

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, (HB. 474)

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Commencement

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

PART I – OBJECTIVES

Objectives.

1. The objectives of this Act are to –

(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 cooperation 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 a body to be known as 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. 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.

(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.

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

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

(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 of the public for the person appointed to continue in office.

(4) Where a vacancy occurs in the membership of the Board, it shall be filled by an appointment by the President of 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, , 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.

6. The Agency shall have the power to –

Powers of the Agency.

(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 without warrant 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 let or hindrance in respect of the enforcement of any of the provisions of this Act.

7. (1) The Board shall -

Functions and Powers of the Board.

(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.

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 shall be eligible for re-appointment for another term of four years and no more.

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. Other Staff of the Agency.

(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 7 (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.

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. Service in the Agency to be Pensionable.

(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 powers exercisable by a Minister or other authority of the Government of the Federation (not being the power to make regulations under section 76 thereof) 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 –

Duties of the
Special
Departments.

- (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;
- (c) investigate, trace and identify the proceeds, assets and properties of persons derived from acts which constitute an offence under this Act; and
- (d) effect the confiscation or forfeiture of such proceeds, assets and properties in collaboration with the Legal and Prosecutions 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 to 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 to improve the social and economic conditions of groups at risk;

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

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

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

(iii) 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 TRAFFICKING IN PERSONS

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

Prohibition of
Trafficking in
Persons.

(2) (i) 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 of a 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,

commits an offence and is liable on conviction to imprisonment for a term of not less than 2 years and to a fine of not less than ₦250,000.00

(ii) For the purpose of subsection (2) (i) (b), 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.

(3) 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 whatsoever 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 whatsoever 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 2 years and to a fine of not less than ₦250,000.00.

(4) (a) the consent of a victim of trafficking in person 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.

(b) the recruitment, transportation, transfer, harbouring 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

14. Any person who -

Importation and
Exportation of
any person.

(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 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 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 to a fine of not less than ₦1,000,000.00.

15. Any person who by the use of force, deception, threat, coercion, debt bondage (immediate or in the near future) or any means whatsoever -

Procurement of
any person for
the purpose of
exploitation.

(a) causes or induces any person to be conveyed from his usual place of abode or from one place to another, knowing or having reason to know that such person is likely to be forced or induced into prostitution or other forms of exploitation with or by any person or an animal; 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 exploitation with or by any person or an animal,
commits an offence and is liable on conviction to imprisonment for not less than 5 years and to a fine of not less than ₦500,000.00.

- 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 exploitation with himself, any person or persons, either in Nigeria or anywhere else, 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 ₦1,000,000.00 Abuse, procurement or recruitment of any person under 18 years for prostitution or other forms of exploitation.
- (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 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 to a fine of not less than ₦1,000,000.00
- 17.** (1) Any person who - Procurement or recruitment of any person under the age of 18 years for pornography, or brothel.
- (a) procures, recruits, uses or offers any person under the age of 18 years for the production of pornography or for pornographic performances; or
- (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 to a fine of not less than ₦1,000,000.00.
- (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.
- 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 to a fine of not less than ₦1,000,000.00. Foreign travel which promotes prostitution or exploitation.
- 19.** Any person who traffics any person under the age 18 years 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 to a fine of not less than ₦1,000,000.00 Procurement or recruitment of any person under the age of 18 years for use in armed conflicts.
- 20.** (1) Any person who - Procurement or recruitment of any person for organ harvesting.
- (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 to 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 to a fine of not less than ₦5,000,000.00.

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 to a fine of not less than ₦2,000,000.00.

Prohibition of buying or selling of human beings for the purpose of exploitation.

22. Any person who -

Forced labour.

(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 to a fine of not less than ₦1,000,000.00.

23. (1) Any person who –

Employment of a child as domestic worker and inflicting grievous harm.

(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 –

(i) a term of not less than 2 years imprisonment where the child is denied payment or reasonable compensation for services rendered;

(ii) 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 traffics 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 to a fine of not less than ₦2,000,000.00. Trafficking in slaves

25. Any person who – Slave dealing.

(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; and

(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

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. Offences relating to fraudulent entry of persons.

