

TRAFFICKING IN PERSONS (PROHIBITION) ENFORCEMENT AND
ADMINISTRATION (AMENDMENT) BILL, 2020

ARRANGEMENT OF CLAUSES

Clause:

1. Amendment of Act No.4, 2015
2. Amendment of section3
3. Amendment of section5
4. Amendment of section6
5. Amendment of section8
6. Amendment of section12
7. Amendment of section15
8. Amendment of section16
9. Amendment of section22
10. Amendment of section23
11. Amendment of section32
12. Amendment of section34
13. Amendment of section38
14. Citation

A BILL

FOR

AN ACT TO AMEND THE TRAFFICKING IN PERSONS (PROHIBITION) ENFORCEMENT AND ADMINISTRATION ACT NO. 4, 2015 TO REVIEW THE MODE OF APPOINTMENT OF THE DIRECTOR GENERAL OF THE AGENCY, STRENGTHEN THE COMPOSITION OF IS GOVERNING BOARD AND REVIEW THE OFFENCES AND PENAL PROVISIONS AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

Co-Sponsors:

Hon. Cornelius Nnaji

Hon. Ben Rowland Igbakpa

Hon. Amos Magaji

Hon. Nsikak Ekong

Hon. Isa Dederi

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria-

- | | | |
|----|--|-----------------|
| 1 | 1. The Trafficking in Persons (Prohibition) Enforcement and | Amendment of |
| 2 | Administration Act No. 4, 2015 (in this Bill referred to as "the Principal | Section 3(2) |
| 3 | Act") is amended as set out in this Bill. | |
| 4 | 2. Section 3(2) of the Principal Act is amended by substituting | Amendment of |
| 5 | paragraph (i) to (vi) for a new paragraph (i) to (x) to read thus- | Act No. 4, 2015 |
| 6 | (i) Office of the Secretary to the Government of the Federation; | |
| 7 | (ii) Federal Ministry of Justice; | |
| 8 | (iii) Federal Ministry of Humanitarian Affairs, Disaster | |
| 9 | Management and Social Development; | |
| 10 | (iv) Ministry of Foreign Affairs; | |
| 11 | (v) Federal Ministry of Women Affairs; | |
| 12 | (vi) Federal Ministry of Labour and Productivity; | |

- 1 (vii) Nigeria Police Force;
2 (viii) National Intelligence Agency;
3 (ix) Nigeria Immigration Service; and
4 (x) National Planning Commission.

Amendment of
Section 5

5 3. Section 5 of the Principal Act is amended by substituting the
6 existing paragraphs "(e), (f), (j), (k), and (l)" for new paragraphs "(e), (f), (j),
7 (k), and (l)" and a new paragraph (u)-

8 "(e) investigate all cases of trafficking in persons including forced
9 labour, child labour and abuse, Child defilement, forced prostitution,
10 exploitative labour and other forms of exploitation ,slavery and slavery-like
11 activities ,bonded labour, illegal removal and trade in human organs and
12 tissues, smuggling of migrants, sale and purchase of persons, forced child
13 marriage, orphanage trafficking, and illegal local and international child
14 adoptions;

15 (f) register and regulate the activities of travel agencies, tour
16 operators, labour recruiters, labour exchanges, sports and educational
17 agencies, and such other bodies whose activities may lead to offences relating
18 trafficking in persons;

19 (j) conduct research into the root causes, trends and magnitude of
20 human trafficking;

21 (k) strengthen cooperation and collaboration with governmental and
22 non-governmental organizations, law enforcement and security agencies at
23 national and international levels whose areas of operations are similar to the
24 functions of the agency; and

25 (l) Share information and intelligence, conduct joint investigation and
26 operations with relevant law enforcement and security agencies, international
27 authorities and other relevant partners in the eradication of trafficking in
28 persons."

29 (u) To coordinate the process of repatriation of victims of human
30 trafficking from foreign countries.

1 for a new subsection"(5)"-

2 "(5) The Research and Programme Development Department shall be
3 responsible for-

4 (a) researching into factors causing and promoting internal and
5 external trafficking in persons, and providing technical support to
6 organisations and individuals researching into trafficking in persons and
7 migration issues;

8 (b) initiating programmes and developing strategies for addressing
9 the problems of trafficking in persons, monitoring and evaluating programmes
10 and projects of the Agency to ensure effective implementation;

11 (c) documenting, recording, reporting, archiving and publication of
12 the Agency's projects and programmes;

13 (d) coordinating effective collaboration between the Agency and its
14 internal and external partners in the eradication of trafficking in persons;
15 and

16 (e) keeping a register of Non-Governmental Organizations involved
17 in anti-human trafficking activities".

18 (f) A register for convicted human traffickers shall be maintained and
19 accessible to the public.

