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



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

ACT No. 4

AN ACT 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.

[26th Day of March, 2015]

Commence-
ment.

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

PART I—OBJECTIVES

1. The Objectives of this Act are to—

Objectives.

(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 co-operation in order to meet the Objectives set out in paragraphs (a) and (b) of this Section.

PART II—ESTABLISHMENT OF THE NATIONAL AGENCY FOR THE
PROHIBITION OF TRAFFICKING IN PERSONS

2.—(1) There is established the National Agency for the Prohibition of Trafficking in Persons (in this Act referred to as “the Agency”).

Establishment
of the
National
Agency for
the
Prohibition
of
Trafficking
in Persons.

(2) The Agency shall be a Body Corporate—

(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.

3.—(1) There is established for the Agency, a part time Governing Board (in this Act referred to as “the Board”).

Establishment
and
Composition
of the
Governing
Board.

(2) 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 ;
- (iii) Federal Ministry of Labour and Productivity ;
- (iv) Nigeria Police Force ;
- (v) National Intelligence Agency ;
- (vi) Nigeria Immigration Service ; and
- (vii) National Planning Commission ;

(d) the Director-General and Chief Executive Officer of the Agency who shall be the Secretary to the Board.

(3) The Chairman and other Members of the Board shall be appointed by the President on the recommendation of the Minister.

First
Schedule.

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

Tenure of
Office of the
Chairman
and members
of the Board.

4.—(1) The Chairman and Members of the Board shall hold Office for a term of four years and may be eligible for re-appointment for another term of four years and no more.

(2) The Office of the Chairman or a Member of the Board shall become vacant where—

- (a) his term of Office expires ;
- (b) he resigns his Office by a notice in writing under his hand addressed to the President ;
- (c) he dies ;
- (d) the Board by resolution declares the seat vacant because he—
 - (i) has been absent from the Board meetings for four consecutive times without the permission of the Board ;
 - (ii) becomes a person of unsound mind or incapable of carrying out his duties ;
 - (iii) has been declared bankrupt or he makes compromise with his creditors ;
 - (iv) is incapacitated by physical or mental illness ;
 - (v) has been convicted of a felony or any offence involving dishonesty ;

(vi) is guilty of gross misconduct relating to his duties ; or

(e) in the case of an ex-officio member, he ceases to hold the Office on the basis of which he became a member of the Board.

(3) Notwithstanding the provisions of subsection (2) of this Section, the President may remove a member from the Board if he is satisfied that it is not in the interest of the Agency or Public for the person appointed to continue in Office.

(4) Where a vacancy occurs in the membership of the Board, the President shall appoint 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.

5. The functions of the Agency shall be to—

Functions of
the Agency.

(a) enforce and administer the provisions of this Act ;

(b) co-ordinate and enforce all other Laws on Trafficking in Persons and related offences ;

(c) adopt effective measures for the prevention and eradication of trafficking in persons and related offences ;

(d) establish co-ordinated preventive, regulatory and investigatory machinery geared towards the eradication of trafficking in persons ;

(e) investigate all cases of trafficking in persons including forced labour, child labour, forced prostitution, exploitative labour and other forms of exploitation, slavery and slavery-like activities, bonded labour, removal of organs, illegal smuggling of migrants, sale and purchase of persons ;

(f) encourage and facilitate the availability and participation of persons who voluntarily, consent to assist in investigations or proceedings relating to trafficking in persons and related offences ;

(g) enhance the effectiveness of Law Enforcement agents and other partners in the suppression of trafficking in persons ;

(h) create public enlightenment and awareness through seminars, workshops, publications, radio and television programmes and other means aimed at educating the public on the dangers of trafficking in persons ;

(i) establish and maintain communications to facilitate rapid exchange of information concerning offences under this Act ;

(j) conduct research and strengthen effective legal means of international co-operation in suppressing trafficking in persons ;

(k) implement all bilateral and multilateral treaties and conventions on trafficking in persons adopted by Nigeria ;

(l) strengthen co-operation and conduct joint operations with relevant Law Enforcement and Security Agencies, International Authorities and other relevant partners in the Eradication of Trafficking in Persons ;

