

**TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND  
ADMINISTRATION (AMENDMENT) ACT**

ARRANGEMENT OF SECTIONS

1. Amendment of 2003 No. 24
2. Amendment of Section 2
3. Amendment of Section 3
4. Amendment of Section 4
5. Amendment of Section 5
6. Amendment of Section 6
7. Substitution of the word "unit"
8. Amendment of Section 9
9. Amendment of Section 15
10. Amendment of Section 22
11. Amendment of Section 29
12. Amendment of Section 32
13. Amendment of Section 33
14. Insertion of new sections
15. Re-numbering of Sections 35 - 37 of the Principal Act
16. Re-numbering of Section 38 of the Principal Act, insertion and deletion
17. Re-numbering of Section 40 of the principal Act and insertion  
of sub-section (2)
18. Re-numbering of Sections 41 -49 of the Principal Act
19. Re-numbering of Section 50 of the Principal Act and insertion of words
20. Re-numbering of Section 51 of the Principal Act
21. Amendment of Schedule to the Principal Act
22. Short Title

Schedule

**TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT  
AND ADMINISTRATION (AMENDMENT) ACT, 2005**

An Act to amend the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, No. 24; and for related matters.

ENACTED by the National Assembly of the Federal Republic of Nigeria -1.

1. The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 (In this Act referred to as "the Principal Act") is amended as set out in this Act.

Amendment of section 2

2. Section 2 of the Principal Act is amended by -
  - (a) substituting for the existing subsection (3) a new sub-section (3)-"(3)  
The Board shall consist of-
    - (a) a chairman being a person who by reason of his ability, character, experience and knowledge can deal with the problem of trafficked persons:
    - (b) 6 other members who shall be appointed from each of the six geopolitical zones on the recommendations of the Minister; and
    - (c) the Executive Secretary"
    - (b) in sub-section (5) by inserting the word "First" immediately before the word "Schedule".
3. Section 3 of the Principal Act is amended by substituting for the existing subsection (1) a new sub-section (1) -
  - (1) "The Chairman and members of the Board other than the Executive Secretary shall hold office for a term of four years and shall be eligible for re-appointment for another term and no more"
4. Section 4 of the Principal Act is amended -Amendment of section 4
  - (a) in paragraph (j) by inserting immediately after the words "Office of the Attorney- General of the Federation" the words "Ministry of Foreign Affairs";
  - (b) by inserting immediately after the existing paragraph (k) new paragraphs (I) and (m)
    - " (I) taking charge of, supervising, controlling, co-ordinating all the responsibilities, functions and activities relating to current investigation and prosecution of all offences connected with or relating to traffic in persons and other related matters in consultation with the Attorney-General of the Federation; and (m) carrying out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under this Act."
5. Section 5 of the Principal Act is amended -
  - (a) by deleting the figure (1) immediately before the words "The Agency";
  - (b) by inserting immediately after the existing paragraph (b) a new paragraph (c)

an " (c) subsequently prosecute any person found to have committed offence under this Act"

6. (1) Section 6 of the Principal Act is amended -(a) by substituting for the existing sub-section (2) a new sub-section (2) -"(2) There shall be for the Agency, an Executive Secretary who shall be from the Directorate cadre in the Public Service of the Federation and shall be appointed by the President on the recommendation of the Attorney-General of the Federation";

(b) in sub-section (3) by inserting immediately after the word "the", the word "Executive";

(c) by inserting immediately after sub-section (3) a new sub-section (4) - "(4) The Executive Secretary of the Agency shall hold office for a term of five years in the first instance and shall be eligible for re-appointment for another term and no more."

(d) by renumbering sub-sections (4), (5), and (6) as sub-sections(5), (6) and (7) respectively

7. The Principal Act is amended by substituting for the word "Unit" the word "Department" wherever it appears in the Act.

8. Section 9 of the Principal Act is amended -

(a) by inserting a new Sub-section (2) -

"(2) The Legal Department shall be responsible for prosecuting offenders under this Act, supporting the investigation department with legal advice and assistance whenever it is required, acting as secretariat to the Board, conducting such proceedings as may be necessary towards the recovery of any asset or properties forfeited under this Act and performing such other legal duties as the Agency may refer to it from time to time.";

(b) by renumbering Sub-sections (2), (3) and (4) as Sub-sections (3), 4) and (5) respectively;

(c) by inserting in the new sub-section (3), the words "Federal Ministry of Education" immediately after the words "Labour and Productivity"; and

(d) by inserting in the new sub-section (4) the words "Nigerian Prison Service" immediately after the words "Culture and Tourism".

