Nigeria may by order published in the Gazette extend the provisions of
  - (a) the Mutual Assistance in Criminal Matters within the commonwealth (Enhancement and Enforcement) Act; and
  - (b) the Transfer of Convicted Offenders (Enhancement and Enforcement) Act, to apply to any country outside the Commonwealth and accordingly the provisions of the Acts mentioned in paragraph (a) and this paragraph of this of this subsection shall have effect in their application to this Act.

Applications  
of certain  
Enactment  
Cap. 25  
LFN 1990

### ANNOTATION

<sup>29</sup> Section 16 of the Amended Act re-numbered Section 38 and 39 of the Principal Act as sections 52 and 53 respectively; also

<sup>29a</sup> Added the words "if any" to paragraph (b) of section 52

- 54<sup>30</sup> (1) There shall be established for the Agency a fund from Fund  
 fund which all expenses reasonably incurred by the  
 Agency for the execution of its function under this Act shall  
 be paid
- (2) There shall be established for the Agency a Victims of  
 Trafficking Trust Fund, where all proceeds of the sale of  
 assets and properties of traffickers and paid into<sup>30a</sup>;
- (3) The Agency may accept gifts of land, money or other  
 property (whether within or outside Nigeria) upon such  
 terms and conditions, if any, as may be specified by the  
 person or organization making the gift, provided that the  
 terms and conditions are not contrary to the objectives and  
 functions of the Agency under this Act.
- 55.<sup>31</sup> The Agency shall keep proper accounts, in a form which Accounts and Audit  
 conforms with existing laws on auditing of its receipts,  
 payments, assets and liabilities and shall submit the accounts  
 annually, for auditing by a qualified auditor from the list of  
 auditors supplied by the Auditor General of the Federation.
56. The Agency shall have power to borrow money from banks Power to  
 with the approval of the Board and the Agency shall have borrow  
 power to borrow money on recommendation of the Board and money  
 approval by the Attorney-General of the Federation.
57. The Agency shall, not later than 30<sup>th</sup> September in each year, Annual  
 submit to the Federal Executive Council, a report of its Report.  
 activities during the immediate preceding year and shall  
 include in such report the audited accounts of the Agency.

## ANNOTATION

<sup>30</sup> Section 17 of the Amended Act re-numbered section 40 as section 54; also

<sup>30a</sup> Inserted a new subsection (3) which established II Victim of Trafficking Trust Fund

<sup>31</sup> Section 18 of the Amended Act re-numbered Section 41-49 of the principal Act as Sections 55-63

58. A person who  
 (a) willfully obstructs the Agency or any authorized Obstruction  
 officer of the Agency in the exercise of any of the powers of the  
 conferred on the Agency by this Act, or Agency or  
 (b) fails to comply with any lawful enquiry or requirements authorized  
 made by any authorized officer in accordance with the officers.  
 provisions of this Act, commits an offence under this Act,  
 and is liable on conviction to imprisonment for a term not  
 exceeding 5 years or to a fine of N50,000.00 or both.
59. Where a person volunteers to the Agency or an official of the  
 Agency any information, which may be useful in the  
 investigation of an offence under this Act, the Agency shall  
 take all reasonable measure to protect the identity of that  
 person and the information so volunteered shall be treated as  
 confidential Protection  
 of informant  
 and  
 information
60. (1) The Minister may from time to time, give general policy Power of  
 guidelines to the Agency. Minister to  
 (2) Without prejudice to the generality of the provisions of give  
 subsection (1) of this section, the Minister may given to the directives  
 Agency directives of a general or specific nature relating to the  
 generally to a particular matter or case, as the case may be. Agency  
 (3) The Agency shall comply with any policy guideline or  
 any directive given to it by the Minister pursuant to  
 subsection (1) or (2) of this section.
- 61<sup>32</sup> (1) Where an offence under this Act is committed in any Offences  
 place outside Nigeria by any citizen or person granted committed  
 permanent residence in Nigeria, he may be dealt with in outside  
 respect of such offence as if it was committed in any place Nigeria, etc.  
 within Nigeria.  
 (2) The Agency has the power to engage the service of  
 International Police or any local or International Agency on  
 the detection of cross border crimes through the Nigeria  
 Police.

## ANNOTATION

<sup>22</sup> This provision confers extra-territorial or active personality jurisdiction on Nigeria courts in accordance with article 15 and 16 of the United Nations Convention against Transnational organized Crime. See also similar provision in section 3 and 4 of Geneva Convention Act, LFN. In prosecuting the offence before our courts, section 33 of the Federal High Court Act, Sections 57 and 64(j) of the Criminal Procedure Act would be relevant. Section 134(a) of the Criminal Procedure Code may also be relevant in argument as there is nothing in that section to limit the jurisdiction to local situation notwithstanding the illustration.

62. A person convicted for an offence under this Act or any other of law prohibiting traffic in persons or for related offences shall have and exercise any of all such rights of appeal as are conferred on him by the constitution of the Federal Republic of Nigeria in such case.

Right  
Appeal

63. The Minister may make rules or regulations with respect to the exercise of any of the duties, functions or powers of the Agency under this Act.

Power to  
make  
regulations.

64.<sup>33</sup> In this Act-  
“Agency” means the National Agency For The Prohibition of Traffic In Persons And Other Related Matters established under section I of this Act.

Interpre-  
-tation

“Brothel” includes any enclosure, house, premises, hotels, restaurants drinking places, vessels, stationary or moving receptacles where a person offers her body commonly for acts of lewdness and sexual gratification.

“Commercial Carrier” means any person or any public, private or other entity engaged in transporting persons, goods or mails for remuneration, hire or any other benefit.

“Confiscation” include forfeiture or the permanent deprivation of property by order of a court.

“Export” with its grammatical variations and cognate expressions means to take or cause to be taken out of Nigeria.

“Freezing” means temporarily prohibiting the transfer, conversion, disposal or movement of money or temporarily assuming custody or control of money.

“Force” or “Coercion” includes obtaining or maintaining through ac 1iof a person by physical, legal, psychological or mental coercion, or abuse of authority.

#### ANNOTATION

<sup>33</sup> Section 19 of the Amended Act re-numbered section 50 of the Principal Act as Section 64; also

“High Court” means Federal High Court, High Court of the Federal Capital Territory and the High Court of a State.

“Import” with its grammatical variations and cognate expressions means to bring or cause to be brought into Nigeria.

“Minister” means Attorney General of the Federation and Minister of Justice.<sup>33a</sup>

“Slave” means a person who held in bondage whose life, liberty, freedom and property are under absolute control of someone else.

“Trafficking or Traffic” includes all acts and attempted acts involved in the recruitment, transportation within or across Nigerian borders; purchase, sale, transfer, receipt or harbouring of a person involving the use of deception, coercion or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in forced or bonded labour, or in slave-like conditions.

“Trafficked Person” means a victim of trafficking in persons.

“Trafficker” means a person or an entity that intends to, commits, aids, abets or acquiesces to an act of trafficking in persons.

65.<sup>34</sup> This Act may be cited as Trafficking in Persons Short Title. (prohibition) Law Enforcement and Administration Act, 2003 as amended by Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act, 2005.

#### ANNOTATION

<sup>33a</sup> It defines the words “brothel”, “export”, “high court”, “import”, and “minister” as contained in the Principal Act

<sup>34</sup> Section 20 of the Amended Act re-numbered Section 51 of the Principal Act as Section 65.

**FIRST SCHEDULE<sup>35</sup>**  
**Section 2(5)**

**SUPPLEMENTARY PROVISIONS RELATING TO  
THE BOARD, ETC**

**PROCEEDINGS**

- (1) The Board shall, for the purpose of this Act, meet not less than three times in each year.
- (2) Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend any particular meeting a member may be appointed by the members present to act as Chairman for that particular meeting.
- (3) A quorum at a meeting of the Board shall be one-third.
- (4) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by a notice given to him by not less than five other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.
- (5) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the board for such period as it thinks fit but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

**COMMITTEES**

- (i) The Board may appoint one or more Committees to carry out, on behalf of the Board, its functions under this Act as the Board may determine.
- (ii) A Committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board as may be determined by the Board) and a person other than a member of the Board shall hold office in the Committee in accordance with the terms of his appointment.
- (iii) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board shall be of no effect until it is confirmed by the Board.

*Section 21 of the Amended Act added the word "First" to the Schedule of the Principal Act*

**MISCELLANEOUS**

- (1) The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman, Secretary or any other person authorized generally or specifically to act for that purpose by the Board.
- (2) Any contract or instrument, which if made or executed by a persons not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Board by the Chairman, Secretary or any person generally or specifically authorized to act for the purpose by the Board.

Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.