(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” shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State.

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

(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.

28. Any person who –

Escape or
aiding and
abetting escape.

(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 shall be liable on conviction to imprisonment for a term of 5 years.

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

Attempt to
commit an
offence under
this Act.

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 -

Obstruction of
the Agency or
her authorized
officer.

(a) wilfully 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 to a fine of ₦250,000.00 or to both.

(2) Any person who –

(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.

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.

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

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.

Tampering with evidence and witness.

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 -

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

(i) trafficking in persons; or

(ii) 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 subsection (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 subsection (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 person.

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 pursuant to 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 established pursuant to subsection (1) of this section shall be managed in accordance with extant Financial Regulations applicable in the Public Service.

39. The Agency may, from time to time, apply the proceeds of the fund established in pursuance of subsection (1) of section 36 of this Act for the following purposes- Expenditures of the Agency.

(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.

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

(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.

41. (1) The Agency shall keep proper records and accounts of its – Accounts and Audit.

(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 of 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.

(a) enter and search any premises or place if he has reason to suspect that, within those premises, place or conveyance -

- (i) an offence under this Act is being committed or likely to be committed; or
- (ii) there is evidence of the commission of an offence under this Act; or
- (iii) there is an urgent need to prevent the commission of an offence under this Act.

(b) search any person or conveyance found on any premises or place which such officer is empowered to enter and search under paragraph (a) of this subsection;

(c) require information from and attendance of any person, beneficiary or any person connected in any way in a matter under investigation;

(d) inspect computer systems, recorded information, electronic devices or accessories or

any such device found on the premises;

(e) observe the carrying on of business or professional activities by any person;

(f) stop, board and search any conveyance where the Agency or its authorised officer has reasons to suspect that there is evidence of the commission or likelihood of the commission of an offence under this Act;

(g) seize, remove and detain anything which is, or contains or appears to him to be or to contain or to be likely to contain, evidence of the commission of an offence under this Act; or

(h) arrest, search and detain any person whom the officer reasonably suspects of having committed or likely to commit an offence under this Act.

(2) Where a seizure is effected in the course of search or investigation under this Act, a copy of the list of all the articles, documents and other materials seized shall be made, duly endorsed and handed to the –

(a) person on whom the search is made; or

(b) owner of the premises, place or conveyance seized.

(3) Notwithstanding the provisions of subsection (1) of this section, a woman shall only be searched by a woman.

(4) Nothing in this section shall be construed as derogating from the lawful right of any person in defence of his person or property.

(5) Any officer of the Agency or a duly authorized law enforcement officer who uses such force as may be reasonably necessary for any purpose in accordance with this Act, shall not be liable in any criminal or civil proceedings, for having, by the use of reasonable force caused injury or death to any person or damage to or loss of any property.

45. (1) A video or other audio-visual recording maybe made and kept in respect of any person, conveyance or property detained under any provision of this Act as may be required by the Agency.

Video recording and custody of records.

(2) Records in respect of any person, conveyance or property detained under any provision of this Act shall be kept in the custody of the Agency.

(3) Subject to the provisions of the Evidence Act, a video recording and other forms of electronic evidence shall be admissible in evidence before any Court of competent jurisdiction in Nigeria for offences under this Act.

(4) In a trial for any offence under this Act, the Court may receive testimony by video-link or such electronic medium, provided the witness testifying by such means may be cross-examined.

46. Where a person volunteers to the Agency or an official of the Agency any information which may be useful in the investigation or prosecution of an offence under this Act, the Agency shall take all reasonable measures to protect the identity of that person and the information so volunteered shall be treated as confidential. Protection of informants and information.

47. (1) The Court may, on a motion by or on behalf of the Minister, Agency or a law enforcement agency, protect a witness or other persons in any proceeding before it. Witness protection.

(2) Where the Court is satisfied that the life of the witness or any other person is in danger, the Court may on its own, take such measures as it deems necessary and expedient to keep the identity and address of the witness secret.