9. Section 15 of the Principal Act is amended -(a) by inserting immediately after the existing paragraph

(a), new paragraphs (b) and (c) -"

(b) keeps a brothel;

(c) allows a person under the age of eighteen years to be in a brothel or trades in prostitution"

(d) by renumbering paragraph (b) and (c) as paragraphs (d) and (e) respectively.

10. Section 22 of the Principal Act is amended –

(a) by inserting new sub-sections (1), (2), and (3)-

"(1) Any person who –

(a) requires any other person, or permits any place within or outside Nigeria to be used for forced labour, or

(b) employs a child to work in any capacity except where he is employed by a member of his family or light work of an agricultural, horticultural or domestic character, or

(c) employs a child in any case to lift, carry or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral or social development, or

(d) employs a child as a domestic help outside his own home or family environment, or

(e) employs a child in an industrial undertaking, commits an offence and is liable on conviction to a fine not exceeding N100,000.00 or imprisonment for a term of five years or both such fine and imprisonment.

(2) When an offence under this section is committed by a body corporate, any person who at the time of commission of the offence was a proprietor, director, general manager or other similar officer, servant or agent of the body corporate, shall be deemed to have jointly and severally committed the offence and may be liable on conviction to a fine of N250,000.00.

(3) Nothing in sub-sections (1) and (2) shall apply to work done by children in technical schools or similar approved institution if the work is supervised by the appropriate authority.

11. Section 29 of the Principal Act is amended -12.

(a) in sub-section (1) by inserting immediately after the expression "2 years or a" the words "fine of"; and

(b) by deletion of the existing sub-section (2) there of Section 32 of the Principal Act is amended by substituting the figures "28 and 29" for the figures "30 and 31"

13. Section 33 of the Principal Act is amended in sub-section (1) by deleting the words 'The High Court of the Federal Capital Territory or' and the words "of a State" immediately after the words "The High Court".

14. The Principal Act is amended-(a) by inserting new sections immediately after the existing section 34, to be numbered as sections 35 to 48 -  
"Section 35-(1) A person convicted of an offence under this Act shall forfeit to the Victims of Trafficking Trust Fund -(a) all the assets and

properties which may or are the subject of an interim order of the Court after an attachment by the Agency as specified in section 40 of this Act;

- (b) any assets or properties confiscated, or derived from any proceeds the person obtained, directly or indirectly, as a result of such offence not already disclosed in the Assets Declaration Form specified in Form 1 of the Second Schedule to this Act or not falling under paragraph (a) of this subsection;
  - (c) any of the person's property or instrumentalities used in any manner to commit or to facilitate the commission of such offence not already disclosed in the Assets Declarations Form or not falling under paragraph (a) of this subsection.
- (2) The Court in Imposing a sentence on any person under this section, shall order, in addition to any other sentence imposed pursuant to this Act, that the person forfeit 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.
36. All properties of a person convicted of an offence under this Act and shows to be Forfeiture derived or acquired from such illegal act which are already the subject of an interim order Property shall be forfeited to the Victims of Trafficking Trust Fund.
- 37.(1) Where it is established that any convicted person has assets or properties in a Foreign assets foreign country, acquired as a result of such criminal activity, such assets or properties subject to any treaty or arrangement with such foreign country, shall be forfeited to the Victims of Trafficking Trust Fund.
- (2) The Agency shall, through the office of the Attorney-General of the Federation, ensure that tile forfeited assets or properties are effectively transferred and vested in the Victims of Trafficking Trust Fund.
38. Any property -(a) whether real or personal, which represents the gross receipts which a person obtains directly as a result of the violation of this Act or which is traceable to such gross receipts;
- (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 one year and which would be punishable by imprisonment under this Act if such act or activity had occurred within Nigeria, is subject to forfeiture to the Victims of Trafficking Trust Fund.
39. 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 or any person such as –
  - (i) known means of conveyance used by any person as a common earner in the transaction of business as a common carrier shall be forfeited under this section unless it shall appear 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) known means of conveyance which shall be forfeited under this section by reason of any act established by the owner thereof to have been committed by any person other than such owner while such means of conveyance was unlawfully in the possession of a person other the owner in violation of the criminal laws of Nigeria or any part thereof, and
  - (iii) known means of conveyance which shall 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 willful 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 illegal act or in 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;
- (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 is used or intended to be used, in any manner or part to commit, or facilitate the commission of an offence under this Act 40(1) Seizure of any property subject to forfeiture under this Act may be affected by the Seizure of Agency where \_ property
  - (a) the seizure is incidental to an arrest or search;
  - (b) the 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 designed by the Agency.
- (3) Properties taken or detained under this section shall be deemed to be in the custody of the Agency, subject only to an order of a Court
- 41. Where a person is arrested 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 such illegal act and shall thereafter cause to be obtained an interim attachment order by the Court
- 42.-(1) Where a person is arrested for committing an offence under this Act, it shall be obligatory for such person to make a 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