12. Amount held in own account
  - (i) Cash in hand ... ..
  - (ii) Cash at bank ... ..
  - (iii) Outside Nigeria (Countries Banks to be named)
13. Amount held on behalf of or as trustee for any person other than your wife/husband
  - (i) Cash in hand ... ..
  - (ii) Cash at bank ... ..
  - (iii) Outside Nigeria (Countries Banks to be named)
14. Loans or advances made
15. Loans or advances received
16. Amount held on behalf of or as trustee of wife/husband
  - (i) Cash in hand ... ..
  - (ii) Cash at bank ... ..
  - (iii) Outside Nigeria (Countries Bankers to be named)
17. Wife's/husband's children account held (beneficial or otherwise)
  - (i) Cash in hand ... ..
  - (ii) Cash at bank ... ..
  - (iii) Outside Nigeria (Countries Bankers to be named)
18. Government securities, including premium bonds and other interests held in companies, firms or partnerships (giving names of companies firms and partnerships)
  - (a) by you (here state the bonds, etc.)
  - (b) by wife (wives) husband\* (here State the bonds, etc.)
  - (c) by children (here state the bonds, etc.)
19. Property in Nigeria in which you are interested in giving date when acquired

- (i) Land:
  - (ii) Building:
  - (iii) Other property, (if any):
20. Property in Nigeria in which any wife/husband\* is interested in giving date when acquired
  - (i) Land:
  - (ii) Building:
  - (iii) Other property, (if any):
21. Property outside Nigeria in which any wife/husband\* is interested in giving date when acquired
  - (i) Land:
  - (ii) Building:
  - (iii) Other property, (if any):
22. Property in Nigeria which any child of yours is interested in giving date when acquire
  - (i) Land:
  - (ii) Building:
  - (iii) Other property, (if any):
23. Property outside Nigeria in which any child of your is interested in giving due date when acquired
  - (i) Land:
  - (ii) Building:
  - (iii) Other property, (if any):
24. Names of other dependant relatives:  
Estate in which you are interested as trustee or beneficially interested (Name of deceased or trustee).  
Property held by any person on your behalf (in or outside Nigeria)
  - (i) Cash in hand:
  - (ii) Cash at bank
  - (iii) Land:
  - (iv) Buildings:
  - (v) Other property, (if any):

.....  
*Signature of Accused  
Person*

.....  
*Signature and Address  
of Witness*

**FORM 2**

**FREEZING ORDER** *Section 48(1)*  
*(This form may be amended according to circumstances)*

To the Manager.....  
*(Here insert name and branch of bank)*

Under the authority conferred on me by section 48 of the  
**TRAFFICKING IN PERSONS (PROHIBITION) LAW  
ENFORCEMENT AND ADMINISTRATION (AMENDMENT)  
ACT 2003** you are hereby ordered-

(a) to supply the following information relating to the under  
mentioned accounts, that is to say-

.....  
*(Here set out the information required  
in respect of named accounts)*

(b) to produce the books and documents relating to the under  
mentioned accounts, that is to say

.....  
*(Here set out the books and documents to be produced  
in respect of named accounts)*

(c) to stop all outward payments, operations or transactions  
(including bills of I exchange) as far as possible in the ordinary  
course of banking in respect of the I following accounts:

.....  
*(Here indicate the accounts)*

2. This order shall cease to have effect after the day of 20....unless  
sooner ..... Revoked by the President.

DATED this.....day of.....20.....

.....  
**Executive Secretary /Bank  
Examiner**

**Annex I**

**Protocol to Prevent, Suppress and Punish  
Trafficking in Persons, Especially Women  
and Children, supplementing  
the United Nations Convention against  
Transnational Organized Crime<sup>1</sup>**

**Preamble**

*The States Parties to this Protocol,*

Declaring that effective action to prevent and combat trafficking in  
persons, especially women and children, requires a comprehensive  
international approach in the countries of origin, transit and  
destination that includes measures to prevent such trafficking, to  
punish the traffickers and to protect the victims of such trafficking,  
including by protecting their internationally recognized human  
rights,

*Taking into account the fact that, despite the existence of a variety  
of international instruments containing rules and practical  
measures to combat the exploitation of persons, especially women  
and children, there is no universal instrument that addresses all  
aspects of trafficking in persons,*

*Concerned that, in the absence of such an instrument, persons who  
are vulnerable to trafficking will not be sufficiently protected,*

Recalling General Assembly resolution 53/111 of 9 December  
1998, in which the Assembly decided to establish an open-ended  
intergovernmental ad hoc committee for the purpose of elaborating  
a comprehensive international convention against transnational  
organized crime and of discussing the elaboration of, inter alia, an  
international instrument addressing trafficking in women and  
children, convinced that supplementing the United Nations  
Convention against Transnational Organized Crime with an  
international instrument for the prevention, suppressions and

*Adopted by resolution A/RES/55/25 of 25th November, 2000 and came into force on  
25th December, 2003.*

*Nigeria signed and deposited the instrument of Ratification on the 13th December, 2000 and 28th  
June 2001 respectively*

Punishment of trafficking in persons, especially women and children, will be useful in preventing and combating that crime, Have agreed as follows:

## I. General Provisions

### Article 1: Relation with the United Nations Convention against Transnational Organized Crime

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.
2. The Provisions of the Convention shall apply, mutatis mutandis, to this Protocol unless otherwise provided herein.
3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

### Article 2: Statement of Purpose

The purposes of this Protocol are:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) To promote cooperation among States Parties in order to meet those objectives.

### Article 3: Use of terms

For the purposes of this Protocol:

- (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion or abduction, of fraud, of deception, of the abuse of power of a

Position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) "Child" shall mean any person under eighteen years of age.

### Article 4: Scope of application

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.

### Article 5: Criminalization

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.
2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:

- (a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph I of this article;
- (b) Participating as an accomplice in an offence established in accordance with paragraph I of this article; and
- (c) Organizing or directing other persons to commit an offence established in accordance with paragraph I of this article.

## II. Protection of victims of trafficking in persons

### Article 6: Assistance to and protection of victims of trafficking in persons

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons including inter alia by making legal proceeding in relating to such trafficking confidential.
2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:
  - (a) Information on relevant court and administrative proceedings;
  - (b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the rights of the defence.
3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of

- (a) Appropriate housing;
  - (b) Counseling and information, in particular as regard their legal rights, in a language that the victims of trafficking in persons can understand;
  - (c) Medical, psychological and material assistance; and
  - (d) Employment, educational and training opportunities.
4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.
  5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.
  6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

### Article 7: Status of victims of trafficking in persons in receiving States

1. In addition to taking measure pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measure that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.
2. In implementing the provision contained in paragraph 1 of this article each State Party shall give appropriate consideration to humanitarian and compassionate factors.

### Article 8; Repatriation of victims of trafficking in persons

1. The State Party of which a victim of trafficking in persons is a national or in which the persons had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.
3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.
4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.
5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.

6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

### III. Prevention, cooperation and other measures

#### Article 9: Prevention of trafficking in persons

1. States Parties shall establish comprehensive policies, programmes and other measures:
  - (a) To prevent and combat trafficking in persons; and

- (b) To protect victims of trafficking in persons especially women and children, from re-victimization.

2. State Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.
3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.
4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.
5. State Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children that leads to trafficking.

#### Article 10: Information exchange and training

1. Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law, to enable them to determine:
  - (a) Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons;
  - (b) The types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons; and

- (c) The means and methods used by organized criminal groups for the purpose of trafficking in persons including the recruitment and transportation of victims routes and links between and among individuals and group engaged in such trafficking and possible measures for detecting them
2. States Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking prosecuting the traffickers and protecting the rights of the victims including protecting the victims from the traffickers. The training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organizations other relevant organizations and other elements of civil society
  3. A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.

#### **Article 11: Border measures**

1. Without prejudices to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons.
2. Each State Party shall adopt legislative or other appropriate measures to prevent to the extent possible means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of this Protocol.
3. Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carries, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.

4. Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.
5. Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.
6. Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border control agencies by, inter alia, established and maintaining direct channels of communication.

#### **Article 12: Security and control of documents**

Each State Party shall take such measures as may be necessary, within available means:

- (a) To ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and
- (b) To ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.

#### **Article 13: Legitimacy and validity of documents**

At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for trafficking in persons.

#### **IV. Final Provisions**

##### **Article 14: Saving Clause**

1. Nothing in this Protocol shall affect the rights, obligations and responsibilities of State and individuals under international law, including international humanitarian law and international

human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol 3 relating to the Status of Refugees and the principle of non-refoulement as contained therein.

2. The measure set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be consistent with internationally recognized principles of nondiscrimination.

#### Article 15: Settlement of dispute

1. State Parties shall endeavour of settle disputes concerning the interpretation or application of this Protocol through negotiation.
2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settle through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, anyone of those State Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.
3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.
4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

<sup>2</sup> *United Nations, Treaty Series, vol I 89, No. 2545*  
<sup>3</sup> *Ibid vol 606, No. 8791*

#### Article 16: Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open to all States for signature from 12 to 15th December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.
2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph I of this article.
3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.
4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

#### Article 17: Entry into force

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter

into force before the entry into force of the convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

#### **Article 18: Amendment**

1. After the expiry of five years from the entry into force of this protocol a State Party to the protocol may propose an amendment and file it with the Secretary-General of the United Nations who shall thereupon communicate the proposed amendment to the State Parties and to the Conference of the parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment if all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall as a last resort require for its adoption a two-thirds majority vote of the State Parties to this Protocol present and voting at the meeting of the Conference of the parties.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of vote equal to the number of their member State that are Parties to this protocol. Such organization shall not exercise their right to vote if their member State exercise theirs and vice versa.
3. An amendment adopted in accordance with paragraph I of this article is subject to ratification, acceptance or approval by State parties

4. An amendment adopted in accordance with paragraph I of this article shall enter into force in respect of a State party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification acceptance or approval of such amendment
5. When an amendment enters into force it shall be binding on those State parties which have expressed their consent to be bound by it. Other State parties shall still be bound by the provision of this protocol and any earlier amendments that they have ratified accepted or approved.

