

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

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

Annual  
Report.

PART VII—SEARCH, ARREST AND SEIZURE

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

Issuance of  
warrant for  
Investigation.

(2) The Court may issue a warrant authorizing an officer of the Agency or any law enforcement officer to—

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

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

(c) seize and retain any relevant material found therein.

(3) The Court shall not issue a warrant under subsection (2) of this Section unless the Court is satisfied that—

(a) the warrant is sought to prevent the commission of an offence under this Act or to prevent the interference in an investigation under this Act, or for the purpose of a trafficking in persons investigation ;

(b) there are reasonable grounds for believing that there is a person or material on the premises or conveyance which may be relevant to the investigation ; or

(c) the person being sought is preparing to commit an offence under this Act.

44.—(1) Where in a case of verifiable urgency, or a life is threatened, or to prevent the commission of an offence provided under this Act, an application to the Court or to a Judge in Chambers to obtain a warrant would cause delay that may be prejudicial to the maintenance of public safety or order, an officer of the Agency or a law enforcement officer may, without prejudice to the provisions of section 43 of this Act or any other law with the assistance of such other officers as may be necessary and while search warrant is being sought for—

Investigation  
or search  
without  
Warrant.

(a) enter and search any premises or place if he has reason to suspect that, within those premises, place or conveyance—

(i) an offence under this Act is being committed or likely to be committed ;

(ii) there is evidence of the commission of an offence under this Act ; or

(iii) there is an urgent need to prevent the commission of an offence under this Act ;

(b) search any person or conveyance found on any premises or place which such officer is empowered to enter and search under paragraph (a) of this subsection ;

(c) require information from and attendance of any person, beneficiary or any person connected in any way in a matter under investigation ;

(d) inspect computer systems, recorded information, electronic devices or accessories or any such device found on the premises ;

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

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

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

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

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

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

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

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

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

(5) Any officer of the Agency or a duly authorized law enforcement officer who uses such force as may be reasonably necessary for any

purpose in accordance with this Act, shall not be liable in any criminal or civil proceeding, for having, by the use of reasonable force, caused injury or death to any person or damage to or loss of any property.

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

Video recording and custody of records.

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

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

(4) In a trial for any offence under this Act, the Court may receive testimony by video-link or such electronic medium, provided the witness testifying by such means may be cross-examined.

46. Where a person volunteers to the Agency or an official of the Agency any information which may be useful in the investigation or prosecution 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.

Protection of informants and information.

47.—(1) The Court may, on a motion by or on behalf of the Minister, Agency or a law enforcement agency, protect a witness or other persons in any proceeding before it.

Witness protection.

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

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

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

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

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

(4) The Court may also decide, in the public interest, that all or any of the proceedings pending before the Court shall not be published in any manner.

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

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

#### PART VIII—ATTACHMENT AND FORFEITURE OF ASSETS

Forfeiture  
of Passport.

48. The passport of any Nigerian convicted of an offence under this Act shall be forfeited to the Federal Government, and such forfeited passport shall be handed over to the Nigeria Immigration Service for appropriate action, and shall not be returned to that person unless the President directs otherwise, after the grant of a pardon on the exercise of prerogative of mercy under the Constitution of the Federal Republic of Nigeria.

Forfeiture  
of assets  
after  
Conviction.

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

(a) all the asset and property which are the subject of an interim attachment order of the Court after an attachment by the Agency as specified in Section 55 of this Act ;

Second  
Schedule.

(b) any asset or property derived from any proceeds obtained, directly or indirectly not already disclosed in the Declaration of Assets Form specified in Form I of the Second Schedule to this Act or not subject of an interim attachment order ; and

(c) any property or instrumentality used in any manner to commit or to facilitate the commission of such offence not already disclosed in the Declaration of Assets Form or not subject of an Interim attachment order.

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

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

Foreign  
assets.

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

51.—(1) Any property—

Property  
subject to  
forfeiture.

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

(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 exceeding 1 year and which would be punishable by imprisonment under this Act if such act or activity had occurred within Nigeria.

