

A Bill

For

An Act to amend the Trafficking in Persons (Prohibition) Enforcement and Administration Act, No. 4 of 2015 to include the Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development in its governing board, review the mode of appointing the Director-General of the Agency, to strengthen the Act by reviewing the offences and penalty provisions; and for related matters.

Sponsor:

[] Commencement

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

- 1 The Trafficking in Persons (Prohibition) Enforcement and Administration Act No. 4 of 2015 (in this Bill referred to as “the Principal Act”) is amended as set out in this Bill. Amendment of The Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015.
- 2 Section 1(d) of the Principal Act is amended—
 - (a) By inserting sub- paragraph (d) after the existing sub-paragraph (c) a new paragraph Amendment of Section 1
 - (d) Give effect to Nigeria's obligation concerning the trafficking in persons under international agreements. Amendment of Section 3
- 3) Section 3(2)(b) of the Principal Act is amended—
By substituting existing paragraph (b) with a new sub- paragraph
(b) One representative of Civil Society-based Organizations involved in matters relating to trafficking in persons’ and a new sub paragraph
(c)(viii)Ministry of Humanitarian Affairs, Disaster Management and Social Development

- 4 Section 5 of the Principal Act is amended by substituting the existing paragraphs “(e), (f), (l), and (m)” for new paragraphs “(e), (f), (l), and (m)” and a new paragraph (s) —

Amendment of section 5.

“(e) investigate all cases of trafficking in persons including forced labour, child labour and abuse, forced prostitution, brothel keeping, exploitative labour, other forms of exploitation, slavery and slavery-like activities, bonded labour, illegal removal of human organs, trade in human organs and tissues, sale and purchase of persons and orphanage trafficking.

(f) Issue requisite clearance to travel agencies, tour operators, labour recruiters, Domestic Services, labour exchanges, sports and educational agencies, and such other bodies whose activities may lead to offences relating to human trafficking

(l) Strengthen cooperation and collaboration with governmental and non-governmental organizations, law enforcement and security agencies at national and international levels whose areas of operations are similar to any of the functions of the Agency

(m) Share information and intelligence, conduct joint investigations and operations with relevant law enforcement and security agencies, international authorities, and other relevant partners in the eradication of trafficking in persons.

(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 persons in trafficking in persons subject to the supervision of the Honourable Attorney General of the Federation and Minister of Justice.

5. Section 8(1) of the Principal Act is amended by substituting, the existing subsection (1), for a new sub-section "(1)"
“(1) There shall be for the Agency, a Director-General who shall be from the Directorate Cadre in the Public Service or its equivalent in any law enforcement service of the federation with cognate experience in human trafficking matters and shall

be appointed by the President on the recommendation of the Minister.

6. Section 11 (2) (a) of the Principal Act is amended by substituting the existing subsection (2) (a), for a new sub- section (2)(a) Notwithstanding the provision of sub Section (1) of this Section, the Agency shall have powers to set up units, arm squads, technical committees, working groups and task forces to assist the Agency in performance of its duties and functions under this Act;

Amendment of Section 11

7. Section 12 of the Principal Act is amended—

By substituting the existing subsection (5)(ii),(iii) and a new sub-section (7);

“(ii) initiating programmes and developing strategies for addressing the problems of trafficking in persons, monitoring and evaluation of programmes and projects of the Agency, to ensure effective implementation

(iii) documentation, records, reports, statistics, planning, archiving and publication of the Agency’s projects and programmes.

The Training and Manpower Development Department shall:

- (a) initiate, develop or improve specific training programmes for its officers charged with the responsibility for the eradication of offences created by this Act and such programmes shall include –
 - (i) methods used in the detection of offences created under this Act;
 - (ii) techniques used by persons involved in offences created under this Act and appropriate counter-measures
 - (iii) investigation and monitoring of proceeds derived from trafficking in persons and instrumentalities used in the commission of offences under this Act;
 - (iv) methods used for the transfer, concealment or disguise of such proceeds, property and instrumentalities;
 - (v) Evidence gathering and analysis
 - (vi) Best practices in prosecution and defence
 - (vii) Financial investigation and asset management
 - (viii) cybercrime detection
 - (ix) Forensic Analysis;
- (b) In exercising the functions in (a)(i-ix) above, the Agency may set up an Academy to meet the training needs of its officers enumerated in (a)(i-ix) above

8. Section 13(3) cross reference should be amended by substituting existing (2) (c) with a new (2) (b)

9. Section 15(b) of the Principal Act is amended by substituting, the existing subsection 15(b), for a new sub-section “(1)”

Amendment of section 15.

- (a) by the use of deception, coercion, debt bondage or any means, induces any person 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,

10. Section 16 of the Principal Act is amended—

Amendment of section 16.

By substituting the existing subsection (1),(2) and a new subsection (3);

“(1)” Any person who procures or recruits any person to be subjected to prostitution or other forms 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 N1,000,000.00

(2) Any person who procures or recruits any person 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 N1,000,000.00.