(m) co-ordinate, supervise and control—

(i) the protection, assistance and rehabilitation of trafficked persons ; and

(ii) all functions and activities relating to investigation and prosecution of all offences connected with or relating to trafficking in persons ;

(n) adopt measures to identify, trace, freeze, confiscate or seize proceeds, property, funds or other assets derived from trafficking in persons or related offences ;

(o) conduct research on factors responsible for internal and external trafficking in persons and initiate programmes and strategies aimed at the prevention and elimination of the problem ;

(p) facilitate rapid exchange of scientific and technical information concerning or relating to trafficking in persons ;

(q) collaborate with Government Bodies both within and outside Nigeria whose functions are similar to those of the Agency in the area of the—

(i) movement of proceeds or properties derived from trafficking in persons and other related offences ;

(ii) identities, location and activities of persons suspected of being involved in trafficking in persons and other related offences ; and

(iii) exchange of personnel and other experts ;

(r) establish and maintain a system for monitoring trans-border activities relating to trafficking in persons in order to identify suspicious movements and persons involved ;

(s) deal with matters connected with the extradition and deportation of persons involved in trafficking in persons and other mutual legal assistance between Nigeria and any other Country in Trafficking in Persons, subject to the supervision of the Minister ;

(t) initiate, develop and improve special training programmes for personnel of the Agency and relevant Law Enforcement Agents charged with the responsibility of detecting offences created under this Act ; and

(u) carry out such other activities as are necessary for the efficient discharge of the functions conferred on it under this Act.

Powers of
the Agency.

6. The Agency shall have the power to—

(a) investigate whether any person, body or entity has committed an offence under this Act or the offence of trafficking under any other law ;

(b) enter into any premises, property or conveyance for the purpose of conducting searches in furtherance of its functions under this Act or under any other law ;

(c) arrest, detain and prosecute offenders under this Act or any other law on trafficking in persons in Nigeria ;

(d) trace, seize, detain or retain the custody, for the purpose of investigation and prosecution, of any property which the Agency reasonably believes to have been involved in or used in the commission of offences under this Act or any other law ;

(e) seal up premises upon reasonable suspicion of such premises being involved with or used in connection with offences under this Act ; and

(f) seek and receive information from any person, authority, corporation or company without hindrance in respect of the enforcement of any of the provisions of this Act.

7.—(1) The Board shall—

(a) formulate and provide general policy guidelines for the discharge of the functions of the Agency ;

(b) monitor and ensure the implementation of the policies and programmes of the Agency ; and

(c) carry out such other functions as are necessary or expedient to ensure the efficient performance of the functions of the Agency under this Act.

(2) The Board shall have power to—

(a) approve rules and regulations relating to the appointment, promotion and disciplinary measures for the employees of the Agency ;

(b) fix the remuneration, allowances and benefits of the employees of the Agency subject to the approval of the Salaries and Wages Commission ; and

(c) regulate its proceedings and make standing orders with respect to the holding of its meetings, notices to be given, the keeping of minutes of its proceedings and such other matters as the Board may, from time to time, determine.

8.—(1) 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.

Functions
and Powers
of the Board.

Appointment
and tenure of
the Director-
General.

(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.

Other staff
of the
Agency.

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 9(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.

Service in
the Agency
to be
pensionable.

10.—(1) 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.

(2) Notwithstanding the provisions 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 retirement benefits in respect of that office.

(3) For the purpose of the application of the provisions of the Pension Reform Act, any power exercisable by a Minister or other authority of the Government of the Federation (not being the power to make regulations under section 76 of this Act) are hereby vested in and shall be exercisable by the Board.

11.—(1) For the effective conduct of the functions of the Agency, there shall be established for the Agency the following Special Departments—

Establishment
of Special
Departments.

- (a) Investigation and Monitoring Department ;
- (b) Legal and Prosecution Department ;
- (c) Public Enlightenment Department ;
- (d) Counselling and Rehabilitation Department ;
- (e) Research and Programme Development Department ;
- (f) Training and Manpower Development Department ; and
- (g) such other Departments as the Agency may establish with the approval of the Board from time to time.

(2) Notwithstanding the provisions of subsection (1) of this section, the Agency shall have powers to —

- (a) set up units, technical committees, working groups and task forces to assist the Agency in the performance of its duties and functions under this Act ; and
- (b) make changes to its structure with the approval of the Board.