(2) 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 provided that a means of conveyance—

(i) used by any person in the transaction of business as a common carrier shall not be forfeited under this section unless it appears 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) shall not be forfeited under this section by reason of any act established by the owner to have been committed by any person other than that 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 part thereof ; and

(iii) shall not 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 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 ; and

(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 are used or intended to be used, in any manner or part to commit or facilitate the commission of an offence under this Act.

Seizure of  
property.

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

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

(b) 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 designated by the Agency.

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

Investigation  
of Assets  
and  
Properties  
of an  
arrested  
person.

**53.—**(1) Where a person is arrested or is under investigation 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 the offence.

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

Disclosure  
of Assets  
and  
Property by  
an arrested  
person.

**54.—**(1) Where a person is arrested for committing an offence under this Act, it shall be obligatory for the person to make 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.

Second  
Schedule

(2) The disclosures made in the Declaration of Assets Form shall be investigated by 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 ; or

(c) fails, neglects or refuses to make a declaration or furnish any information required, in the Declaration of Assets Form, commits an offence and is liable on conviction to imprisonment for a term of 2 years.

55. Where any asset 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 attachment order and the Court shall, if satisfied that there is a *prima facie* evidence that the property concerned is liable to forfeiture, make an interim attachment order.

Interim  
attachment  
order after  
Seizure of  
Property.

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

Final Order  
of  
Forfeiture.

(a) already subject to an interim attachment order ;

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

(c) any property or instrumentality used in any manner to commit or to facilitate the commission of such offence not already disclosed in the Declaration of Assets Form.

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

Disposal of  
Forfeited  
Property.

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

(3) Where any part of the property included in the final court order is money in a bank or any financial institution 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 pay over the money to the Agency and the Agency shall pay the money received into the Victims of Trafficking Trust Fund.

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

Offences in  
relation to  
Forfeiture  
Orders.

58.—(1) A person who, without due authorization by the Agency, deals with, sells or otherwise disposes of any property or asset which is the subject of attachment, seizure, interim attachment order or final forfeiture order; commits an offence and is liable on conviction to imprisonment for a term of 5 years without an option of 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 any money to the Agency upon the production of a final forfeiture order commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than 1 year without an option of fine.

Consequences  
of an  
acquittal in  
respect of  
confiscated  
Assets and  
Property.

59.—(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 attachment order made under this Act whichever order is considered just, appropriate or reasonable within the circumstances.

(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 by the Agency.

Freezing  
Order on  
Banks or  
other  
Financial  
Institutions.

60.—(1) Notwithstanding anything contained in any other enactment, where a person is arrested or under investigation for an offence under this Act, the Director-General may, if 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 High Court *ex parte* for an order authorizing the Agency 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 authority of the bank or financial institution where the account is or believed to be domiciled or the head office of the bank or other financial institution, to freeze the account.

Second  
Schedule.

(2) The Director-General 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 or a person under investigation.



(3) The manager or any other person in control of the bank or a financial institution shall take necessary steps to comply with the requirements of the order made under subsections (1) and (2) of this section.

(4) In this section—

(a) “*bank*” has the meaning given to it in the Banks and Other Financial Institutions Act, CAP B3, Laws of the Federation of Nigeria, 2004 as amended ; and

(b) “*order*” refers 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, operations or transactions in respect of any account with that bank.

#### PART IX—TREATMENT OF TRAFFICKED PERSONS

61. The Agency shall ensure that—

(a) a trafficked person is not subjected to discriminatory treatment 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 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, has 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 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 action ;

(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 to discriminate or cause harm to such person, his family or his friends in any way whatsoever, particularly with regards to freedom of movement, marriage or search for gainful employment is prohibited ;

Treatment  
of  
Trafficked  
Persons.

(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 traffickers and their associates including reprisals from persons in position of authority.

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

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

Rights of a  
victim to  
information.

**63.** A victim of trafficking in person shall be provided with—

(a) information on relevant Court and administrative proceedings ;

(b) assistance to enable the victim's views and concerns to be presented and considered at appropriate stages of criminal proceedings against the traffickers ; and

(c) counseling and information as regards victim's legal rights in a language that the victim can understand.

