

TRAFFICKING IN PERSONS (PROHIBITION) ENFORCEMENT AND  
ADMINISTRATION ACT (AMENDMENT) BILL, 2018  
ARRANGEMENT OF CLAUSES

Clause-

1. Amendment of the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015
2. Amendment of Section 2
3. Amendment of section 3
4. Amendment of section 5
5. Amendment of section 11
6. Amendment of section 13
7. Amendment of section 14
8. Amendment of section 23
9. Amendment of section 29
10. Amendment of section 30
11. Amendment of section 32
12. Amendment of section 34
13. Amendment of section 35
14. Amendment of section 44
15. Amendment of section 47
16. Amendment of section 61.
17. Amendment of section 62
18. Amendment of section 65
19. Amendment of section 67
20. Amendment of section 70
21. Amendment of section 79
22. Citation



# A BILL

## FOR

AN ACT TO AMEND THE TRAFFICKING IN PERSONS (PROHIBITION) ENFORCEMENT AND ADMINISTRATION ACT, 2015 TO ESTABLISH SPECIAL TRAFFICKING COURT, AND A MANDATORY ANNUAL CODIFIED TRAINING ON THE SUBJECTS OF HUMAN TRAFFICKING, MODERN-DAY SLAVERY AND PROTECTION OF VICTIMS, EXPAND THE COMPOSITION OF THE GOVERNING BOARD OF THE NATIONAL AGENCY FOR THE PROHIBITION OF TRAFFICKING IN PERSONS (NATIP), BY INCLUDING MEMBERS FROM THE ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC), INCREASE PENALTIES CRIMINALISE CERTAIN OFFENCES, PATRONAGE OF COMMERCIAL SEX AND FOR RELATED MATTERS

*Sponsors:*

Hon. Samuel Ikon

Hon. Isiaka Ibrahim

Hon. Alabi Mojeed

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1           **1.** The Trafficking in Persons (Prohibition) Enforcement and  
2 Administration Act, 2015 (in this Bill referred to as "the Principal Act") is  
3 amended as set forth in this Bill.

Amendment of  
the Trafficking  
in Persons  
(Prohibition)  
Enforcement and  
Administration  
Act, 2015

4           **2.** Section 2 of the Principal Act is amended by inserting, after the  
5 existing subsection "(2)", a new subsection "(3)"-

Amendment of  
Section 2

6           “(3) All acts prohibited under this Act shall be determined in a  
7 Specialised Human Trafficking Court ("SHTC") which is saddled with the  
8 responsibility of determining cases related to trafficking related offences  
9 under this Act and will involve-

10           (i) case identification and assessment by officers of the Agency;

- 1 (ii) trauma informed courtroom protocols that protect victims;
- 2 (iii) linking victims to protective services;
- 3 (iv) judges, prosecutors and courtroom staff who are trained in human
- 4 trafficking and trauma informed care for victims;
- 5 (v) single presiding judges and regularly assigned prosecutors per
- 6 case;
- 7 (vi) expedited cases that are concluded within one year;
- 8 (vii) collaboration and capacity building via joint task forces and
- 9 working groups;
- 10 (viii) the creation of a publicised (electronic and print media) Human
- 11 Trafficking database of convicted traffickers in English and varying
- 12 domesticated languages; and
- 13 (viii) evaluation and performance indicators to monitor the success of
- 14 the SHTC.”

Amendment of  
Section 3

- 15 **3.** Section 3(2)(c) of the Principal Act is amended by inserting, after
- 16 the existing roman figure-
- 17 (a) "(iii)" new paragraph “(iv) Federal Ministry of Foreign Affairs”;
  - 18 and
  - 19 (b) "(vii)" new roman figure "(viii) Economic and Financial Crimes
  - 20 Commission (EFCC)."

Amendment of  
Section 5

- 21 **4.** Section 5 (r) of the Principal Act is hereby amended by inserting,
- 22 immediately after the word "persons," in line 2, the words, "including
- 23 establishing a physical presence at all national borders".