(3) There shall be appointed for each of the Special Departments a Principal Officer who shall be known by such designation as the Agency may determine.

12.—(1) The Investigation and Monitoring Department shall—

- (a) be responsible for the prevention and detection of offences under this Act ;
- (b) collaborate with the Nigeria Immigration Service and other relevant law enforcement agencies in charge of entry and exit for the purpose of detecting offences under this Act ;

Duties of the
Special
Departments.

(d) effect the confiscation or forfeiture of such proceeds, assets and properties in collaboration with the Legal and Prosecution Department.

(2) The Legal and Prosecution Department shall—

(a) be responsible for the prosecution of offenders under this Act ;

(b) support the Agency and other Departments with legal advice and assistance whenever it is required ;

(c) conduct the proceedings as may be necessary towards the recovery of any asset or property confiscated, frozen or forfeited under this Act ;

(d) deal with matters connected with extradition and mutual assistance in criminal matters ; and

(e) perform such other legal duties as the Agency may refer to it from time to time.

(3) The Public Enlightenment Department shall be responsible for—

(a) carrying out information and awareness-raising campaigns, seminars and workshops, radio and television programmes aimed at educating the public on the dangers of trafficking in persons, especially to sectors and groups that are vulnerable to trafficking in persons, in co-operation with the media, non-governmental organizations, labour, market organizations, migrants' organizations and other segments of civil society ;

(b) developing educational programmes, in particular for young people, to—

(i) address gender discrimination and promote gender equality and respect for the dignity and integrity of every human being ;

(ii) include trafficking in persons in human rights curricula in schools and universities ; and

(iii) address the underlying causes of trafficking, such as poverty, under-development, unemployment, lack of equal opportunities and discrimination in all its forms, and improve the social and economic conditions of groups at risk.

(4) The Counselling and Rehabilitation Department shall have responsibility for—

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

(b) the promotion of the welfare of victims of trafficking in persons ; and

(c) supporting, advising and facilitating access to legal aid services by victims.

(5) The Research and Programme Development Department shall be responsible for—

(i) researching into factors causing and promoting internal and external trafficking in persons ;

(ii) initiating programmes and developing strategies for addressing the problems of trafficking in persons ;

(iii) supporting the Agency in areas of statistics, records, planning ; and

(iv) performing such other duties as the Agency may refer to it from time to time.

(6) The Training and Manpower Development Department shall—

(a) initiate, develop or improve specific training programmes for officers of the Agency and relevant law enforcement officers charged with the responsibility for the prevention, detection, investigation, elimination, prosecution, rehabilitation of victims of trafficking and related activities ;

(b) collaborate with relevant law enforcement and security agencies and institutions for the purpose of providing training for law enforcement and security officers responsible for the investigation, detection, prevention, elimination of human trafficking and related offences and the rehabilitation of victims of trafficking in persons and related unlawful activities ; and

(c) collaborate with, support and keep a register of Non-Governmental Organizations involved in anti-human trafficking activities especially in the area of training, workshop and seminars.

PART III—PROHIBITION OF ACTS OF TRAFFICKING IN PERSONS

13.—(1) All acts of human trafficking are prohibited in Nigeria.

(2) 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,

Prohibition
of Acts of
Trafficking
in Persons.

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 ₦250,000.00.

(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 option available to him or her and that this belief is reasonable in the light of the victim's 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 commit any of the offences referred to in this Act,

commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than 5 years and a fine of not less than ₦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 of trafficking in persons in this Act.

PART IV—OFFENCES AND PENALTIES

Importation
and
Exportation
of person.

14. Any person who—

(a) imports another person into Nigeria, knowing or having reason to know that the person will be forced or induced into prostitution or other forms of sexual exploitation in Nigeria or while in transit ; or

(b) exports another person from Nigeria, knowing or having reason to know, that the person will be forced or induced into prostitution or other forms of sexual exploitation in the country to which the person is exported or while in transit, commits an offence and is liable on conviction to imprisonment for a term of not less than 5 years and a fine of not less than ₦1,000,000.00.

