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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.
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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 PERSONS, INVESTIGATE AND PROSECUTE 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.

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

[14th July, 2003]

Commence-
ment

**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”).

Establish-
ment of
National
Agency for
prohibition
of traffic in
persons.

(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”).

Establish-
ment,
membership,
and
appointment
of members
of the
Governing
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 purposes of the Agency.

(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; 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.

Schedule.

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.

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 unsound mind or incapable of carrying out his duties ;
- (e) he becomes bankrupt ;
- (f) 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.

Functions of
the Agency.

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 persons and related offence ;
- (e) enhancing the effectiveness of law enforcement agents to suppress traffic in persons ;
- (f) establishing, maintaining and securing communication to facilitate 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 causes of the problem of traffic in any person ;
- (i) strengthening and enhancing effective legal means for international co-operation in criminal matters for suppressing the international activities of traffic in 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.

5.—(1) 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 ; and

(b) with a view to ascertaining whether any person has been involved in offences 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 ; and

(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 service 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.

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.

Secretary and
other staff of
the Agency.

(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.

8.—(1) For the effective conduct of the functions of the Agency, there shall be established the following units—

Establish-
ment of
Special Units.

(a) the Investigation Unit ;

(b) the Legal Unit ;

(c) the Public Enlightenment Unit ;

(d) the Counselling 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.

Duties of the
Special Units.

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

(b) counselling 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.

Training
programmes.

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 offences under this Act and appropriate counter-measures ;

(c) assistance in monitoring of the movement of trafficking person ; and

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

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

11. 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, or knowing it to be likely that such person will be forced or seduced into prostitution in that place ; or

(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 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, 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,

Procurement
of any
person.

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, 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 prostitu-
tion of any
person under
eighteen
years.

(2) A person shall be deemed to have caused or encouraged 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 is 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
person 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,
commits an offence and is liable on conviction to imprisonment for ten years.

15. Any person who—

(a) procures, uses 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 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.

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.

Unlawful detention with intent to defile.

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, 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 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.

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 ₦200,000.00.

Kidnapping from guardianship.

19.—(1) Any person who—

(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 ₦200,000.00 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 ₦100,000.00 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 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 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.
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.

Unlawful forced labour.

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 ₦100,000.00 or to both fine and imprisonment.

Traffic in slaves.

23. 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 persons will as a slave, commits an offence and is liable on conviction to imprisonment for life.

24. Any person who—

Slave dealing.

(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,

(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.

Effect of
conviction
abroad.

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.—(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 trades in prostitution,

(e) procures, uses or offers a person for the production of pornography or for pornographic performance, and

(f) 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 (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 apply.

Attempt.

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 ₦50,000.00 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
corporates.

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 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 ₦200,000.00 or both.

(2) Where a body corporate is convicted of an offence under this Act, it shall be liable to a fine of ₦2 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.—(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 ₦2,000,000.00” 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 ₦2,000,000.00 or both.

30. Every tour operator and travel agent shall—

Responsibility of tour operators and Travel Agents.

(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 utilising messages 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.

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 flights.

Responsibilities 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 ₦200,000.00.

Penalties for breach

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

Jurisdiction, Etc.

(2) The High Court has powers 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.—(1) Any police officer, customs officer, immigration officer, or the Chairman of the Agency or any officer of the Agency authorised 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 authorised 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.

Treatment of
trafficked
persons.

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 persons ;

(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 associates including reprisals from person in position of authority.

37. Where the circumstances so justify, trafficked persons 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 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

Right to institute civil action.

(b) is entitled to compensation restitution and recovery for economic, physical and psychological damages to be met from the assets of the convicted trafficker.

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. 25 LFN. 1990.

(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 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 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 organisation 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 Federation.

Power to borrow money.

43. The Agency shall, not later than 30th 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.

(a) willfully obstructs 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 years or to a fine of ₦50,000.00 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 measures to protect the identity of that person and the information so volunteered shall be treated as confidential.

Power of the
Minister to
give
directives to
the Agency.

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

Power to
make
regulations.

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

Interpreta-
tion.

50. In this Act—

“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 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 ;

“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 act of threat the

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

“Minister” means the Minister of Internal 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, purchases, 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 Enforcement and Administration Act, 2003. Short Title.

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 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

2.—(1) 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.

(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 that 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 authorised 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 a true copy of the Bill passed ; by both Houses of the National Assembly.

IBRAHEM SALIM, CON,
Clerk to the National Assembly
7th Day of July, 2003

EXPLANATORY MEMORANDUM

This Act prohibits and prescribes 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.

The following table shows the results of the experiment. The first column shows the number of trials, the second column shows the number of correct responses, and the third column shows the percentage of correct responses. The fourth column shows the number of errors, and the fifth column shows the percentage of errors. The sixth column shows the number of omissions, and the seventh column shows the percentage of omissions. The eighth column shows the number of commissions, and the ninth column shows the percentage of commissions. The tenth column shows the number of correct responses per trial, and the eleventh column shows the percentage of correct responses per trial. The twelfth column shows the number of errors per trial, and the thirteenth column shows the percentage of errors per trial. The fourteenth column shows the number of omissions per trial, and the fifteenth column shows the percentage of omissions per trial. The sixteenth column shows the number of commissions per trial, and the seventeenth column shows the percentage of commissions per trial. The eighteenth column shows the number of correct responses per trial, and the nineteenth column shows the percentage of correct responses per trial. The twentieth column shows the number of errors per trial, and the twenty-first column shows the percentage of errors per trial. The twenty-second column shows the number of omissions per trial, and the twenty-third column shows the percentage of omissions per trial. The twenty-fourth column shows the number of commissions per trial, and the twenty-fifth column shows the percentage of commissions per trial.

SCHEDULE TO THE TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION BILL, 2003

(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 Senate</i>	(5) <i>Date passed by House of Representatives</i>
<p>The Trafficking in Persons (Prohibition) Law Enforcement Administration Bill 2003.</p> <p>An Act to establish the National Agency for the Prohibition of Traffic in</p>	<p>Persons and Other Related Matters and to 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 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.</p> <p>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.</p> <p>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.



IBRAMIM SALIM, CON.
Clerk to the National Assembly
7th July, 2003

CHIEF OLUSEGUN OBASANJO, GCPR.
President of the Federal Republic of Nigeria
14th July, 2003