Amendment of  
Section 11

- 24 **5.** Section 11 (2)(a) of the Principal Act is amended by substituting,
- 25 after the word "and" the word "ask" for the word "Task" in line one.

Amendment of  
Section 13

- 26 **6.** Section 13 of the Principal Act is amended-
- 27 (a) in subsection (1), by inserting, after the word "trafficking" the
  - 28 words, "including virtual trafficking online via the Internet, slavery,
  - 29 involuntary servitude and forced or compulsory labour.";
  - 30 (b) in subsection (2), amended by inserting, after the word "habours"

1 the words "provides" "obtains" in line one;

2 (c) in subsection (2) (c), by substituting the existing paragraph with  
3 new paragraph-

4 "13(2) (c) giving or receiving of payments or benefits to achieve  
5 the consent of a person having control over another person, for the purpose  
6 of exploitation of that person, commits an offence and is liable on conviction  
7 to imprisonment for a minimum of five (5) years up to and including life  
8 imprisonment and a fine of not less than N1,000,000.00."

9 (d) in subsection (3), by inserting, after the word "harbour" the  
10 words, "provide, "obtain";

11 (e) in subsection (4)-

12 (i) in paragraph "(a)", by inserting, after the words "trafficking in  
13 person" the words", including but not limited to actions, ceremonies, rituals,  
14 etc. performed by traditional (native) doctors, pastors, imams or any other  
15 persons which require the taking or swearing of an oath to enforce an act of  
16 trafficking" in line one,

17 (ii) in paragraph "(e)", by inserting, before the word "participates"  
18 the words "knowingly purchases a sexual act from a victim of trafficking or  
19 otherwise", and after the word "accomplice" the words "aider and/or  
20 abettor",

21 (iii) in the provisor, immediately after paragraph "(o)," by  
22 substituting the words, "for a term of not less than 5 years and a fine of not  
23 less than N1,000,000.00" with the words "or a minimum of five (5) years, up  
24 to and including life imprisonment and a fine of not less than N1,  
25 000,000.00."

26 (6) in subsection (6), by inserting after the word "harbouring" the  
27 words, "providing, "obtaining".

28 7. Section 14 (b) of the Principal Act is amended by substituting  
29 the words "for a term of not less than 5years and a fine of not less than  
30 N1,000,000.00," with the words "or a minimum of five (5) years, up to and

Amendment of  
Section 14

	1	including life imprisonment and a fine of not less than N1,000,000.00."
Amendment of Section 23	2	<b>8.</b> Section 23 (1 )(a) of the Principal Act is amended by the
	3	substitution figure "12" for figure "18", and the words without the option of a
	4	fine" immediately after the word "years" in the last line.
Amendment of Section 29	5	<b>9.</b> Section 29 of the Principal Act is amended by substituting the
	6	word "half" for the word "full" in line one.
Amendment of Section 30	7	<b>10.</b> Section 30(1) of the Principal Act is amended by substituting the
	8	word "half" for the word "full" in line three.
Amendment of Section 32	9	<b>11.</b> The provisor to Section 32 (1) of the Principal Act is amended by
	10	deleting the words and figure "or a fine of N250, 000.00 or to both"" and
	11	insertion of the words "without option of fine" immediately after the words
	12	"not exceeding 5 years,"
Amendment of Section 34	13	<b>12.</b> Section 34 (1) (b) of the Principal Act is amended by the deleting
	14	the words and figure "or a fine of N250,000.00 or to both" and insertion of the
	15	words "without option of fine" immediately after the words "not exceeding 5
	16	years," in lines two to three.
Amendment of Section 35	17	<b>13.</b> Section 35 of the Principal Act is amended-
	18	(a) in subsection (1), by inserting after the words term "Tour
	19	Operator," the words "recruitment Agency";
	20	(b) in subsection (1)( a) by inserting the words " slavery, involuntary
	21	servitude and forced or compulsory labor" after "human trafficking",
	22	(c) in subsection (2), by inserting after the words term "Tour
	23	Operator," the words "recruitment Agency";
	24	(d) in subsection (3)-
	25	(i) by inserting after the words term "Tour Operator," the words
	26	"recruitment Agency",
	27	(ii) by inserting after the existing new paragraphs "(e) and (f)"-
	28	“(e) refrain from requiring perspective job seekers to pay any and all
	29	recruiter/recruiting agency fees, which would ordinarily be the obligation of
	30	the respective recruiting agency, in order to secure a job or employment with

1 the agency's perspective clients; and

2 (f) refrain from using their business to recruit prospective job  
3 seekers into becoming victims of human trafficking, slavery, involuntary  
4 servitude and forced or compulsory labour."