Amendment of
Section 15

20 **7.** Section 15 of the Principal Act is amended by inserting after the
21 existing paragraph (b) a new paragraph"(c)"-

22 "(c)any person who is resident of Nigeria, who defiles or causes any
23 person, under the age of 18 years, to be defiled either in Nigeria or outside
24 Nigeria, commits an offence and shall be liable on conviction to imprisonment
25 for a term of not less than 10years".

Amendment of
Section 16

26 **8.** Section 16 of the Principal Act is amended by inserting after the
27 existing subsection (2) a new subsection"(3)"-

28 "(3) Any person who is resident in Nigeria, who uses or allows his
29 property or any other property to be used for forced prostitution or other forms
30 of exploitation in Nigeria, commits an offence and shall be liable on conviction

1 to imprisonment for a term of not less than 7 years and to a fine of not less
2 than N1,000,000.00."

3 **9.** Section 22 of the Principal Act is amended-

Amendment of
Section 22

4 (a) by inserting after the word "person", the words "or corporate
5 body";

6 (b) by inserting, after the existing paragraph (b), a new
7 subsection"(2)"-

8 "(2) Where the offence is committed by a corporate body, the
9 corporate body shall be liable to pay a fine of N10,000,000"and be wound-
10 up under the order of the court; and

11 (c) by inserting new subsections "(3)" and"(4)"-

12 "(3) Any person who-

13 (a) recruits any child under 18 years of age from vulnerable
14 families into an orphanage home for exploitation commits an offence and is
15 liable on conviction to imprisonment for a term not less than 5 years without
16 an option of fine;

17 (b) illegally adopts a child who is not an orphan for exploitation
18 commits an offence and is liable for conviction to imprisonment for a term
19 not less than 5 years with an option of N5, 000,000 or both;

20 (c) under false pretence adopts any person under the age of
21 eighteen years to subject such person under slave-like condition commits an
22 offence and is liable for conviction to imprisonment for a term not less than 5
23 years without an option of fine; or

24 (d) illegally takes a child across state boundaries in breach of State
25 Adoption Laws commits an offence and is liable for conviction to
26 imprisonment for a term not less than 5 years without an option of fine."

27 "(4) Any orphanage home that illegally gives out a child for
28 adoption, shall be liable to a fine of N5,000,000.00

29 **10.** Section 23(1) of the Principal Act is amended by substituting
30 the existing paragraphs (a) and (b) for new subsection"(1)"-

Amendment of
Section 23

1 "(1) employs, requires, recruits, transports, harbours, receives or
2 hires out a child under the age of 18 years?

3 (a) as a domestic worker, commits an offence and is liable on
4 conviction to imprisonment for a minimum term of 1 year, in addition to a fine
5 of N2,000,000; and

6 (b) to do any work that is exploitative, Injurious or hazardous to the
7 physical, social and psychological development of the child, commits an
8 offence and is liable on conviction to imprisonment for a minimum term of 7
9 years without an option of fine."

Amendment of
Section 32

10 **11.** Section 32 of the Principal Act is amended-

11 (a) in subsection (1)(b) by substituting the existing paragraph "(b)"
12 for a new paragraph "(b)"-

13 "(b) authorized officer under the provisions of this Bill, commits an
14 offence and is liable on conviction to imprisonment for a term of not less than 1
15 year or a fine of N500,000.00 or to both";and

16 (b) in subsection (2) (c) by substituting the existing paragraph "(c)"
17 for a new paragraph "(c)"-

18 "(c) fails to produce, conceals or attempts to conceal from an officer
19 of the Agency any book, document, information storage system or article about
20 which such officer has reasonable grounds to believe or suspect that an offence
21 under this Act or any other law prohibiting trafficking in persons and protection
22 of children has been or is being committed, or which is liable to seizure under
23 this Act, commits an offence and is liable on conviction to imprisonment for a
24 term of not less than 2years or a fine of not less than N1,000,000.00 or to
25 both".

Amendment of
Section 34

26 **12.** Section 34 of the Principal Act is amended by substituting
27 paragraph (b) for a new paragraph "(b)"-

28 "(b) evidence or exhibit by falsification, conversion, destruction or
29 forgery, commits an offence under this Act and is liable on conviction to
30 imprisonment for a term of not less than 2 years or to a fine not less than

1 N1,000,000.00 or to both".

2 **13.** Section 38(2)(a) of the Principal Act is amended by inserting Amendment of
3 before the word "budgetary" the word "direct". Section 38

4 **14.** This Bill may be cited as the Trafficking In Persons Citation
5 (Prohibition) Enforcement and Administration (Amendment) Bill,
2020.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Trafficking in Persons (Prohibition) Enforcement and Administration Act, No. 4, 2015, to review the mode of appointment of the Director General of the Agency, strengthen the composition of its Governing Board and review the offences and penal provisions.