Establishment  
of Transit  
Shelter.

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

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

Right to  
compensation  
or  
restitution.

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

(2) Where an offender is convicted of an offence under this Act, the Court may order the offender to pay compensation to the victim, in addition to any other punishment ordered by the Court.

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

66. The President may, by order published in the Gazette, extend the provisions of the—

Application  
of certain  
enactments.

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

(b) 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 paragraphs (a) and (b) of this section shall have effect in their application to this Act.

PART X—VICTIMS OF TRAFFICKING TRUST FUND

67.—(1) There is established for the Agency a Victims of Trafficking Trust Fund (in this Act referred to as “the Trust Fund”), into which shall be paid—

Establishment  
of Victims  
of  
Trafficking  
Trust Fund.

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

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

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

(d) aids, grants, gifts, bequests, endowments, donations or assistance from bilateral and multi-lateral international agencies, Non-Governmental Organizations, other donor agencies, partners and the private sector ;

(e) any other money which may accrue to the Trust Fund from time to time.

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

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

(4) The Trust Fund shall be utilized—

(a) to pay compensation, restitution and damages to trafficked persons ; and

(b) to fund victim support services for trafficked persons.

Establishment  
of the  
Victims of  
Trafficking  
Trust Fund  
Committee.

**68.—(1)** There is established for the Trust Fund, the Victims of Trafficking Trust Fund Committee (in this Act referred to as ‘the Trust Fund Committee’) which shall be constituted by the Minister subject to the provisions of this Act.

(2) The Committee shall, subject to the provisions of this Act, administer and have general control over the management of the Trust Fund.

(3) The membership of the Trust Fund Committee shall consist of—

(a) the Minister who shall be the Chairman ;

(b) Director-General of the Agency ;

(c) a representative of each of the following Federal Ministries and agencies—

(i) Federal Ministry of Women Affairs ; and

(ii) National Directorate of Employment ;

(d) a representative of Non-Governmental Organizations whose focus is on the eradication of trafficking in persons and other related matters.

(4) The Trust Fund Committee shall be responsible for—

(a) managing all monies, aids, grants, gifts, bequests, endowments, donations or assistance accruing to the Fund ;

(b) soliciting for funds for the Trust Fund ;

(c) approving monies from the Trust Fund to such victims of trafficking on criteria approved by the Committee :

Provided that where it is expedient, and subject to the approval of the Minister, the Director-General shall have power to disburse monies, not exceeding ₦500,000.00 to a victim ;

(5) Subject to the provisions of sub-section (6) of this Section, a member of the Committee shall hold office for a term of 3 years in the first instance and may be eligible for reappointment for another term of 3 years and no more.

(6) A member of the Trust Fund Committee shall cease to hold office if he—

(a) resigns his appointment by notice in writing ;

(b) becomes of unsound mind ;

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

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

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

(7) The Trust Fund Committee—

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

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

(c) may co-opt any person to assist it in carrying out its assignments under this Act, but a co-opted member shall not have the right to vote at Trust Fund Committee's meetings ; and

(d) may appoint one or more sub-committees to carry out its functions on its behalf.

PART XI—MUTUAL LEGAL ASSISTANCE, EXCHANGE OF INFORMATION  
AND EXTRADITION

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

Requests  
from  
Foreign  
States.

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

(3) Where a foreign State makes a request for assistance in the investigation or prosecution of an offence relating to trafficking in persons, the Minister may, after due consideration—

(a) execute the request ; or

(b) inform the requesting State of any reason for—

(i) not executing the request ; or

(ii) delaying the execution of the request.

(4) Where the Minister decides to execute a request for assistance under sub-section (1) of this Section, and directs the Agency to so act, the Agency may apply for—

(a) an order for the Agency to—

(i) enter and search specified premises or conveyance ;

(ii) search any specified person ; or

(iii) remove any relevant document or material ;

(b) a seizure order ;

(c) a property tracing order ;

(d) an interception of communication order ; or

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

(5) The Court or Judge in Chambers, in making an order under sub-section (4) of this Section, may impose such conditions as to payment of debts, sale, compensation of victims, transfer or disposal of any property as the Court deems fit.

