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**TRAFFICKING IN  
PERSONS PROHIBITION  
BILL 2015**

# TRAFFICKING IN PERSONS (PROHIBITION) ENFORCEMENT AND ADMINISTRATION ACT, 2015

A Bill

For

**An Act to repeal the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 as amended and to enact the Trafficking in Persons (Prohibition), Enforcement and Administration Act to provide measures against trafficking; and for related matters.**

ENACTED by the National Assembly of the Federal Republic of Nigeria

## **PART 1 – OBJECTIVES**

The objectives of this Act are to—

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

## **PART 11 -ESTABLISHMENT OF THE NATIONAL AGENCY FOR THE PROHIBITION OF TRAFFICKING IN PERSONS**

- (1) There is established the National Agency for the Prohibition of Trafficking (in this Act referred to as “the Agency”).
- (2) The Agency shall be a corporate body—
  - (a) with perpetual succession and a Common seal;
  - (b) which may sue or be sued in its corporate name; and
  - (c) which may acquire, hold, purchase, mortgage and deal howsoever with property, movable or immovable, real or personal.
- (i) There is established for the Agency, a part time Governing Board (in this Act referred to as the Board').

(ii) The Board shall consist of

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

(b) two representatives of civil society-based organizations involved in matters relating to trafficking in persons:

(c) a representative each of the following institutions or agencies who shall be within the Directorate cadre -

(i) Federal Ministry of Justice.

(ii) Federal Ministry of Women Affairs,

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8. (i) There shall be for the Agency, a Director - General who shall be from the Directorate Cadre in the Public Service of the Federation or its equivalent in any law enforcement service and shall be appointed by the President on the recommendation of the Minister.

(2) The Director - General shall

(a) be the chief executive and accounting officer of the Agency;

(b) be responsible for the day-to-day administration of the Agency;

(c) keep the books and records of the Agency; and

(d) be the Secretary to the Board,

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

9. (1) 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.

(2) The staff of the Agency appointed under subsection (1) of this section shall be appointed on such terms and conditions of service as the Agency may determine in accordance with the approved government policy.

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

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

(a) the appointment, promotion and staff discipline:

- (b) appeals by employees against disciplinary measures; and
  - (c) such other matters to ensure the efficient performance of the functions of the Agency under this Act.
- (5) Staff regulations and conditions of service made under subsection (4) of this section shall not have effect until it is published in the Gazette and website of the Agency.
- (6) Until the staff regulations and conditions of service under subsection (4) of this section are made, any instrument relating to the conditions of service applicable to the Civil Service of the Federation shall be applicable to the Agency with such modifications as may be considered necessary by the Agency from time to time.
10. (i) Service in the Agency shall be public service for the purpose of the Pension Reform Act and accordingly. officers and other staff of the Agency shall, in respect of their service in the Agency, be entitled to such pension and retirement benefits as are prescribed in the Pension Reform Act
- (i) Notwithstanding the provisions of subsection (i) 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 retirement benefits in respect of that office.

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**PART III - PROHIBITION OF ACTS OF TRAFFICKING IN PERSONS**

13. (i) All acts of human trafficking are prohibited in Nigeria.
- (ii) Any person who recruits, transports, transfers, harbours or receives another person by means of -
- (a) threat or use of force or other forms of coercion,
  - (b) abduction, fraud, deception, abuse of power or position of vulnerability, or
  - (c) giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation of that person, commits an



offence and is liable on conviction to imprisonment for a term of not less than 2 years and a fine of not less than N250, 000.00.

(3) For the purpose of sub-section (2) (c), abuse of a position of vulnerability includes intentionally using or otherwise taking advantage of an individual's personal, situational or circumstantial vulnerability to recruit transport, transfer, harbour or receive that person for the purpose of exploiting him or her. such that the person believes that submitting to the will of the abuser is the only real or acceptable option1.available to him or her and that this belief is reasonable in the light of the victims' situation.

(4) A person who in or outside Nigeria directly or indirectly

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

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

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

(d) procures any other person by any means to commit an offence under this Act.

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

(f) promises or induces any other person by any means to C0111mit any of the offences referred to in this act commits all offence under this Act and is liable on conviction to imprisonment for a term 0 f not less than 5 years and a fine of not less than N 1. 000,000.00.

(5) The consent of a victim of trafficking in persons to the intended exploitation set forth in the definition of trafficking in persons in this Act shall be irrelevant where any of the means set forth in the definition has been used.

(6) The recruitment, transportation, transfer, harboring 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 the definition 01 trafficking in persons in this Act.

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**PART V, JURISDICTION**

36. (1) The High Court shall have jurisdiction to try offences, hear and determine proceedings arising under this Act.

(2) Where any person is convicted of an offence under this Act, the Court in passing sentence shall. in addition to any punishment which the Court may impose in respect of the offence, order the forfeiture to the Victims of Trafficking Trust Fund of any property. asset or fund with accrued interest, article, substance, device. material or conveyance which has been used or facilitated the commission of the offence or the proceed of any unlawful activity under this Act.



(3) Notwithstanding the provisions of subsection (2) of this section, the penalty imposed on a person convicted of an offence referred to in that subsection may be reduced in such manner as the Court deems fit where that person has, before any proceeding, made possible or facilitated the identification of other accused persons and their sponsors or who, after the commencement of the proceedings, has made possible or facilitated the arrest of such persons,

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

(2) Subject to the provisions of the Constitution of the Federal Republic of Nigeria, an application for stay of proceedings in respect of any criminal matter brought under this Act shall not be entertained,