5 (e) in subsection (4), by inserting after the words term "Tour  
6 Operator," the words "recruitment Agency".

7 **14.** Section 44 (5) of the Principal Act is amended by inserting a Amendment of  
Section 44  
8 new phrase ("In accordance with the Provisions of Section 10 (2) of the  
9 Interpretation Act, 1964") at the beginning of the sentence, immediately  
10 after the phrase "Any officer of the Agency" on the first line, with the new  
11 sub-section to read as follows:

12 **15.** Section 47 of the Principal Act is amended- Amendment of  
Section 47

13 (a) in subsection (1) by inserting after the words-

14 (i) "the Court may" the words "on its own accord, or",

15 (ii) "or a law enforcement agency" in line one the words "lawyers,  
16 staff and prosecutors of the Agency or any other interested party", and

17 (iii) "or any other person" the word "requiring".

18 (b) in subsection (3), by inserting, after paragraph "(c)", new sub  
19 paragraphs "(d) and (e)"-

20 "(d) issuing of restraining orders which place a wide range of  
21 restrictions on the behavior and activities of a person who poses a risk of  
22 harm to the trafficking victim and/or his or her family, to the public, to  
23 particular members of the public so as to prevent them from committing  
24 additional slavery or trafficking offenses; and

25 (e) issuing of an order directing-

26 (i) the victim or any members of his or her family,

27 (ii) a witness or any members of his or her family; or

28 (iii) any other person, including whistleblowers, requiring  
29 protection as deemed necessary by the Court, into protective custody by the  
30 Agency or any other government ministry or agency via a witness protection

1 programme which can include security, immunity from criminal prosecution,  
2 housing, livelihood and travel expenses, medical benefits, education, and  
3 vocational placement."

4 (c) in subsection (6), by inserting, after the figure and words "5 years"  
5 the words, "without the option of a fine," in line four.

Amendment of  
Section 61

6 **16.** Section 61 of the Principal Act is amended:

7 (a) in paragraph (d)-

8 (i) by inserting after the words "or she" the words "if he" line two'; and

9 (ii) by inserting after the words "when he" the words "or she" in line  
10 two.

11 (b) in paragraph (g), by the insertion of, after the words, "the identity  
12 of a trafficked person" the words "his or her family, or any relevant witness or  
13 person,"; and insertion of, after the words "shall be protected" the words "if and  
14 when necessary,".

15 (c) by inserting, after paragraph "j", paragraphs "(k), (l) and (m)"

16 "(k) the Agency shall ensure that at all times, at least one staff member  
17 at all Embassies or High Commissions is trained and is receiving annual  
18 training on human trafficking, on Nigeria's legal framework on trafficking and  
19 on the "protection" of trafficking victims, as defined in the United Nations'  
20 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially  
21 Women and Children, so as to ensure adequate treatment of and services to  
22 trafficking victims;

23 (l) the Agency shall ensure that- at all times, a person who is a victim  
24 of trafficking who is temporarily sheltered in one of the Agency's shelters is not  
25 held against his or her will and is not forced to participate in the prosecution of a  
26 case against his or her trafficker, should he or she not choose to; and

27 (m) the Agency shall ensure that- at all times, a person who is a victim  
28 of trafficking shall receive, at no cost to the victim, holistic, victim centered,  
29 human rights based and trauma informed rehabilitation and care, with the  
30 rights and best interests of the victim being paramount."