#### **Article 19: Denunciation**

1. A State party may denounce this protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General
2. A regional economic integration organization shall cease to be a party to this protocol when all of its Member State have denounced it,

**Article 3: Use of terms**

**Article 3: Use of terms**

**Article 20: Depository and languages**

1. The secretary-General of the United Nations is designated depository of this protocol
2. The original of this protocol of which the Arabic Chinese English French Russian and Spanish texts are equally authentic shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.



# Federal Republic of Nigeria Official Gazette

No.89      Lagos -6th October, 2003      Vol. 90

Government Notice No. 156

The following is published as Supplement to this Gazette:

Act No.	Short Title	Page
24	Trafficking in Persons (prohibition) Law Enforcement and Administration Act, 2003.....	A411-427

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# TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION ACT, 2003



## ARRANGEMENT OF SECTIONS.

### SECTION:

1. Establishment of National Agency for the prohibition of traffic in persons.
2. Establishment, membership, and appointment of members of the Governing Board.
3. Tenure of office, etc.
4. Function of the Agency.
5. Special power of the Agency.
6. Secretariat and Appointment of Secretary and other staff of the Agency.
7. Pensions: Cap. 246LFN. 1990.
8. Establishment of Special Units.
9. Duties of the Special Units.
10. Training programmes.
11. Exportation of any person from Nigeria.
12. Procurement of any person.
13. Causing or encouraging the seduction of prostitution of any person under eighteen years.
14. Procurement of any person under eighteen years.
15. Procurement of any person for prostitution, pornography and use in armed conflict.
16. Foreign travel which promote prostitution.
17. Unlawful detention with intent to defile.
18. Procuring defilement of any person by threats or fraud or administering drugs.
19. Kidnaping from guardianship
20. Kidnaping and abducting in order to commit culpable homicide.
21. Buying or selling a person for a purpose.
22. Unlawful forced labour.
23. Trafficking slaves.
24. Slave dealing.
25. Effect of Conviction abroad.
26. Offence by alien.

27. Attempt.
28. Offence by bodies corporates
29. Commercial carrier
30. Responsibility of tour operators and travel agents.
31. Responsibilities of airlines.
32. Penalties for breach.
33. Jurisdiction, etc.
34. Forfeiture of passport.
35. Power to search, seize and arrest.
36. Treatment of trafficked persons.
37. Non-detention or presentation of a trafficking person in certain circumstances.
38. Right to institute civil action.
39. Application of certain enactment, Cap. 25 LPN 1990.
40. Fund.
41. Account and audit.
42. Power to borrow money.
43. Annual report
44. Obstruction of the Agency or authorized officers.
45. Protection of informant and information
46. Power of the Minister to give directives to the Agency.
47. Offences committed outside Nigeria, etc.
48. Right of appeal
49. Power to make regulations.
50. Interpretation.
51. Short title

## SCHEDULE

TRAFFICKING IN PERSONS (PROHIBITION) LAW  
ENFORCEMENT AND ADMINISTRATION ACT, 2003

2003 ACT No. 24

AN ACT TO ESTABLISH THE NATIONAL AGENCY FOR THE PROHIBITION OF TRAFFIC IN PERSONS AND OTHER RELATED MATTERS AND TO VEST IT WITH THE RESPONSIBILITY TO ENFORCE LAWS AGAINST TRAFFIC IN PERSON, INVESTIGATE AND PROSECUTE PERSONS SUSPECTED TO BE ENGAGED IN TRAFFIC IN PERSONS AND TO TAKE CHARGE AND COORDINATE THE REHABILITATION AND COUNSELING OF TRAFFICKED PERSONS; AND FOR RELATED MATTERS.

ENACTED by the National Assembly of the Federal Republic of Nigeria  
(14th July, 2003)

**PART I ESTABLISHMENT OF THE NATIONAL AGENCY FOR TRAFFIC IN PERSONS LAWS ENFORCEMENT AND ADMINISTRATION**

1. - (1) There is established a body to be known as the National Agency for Prohibition of Traffic in Persons and other Related Matters (in this Act referred to as "the Agency").

(2.) The Agency  
(a) shall be a body corporate with perpetual succession and a common seal; and  
(b) may sue or be sued in its corporate name.

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

(2) The Board shall be the governing authority responsible for supervising the activities of the Agency, and for the formulation of its policies and shall also superintend generally, the affairs of the Agency, promoting the interest, objects and purpose of the Agency.

(3) The Board shall consist of  
(a) a Chairman, being a persons who by reasons of his ability, character, experience and knowledge can deal with the problem of trafficked persons; and  
(b) 12 other members, two of whom shall be appointed from each of the six Geo-Political Zones on the recommendation of the Minister

(4) The Chairman and other members of the Board shall be appointed by the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria.

(5) The provisions of the Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters mentioned therein.

3.-(1) The Chairman and members of the Board shall hold office for a term of four years and shall be eligible for re-appointment for another term and no more.

Commence  
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ment of  
National  
Agency  
for  
prohibition  
of traffic  
in persons

Schedule

Tenure of  
Office, etc

- (2) The office of the Chairman or a member of the Board shall become vacant if
  - (a) he resigns his office by notice in writing under his hand addressed to the President and is accepted by him;
  - (b) the President is satisfied that it is not in the interest of the Agency or of the public for the person appointed to continue in office; or
  - (c) he dies;
  - (d) he becomes of un sound mind or incapable of carrying out his duties;
  - (e) he become bankrupt;
  - (f) he is guilty of gross misconduct relating to his duties

Functions of the Agency

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

- 4. The Agency shall be responsible for
  - (a) the enforcement and the due administration of this Act;
  - (b) the co-ordination of all laws on Traffic in persons and related offences and the enforcement of those laws;
  - (c) adoption of measures to increase the effectiveness of eradication of traffic in persons
  - (d) the facilitation or encouragement of the presence or availability of persons including persons in custody, who consent to assist in investigations or participate in proceedings relating to traffic in person and related offence;
  - (e) enhancing the effectiveness of law enforcement agents to suppress traffic in persons;
  - (f) establishing, maintaining and securing communications to facilities the rapid exchange of information concerning offences, conduct research and improving international co-operation in the suppression of traffic in persons by road, sea and air;
  - (g) reinforcing and supplementing measures in such bilateral and multilateral treaties and conventions on traffic in persons as may be adopted by Nigeria to counter the magnitude and extent of traffic in persons and its grave consequences;
  - (h) taking such measures and or in collaboration with other agencies or bodies that may ensure the elimination and prevention of the root cause of the problem of traffic in any person;
  - (i) strengthening and enhancing effective legal means for international cooperation in criminal matters for suppressing the international activities of traffic 10 persons;
  - (j) strengthening of co-operation between the office of the Attorney General of the Federation, the Nigeria Police Force, the Nigeria Immigration Service, the Nigeria Customs Service, the Nigeria Prisons Service, welfare officials and other law enforcement agencies in the eradication of traffic in person; and

- (k) taking charge, supervising, controlling and co-ordinating the rehabilitation of trafficked persons and participating in proceedings relating to traffic in persons.

Special power of the Agency.

- 5.-(1) The Agency shall have the power to cause investigations to be conducted
  - (a) as to whether any person has committed an offence under this Act; and
  - (b) with a view to ascertaining whether any person has been involved in offence under this Act.

- 6.-(1) There shall be established a secretariat for the Agency.

Secretariat and appointment of secretary and other staff of the agency

- (2) There shall be for the Agency, a Secretary who shall not be below the rank of Director in the Public Service of the Federation and who shall be appointed by the President on the recommendation of the Attorney General of the Federation.

- (3) The Secretary shall
  - (a) be the Chief Executive and Accounting Officer of the Agency;
  - (b) be responsible for the day to day administration of the Secretariat;
  - (c) keep the books and records of the Agency.
  - (d) be subject to the supervision and control of the Board of the Agency.
- (4) The Agency may, from time to time, appoint such other staff as it may deem necessary, to assist the Agency in the performance of its functions under this Act.

- (5) The staff of the Agency appointed under subsection (2) shall be appointed on such terms and conditions of services as the Agency may, after consultation with the Federal Civil Service Commission determine.
- (6) The staff of the Agency shall be public officers as defined in the Constitution of the Federal Republic of Nigeria and other existing laws.

Secretariat and other staff of the Agency

- 7.-(1) Service in the Agency shall be public service for the purpose of the Pensions Act and, accordingly, officers and other staff of the Agency shall in respect of their service in the Agency, be entitled to such pension, gratuities and retirement benefits as are prescribed in the Pensions Act.
- (2) Notwithstanding the provision of subsection (1) of this section, nothing in: this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

Pensions CAP 246 LFN 1990

- (3) For the purpose of the application of the provisions of the Pensions Act, any powers exercisable thereunder by a Minister or other authority of the Government of the Federation (not being the power to make regulations under section 23 thereof) are hereby vested in and shall be exercisable by the Agency and not by any other, person or authority.