15.—Any person who—

(a) by the use of deception, coercion, debt bondage or any means, induces any person under the age of 18 years to go from one place to another to do any act with intent that such person may be, or knowing that it is likely that the person will be forced or seduced into illicit intercourse with another person, or

(b) keeps, detains or harbours any other person with intent, knowing or having reason to know that such a person is likely to be forced or induced into prostitution or other forms of sexual exploitation with or by any person or an animal, commits an offence and is liable on conviction to imprisonment for 5 years and a fine of ₦500,000.00.

Procurement
of person
for sexual
exploitation.

16.—(1) Any person who procures or recruits any person under the age of 18 years to be subjected to prostitution or other forms of sexual exploitation with himself, any person or persons, either in Nigeria or anywhere else, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and a fine of not less than ₦1,000,000.00.

(2) Any person who procures or recruits any person under the age of 18 years to be conveyed from his usual place of abode, knowing or having reasons to know that such a person may be subjected or induced into prostitution or other forms of sexual exploitation in any place outside Nigeria, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and a fine of not less than ₦1,000,000.00.

Abuse.
procurement
or
recruitment
of person
under 18
years for
prostitution
or other
forms of
sexual
exploitation.

17.—(1) Any person who—

(a) procures, recruits, uses or offers any person under the age of 18 years for the production of pornography or for pornographic performances ;

(b) allows a person under the age of 18 years to be harboured in a brothel, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and a fine of not less than ₦1,000,000.00.

Procurement
or
recruitment
of person
under the
age of 18
years for
pornography
or brothel.

(2) Notwithstanding the punishment prescribed in subsection (1) of this section, a convicted person under this section shall, in addition to the prescribed punishment, be liable to a term of not less than 1 year imprisonment where he administered or stupefied the victim with any drug substance.

Foreign travel which promotes prostitution or sexual exploitation.

18. Any person, who organizes, facilitates or promotes foreign travels which promote prostitution or other forms of exploitation of any person or encourages such activity, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and a fine of not less than ₦1,000,000.00.

Procurement or recruitment of person for use in armed conflicts.

19. Any person who trafficks any person for the purpose of forced or compulsory recruitment for use in armed conflict, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and a fine of not less than ₦1,000,000.00.

Procurement or recruitment of person for organ harvesting.

20.—(1) Any person who—

(a) through force, deception, threat, debt bondage or any form of coercion—

(i) abuses a position of power or situation of dominance or authority arising from a given circumstance ; or

(ii) abuses a vulnerable situation ; or

(b) through the giving or receiving of payments or benefits in order to induce or obtain the consent of a person directly or through another person who has control over him; enlists, transports, delivers, accommodates or takes in another person for the purpose of removing the person's organs, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and a fine of not less than ₦5,000,000.00.

(2) Without prejudice to the provisions of subsection (1) of this section, a person who procures or offers any person, assists or is involved in anyway —

(a) in the removal of human organs ; or

(b) buying and selling of human organs, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and to a fine of not less than ₦5,000,000.00.

(3) Any person who enlists, transports, delivers, accommodates or takes in another person under the age of 18 years for the purpose of removing the person's organs, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and a fine of not less than ₦5,000,000.00.

Prohibition of buying or selling of human beings for any purpose.

21. Any person who buys, sells, hires, lets or otherwise obtains the possession or disposal of any person with intent, knowing it to be likely or having reasons to know that such a person will be subjected to exploitation, commits an offence and is liable on conviction to imprisonment for a term of not less than 5 years and a fine of not less than ₦2,000,000.00.