(3) The measures which the Court may take under subsection (1) of this section may include the -

(a) holding of the proceeding at a place to be decided by the Court;

(b) avoidance of the mention of the real name and address of the witness in its orders, judgments or records of the case, which are accessible to the public; or

(c) issuing of a direction for ensuring that the identity and address of the witness are not disclosed.

(4) The Court may also decide, in the public interest, that all or any of the proceedings pending before the Court shall not be published in any manner.

(5) The Court may in the interest of public safety or order, exclude from proceedings for any offence under this Act, any person other than the parties and their legal representatives.

(6) A person who contravenes an Order or direction made under this section commits an offence and shall be liable on conviction to imprisonment for a term of not less than 5 years.

PART VIII - ATTACHMENT AND FORFEITURE OF ASSETS

48. The passport of any Nigerian convicted of an offence under this Act shall be forfeited to the Federal Government, and such forfeited passport shall be handed over to the Nigeria Immigration Service for appropriate action, and shall not be returned to that person unless or until the President directs otherwise, after the grant of a pardon on the exercise of prerogative of mercy under the Constitution of the Federal Republic of Nigeria. Forfeiture of passport.

49. (1) A person convicted of an offence under this Act shall forfeit to the Victims of Trafficking Trust Fund – Forfeiture of assets after conviction.

(a) all the assets and properties which is the subject of an interim attachment order of the Court after an attachment by the Agency as specified in section 56 of this Act;

(b) any assets or property derived from any proceeds obtained, directly or indirectly not already disclosed in the Assets Declaration Form specified in Form 1 of the Second Schedule to this Act or not subject of an interim attachment order; and

(c) any 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 subject of an Interim attachment Order.

(2) The Court in imposing a sentence on any person under this Act shall in addition to any other sentence imposed pursuant to this Act, order that the person forfeits 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.

50. (1) Where it is established that any convicted person has assets or properties in a foreign country, acquired as a result of any of the offences under this Act, such assets or properties subject to any treaty or arrangement with such foreign country, shall be forfeited to the Victims of Trafficking Trust Fund. Foreign assets.

(2) The Agency shall, through the Office of the Minister, ensure that the forfeited assets or properties are effectively transferred and vested in the Victims of Trafficking Trust Fund.

51. (1) Any property – Property subject to forfeiture.

(a) whether real or personal, which represents the gross receipts which a person obtains directly or indirectly as a result of the violation of this Act or which is traceable to such gross receipts; and

(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 1 year and which would be punishable by imprisonment under this Act if such act or activity had occurred within Nigeria;

(2) 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 of any person provided that a means of conveyance -

(i) used by any person in the transaction of business as a common carrier shall not 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) shall not 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 than the owner in violation of the criminal laws of Nigeria or any part thereof; and

(iii) shall not 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 wilful 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 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; and

(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.

52. (1) Seizure of any property subject to forfeiture under this Act may be effected by the Agency where the — Seizure of property.

(a) seizure is incidental to an arrest or search;

(b) 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 designated by the Agency;

(3) Property taken or detained under this section shall be deemed to be in the custody of the Agency subject only to the order of the Court.

53. (1) Where a person is arrested or is under investigation 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 the offence. Investigation of assets and properties of an arrested person

(2) Where an asset or property of any person arrested under this Act is to be attached, the Agency shall apply to the Court for an interim attachment order subject to the provisions of section 56 of this Act.

54. (1) Where a person is arrested for committing an offence under this Act, it shall be obligatory for the person to make 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. Disclosure of assets and property by an arrested person.

(2) The disclosures made in the Declaration of Assets Form shall be investigated by the Agency.

(3) Any person who—

(a) knowingly fails to make full disclosure of his assets and liabilities;

(b) knowingly makes a declaration that is false; or

(c) fails, neglects or refuses to make a declaration or furnish any information required, in the Declaration of Assets Form, commits an offence and is liable on conviction to imprisonment for a term of 2 years.