Establishment of special Units

- 8.-(1) for the effective conduct of the function of the Agency, there shall be Establish established the following units-
  - (a) the Investigation Unit;

- (b) The Legal Unit
- (c) The Public Enlightenment Unit;
- (d) The Counseling and Rehabilitation Unit, and
- (e) Such other Units as the Agency may establish with the approval of the Board.

(2) Notwithstanding the provisions of subsection (1) of this section, the Agency shall have power to set up Technical Committees and Task Forces to assist the Agency in the performance of its duties and functions under this Act.

9-(1) The Investigation Unit shall liaise with the police for the prevention and detection of offences in violation of the provisions of this Act, and shall work in collaboration with the Immigration Service, Custom Service and other relevant security agencies.

(2) The Public Enlightenment Unit shall, in collaboration with the Federal Ministries of Information and National Orientation Agency, Women and Youth Development, Employment, Labour and Productivity, be responsible for campaigns, seminars and workshops aimed at educating the public on the problem of trafficking in any person, thereby stimulating interest in and awareness about the problem.

(3) The Counselling and Rehabilitation Unit shall, in collaboration with the Federal Ministries of Women and Youth Development, Employment, Labour and Productivity and Culture and Tourism, be responsible for

- (a) counseling, after care rehabilitation, social re-integration and education of trafficked persons; and
- (b) counseling and the promotion of the welfare of convicts.

(4) There shall be appointed for each of the Units a Principal Officer who shall be known by such designations as the Agency may determine.

10. The Agency may initiate, develop or improve specific training programmes for the relevant law enforcement agents and other personnel of the Agency charged with the responsibility for the detection of offences created by this Act and the programmes shall include

- (a) methods used in the detection and suppression of offences under this Act;
- (b) give information on routes and techniques used by persons involved in offence under Act and appropriate counter-measures;
- (c) assistance in monitoring of the movement of trafficking persons; and
- (d) dissemination of information about traffic in persons laws.

11. Any person who (a) export from Nigeria to any place outside Nigeria any person under the age of eighteen years with intent that such person, or knowing it to be likely that such person will be forced or seduced into prostitution in that place; -or

Duties of the Special Units.

Training programmes

Exportation of person out of Nigeria and importation of persons into Nigeria

(b) imports into Nigeria from any place outside Nigeria, any person under the age of eighteen years with intent that may be, or knowing it to be likely that such person will be forced into prostitution anywhere in Nigeria, commits an offence and is liable on conviction to imprisonment for life.

12.-Any person who

(a) by the use of deception, coercion, debt bondage or any means whatsoever, induces any person under the age of eighteen years to go from one place to another to do any act with intent that such person, maybe, or knowing that it is likely that the person will be forced or seduced into illicit intercourse with another person, or

(b) in order to gratify the passions of another person, procures, entices or leads away, even with such person's consent, any person under the age of eighteen years, commits an offence and is liable on conviction to imprisonment for ten years without an option of fine.

13.-(1) Any person who, having the custody, charge or care of any person under the age of eighteen years, cause or encourages the seduction, unlawful carnal knowledge or prostitution of, or the commission of an indecent assault upon any person, commits an offence and is liable on conviction to imprisonment for ten years.

(2) A person shall be deemed to have caused or encouraged the seduction, unlawful carnal knowledge, or prostitution of or the commission of in decent assaults upon any person who has been seduced, unlawfully carnally known, or indecently assaulted, or who has become a prostitute, if he knowingly allows such person to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

14.-(1) Any person who procures a person who is under the age of eighteen years to have unlawful carnal knowledge with any other person or persons, either in of any Nigeria or any place outside Nigeria, commits an offence and shall be liable on conviction to imprisonment for ten years.

- (2) Any person who procures any person under the age of eighteen year to
  - (a) become a prostitute, either in Nigeria, or anyplace outside Nigeria,
  - (b) leave Nigeria with intent that such person may become a prostitute in any place outside Nigeria,
  - (c) leave such person's usual place of abode in Nigeria, with intent that such person engage in prostitution either in Nigeria or any place outside Nigeria, commits an offence and is liable on conviction to imprisonment for ten years

15. Any person who-

- (a) procures, use or offers any person for prostitution, or the Production of pornography, or for pornographic performance,
- (b) procures, uses or offers any person for the production and trafficking in drugs,
- (c) traffics any person for the purpose of forced or compulsory recruitment use in armed conflict,

Procurement of any person

Causing or encouraging the seduction or prostitution of any person under eighteen years.

Procurement on under eighteen years

Procurement of any persons for prostitution pornography and use in armed conflict.

commits an offence and is liable on conviction to imprisonment for fourteen years without an option of times.

Foreign travel which promote prostitution.

16. Any person who organises or promotes foreign travels which promote prostitution of any person or encourages such activity commits an offence and is liable on conviction to imprisonment for ten years without an option of fine.

17. Any person who

Unlawful detention with intent to defile.

(a) conspires with another to induce any person under the age of eighteen years by means of any false pretence or other fraudulent means, permit any man to have unlawful carnal knowledge of such person commits an offence and is liable on conviction to imprisonment for five years.

(b) detains any person under the age of eighteen years against such person's will in or upon any premises for the purpose of being unlawfully carnally known by any man, whether a particular man or not, commits an offence and is liable on conviction to imprisonment for ten years.

Procuring defilement of any person by threats, fraud or administering drugs.

18. Any person who

(a) with threats or intimidation of any kind procures any person under the age of eighteen years, to have carnal connection with a man or an animal, either in Nigeria or any place outside Nigeria,

(b) under false pretence procures of any person under the age of eighteen years to have carnal connection with a man within or outside Nigeria,

(c) administer to any person under the age of eighteen years, or causes any person under the age of eighteen years, to take any drug or any other thing with intent to, stupefy or over-power such person in order to enable any man, whether a particular man or not, to have carnal knowledge of such person, commits an offence and is liable on conviction to imprisonment for ten years or a fine not exceeding N200,000.00

19-(1) Any person who

Kidnaping from guardianship

(a) takes or entices any person under eighteen years of age or any person of unsound mind out of the custody of the lawful guardian of such person without the consent of the guardian or conveys any such person beyond the limits of Nigeria without the consent of someone legally authorised to give consent to such removal, commits an offence and is liable on conviction to imprisonment for fourteen years without an option of fine;

(b) by force compels or by any deceitful means induces any person to go from any place, commits an offence and is liable on conviction to imprisonment for ten years or to a fine not exceeding N200,000.00 or both;

(c) confines or detains another person in any place against his will, or otherwise unlawfully deprives another person of his personal liberty, commits an offence and is liable on conviction to imprisonment for five years or to a fine of N100,000.00 or both;

(d) unlawfully takes an unmarried person under the age of eighteen year out of the custody or protection of such person's father or mother or other person having

the lawful care or charge of such person and against the will of such father or mother or persons having lawful care or charge of such person, commits an offence and is liable on conviction to imprisonment for ten years without an option of fine; and

(e) with intent to deprive any parent, guardian, or other person who has the lawful care or charge of a person under the age of eighteen years- of the possession of such person forcibly or fraudulently takes or entices away, or detains the person or receive or harbours the child, knowing the child to have been so taken or enticed away or detained commits an offence, and is liable on conviction to imprisonment for fourteen years without an option of fine.

(2) A person is deemed to detain any person in or upon any premises in paragraph (e) of subsection (1) of this section when the person is in or brought upon any such premises with a view to such person being so carnally known, or to detain such person in such premises with intent to compel or induce such person to remain in or upon the premises, he withholds from such. Person any wearing apparels, other property belonging to such persons or the person's travelling documents.

20. A person who kidnap, abducts or by deceitful means lures-y person away in order that such person may be killed for any purpose, commits an offence and is liable on conviction to imprisonment for life.

Kidnapping and abducting in order to commit culpable homicide Buying or selling a person for a purpose.

21. Any person who buys, sells, hires, lets or otherwise obtains possession or disposes of any person under the age of eighteen years with intent that such person be employed or used for immoral purposes or knowing it to be likely that such person will be employed or used for any such purposes commits an offence and is liable on conviction to imprisonment for fourteen years without the option of a fine.

22. Any person who requires any other person, or permits any place outside Nigeria, to be used for forced labour commits an offence and is liable on conviction to imprisonment for five years or to a fine not exceeding N100,000.00 or to both fine and imprisonment.

Unlawful forced labour

23. Any person who imports, exports, removes, buys, sells, disposes, traffics or Traffic in deals in any person as a slave or accept, receives or detains a person against that slaves persons will as a slave, commits an offence and is liable on conviction to imprisonment for life.

24. Any person who

(a) deals or trades in, purchases, sells, transfers or takes any person in order or so that such person should be held or treated as a slave,

Slaves dealing

(b) places or receives any person in servitude as a pledge or security for debt whether then due and owing or to, be incurred or contingent whether under the name of a pawn or by whatever other name such person may be called or known

(c) conveys or induces any person to come within the limits of Nigeria in order or so that such person should be held, possessed, dealt with or treated in, purchased, sold, or transferred as a slave or be placed in servitude as a pledge or security for debt,

Effect or conviction abroad. (d) holds or possesses any person as a slave, (e) enters into any contract or agreement with or without consideration of doing any of these or accomplishing any of the purposes enumerated in this section, commits an offence and is liable on conviction to imprisonment for life.