- 22.** Any person who—
- (a) requires, recruits, transports, harbours, receives or hires out a person to be used for forced labour within or outside Nigeria ; or
 - (b) permits any place or premises to be used for the purpose of forced labour, commits an offence and is liable on conviction to imprisonment for a term of not less than 5 years and a fine of not less than ₦1,000,000.00.
- 23.** (1) Any person who—
- (a) employs, requires, recruits, transports, harbours, receives or hires out a child under the age of 12 years as a domestic worker, commits an offence and is liable on conviction to imprisonment for a minimum term of 6 months and not exceeding 7 years ;
 - (b) employs, requires, recruits, transports, harbours, receives or hires out a child to do any work that is exploitative, injurious or hazardous to the physical, social and psychological development of the child, commits an offence and is liable on conviction to imprisonment for a minimum term of 2 years but not exceeding 7 years without an option of fine.
- (2) Notwithstanding the punishment prescribed in subsection (1) of this section, a convicted person under this section shall, in addition to the prescribed punishment, be liable to—
- (a) a term of not less than 2 years imprisonment where the child is denied payment or reasonable compensation for services rendered ; or
 - (b) a term of not less than 3 years where the child is defiled or inflicted with bodily harm.
- 24.** Any person who recruits, imports, exports, transfers, transports, buys, sells, disposes or in any way trafficks in any person as a slave or accepts, receives, detains or harbours a person as a slave, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and a fine of not less than ₦2,000,000.00.
- 25.** Any person who—
- (a) deals, keeps, receives or harbours any person for the purpose of holding or treating that person as a slave ;
 - (b) places, receives, harbours or holds any person as a pledge, pawn, in servitude or security for debt or benefits; whether due or to be incurred ;
 - (c) transports, transfers or in any way induces any person to come into Nigeria in order to hold, possess, deal or treat such person as a slave or to be used as a pledge or security for debt ; or

Forced
labour.

Employment
of child as
domestic
worker and
inflicting
grievous
harm.

Trafficking
in slaves.

Slave
dealing.

(d) enters into any contract or agreement with or without consideration for the purpose of doing or accomplishing any of the purposes enumerated in this section, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and to a fine of not less than ₦2,000,000.00.

Offences relating to fraudulent entry of persons.

26.—(1) Any person who knowingly, in order to obtain, directly or indirectly, a financial or material benefit, procures the illegal entry of a person into a country of which the person is not a citizen or a permanent resident, commits an offence, and is liable on conviction to imprisonment for a term of not less than 5 years without an option of fine.

(2) Any person who, intentionally in order to obtain a financial or material benefit from another person, engages in fraudulent acts or conducts purportedly for the purpose of procuring, facilitating or promoting the actual or intended entry into, transit across or stay in a country in which that other person is not a national or a permanent resident, commits an offence and is liable on conviction to imprisonment for a term of not less than 5 years without an option of fine and shall refund all monies fraudulently obtained from the victims.

(3) For the purpose of subsection (1) of this section “illegal entry” means crossing borders without complying with the necessary requirements for legal entry into the receiving State.

Conspiracy.

27. Any person who conspires with another to commit an offence under this Act is liable—

(a) where the offence is committed, to the punishment provided for the commission of the offence ; and

(b) where the offence is not committed, to a punishment which is half the punishment for the offence.

Escape or aiding and abetting escape.

28. Any person who—

(a) being in lawful custody of the Agency, escapes ; or

(b) aids, facilitates or abets the escape of a person in lawful custody of the Agency, or suspected to have committed an offence under any of the provisions of this Act, commits an offence and is liable on conviction to imprisonment for a term of 5 years.

Attempt to commit an offence under this Act.

29. Any person who attempts to commit any offence under this Act is liable on conviction to half the punishment for the offence.

30.—(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 the offence and shall be liable on conviction to half the punishment for the offence.

Where evidence establishes an attempt to commit an offence or the Commission of the full offence.

(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 for the commission of the offence as provided under this Act.

31.—(1) Where an offence under this Act 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, the officer shall be liable on conviction to the same punishment provided under this Act for individuals committing the offence.

Offences by a Body Corporate.

(2) Where a body corporate is convicted of an offence under this Act, it shall be liable to a fine of ₦10,000,000.00 and the Court may issue an order to wind-up the body corporate and its Assets and Properties transferred to the Victims of Trafficking Trust Fund.

(3) Nothing contained in subsections (1) and (2) of this Section shall render any person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

32.—(1) A person who unlawfully—

(a) 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 and is liable on conviction to imprisonment for a term not exceeding 5 years or a fine of ₦250,000.00 or to both.

Obstruction of the Agency or its authorized officer.

(2) A person who unlawfully—

(a) refuses any officer of the Agency access to any premises, or fails to submit to a search by a person authorized to search him under this Act ;

(b) assaults, or obstructs any officer of the Agency or any person authorized by the Agency in the execution of his duty under this Act ; or

(c) fails to produce, conceals or attempts to conceal from an officer of the Agency any book, document, information storage system or article in

relation to which such officer has reasonable grounds to believe or suspect that an offence under this Act or any other law prohibiting trafficking in persons and protection of children has been or is being committed, or which is liable to seizure under this Act, commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years or to a fine of not less than ₦250,000.00 or to both.