(6) Where a *prima facie* case is established on the basis of the request from a foreign State, the Minister shall file a request for an order of forfeiture of all funds or properties used, being used or intended to be used for the commission of an offence under this Act and the Court shall grant or reject the application for an order of forfeiture after hearing from all parties, including a bona fide third party.

Request to  
a Foreign  
State.

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

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

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

(2) The Minister may, in respect of any proceeding for an offence under this Act, apply to the Court or to a Judge in Chambers for an order directed to any person resident in a foreign State to—

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

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

Evidence  
pursuant to  
a request.

71.—(1) The evidence taken under section 70 of this Act, in any proceeding in a Court of a foreign State, may, if it is authenticated, be admissible in any proceeding to which such evidence relates provided that the circumstances and method of collecting the evidence is normally acceptable to Nigeria.

(2) For the purpose of sub-section (1) of this section, a document is authenticated if it is—

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

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

(c) sealed with an official or public seal—

(i) of a Ministry or Department of the Government of the foreign State, or

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

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

Form of requests.

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

(3) A request shall—

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

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

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

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

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

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

(g) state whether—

(i) a freezing or forfeiture order is required ; or

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

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

(4) A request shall not be invalidated for the purposes of this Act or any legal proceeding by failure to comply with the provisions of sub-section (3) of this Section where the Minister is satisfied that there is sufficient compliance to enable him execute the request.

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

(6) Where the whole or any part of the forfeited property, or the value thereof is retained in Nigeria, it shall be paid into the Victims Trust Fund established under this Act.

Extradition.  
Cap. E25.  
LFN. 2004.

73.—(1) Offences under this Act are considered to be extraditable crimes for which extradition may be requested, granted or obtained under the Extradition Act.

(2) Notwithstanding the provisions of sub-section (1) of this Section, no person shall be extradited under this Act, where the Government has substantial grounds for believing that a request for extradition for an offence has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Exchange of  
information  
relating to  
human  
trafficking.

74.—(1) The Agency may, with the approval of the Minister, on a request made by the appropriate authority of a foreign state, disclose to that authority any information in its possession or any other government department relating to—

(a) the actions or movements of human trafficking organised criminal groups or persons suspected of involvement in the preparation or the commission of human trafficking acts ;

(b) the use of forged or falsified travel papers by persons suspected of involvement in the preparation or the commission of human trafficking acts ; or

(c) the use of communication technologies by human trafficking organised criminal groups.

(2) Where the Agency considers that there are no means or conditions under which the information, documents or evidence requested could be provided, disclosed or given without prejudice to the national security of Nigeria, the Agency may refuse the request for the production of such document or the disclosure of such evidence or refuse the authorization of the production of such document or the disclosure of such information and shall notify the requesting Authority of the reasons for doing so, unless the specification of those reasons would in itself be, in the opinion of the Agency, prejudicial to the national security of Nigeria.



PART XII—MISCELLANEOUS

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

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

(2) Notwithstanding the provisions of sub-section (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 guidelines or any directive given to it by the Minister under sub-section (1) or (2) of this Section.

76.—(1) 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 Regulation.

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

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

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

Pre-action Notice.

(a) cause of action ;

(b) particulars of the claim ;

(c) name and place of abode of the intending plaintiff ; and

(d) relief sought.

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

(a) delivering it to the Agency ; or

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

Restriction  
on execution  
against  
property of  
the Agency.

**78.** In any action or suit against the Agency, no execution shall be levied or attachment process issued against the Agency unless at least three months' notice of the intention to execute or attach has been given to the Agency.

Indemnity  
of officers  
of the  
Agency.

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

Repeal and  
savings  
provision.

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

(2) Without prejudice to section 6 of the Interpretation Act, the repeal of the Act specified in sub-section (1) of this Section, shall not affect anything done under the Act.

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

(4) All assets, funds, resources and other movable and immovable property which, immediately before the commencement of this Act vested in the former Agency shall, by virtue of this Act and without further assurance, be vested in the Agency established under section 2 of this Act.