(3) Any person who allows his property to be used for forced prostitution or other forms of exploitation in Nigeria commits an offence, and shall be liable on conviction to imprisonment for a term of not less than 7 years and to a fine of not less than N2,000,000.00

11. Section 18 of the Principal Act is amended-

Amendment of Section 18

- (a) by substituting the existing marginal note with a new marginal note as follows:
‘Foreign Travel which promotes prostitution or sexual exploitation’.

12. Section 21 of the Principal Act is amended—
By substituting the existing Section 21;

Amendment of Section 21

Any person who buys, sells, hires, lets or otherwise obtains the possession or disposal of any person for any exploitative purpose, 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 N2,000,000.00’.

13. Section 22 of the principal Act is amended –

Amendment of section 22.

By substituting the existing subsection (a) and (b),

- a) Any person who by means of threat, deception, abuse of power or position of vulnerability, fraud and debt bondage, requires, recruits, transports, harbours, receives or hires out a person to be use for forced labour or other forms of labour exploitation 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 N1,000,000.00 “(2) Where the offence is committed by a corporate body, the corporate body shall be liable to pay a fine of ~~N~~10,000,000” and be wound-up under the order of the court.

- 14 Section 23(1)(a) and (b) of the Principal Act is amended by substituting the existing paragraphs (a) and (b) for new subsection (1)(a) and (b)—

Amendment of section 23.

“(1) employs, requires, recruits, transports, harbours, receives or hires out a child under the age of 14 years as a domestic worker, commits an offence and is liable on conviction to imprisonment for a minimum term of 1 year, in addition to a fine of N200,000.

(2) 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 without an option of fine

15. Introduction of new Section 27

New Section 27

Any person(s) who:

Orphanage Trafficking

27(1)(a) recruits any child under 18 years of age from vulnerable families into an orphanage home and maternity homes for the purpose of financial gain or other forms of exploitation commits an offence and is liable on conviction to imprisonment for a term not less than 5 years without option of fine.

27(2) Where an offence under this Section which has been committed by a body corporate is proved to have been committed on the instigation or with the connivance of or its attributable to any neglect, on the part of a Director, Manager, Secretary of the body corporate, or any person purported to act in any such capacity, he shall be liable on conviction to imprisonment for a term not less than 5 years or to a fine not less than N5, 000,000 or both.

27(3) Where the corporate body is convicted, the Agency in collaboration with the appropriate authority may commence the winding up of the corporate body.

- 16 Section 34 of the Principal Act is amended by substituting
.. paragraph (b) for a new paragraph “(b)”—
“(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 of not less than 3 years or
to a fine not less than N500,000.00 or to both
- Amendment of section 34.
17. Section 60 (4) (a) and (b) of the Principal Act is amended by
moving the sub sections to Section 82 the interpretation Section.
- Amendment of Section 60 (4)
- 18 Section 68 (3) of the Principal Act should be amended by
. inserting a new sub section (e) -:
- Amendment of section 68 (3)
(e).
- One Representative from the Agency’s Donor partner whose
focus is on the eradication of trafficking in persons and other
related matters”.
19. Section 69 (1) of the Principal Act should be amended by
substituting (1) for a new paragraph ‘(1)
- Amendment of Section 69(1)
- A foreign state may make a request to the Honourable Attorney
General of the Federation and Minister of Justice for assistance
in the investigation and prosecution of offences under this Act.
20. Section 70 (1) of the Principal Act should be amended by
substituting (1) for a new paragraph
- Amendment of Section 70(1)
- The Hon. Attorney General of the Federation and Minister of
Justice may, on the recommendation of the Agency, make a

request to any foreign state for.....

Amendment of Section 80(2)

21. Section 80 (2) of the Principal Act should be amended by the substituting (2) for a new paragraph

“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 prior to the repeal of the 2015 Act

Amendment of Section 82

22. Section 82 of the Principal Act should be amended by inserting the following new definitions

“bank” has the meaning given to it in the Banks and Other Financial Institution Act, Laws of the Federation of Nigeria, 2004 as amended

“*Body organs*” means any blood product, embryo, gamete, gonad, zygote, organ or tissue

“Abuse of power” means the misuse of a position of power to take unjust advantage of an individual

“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.

Coercion means threats of serious harm to or physical restraint against any person, psychological manipulation, document confiscation and shame and fear- inducing threats to share information or pictures with others or report to authorities.

Minister means The Supervising Minister of the Agency

Expunge “Traffic” from the schedule under the definition of trafficking in persons

Amendment of the 2nd
Schedule B(ii)

23. Second Schedule B(ii) of the Principal Act delete the phrase “.....And Other Related Matters”

24 This Bill may be cited as the Trafficking In Persons (Prohibition) Enforcement and Administration Act (Amendment) Bill, 2022. Citation.