25. Where a person is convicted outside Nigeria for an offence relating to trafficking in persons, he shall, on his return to Nigeria after serving his sentence in that country, be liable to be tried in Nigeria for bringing the image of Nigeria into disrepute, and shall on conviction, forfeit his assets to the Federal Government in addition to serving a term of imprisonment not exceeding two years.

Offence by alien. 26.-(I) Any person resident in Nigeria who- (a) cause or encourages the seduction or prostitution of any person under the age of eighteen years, (b) keep a brothel, (c) permits the defilement of any person under the age of eighteen years in his premises, (d) allows a person under the age of eighteen years to be in a brothel or trades in prostitution, (e) procures, uses or offers a person for the production of pornography or for pornographic performance, and (j) procures a person for prostitution, commits an offence and is liable on conviction to imprisonment for ten years.

Cap. 439 LFN 1990 (2) An alien convicted under subsection (I) of this section shall be deported after serving his term of imprisonment unless the provisions of the Transfer of Convicted Offenders (Enactment and Enforcement) Act apply.

Attempt. 27.-(1) Where a person is charged with any of the offence under this Act and the evidence establishes an attempt to commit that offence, he may be convicted of having attempted to commit that offence and shall be liable on conviction to 12 months imprisonment or a fine of N50,000.00 or both.

(2) Where a person is charged with an attempt to commit an offence under this Act, but the evidence establishes the commission of the full offence, the offender shall not be entitled to acquittal but shall be convicted of the offence as prescribed in this Act.

Offence by bodies corporate. 28.-(I) Where an offence under this Act which has been committed by a body corporate is proved to have been committed on the instigation or with the connivance of or is attributable to any neglect, on the part of a Director, Manager, Secretary of the body corporate, or any person purported to act in any such capacity, he shall be liable on conviction to imprisonment for 3 years or to a fine of N200,000.00 or both.

(2) Where a body corporate is convicted of an offence under this Act, it shall be liable to a fine of N2 million and the court may issue an order to wind-up the body and its assets and properties forfeited to the Victims of Trafficking Trust Fund.

29.-(I) Any commercial carrier who knowingly carries any person in contravention of this Act in addition to any other penalty provided in any other Act or enactment, commits an offence and is liable on conviction to imprisonment for 2 years or a N2,000,000.00" instead thereof. Commercial carrier

(2) Where an offence under this Act which has been committed by a body corporate is proved to have been committed on the instigation or with the connivance of or is attributable to any neglect, on the part of a Director, Manager, Secretary of the body corporate, or any person purported to act in any such capacity, he shall be liable on conviction to imprisonment for 3 years or to a fine of N2,000,000.00 or both.

30. Every tour operator and travel agent shall (a) notify its clients of its obligation under this Act not to aid and abet, facilitate or promote in any way the traffic in any person, (b) notify their clients of their obligation under this Act not to aid, abet, facilitate or promote in any way, any person's pornography and' other person's exploitation in tourism, (c) insert in contracts with corresponding suppliers in destination countries, clauses requiring them to comply with the obligations stated in the preceding paragraphs of this subsection, (d) refrain from utilizing message on printed material, video or the Internet that could suggest or allude to behaviour incompatible with the objective of this Act, (e) inform their staff of their obligations under this Act, and (f) include clauses regarding their obligations under this Act to their staff in new employment contracts. Responsibility of tour operators and Travel Agents.

31. Every airline company shall promote through every possible means, public awareness of the guiding principles of this Act in in-flight magazines, tickets jackets, internet units and video on long lane flight. Responsibility of Airlines

32. Any tour operator, travel agent or airline who violates the provisions of section 28 and 29 of this Act commits an offence and in addition to any other penalty provided in any other law or enactment is liable on conviction to a fine not exceeding N200,000.00 Penalties for breach

33.-(I) The High Court of the Federal Capital Territory or the High Court of a Jurisdiction, State, shall have jurisdiction to try offences under this Act. Jurisdiction Etc.

(2) The High Court has power to impose the penalties provided for in this Act, notwithstanding any thing to the contrary in any other enactment.

34. The passport of any person convicted of an offence involving traffic in person under this Act shall be forfeited to the Federal Government and shall not be returned to that person unless or until the President directs otherwise, after the grant of a pardon or on the exercise of the Constitution of the Federal Republic of Nigeria. Forfeiture of passport.

35.-(I) Any police officer, customs officer, immigration officer, or the Chairman or the Agency or any officer of the Agency authorized by regulation in that behalf, may for the purpose of this Act Power to search, seize and arrest.

(a) with a warrant, enter and search any land, building or carrier, including aircraft, vehicle or container or any other instrumentalities whatsoever which he has reason to believe is connected with the commission of an offence under this Act;

(b) perform, test and take samples of any substance relating to the commission of an offence under this Act, which are found on land or building or carrier, including aircraft, vehicle, container or any other instrumentalities whatsoever searched pursuant to paragraph (a) of this subsection;

(c) arrest any person whom he has reason to believe has committed an offence under this Act; and

(d) seize any item or substance which he has reason to believe has been used in the commission of an offence under this Act.

(2) A written receipt of the Agency shall be given by a duly authorized member of the Agency. For any item, substance or thing seized under subsection (1) of this section, to the person from whom any such item or substance is seized.

36. The Agency shall ensure that

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

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

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

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

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

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

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

(h) the use by any person's history of being trafficked to discriminate or cause harm to any trafficked person or his friends in any way whatsoever, particularly with regards to freedom of movement, marriage or search for gainful employment is not encouraged;

(i) it takes steps to maintain and rehabilitate facilities provided for trafficked person; and

(j) a trafficked person is protected from intimidation, threats, and reprisals from traffickers and their associate including reprisals from person in position of authority.

Treatment of trafficked persons.

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

Non-detention or presentation of a trafficked person in certain circumstances.

38. A trafficked person, irrespective of his immigration status- (a) has the right to institute civil action against a trafficker and any other person including a public officer who have exploited or abused him; and (b) is entitled to compensation restitution and recovery for economic physical and psychological damages to be met from the assets of the convicted trafficker.

Right to institute civil action.

39.-(1) The President of the Federal Republic of Nigeria may by order published in the Gazette extend the provisions of

Application of certain Enactment Cap.2SLFN 1990

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

(b) the Transfer of convicted Offender (Enhancement and Enforcement) Act, to apply to any country outside the commonwealth and accordingly the provisions of the Acts mentioned in paragraph (a) and this paragraph of this subsection shall have effect in their application to this Act.

40.-(1) There shall be established for the Agency a fund from which all expenses reasonably incurred by the Agency for the execution of its function under this Act shall be paid.

Fund

(2) There shall be paid and credited to the Fund such moneys as may in each year be approved by the National Assembly for the purpose of the Agency.

(3) The Agency may accept gift of land money or other property (whether within or outside Nigeria) upon such terms and conditions, if any, as may be specified by the person or organization making the gift, provided that the terms and conditions are not contrary to the objectives and functions of the Agency under this Act.

41. The Agency shall keep proper accounts, in a form which conforms with existing laws on auditing of its receipts, payments, assets and liabilities and shall submit the accounts annually, for auditing by a qualified auditor from the list of auditors supplied by the Auditor-General of the Federation.

Account and Audit

42. The Agency shall have power to borrow money from banks with the approval of the Board and the Agency shall have power to borrow money on recommendation of the Board and approval by the Attorney-General of the money. Federation.

Power to borrow money

43. The Agency shall, not later than 30<sup>th</sup> September in each year, submit to the Federal Executive Council, a report of its activities during the immediate preceding year and shall include in such report the audited accounts of the Agency.

Annual Report.

44. A person who-

Obstruction of the Agency or authorized officers.

(c) willfully obstructed the Agency' or any authorized officer of the Agency in the exercise of any of the powers conferred on the Agency by this Act, or (b) fails to comply with any lawful enquiry or requirements made by any authorized officer in accordance with the provisions of this Act, commits an offence under this Act, and is liable on conviction to imprisonment for a term not exceeding 5 year or to a (fine of N50,000.00 or to both.

Protection of informant and information

45. Where a person volunteers to the Agency or an official of the Agency any information which may be useful in the investigation of an offence under this Act, the Agency shall take all reasonable measure to protect the identity of that person and the information. So volunteered shall be treated as confidential.

46. (1) The Minister may from time to time, give general policy guidelines to the Agency.

Power of the minister to give directives to the agency

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Minister may give to the Agency directives of a general or specific nature relating generally to a particular matter or case, as the case may be.

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

Offences committed outside Nigeria, etc.

47-(1) Where an offence under this Act is committed in any place outside Nigeria by any citizen or person granted permanent residence in Nigeria, he may be dealt with in respect of such offence as if it was committed at any place within Nigeria.

(2) The Agency has the power to engage the service of International Police or any local or international Agency on the detection of cross border crimes through the Nigeria Police.