- 55.** Where 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 attachment order and the Court shall if satisfied that there is a *prima facie* evidence that the property concerned is liable to forfeiture make an interim attachment order. Interim attachment order after seizure of property.
- 56.** Where an arrested person is convicted of an offence under this Act, the Agency or any authorized officer shall apply to the Court for a final order of forfeiture of the convicted person's assets and properties which are – Final order of forfeiture.
- (i) already subject to an interim attachment order;
 - (ii) derived from any proceeds the person obtained, directly or indirectly, as a result of such offence not already disclosed in the Assets Declaration Form and not subject to interim order; and
 - (iii) any 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.
- 57.** (1) A copy of final Court Order forfeiting the asset and property of a person convicted under this Act shall be forwarded to the Agency. Disposal of forfeited property.
- (2) Upon receipt of the final court order pursuant to this section, the Director - General shall take steps to dispose of the property concerned by sale or otherwise and where the property is sold, the proceeds shall be paid into the Victims of Trafficking Trust Fund.
- (3) Where any part of the property included in the final court order is money in a bank or any financial institution 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 Minister may make rules, guidelines or regulations for assets forfeiture, disposal and management pursuant to this Act.
- 58.** (1) A person who, without due authorization by the Agency, deals with, sells or otherwise disposes of any property or assets which is the subject of attachment, seizure, Interim attachment order or final forfeiture order; commits an offence and is liable on conviction to imprisonment for a term of 5 years without an option of a fine. Offences in relation to forfeiture orders.
- (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 any money to the Agency upon the production of a final forfeiture order commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than 1 year, without an option of a fine.

59. (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 attachment order made pursuant to this Act whichever order is considered just, appropriate or reasonable within the circumstances. Consequences of an acquittal in respect of confiscated assets and properties.

(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 by the Agency.

60. (1) Notwithstanding anything contained in any other enactment, where any person is arrested or under investigation for an offence under this Act, the Director - General may, if 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 High Court *ex parte* for an order authorizing the Agency 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 authority of the bank or financial institution where the account is or believed to be domiciled or the head office of the bank or other financial institution; to freeze the account. Freezing order on banks or other financial institutions.

(2) The Director - General 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 Act of exchange) in respect of the account of the arrested person or a person under investigation.

(3) The manager or any other person in control of the Bank or a financial institution shall take necessary steps to comply with the requirements of the order made pursuant to subsection (1) and (2) of this section.

(4) In this section—

(a) “Bank” has the meaning given to it in the Banks and Other Financial Institutions Act, CAP B3, Laws of the Federation of Nigeria, 2004 as amended; and

(b) “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.

PART IX – TREATMENT OF TRAFFICKED PERSONS

61. The Agency shall ensure that-

Treatment of trafficked persons.

(a) a trafficked person is not subjected to discriminatory treatment on account of race, colour, gender, sex, age, language, religion, political or other opinion, cultural beliefs or practices, national, ethnic or social origin, property, birth or other status, including his status as a victim of trafficking or having worked in the sex industry;

(b) a trafficked person has access to adequate health and other social services during the period of temporary residence;

(c) a trafficked person has access to the embassy or consulate of the country of which he is a citizen or where there is no embassy or consulate, have access to the diplomatic representative of the State that takes charge of the country's interest or any national to protect him;

(d) a trafficked person is able to return home safely, if he wishes and when he is able to do so;

(e) a trafficked person is not denied temporary residence visas during the pendency of any criminal, civil or other legal actions;

(f) investigation, detection, gathering and interpretation of evidence are conducted in such a manner as to minimize intrusion into the personal history of a trafficked person;

(g) the identity of a person trafficked is protected;

(h) the use of any person's history of being trafficked to discriminate or cause harm to such person, his family or his friends in any way whatsoever, particularly with regards to freedom of movement, marriage or search for gainful employment is prohibited;

(i) it takes steps to maintain and rehabilitate facilities provided for trafficked persons; and

(j) a trafficked person and his family are protected from intimidation, threats, and reprisals from traffickers and their associates including reprisals from persons in position of authority.

62. Where the circumstances so justify, trafficked persons shall not be detained or prosecuted for offences relating to being a victim of trafficking, including non-possession of valid travel document, use of a false travel or other document.

Non-detention or prosecution of a trafficked person in certain circumstances.

63. A victim of trafficking in person shall be provided with:

Rights of a victim to information.