1                   **17.** Section 62 of the Principal Act is amended by inserting, after      Amendment of  
2                   the word "document", the words "or prostitution, the foregoing amounts to      Section 62  
3                   an absolute statutory defence to any such criminal charges," inline three.

4                   **18.** Section 65 (2) of the Principal Act is amended by inserting,      Amendment of  
5                   after the word "may" the words "at the time of sentencing" in line one.      Section 65

6                   **19.** Section 67 of the Principal Act is amended by the inserting,      Amendment of  
7                   after the existing subsection "(4)" a new subsection"(5)"-      Section 67

8                   "(5) Should the Court fail to issue a compensation order in favour  
9                   of the victim of trafficking at the time of sentencing of the convicted  
10                  offender, a victim may apply for humanitarian, legal, financial aid or  
11                  compensation from the Trust Fund, without the legal burden of establishing  
12                  the criminal case against the offender".

13                  **20.** Section 70 of the Principal Act is amended-      Amendment of  
14                  (a) in subsection (1), by inserting, after the existing paragraph      Section 70

15                  "(b)", a new paragraph "(c)"-"(c) the Minister may, on the recommendation  
16                  of the Agency, make a request to any foreign State for extra-territorial  
17                  jurisdiction so as to allow Nigeria to investigate any of her citizens within  
18                  the said jurisdiction who is suspected of involvement in human trafficking  
19                  abroad";

20                  (b) by inserting after the existing subsections "(2)" new  
21                  subsections "(3) and (4)"-

22                  "(3) A legal duty is imposed for any and all relevant public  
23                  authorities and ministries within Nigeria's National Referral System, to  
24                  immediately notify the Agency where it has reasonable grounds to believe  
25                  that a person may be a victim of human trafficking, pursuant to the  
26                  Guidelines on National Referral Mechanism for Protection and Assistance  
27                  to Trafficked Persons in Nigeria (NRM) (2015).

28                  (4) There is established a mandatory annual codified training on  
29                  the subjects of human trafficking, modern-day slavery and protection of  
30                  victims, the members include-

1 (a) representative of all Embassies and High Commissions with  
2 offices in Nigeria;

3 (b) two (2) senior representatives of-

4 (i) Ministries responsible for Education, Information and Culture,  
5 Justice, Youth and Sports, and Foreign Affairs,

6 (ii) all relevant law enforcement Agencies,

7 (iii) National Orientation Agency,

8 (iv) Joint Border Task Force, border control,

9 (v) National Commission for Refugees, Migrants and Internally  
10 Displaced Persons,

11 (vi) Small and Medium Enterprises Development Agency,

12 (vii) National Emergency Management Agency,

13 (viii) Office of the National Security Adviser, and

14 (ix) Economic and Financial Crimes Commission, and all the  
15 institutions involved in Nigeria's National Referral Mechanism.

16 (c) the Mandatory annual codified training on human trafficking and  
17 modern day slavery shall be responsible for training for all staff and  
18 sensitization of the general public on trafficking in person."

Amendment of  
Section 79

19 **21.** Section 79 of the Principal Act is amended-

20 (a) by inserting, after the word "powers.", the words "is not in  
21 violation of the Act, cannot be said to amount to official complicity and where  
22 the act or omission complained of is not an act of sabotage, complicity or other  
23 unlawful abuse of the privileges of official position" in line four;

24 (b) by inserting, after the existing section "79", a new subsection  
25 "(2)"-

26 "(2) a person who contravene the provision of the section shall be  
27 liable on conviction to imprisonment for a term not exceeding two years or a  
28 fine not exceeding N1,000,000.00, or both".

Citation

29 **22.** This Bill may be cited as the Trafficking in Persons (Prohibition)  
30 Enforcement and Administration Act (Amendment) Bill, 2018.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 to establish special trafficking Court, and a mandatory annual codified training on the subjects of human trafficking, modern-day slavery and protection of victims, expand the composition of the Governing Board of the National Agency for the Prohibition of Trafficking in Persons (NATIP), by including members from the Economic and Financial Crimes Commission (EFCC), increase penalties, criminalise certain offences, patronage of commercial sex.