(5) Every reference to the former Agency, Board, Minister, Executive Secretary, Board Chairman or any person under their control or a document issued in the name of the former Agency, Board, Minister, Executive Secretary, Chairman of the former Board or employee of the former Agency shall be read, unless the context otherwise requires, as a reference to the Agency, Minister, Board, Director-General, Chairman, or an employee of the Agency established under this Act, as the case may be.

Transitional  
Provisions.

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

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

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

(4) The Agency established in section 2 of this Act shall be subject to all the obligations and liabilities to which the former National Agency for the Prohibition of Traffic in Persons was subject immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Agency established by this Act as they had against the Agency immediately before the commencement of this Act.

(5) Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Agency established under the repealed Act in respect of any right, interest, obligation or liability of the Agency may be continued or commenced, as the case may be, and any determination of a court of law, tribunal or other commission or person may be enforced by or against the Agency established by this Act to the same extent that such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the Agency as if this Act had not been made.

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

82. In this Act—

Interpretation.

“Agency” means the National Agency for the Prohibition of Trafficking in Persons established under section 2 of this Act ;

“Assets” means items of ownership convertible into cash, total resources of person or business, as cash, notes and accounts receivable, securities, inventories, goodwill, fixtures, machinery or real estate ;

“attachment” includes forfeiture or the permanent deprivation of property by order of a Court ;

“brothel” includes any enclosure, house, premises, hotel, restaurant, drinking place, vessel, stationary or moving receptacle where a person offers the body commonly for acts of lewdness and sexual gratification ;

“child” means a person under the age of 18 years ;

“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 ;

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“*Director-General*” means the Director-General and Chief Executive Officer of the Agency appointed under Section 8 (1) of this Act ;

“*export*” with its grammatical variations and cognate expressions means to take or cause to be taken out of Nigeria ;

“*exploitation*” includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, deprivation of the offspring of any person, forced labour or services or practices similar to slavery, servitude or the removal of organs ;

“*exploitative labour*” includes the use of a child’s labour for the monetary, commercial or economic interest of the recruiter and the receiver ;

“*financial or other material benefit*” includes any type of financial or non-financial inducement, payment, bribe, reward, advantage or service (including sexual or other services) ;

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

“*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 ;

“*grievous harm*” means any harm which amounts to a maim or dangerous harm or which seriously or permanently injures health, or which is likely so to injure health, or which extends to permanent disfigurement or to any permanent or serious injury to any external or internal organ, member or sense ;

“*High Court*” means Federal High Court, the High Court of a State or the High Court of the Federal Capital Territory ;

“*import*” with its grammatical variation and cognate expressions means to bring or cause to be brought into Nigeria ;

“*Minister*” means the Attorney-General of the Federation and Minister of Justice ;

“*person*” means a natural person and a legal entity ;

“*President*” means the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria ;

“*sexual exploitation*” means the participation by a person in prostitution, sexual servitude, or the production of pornographic materials as a result of being subjected to a threat, coercion, abduction, force, abuse of authority, debt bondage or fraud ;

“*slave*” means a person who is held in bondage whose life, liberty, freedom and property are under absolute control of someone ;

“*smuggling of persons*” means arranging or assisting a person’s illegal entry into any country of which the person is not a citizen or permanent resident, including Nigeria, either knowing or being reckless as to the fact that the person’s entry is illegal, in order to obtain a financial or other material benefit ;

“*trafficking or traffic in persons*” means the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion , abduction, fraud, deception, the abuse of power of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person 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 slavery-like conditions, the removal of organs or generally for exploitative purposes ;

“*trafficked person*” means a victim of trafficking in persons;

“*trafficker*” includes a person or an entity that commits or is in the process of committing, aids, abets, facilitates or acquiesces to an act of trafficking in persons ;

“*transit shelter*” means shelter established by the Agency for the purpose of receiving, caring for, rehabilitating and re-integrating into society, victims of human trafficking ;

“*Trust Fund*” means the Victims Trust Fund established under section 67 (1) of this Act ;

“*Trust Fund Committee*” means the Victims of Trafficking Trust Fund Committee established under section 68 (1) of this Act ; and

“*victim*” means a victim of trafficking in persons.