- (2) The Declaration of Assets Form shall be forwarded to the Agency for full investigation by the Investigation Department of the Agency
  - (3) Any person who-
    - (a) knowingly fails to make full disclosure of his assets and liabilities; or
    - (b) knowingly makes a declaration that is false, or
    - (c) fails to answer any question, or
    - (d) fails, neglects or refuses to make a declaration or furnish any information required, in the Declaration of Assets Form, commits an offence under this Act and is liable on conviction to Imprisonment for a term of ten years.
  - (4) Subject to the provisions of section 39 of this Act, whenever the assets and properties of any person arrested under this Act are attached, the Agency shall apply to the court for an interim forfeiture order under the provisions of this Act.
43. Where-
- (a) the assets or properties of any person arrested under this Act has been seized; or
  - (b) any assets 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 forfeiting the property concerned to the Victims of Trafficking Trust Fund and the Court shall if satisfied that there is prima facie evidence that the property concerned is liable to forfeiture, make an interim order forfeiting the property to the Victim of Trafficking Trust Fund.
44. Where an arrested person is convicted of an offence under this Act, the Agency or any authorized officer shall apply to the Court for the order of confiscation and forfeiture of the convicted person's assets and properties acquired or obtained as a result of the crime already subject to an interim order under this Act.
- 45.-(1) A copy of every final order forfeiting the asset and property of a person convicted under this Act shall be forwarded to the Agency.
- (2) Upon receipt of a final order pursuant to this section, the Executive Secretary to the Agency shall take steps to dispose of the property concerned by sale or otherwise and where the property is sold, the proceeds thereof shall be paid into the Victims of Trafficking Trust Fund.
  - (3) Where any part of the property included in a final order is money in a bank account 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 forthwith pay over the money to the Agency

and the Agency shall pay the money received into the Victims of Trafficking Trust Fund.

- (4) The Attorney General of the Federation may make rules or regulations for the disposal or sale of any property or assets forfeited pursuant to this Act.
- 46-(1) Any person who, without due authorization by the Agency, deals with, sells or otherwise disposes of any property or assets which is the subject of an attachment, interim order or final order commits an offence and is liable on conviction to Imprisonment for a term of five years without the option of a 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 to the Agency upon the production to him of a final order commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than one year and not more than three years, without the option of a fine
- 47.(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 order made pursuant to 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 to him by the Agency.
- 48.(1) Notwithstanding anything contained in any other enactment or law, where any person is arrested under this Act, the Executive Secretary of the Agency may, if he is 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 Federal High Court ex parte for power 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 manager of the bank or any person in control of the financial institution where the account is or believed by him to be at the head office of the bank or other financial institution to freeze the account
- (2) The Executive Secretary of the Agency 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.
- (3) The manager or any other person in control of the financial institution shall take necessary steps to comply with the requirements of the order made pursuant to subsection (2) of this section



- (4) In this section-15.
  - (a) "bank" has the meaning given to it in the Banks and Other Financial Institutions Act 1991 as amended; and
  - (b) the reference to an order issued includes a reference 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".
- (1 ) The Principal Act is amended-
- (a) by re-numbering sections 35 - 37 as sections 49 - 51;
  - (b) by substituting in paragraph (b) of the new section 50, the word "trafficking" with title word "trafficked";
  - (c) by inserting in paragraph (h) of the new section 50, the words "his family" Immediately before the words "or his friends";
  - (d) by inserting in paragraph (j) of the new section 50, the words "and his family" Immediately after the words "a trafficked person".
16. The Principal Act is amended -
- (a) by re-numbering section 38 as section 52;
  - (b) by inserting in paragraph (b) of the new Section 52 the words "if any" immediately after the word "assets";
  - (c) by deleting in paragraph (b) of the new section 52 the full stop immediately after the word "trafficker" and inserting the words "forfeited and paid to the Victims of Trafficking Trust Fund."; and
  - (d) by renumbering section 39 as section 53.
17. The Principal Act is amended-
- (a) by re-numbering section 40 as section 54,
  - (b) by inserting immediately after sub-section (2) of new section 54 a new sub-section (3) -"(3) 'There shall be established for the Agency a Victims of Trafficking Trust Fund, where all proceeds of the sale of assets and properties of traffickers are paid into";
  - (c) by re-numbering section 40(3) as section 54(4)
18. The Principal Act is amended by re-numbering sections 41 - 49 as sections 55 - 63.