(a) information on relevant Court and administrative proceedings;

(b) assistance to enable the victim's views and concerns to be presented and considered at appropriate stages of criminal proceedings against the traffickers; and

(c) counselling and information as regards victim's legal rights in a language that the victim can understand.

64. (1) There shall be established for the Agency Transit Shelters which shall be managed and supervised as homes to cater for rescued trafficked persons particularly women and children.

Establishment of transit shelter.

(2) The Transit Shelters shall be run by staff of the Agency with the aim of providing protection, assistance, counselling, rehabilitation and training for the rescued victims to

facilitate their reintegration into the society.

65. (1) A trafficked person, irrespective of his immigration status is entitled to compensation, restitution and recovery for economic, physical and psychological damages which shall be assessed and paid out of forfeited assets of the convicted trafficker. Right to compensation or restitution.

(2) Where an offender is convicted of an offence under this Act, the Court may order the offender to pay compensation to the victim, in addition to any other punishment ordered by the Court.

(3) Notwithstanding any other provision of this Act, a trafficked person has the right to institute civil action against a trafficker and any other person including a public officer who may have exploited or abused his person provided that the amount awarded by the Criminal Court shall be taken into consideration in the determination of the amount of compensation to be awarded in the civil suit.

66. The President may by order published in the Gazette extend the provisions of the - Application of certain enactments.

(a) Mutual Assistance in Criminal Matters within the Commonwealth (Enhancement and Enforcement) Act; and

(b) Transfer of Convicted Offenders (Enhancement and Enforcement) Act,

to apply to any country outside the Commonwealth and accordingly the provisions of the Acts mentioned in paragraphs (a) and (b) of this section shall have effect in their application to this Act.

PART X – VICTIMS OF TRAFFICKING TRUST FUND

67. (1) There is established for the Agency a Victims of Trafficking Trust Fund (in this Act referred to as “the Trust Fund”), into which shall be paid: Establishment of Victims of Trafficking Trust Fund.

(a) any grant and special intervention funds as may be provided by the Federal Government;

(b) such monies as may be appropriated to meet the objectives of the Trust Fund by the National Assembly;

(c) proceeds of the sale of assets and properties of convicted traffickers derived from acts which constitute an offence under this Act;

(d) aids, grants, gifts, bequests, endowments, donations or assistance from local and international Agencies, non – Governmental organizations, other donor agencies, partners and the private sector;

(e) any other moneys which may accrue to the Trust Fund from time to time.

(2) The sources of monies referred to in paragraph (d) of subsection (1) of this section shall be acceptable to the Trust Fund by the Agency except where the terms and conditions attached to

the aid, grant, gift, bequest, endowment, donation or assistance are inconsistent with the objective of the Trust Fund or the provisions of this Act.

(3) The Minister shall make regulations and issue guidelines for the management of the Fund established under subsection (1) of this section and related matters.

(4) The Trust Fund shall be utilized -

- (i) to pay compensation, restitution and damages to trafficked persons;
- (ii) to fund victim support services for trafficked persons.

68. (1) There is established for the Trust Fund, a body to be known as the Victims of Trafficking Trust Fund Committee (in this Act referred to as 'the Trust Fund Committee) which shall be constituted by the Minister subject to the provisions of this Act.

Establishment
of the Victims
of Trafficking
Trust Fund
Committee.

(2) The Committee shall subject to the provisions of this Act, administer and have general control over the management of the Trust Fund.

(3) The membership of the Trust Fund Committee shall consist of –

- (a) the Minister who shall be the Chairman;
- (b) Director – General of the Agency;
- (c) a representative of each of the following Federal Ministries and Agencies -
 - (i) Federal Ministry of Women Affairs; and
 - (ii) National Directorate of Employment.
- (d) a representative of Non – Governmental Organizations whose focus is on the eradication of trafficking in persons and other related matters;

(4) The Trust Fund Committee shall be responsible for –

- (a) managing all monies, aids, grants, gifts, bequests, endowments, donations or assistance accruing to the fund;
- (b) soliciting for funds for the Victims of Trafficking Trust Fund;
- (c) approving monies from the fund to such victims of trafficking on criteria approved by the Committee;

Provided that where it is expedient, and subject to the approval of the Minister, the Director-General shall have power to disburse monies, not exceeding ₦500,000.00 to a victim;

(5) Subject to the provisions of subsection (6) of this section, a member of the Committee, shall hold office for a term of 3 years in the first instance and may be eligible for

reappointment for another term of 3 years and no more.