**83.** This Act may be cited as the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015. Citation.

## FIRST SCHEDULE

Section 3(4)

## SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

*Proceedings*

(1) The Board shall, for the purpose of this Act, meet at least 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 notice given to him by at least five members, he shall summon a meeting of the Board to be held within 14 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 deems 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*

(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*

(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 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 specifically 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 the contrary is proved, be presumed to be so executed.

SECOND SCHEDULE Section 49(1)(b) and 54 (2)

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

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 —

- A. (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.

B. (i) Each item to be completed. If it does not apply, the person affected must write "nil" or "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 Director-General of the NATIONAL AGENCY FOR THE PROHIBITION OF TRAFFICKING IN PERSONS AND OTHER RELATED MATTERS (NAPTIP)

I, ..... being accused of an offence .....under the TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION ACT, 2015.





7. Dependent Relative Uncle, Aunt, Next of Kin						
8. Associate Persons		Name in Full	Address	Occupation	Nationality	
(i) .....						
(ii) .....						
(iii) .....						
9. Aliens	(a) State (b) if	( Alien Registra- tion Naturali- zed Certifi- cate No.				
10. Schools attended with dates	Primary School, Post Primary School or Secondary, University etc. Qualification					

- 
11. Amount held in own account :
    - (i) Cash in hand .....
    - (ii) Cash at Bank .....
    - (iii) Outside Nigeria (Countries Banks to be named).
  12. 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 Bankers to be named).
  13. Loans or advances made.
  14. Loans and advances received.
  15. 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)
  16. Government securities, including premium bonds and other interests held in companies, firms or partnerships (giving names of companies firm 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.)
  17. Property in Nigeria in which you are interested in giving date when required.
    - (i) Land ;
    - (ii) Building ;
    - (iii) Other property (if any).
  18. Property in Nigeria in which any wife/husband is interested in giving date when required.
    - (i) Land ;
    - (ii) Building ;
    - (iii) Other property (if any).
  19. Property outside in which any wife/husband is interested in giving date when required.
    - (i) Land ;
    - (ii) Building ;
    - (iii) Other property, (if any)

20. Property in Nigeria which any child of yours is interested in giving date when required.
- (i) Land ;
  - (ii) Building ;
  - (iii) Other property, (if any).
21. Property outside Nigeria in which any child of yours is interested in giving due date when required.
- (i) Land ;
  - (ii) Building ;
  - (iii) Other property, (if any).
22. 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 Defendant*

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

FORM 2

FREEZING ORDER

Section .....

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

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

Under the authority conferred on me by section ..... of  
the TRAFFICKING IN PERSONS (PROHIBITION) ENFORCEMENT AND  
ADMINISTRATION ACT, 2015 you are hereby ordered—

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

- (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 onward payments, operations or transactions (including  
bills of exchange) as far as 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 this ..... Day of ..... 20 .....

.....  
*Director-General/Bank Examiner*

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of this Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, OON, mni  
*Clerk to the National Assembly*  
26th Day of March, 2015.

#### EXPLANATORY MEMORANDUM

This Act repeals the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 as amended and enacts the Trafficking in Persons (Prohibition), Enforcement and Administration Act, 2015 to, among other things, provide measures against trafficking in Nigeria.

**SCHEDULE TO TRAFFICKING IN PERSONS (PROHIBITION) ENFORCEMENT AND ADMINISTRATION ACT, 2015**

(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>
Trafficking in Persons (Prohibition) Enforcement and Administration Bill, 2015.	An Act to repeal the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 as amended and enacts the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 to, among other things, provide measures against trafficking; and for related matters.	This Bill seeks to repeal the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 as amended and enacts the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 to, among other things, provide measures against trafficking; and for related matters.	24th February, 2015.	19th February, 2015.

Federation of Nigeria, 2004.

I ASSENT



SALISU ABUBAKAR MAIKASUWA, OON, mni  
*Clerk to the National Assembly*  
26th Day of March, 2015

DR. GOODLUCK EBELE JONATHAN, GCFR  
*President of the Federal Republic of Nigeria*  
26th Day of March, 2015