19. The Principal Act is amended –

- (a) by re-numbering section 50 as section 64;
- (b) by inserting in alphabetical sequence the interpretation of the words-  
"Brothel" includes any enclosure, house premises, hotels, restaurants, drinking places, vessels or stationary or moving receptacles where a person offers her body commonly for acts of lewdness and sexual gratification;

"Export" with its grammatical variations and cognate expressions means to take or cause to be taken out of Nigeria;

"High Court" means Federal High Court, High Court of the Federal Capital Territory and the High Court of a State;

"Import" with its grammatical variations and cognate expressions means to bring or cause to be brought into Nigeria;

"Minister" means Attorney-General of the Federation and Minister of Justice.

20. The Principal Act is amended by re-numbering section 51 as 65.

21. The Schedule of the Principal Act is amended -(a) by inserting the word "First" immediately before the word "Schedule";

(b) by substituting for section 2(4) in the marginal note, section 2(5); and

(c) by inserting a "Second Schedule" to contain Form 1 - Assets Declaration Form and Form 2 - Freezing Order-

"SECOND SCHEDULE

CONFIDENTIAL FORM 1 Sections 35 and 42(1)(2) and (3)

TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND

ADMINISTRATION (AMENDMENT) ACT 2003

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

- (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.

(i) Each item is to be completed. If it does not apply, the person affected must write "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 Executive Secretary to the

NATIONAL AGENCY FOR THE PROHIBITION OF TRAFFICK IN PERSONS AND OTHER RELATED MATTERS (NAPTIP)

I.....being accused of an offence

under the TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION (AMENDMENT) ACT 2004

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12. Amount held in own account

(i) Cash in hand.....

(ii) Cash at bank .....

(iii) Outside Nigeria (Countries Banks to be named)

13. Amount held on behalf of or as trustee for any other person other than your wife/husband

(i) Cash in hand .....

(ii) Cash at bank.....

(iii) Outside Nigeria (Countries Banks to be named)

14. Loans or advances made

15. Loans or advances received

16 Amount held on behalf of or as trustee of wife/husband

(i) Cash in hand.....

(ii) Cash at bank.....

(iii) Outside Nigeria (Countries Banks to be named)

17. Wife's/husband's children's account held (beneficial or otherwise)

(i) Cash in hand. ....

(ii) Cash at bank. .. ..

(iii) Outside Nigeria (Countries Banks to be named)

18. Government securities, including premium bonds and other interests held in companies, firms or partnerships (giving names of companies firms 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.)

19. Property in Nigeria in which you are interested In giving date when acquired -(i) Land

- (ii) Buildings
- (iii) Other property, (if any)

20. Property outside Nigeria in which you are interested in giving date when acquired -(i) Land

- (ii) Buildings
- (iii) Other property, (if any):

21. Property outside Nigeria in which any wife/husband' is interested in giving date when acquired-

- (i) Land
- (ii) Buildings
- (iii) Other property, (if any)

22. Property outside Nigeria in which any wife/husband' is interested in giving date when acquired

- (i) Land
- (ii) Buildings
- (iii) Other property, (if any):

23. Property in Nigeria which any child of yours is interested In giving date when acquired -

- (i) Land
- (ii) Buildings
- (iii) Other property, (if any)

24. Property outside Nigeria in which any child of yours IS Interested in giving date when acquired -

- (i) Land:

- (ii) Buildings
- (iii) Other property, (If any)

25. 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 Accused Person.....

Signature & Address of Witness.....

FORM 2

Section 48(1)

FREEZING ORDER

(This form may be amended according to circumstances)

To the Manager ..

(Here insert name and branch of bank)

Under the authority conferred on me by section 48 of the TRAFFICKING IN PERSONS

(PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION (AMENDMENT) ACT 2004

you are hereby ordered -(a) to supply the following information relating to the under mentioned accounts, that is to say –

(Here set out the information required in respect of named accounts)

- (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 outward 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 at this day

Of..... 20 .....

Chairman/B

ank Examiner.....

22. This Act may be cited as the Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act, 2005,

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria, 1990.

NASIRU IBRAHIM ARAB,  
Clerk to the National Assembly  
1<sup>st</sup> Day of December, 2005

I ASSENT.  
CHIEF OLUSEGUN OBASANJO,GCFR  
President of the Federal Republic of Nigeria  
2<sup>nd</sup> Day of December, 2005