Right of appeal.

48. A person convicted for an offence under this Act or any other law prohibiting traffic in persons or for related offence shall have and exercise any of all such rights of appeal as are conferred on him by the Constitution of the Federal Republic of Nigeria in such case.

49. The Minister may make rules or regulation with respect to the exercise of any of duties, function or power of the Agency under this Act.

Power to make regulations

50. In this Act-

Interpretation.

"Agency" means the National Agency for prevention for Prohibition of Traffic in Persons, and other related matters established under section 1 of this Act;

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

"Confiscation" include forfeiture or the permanent deprivation of property by order of a court

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

"Force" or "coercion" include obtaining or maintaining through act of threat the

labour, service, or other activities a of person by physical, legal, psychological or mental coercion, or abuse of authority;

"Minister" means the Minister of Intern? Affairs;

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

"Trafficking" includes all acts and attempted acts involved in the recruitment, transportation within or across Nigerian. Borders, purchase, sale, transfer, receipt or harbouring of a person involving the use of deception, coercion or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in force or bonded labour, or in slavery-like conditions;

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

"Trafficker" means a person or an entity that intends to commit, aids abets or acquiesces to an act of trafficking in persons.

51. This Act may be cited as Trafficking in Persons (prohibition) Law Short'litle. Enforcement and Administration Act, 2003.

**SCHEDULE**

*Section 2 (4)*

**SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.**

*Proceedings*

1.-(1) The Board shall, for the purpose of this Act, meet not less than three times in each year.

(2) Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend any particular meeting a member may be appointed by the members present to act as Chairman for that particular meeting.

(3) A quorum at meeting of the Board shall be one-third.

(4) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by a notice given to him by not less than five other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given

(5) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it thinks fit but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count toward a quorum.

*Committees*

2.-(1) The Board may appoint one or more committees to carry out, on behalf of the Board, its function under this Act as the Board may determine

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board as may be determined by the Board) and a person other than a member of the Board shall hold office in the committee in accordance with the terms of his appointment

(3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

*Miscellaneous*

3.-(1) The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman, Secretary or any other person authorised generally or specifically to act for the purpose by the Board.

(2) Any contract or instrument, which if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Board by the Chairman, Secretary or any person generally or specially authorized to act for the purpose by the Board.

(3) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

I certify, in accordance with Section 2 (1) of the Acts authentication Act, Cap. 4, laws of the Federation of Nigeria 1990, that this is true copy of the Bill passed; by both House of the National Assembly.

**IBRAHIM SALIM, CON,**  
Clerk to the National Assembly  
7<sup>th</sup> Day of July, 2003

**EXPLANATORY MEMORANDUM**

This Act prohibits and prescribes punishment for traffic in persons, particular women and children, and other related offences.

It also establishes a National Agency for Prohibition of Traffic in Person and. Other Related Matters vesting it with the responsibility for investigation and prosecution of offenders thereof and the counseling and rehabilitation of trafficked persons.

It further provides for the protection of trafficked persons, informants and information in the course of investigation in respect of an offence committed or likely to be committed.

(1) Short title of the Bill	(2) Long Title of the Bill	(3) Summary of the contents of the Bill	(4) Date passed by the Senate	(5) Date passed by the House of Representatives
<p>The Trafficking in Persons (prohibition) Law Enforcement Administration Bill 2003.</p> <p>An Act to establish the National Agency for Prohibition of Traffic in</p>	<p>Person and Other Related Matters and to vest it with the responsibility to enforce laws against traffic in persons, investigate and persecute persons suspected to be engaged in traffic in persons, and to take charge and co-ordinate the rehabilitation and counselling of trafficked persons; and for related matters.</p>	<p>This Bill seeks to prohibit and prescribe punishment for traffic in persons, particularly women and children, and other related offences. It also establishes a National Agency for Prohibition of Traffic in Persons and Other Related Matters vesting it with the Responsibility for investigation and prosecution of offenders thereof and the counselling and rehabilitation of trafficked persons. It further provides for the protection of trafficked persons, informants and information in the course of investigation in respect of an offence committed or likely to be committed.</p>	<p>6th February, 2003</p>	<p>6th May, 2003</p>

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria, 1990.

I. ASSENT.



**IBRAHIM SALIM, CON,**  
Clerk to the National Assembly  
7th July, 2003

**CHIEFOLUSEGUN OBASANJO, GCFR**  
President of the Federal Republic of Nigeria  
14th July, 2003

Extraordinary



## Federal Republic of Nigeria Official Gazette

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Vol. 92

Government Notice No. 209

The following is published as Supplement to this Gazette:

Act No.	Short Title	Page
14	Trafficking in Persons (prohibition) Law Enforcement and Administration (Amendment) Act, 2005.....	A209-225

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TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT  
AND ADMINISTRATION (AMENDMENT) ACT, 1005



ARRANGEMENT OF SECTIONS.

SECTION:

1. Amendment of 2003 No. 24
2. Amendment of Section 2
3. Amendment of Section 3
4. Amendment of Section 4
5. Amendment of Section 5
6. Amendment of Section 6
7. Substitution of the word "Unit"
8. Amendment of Section 9
9. Amendment of Section 15
10. Amendment of Section 22
11. Amendment of Section 29
12. Amendment of Section 32
13. Amendment of Section 33
14. Insertion of new Sections
15. Re-numbering of Sections 35 -37 of the Principal Act
16. Re-numbering of Section 38 of the Principal Act, insertion and deletion
17. Re-numbering of Section 40 of the Principal Act and insertion of Sub-Section (2)
18. Re-numbering of Sections 41 - 49 of the Principal Act
19. Re-numbering of Section 50 of the Principal Act and insertion of words
20. Re-numbering of Section 51 of the Principal Act
21. Amendment of Schedule to the Principal Act
22. Short Title
23. Schedule

TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT  
AND ADMINISTRATION (AMENDMENT) ACT, 2005

ACT No. 14

AN ACT TO AMEND THE TRAFFICKING IN PERSONS (PROHIBITION)  
LAW ENFORCEMENT AND ADMINISTRATION ACT, 2003 No. 24; AND  
FOR RELATED MATTERS

7th December, 2005) Commence  
ment

ENACTED by the National Assembly of the Federal Republic of Nigeria

1. The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 (In this Act referred to as "the Principal Act") is amended as set out in this Act. Amendment  
of 2003  
No 24.

2. Section 2 of the Principal Act is amended by  
(a) substitution for the existing subsection (3) a new sub-section (3) Amendment  
of Section 2.  
“(3) The Board shall consist of

- (a) a chairman being a person who by reason of his ability, character, experience and knowledge can deal with the problem of trafficked persons;
- (b) 6 other members who shall be appointed from each of the six geographical zones on the recommendations of the Minister; and
- (c) the Executive Secretary”
- (d) in sub-section (5) by inserting the word “First” immediately before the word “Schedule”.

3. Section 3 of the Principal Act is amended by substituting for the existing subsection (1) a new sub-section (1)- Amendment  
of Section 3

(1) “The Chairman and members of the Board other than the Executive Secretary shall hold office for a term of our years and shall be eligible for reappointment for another term and no more”.

4. Section 4 of the Principal Act is amended  
(a) in paragraph (j) by inserting immediately after the words “Office of the Attorney-General of the Federation” the words “Ministry of Foreign Affairs”; Amendment  
of Section 4  
(b) by inserting immediately after the existing paragraph (k) new paragraphs (l) and (m)

(1) taking charge of, supervising, controlling, co-ordinating all the responsibilities, functions and activities relating to current investigation and prosecution of all offence connected with or relating to traffic in persons and other related matters in consultation with the Attorney-General of the Federation; and

(m) carrying out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under this Act”.

Amendment of sections 5

5. Section 5 of the Principal Act is amended

- (a) by deleting the figure (1) immediately before the words “The Agency”;
- (b) by inserting immediately after the existing paragraph (b) a new paragraph (c) “(c) subsequently prosecute any person found to have committed an offence under this Act”.

Amendment of sections 6

6.-(1) Section 6 of the Principal Act is amended

- (a) by substituting for the existing sub-section (2) a new sub-section (2)

“(2) There shall be for the Agency, an Executive Secretary who shall be from the Directorate cadre in the Public Service of the Federation and shall be appointed by the President on the recommendation of the Attorney-General of the Federation”;

(b) in sub-section (3) by inserting immediately after the word “the”, the word “Executive”

- (c) by inserting immediately after sub-section (3) a new sub-section (4)

“(4) The Executive Secretary of the Agency shall hold office for a term of five years in the first instance and shall be eligible for re-appointment for another term and, no more”.

(d) by renumbering sub-sections (4), (5), and (6) as sub-sections (5), (6) and (7) respectively.

Substitution of the word “Unit”

7. The Principal Act is amended by substituting for the word “Unit” the word “Department” wherever it appears in the Act.