Impersonation
or
assumption
of character
of an officer
of the
Agency.

33. Any person who unlawfully assumes the name, character or designation of an officer of the Agency, commits an offence under this Act and is liable on conviction to imprisonment for a term not exceeding 5 years without an option of fine.

Tampering
with
evidence
and
witness.

34. A person who tampers with—
(a) a witness by intimidation, threats, blackmail, inducement or similar acts ; or
(b) evidence or exhibit by falsification, conversion, destruction or forgery, commits an offence under this Act and is liable on conviction to imprisonment for a term not exceeding 5 years or to a fine not less than ₦250,000.00 or to both.

Responsibility
of airlines,
commercial
carriers,
tour
operators
and travel
agents.

35.—(1) Every Airline Operator, Sea Vessel Operator, Commercial Carrier, Tour Operator and Travel Agent is under obligation not to aid and abet, facilitate and promote—

- (a) trafficking in persons ; or
- (b) pornography and exploitation in tourism ;

(2) Every Airline Operator, Sea Vessel Operator, Commercial Carrier, Tour Operator and Travel Agent shall notify its clients of its obligation under subsection (1) of this Section.

(3) Every Airline Operator, Sea Vessel Operator, Commercial Carrier, Tour Operator and Travel Agent is required to—

(a) provide a clause in contracts with corresponding suppliers in destination Countries, requiring the suppliers to comply with the obligations stated in subsections (1) and (2) of this Section ;

(b) refrain from utilizing messages on printed materials, video or the internet that could suggest or allude to behaviour incompatible with the objectives of this Act ;

(c) inform their staff of their obligations under this Act ; and

(d) include clauses regarding their obligations under this Act in their conditions of service.

(4) Every airline operator, sea vessel operator, commercial carrier, tour operator and travel agent who violates the provisions of subsections (1) and (2) of this Section 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 ₦10,000,000.00.

PART V—JURISDICTION

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

Jurisdiction to try offences 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.

Adoption of measures to avoid delays.

(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.

PART VI—FINANCIAL PROVISIONS

38.—(1) There shall be established for the Agency a fund from which all expenses incurred by the Agency for the execution of its functions under this Act shall be paid.

Funds of the Agency.

(2) There shall be credited to the Fund established under subsection (1) of this section—

(a) budgetary allocations approved by the National Assembly for the purpose of the Agency ;

(b) such monies as may from time to time be lent, deposited with or granted to the Agency by the Government of the Federation, States or Local Governments ;

(c) grants, gifts or donations from international organizations and donor agencies ;

(d) charges, fees and other sums collected or received for services rendered by the Agency ; and

(e) all other funds which may, from time to time, accrue to the Agency.

(3) The Fund shall be managed in accordance with extant Financial Regulations applicable in the Public Service.

Expenditures
of the
Agency.

39. The Agency may, from time to time, apply the proceeds of the Fund for—

(a) the cost of administration of the Agency ;

(b) the reimbursement of members of the Board or any Committee set up by the Board or the Agency for such expenses as may be authorized in accordance with the rates approved by the Government of the Federation ;

(c) the payment of salaries, fees and other remunerations or allowances, payable to members of the Board, employees, experts or professionals appointed by the Agency ;

(d) the maintenance of any property acquired or vested in the Agency ; and

(e) any matter connected with all or any of the functions of the Agency under this Act.

Power to
borrow and
accept gifts.

40.—(1) The Agency shall have power to borrow money from Banks on the recommendation of the Board and approval by the Minister of Finance.

(2) The Agency may accept gifts of land, money or other property (whether within or outside Nigeria) provided that the terms and conditions of the gift are not contrary to the objectives and functions of the Agency under this Act.

Accounts
and Audit.

41.—(1) The Agency shall keep proper records and accounts of its—

(a) receipts, payments, assets and liabilities ; and

(b) incomes and expenditure in a form which conforms with existing laws on accounts and audit.

(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.