Amendment of sections 9

8. Section 9 of the Principal Act is amended

- (a) by inserting a new sub section (2)

“(2) The Legal Department shall be responsible for prosecuting offenders under this Act, supporting the investigation department with legal advice and assistance whenever it is required, acting as secretariat to the Board, conducting such proceedings as may be necessary towards the recovery of any asset or properties forfeited under this Act and performing such other legal duties as the Agency may refer to it from time to time”

(b) by renumbering sub-sections (2), (3) and (4) as sub-sections (3), (4) and (5) respectively;

(c) by inserting in the new sub-section (3), the word “Federal Ministry of Education” immediately after the words “Labour and Productivity”; and

(d) by inserting in the new sub-section (4) the words “Nigerian Prison Service” immediately after the words “Culture and Tourism”.

9. Section 15 of the Principal Act is amended

(a) by inserting immediately after the existing paragraph (a), new paragraphs (b) and (c)

“(b) keeps a brothel;

(c) allows a person under the age of eighteen years to be in a brothel or trades in prostitution”

(d) by renumbering paragraph (b) and (c) as paragraphs (d) and (e) respectively.

10. Section 22 of the Principal Act is amended (O) by inserting new sub-sections (1), (2), and (3)

“(1) Any person who

(a) requires any other person, or permits any place within or outside Nigeria to be used for forced labour, or

(b) employs a child to work in any capacity except where he is employed by a member of his family or light work of an agricultural, horticultural or domestic character, or

(c) employs a child in any case to lift, carry or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral or social development, or

(d) employs a child as a domestic help outside his own home or family environment, or

(e) employs a child in an industrial undertaking, commits an offence and is liable on conviction to a fine not exceeding N10,000.00 or imprisonment for a term of five years or both such fine and imprisonment.

(2) When an offence under this section is committed by a body corporate, any person who at the time of commission of the offence was a proprietor, director, general manager or other similar officer, servant or agent of the body corporate, shall be deemed to have jointly and severally committed the offence and may be liable on conviction to a fine of N250,000.00.

(3) Nothing in sub-sections (1) and (2) shall apply to work done by children in technical schools or similar approved institution if the work is supervised by the appropriate authority.

11. Section 29 of the Principal Act is amended

(a) in sub-section (1) by inserting immediately after the expression words “2 years or a “the words” fine of; and

(b) by deletion of the existing sub-section (2) thereof.

12. Section 32 of the Principal Act is amended by substituting the figures “28 and 29” for the figures “30 and 31”

Amendment of sections 33

13. Section 33 of the Principal Acts is amended in sub-section (I) by deleting the of Section words "The High Court of the Federal Capital Territory or " and the words" of a State" immediately after the words "The High Court"

Insertion of new sections

14. The Principal Act is amended  
(a) by inserting new Sections immediately after the existing Section 34, to be ecillions. Numbered as sections 35 to 48

Forfeitures after

"Section 35-(1) A person convicted of an offence under the Act shall forfeit to the Victims of Trafficking Trust Fund

conviction in certain cases.

(a) all the assets and properties which mayor are the subject of an interim order of the Court after an attachment by the Agency as specified in section 40 of this Act;

(b) any assets or properties confiscated, or derived from any proceeds the person obtained, directly or indirectly, as a result of such offence not already disclosed in the Assets Declaration Form specified in Form I of the Second Schedule to this Act or not falling under paragraph(0)of this subsection;

Second Schedule.

(c) any of the person's property or instrumentalities used in any manner to commit or to facilitate the commission of such offence not already disclosed in the Assets Declarations Form or not falling under paragraph (0) of this subsection.

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

Forfeitures Property.

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

36. All properties of a person convicted of an offence under this Act and shows to be derived or acquired from such illegal act which are already the subject of an interim order shall be forfeited to the Victims of Trafficking Trust Fund.

Foreign assets.

37.-(I) Where it is established that any convicted person has assets or properties in a foreign country, acquired as a result of such criminal activity, such assets or properties subject to any treaty or arrangement which such foreign country, shall be forfeited to the Victims of Trafficking Trust Fund.

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

Property subject to forfeiture.

38. Any property

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

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

Further provisions as to forfeiture of property.

39. Without prejudice to the provisions of any other law permitting the forfeiture of property, the following shall also be subject to forfeiture under tfl is Act and no proprietary right shall exist in them

(a)all means of conveyance, including vehicles or vessels which are used or are intended for use to transport or in any manner, facilitate trafficking or any person such as

(i) known means of conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under this section unless it shall appear that the owner or other person in charge of such means of conveyance was a consenting party or privy to a violation of this Act.

(ii)known means of conveyance which shall be forfeited under this section by reason of any act established by the owner thereof to have been committed by any person other than such owner while such means of conveyance was unlawfully in the possession of a person other the owner in violation of the criminal laws of Nigeria or any part thereof, and

(iii) known means of conveyance which shall be forfeited under this section to the extent of an interest of an owner, by reason of any act established by that owner to have been committed without the knowledge, consent or wilful connivance of that owner;

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

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

40. -(I) Seizure of any property subject to forfeiture under this Act may be effected by the Agency 'where

(a) the seizure is incidental to an arrest or search;  
(b) the property is liable to forfeiture upon process issued by the Court following an application made by the Agency in 'accordance with the prescribed rules.

Seizure of property.

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

Investigation of assets and properties of an arrested persons

Disclosure of assets and properties by an arrested persons etc second schedule

Interim forfeiture order.

Final order,

- (a) place the property under seal; or
- (b) remove the property to a place designed by the Agency.

(3) Properties taken or detained under this section shall be deemed to be in the custody of the Agency, subject only to an order of a Court.

41. Where a person is arrested for an offence under this Act, the Agency shall of assets and immediately trace and attach all the assets and properties of the person acquired as a result of such illegal act and shall thereafter cause to be obtained an interim attachment order by the Court.

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

(2) The Declaration of Assets Form shall be forwarded to the Agency for full investigation by the Investigation Department of the Agency.

(3) Any per who

- (a) knowingly fails to make full disclosure of his assets and liabilities; or
- (b) knowingly makes a declaration that is false; or
- (c) fails to answer any question, or
- (d) fails, neglects or refuses to make a declaration or furnish any information required, in the Declaration of Assets Form, commits an offence under this Act and is liable on conviction to imprisonment for a term often years.

(4) Subject to the provisions of section 39 of this Act, whenever the assets and properties of any person arrested under this Act are attached, the Agency shall apply to the court for an interim forfeiture order under the provisions of this Act.

43. Where

(a) the assets or properties of any person arrested under this Act has been seized; or

(b) any assets or property has been seized by the Agency under this Act the Agency shall cause an application to be made to the court for an interim forfeiting the property concerned to the Victims of Trafficking Trust Fund and the court shall if satisfied that there is prima facie evidence that the property concerned is liable to forfeiture make an interim order forfeiting the property to the Victim of Trafficking Trust Fund,

44. Where an arrested person is convicted of an offence under this Act, the Agency or any authorized officer shall apply to the Court for the order of confiscation and forfeiture of the convicted person's assets and properties acquired or obtained as a result of the crime already subject to an interim order under this Act.

45-(1) A copy of every final order forfeiting the asset and property of a Fir person convicted under this Act shall be forwarded to the Agency.

Final disposal of forfeited property

(2) Upon receipt of a final order pursuant to this section, the Executive Secretary to the Agency shall take steps to dispose of the property concerned by sale or otherwise and where the property is sold, the proceeds thereof shall be paid into the Victims of Trafficking Trust Fund.

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

(4) The Attorney-General of the Federation may make rules or regulations for the disposal or sale of any property or assets forfeited pursuant to this Act.

46. -(1) Any person who, without due authorization by the Agency, deals with, sells or otherwise disposes of any property or assets which is the subject of an attachment, interim order or final order commits an offence and is liable on conviction to imprisonment for a term of five years without the option of a fine.

Offences in relation to forfeiture orders

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

47. -(1) Where a person is discharged or acquitted by a Court of an offence under this Act, the Court may make an order of revocation or confirmation as the case may be, of an interim order made pursuant to this Act whichever order is considered just, appropriate or reasonable within the circumstances.

Consequence of an acquittal in respect of assets and properties

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

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

48. -(1) Notwithstanding anything contained in any other enactment or law, where any person is arrested under this Act, the Executive Secretary of the Agency may, if he is satisfied that the money in the account of an arrested person is made through the commission of an offence under this Act, apply to the Federal High Court exparte for power to issue or instruct a bank examiner or such other appropriate regulatory authority to issue an order as specified in Form 2 of the Second Schedule to this Act, addressed to the manager of the bank or any person in control of the financial institution where the account is or believed by him to be at the head office of the bank or other financial institution to freeze the account.

Freezing order on banks or other financial institutions Second Schedule.

(2) The Executive Secretary of the Agency or bank examiner may by an Order issued under subsection (1) of this section, or by any subsequent order, direct the bank or other financial institution to supply any information and produce books and documents relating to the account and to stop all out ward payments, operations or transaction (including any bill of exchange) in respect of the account of the arrested person.

(3) the manager or any other person in control of the financial institution shall take necessary steps to comply with the requirements of the order made pursuant to subsection (2) of this section.

1991 No. 25

(4) In this section

(a) "bank" has the meaning given to it in the Banks and Other Financial Institutions Act 1991 as amended; and

(b) the reference to an order issued includes a reference to any order, direction or requirement addressed to the manager of a bank or any other officer of a bank which directs or purports to direct the manger or such officer to stop all outward payment, operations or transactions in respect of any account with that bank."

Renumbering of sections 35-31 of the Principal Act and insertion of words

15. (1) The Principal Act is amended

(a) by re-numbering sections 35-37 as sections 49-51;

(b) by substituting in paragraph (b) of the new section 50, the word "trafficking" with the word "trafficked";

(c) by inserting in paragraph (h) of the new section 50, the words "his family" immediately before the words "or his friends"

(d) by inserting in paragraph (;) of the new section 50, the words "and his family. Immediately after the words "a trafficked person".

16. The Principal Act is amended

Renumbering of sections 38 of the Principal Act, insertion and deletion.

(a) by re-numbrng section 38 as Section 52;

(b) by inserting in paragraph (b) of the new section 52 the words "if any" immediately after the word "assets"

(c) by deleting in paragraph (b) of the new section 52 the full stop immediately after the word "trafficker" and inserting the words "forfeited and paid to the Victims of Trafficking Trust Fund"; and

(d) by re-numbering section 39 as section 53.

Renumbering of sections 40 of the Principal Act, insertion of subsection (2)

17. The Principal Act is amended

(a) by re-numbrng section 40 as section 54

(b) by inserting immediately after sub-section (2) of new section 54 a new sub Section (3)

"(3) "There shall be established for the Agency a Victims of Trafficking Trust Fund, where all proceeds of the sale of assets and properties of traffickers are paid into"

Establishment of Victims of Trafficking Trust Fund

(c) by re-numbering section 40(3) as section 54(4)

18. The Principal Act amended by re-numbering sections 41-49 as sections 55 - 63.

Renumbering of Sections 41 - 49 of the principal Act

19. The Principal Act is amended

(a) by re-numbering section 50 as section 64-;

(b) by inserting in alphabetical sequence the interpretation of the following words

Renumbering of Sections 50 of the Principal Act and insertion of words.

"Brothel" includes any enclosure, house premises, hotels, restaurants, drinking places, vessels or stationary or moving receptacles where a person offers her body commonly for acts of lewdness and sexual gratification;

"Export" with its grammatical variations and cognate expression means to take or cause to be taken out of Nigeria;

"High Court" means Federal High Court, High Court of the Federal Capital Territory and the High Court of a State;

"Import" with its grammatical variations and cognate expressions means to bring or cause to be brought into Nigeria;

"Minister" means Attorney-General of the Federal and Minister of Justice.

20. The Principal Act is amended by re-numbrng section 51 as 65.

Renumbering of sections 51 of the principal Act

21. The Schedule of the Principal Act is amended

Schedule

(a) by inserting the word "First" immediately before the word "Schedule";

(b) by substituting for section 2 (4) in a the marginal note, section 2 (5); and

(c) by inserting a "Second Schedule" to contain Form I - Assets Declaration Form and Form 2 - Freezing Order

22. This Act may be cited as the Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act, 2005.

Short Title.

**SECOND SCHEDULE**

**CONFIDENTIAL FORM I SECTIONS 35 AND 42 (1)(2) AND (3)**

**TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION (AMENDMENT) ACT 2003**

**DECLARATION OF ASSETS FORM**

To be completed in *TRIPLICATE* and in *BLOCK LETTERS* or typed.  
All available information should be included

**Important:** It is an offence punishable by 10 years imprisonment under the Act to

- (i) knowingly fail to make full disclosure of your assets and liabilities.
- (ii) knowingly make a declaration that is false.
- (iii) Fail, to answer any question contained in this Form.
- (iv) Fail, neglect or refuse to make a declaration or furnish any information required.

(i) Each item is to be completed. If it does not apply, the person affected must write "none" in the space. Where necessary an extra sheet or sheets may be used and attached to this form by the person affected.

(ii) to the Executive Secretary to the NATIONAL AGENCY FOR THE PROHIBITION OF TRAFFICK IN PERSONS AND OTHER RELATED MATTERS (NAPTIP).

I,....., Being accused of an offence under the TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION (AMENDMENT) ACT, 2004.

	Surname		Other Names	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													
3. Father													
4. Mother													
5. Brother (i)													
(ii)													
(iii)													
6. Sisters (i)													
(ii)													
(iii)													
7. Sisters (i)													
(ii)													
(iii)													
8. Dependent Relative Uncle/ Aunt Next of Kin													
9. Associate Persons													
(i)													
(ii)													
(iii)													
10. Aliens	(a) State	(b) if	Alien Registration Naturalized Certificate No.										
11. Schools attended with dates			Primary School or Secondary University, Etc										
			Qualification attended										

N : K

12. Amount held in own account

- (i) Cash in hand.....
- (ii) Cash at bank.....
- (iii) Outside Nigeria (Countries Banks to named)

13. Amount held on behalf of or as trustee for any other person other than your wife/husband

- (i) Cash in hand.....
- (ii) Cash at bank.....
- (iii) Outside Nigeria (Countries Banks to named)

14. Loans or advance made

15. Loans or advances received

16. Amount held on behalf of or as trustee of wife/husband

- (i) Cash in hand.....
- (ii) Cash at bank.....
- (iii) Outside Nigeria (Countries Banks to named)

17. Wife's/husband's children's account held (beneficial or otherwise)

- (i) Cash in hand.....
- (ii) Cash at bank.....
- (iii) Outside Nigeria (Countries Banks to named)

18. Government securities, including premium bonds and other interests held in companies, firms or partnerships (giving names of companies firms and partnership)

- (a) by you (here state the bonds, etc.)
- (b) by wife (wives) husband. (Here state the bonds, etc.)
- (c) by children (here state the bonds, etc.)

19. Property in Nigeria in which you are interested in giving date when acquired-

- (i) Land:
- (ii) Buildings:
- (iii) Other property, (if any)

20. Property outside Nigeria in which you are interested in giving date when acquired

- (i) Land:
- (ii) Buildings:
- (iii) Other property, (if any)

21. Property outside Nigeria in which any wife /husband\* is interested in giving date when acquired

- (i) Land:
- (ii) Buildings:
- (iii) Other property, (if any):

22. Property outside Nigeria in which any wife/husband, is interested in giving date when acquired

- (i) Land:
- (ii) Buildings:
- (iii) Other property, (if any):

23. Property in Nigeria which any child of yours is interested in giving date when acquired

- (i) Land:
- (ii) Buildings:
- (iii) Other property, (if any):

24. Property outside Nigeria in which any child of yours is interested in giving date when acquired

- (i) Land:
- (ii) Buildings:
- (iii) Other property, (if any):

25. Names of other dependent relatives:

Estate in which you are interested as trustee or beneficially interested (Name of deceased or trustee).

Property held by any person on your behalf-(in or outside Nigeria)

- (i) Cash in hand;
- (ii) Cash at bank;
- (iii) Land;
- (iv) Buildings;
- (v) Other property, (if any)

.....  
Signature of Accused Person

.....  
Signature and Address of Witness

FORM 2

Section 48(1)

**FREEZING ORDER**

*(This form may be amended according to circumstance)*

To the Manager.....  
*(Here insert name and branch of bank)*

Under the authority conferred on me by section 48 of the TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION (AMENDMENT) ACT 2004 you are hereby ordered

(a) to supply the following information relating to the under mentioned accounts, that is to say

.....  
*(Here set out the information required in respect of named accounts)*

(b) to produce the books and documents relating to the under mentioned accounts, that is to say-

.....  
*(Here set out the books and documents to be produced in respect of named accounts)*

(c) to stop all outward payments, operations or transactions (including bills of exchange) as far possible in the ordinary course of banking in respect of the following accounts:

.....  
*(Here indicate the accounts)*

2. This order shall cease to have effect after the day of 20..... Unless sooner revoked by the President.

DATED at this day of.....20.....

.....  
*Executive Secretary/Bank Examiner*

I certify, in accordance with Section 2 (1) of the Acts authentication Act, Cap. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Bill passed; by both Houses of the National Assembly.

NASIRU IBRAHIM ARAB,  
*Clerk to the National Assembly*  
1st December, 2005

**EXPLANATORY MEMORANDUM**

This Act provides sundry amendments to the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003, No.24 to expand its scope from investigation to prosecution of human traffickers, seizure of properties and forfeiture.




**TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND  
ADMINISTRATION (AMENDMENT) BILL, 2005**

(1) <i>Short title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the contents of the Bill</i>	(4) <i>Date passed by the Senate</i>	(5) <i>Date passed by the House of Representatives</i>
<p>Trafficking in Persons (prohibition) Law Enforcement and Administration (Amendment) Bill, 2005.</p>	<p>An Act to amend the Trafficking in Persons (Prohibition) Law Enforcement and Administration; and for Related Matters.</p>	<p>This Bill seeks to provide sundry amendments to the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act to expand its scope from investigation to prosecution of human traffickers, seizure of properties and forfeiture.</p>	<p>10th November, 2005</p>	<p>20th November, 2005</p>

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria, 1990.

I ASSENT.



**NASIRU IBRAHIM ARAB,**  
Clerk to the National Assembly  
1st Day of December, 2005

**CHIEF OLUSEGUN OBASANJO, GCFR**  
President of the Federal Republic of Nigeria  
7th Day of December, 2005.

93