(6) A member of the Trust Fund Committee shall cease to hold office if he –

- (a) resigns his appointment by a notice in writing;
- (b) becomes of unsound mind;
- (c) becomes bankrupt or makes compromise with his creditors;
- (d) is convicted of a felony or any offence involving dishonesty; or
- (e) is guilty of misconduct in relation to his duties.

(7) The Trust Fund Committee–

- (a) shall meet at least twice in a year and on such other occasions as it may consider necessary;
- (b) may make rules and standing orders to regulate its proceedings or those of its committee;
- (c) may co-opt any person to assist it in carrying out its assignments under this Act, provided that a co-opted member shall not have the right to vote at Trust Fund Committee's meetings; and
- (d) may appoint one or more sub-committees to carry out its functions on its behalf.

PART XI – MUTUAL LEGAL ASSISTANCE, EXCHANGE OF INFORMATION AND EXTRADITION

69. (1) A foreign State may make a request to the Minister for assistance in the investigation and prosecution of offences under this Act. Requests from Foreign States.

(2) A copy of such request shall be furnished to the Agency.

(3) Where a foreign State makes a request for assistance in the investigation or prosecution of an offence relating to trafficking in persons, the Minister may after due consideration –

- (a) execute the request; or
- (b) inform the requesting State of any reason for-
 - (i) not executing the request; or
 - (ii) delaying the execution of the request.

(4) Where the Minister decides to execute a request for assistance under subsection (1) of this section, and directs the Agency to so act, the Agency may apply for -

- (a) an Order for the Agency to -

(i) enter and search specified premises or conveyance;

(ii) search any specified person; or

(iii) remove any relevant document or material;

(b) a seizure order;

(c) a property tracing order;

(d) an interception of communication order; or

(e) an order for freezing or forfeiture of property or funds in such manner as may be prescribed by the Court or Judge in Chambers.

(5) The Court or Judge in Chambers, in making an Order under subsection (4) of this section, may impose such conditions as to payment of debts, sale, compensation of victims, transfer or disposal of any property as the Court deems fit.

(6) Where a prima facie case is established on the basis of the request from a foreign State, the Minister shall file a request for an order of forfeiture of all funds or properties used, being used or intended to be used for the commission of an offence under this Act and the Court shall grant or reject the application for an order of forfeiture after hearing from all parties, including a bona fide third party.

70. (1) The Minister may, on the recommendation of the Agency make a request to any foreign State-

Request to a Foreign State.

(a) for evidence or information relevant to an offence under this Act;

(b) for the restraint and forfeiture of any fund or property located in that foreign State and which is liable to be forfeited for being a fund, property or other assets belonging to, in possession or under the control of a person suspected to have committed an offence or convicted of an offence that is used, being used or intended to be used for the commission of an offence of trafficking in persons.

(2) The Minister may, in respect of any proceedings for an offence under this Act, apply to the Court or to a Judge in Chambers for an Order directed to any person resident in a foreign State to-

(a) deliver himself or any document or material in his possession or under his control to the jurisdiction of the Court; or

(b) subject to the approval of the foreign State, deliver himself to the jurisdiction of the Court of the foreign State for the purpose of giving evidence in relation to those proceedings.

71. (1) The evidence taken pursuant to section 70 of this Act, in any proceedings in a Court of a Foreign State may, if it is authenticated, be admissible in any proceedings to which such evidence relates; provided that the circumstances and method of collecting the evidence is normally acceptable to Nigeria.

Evidence pursuant to a request.

(2) For the purpose of subsection (1) of this section, a document is authenticated if it is -

(a) signed or certified by a Judge or Magistrate of the Foreign State;

(b) authenticated by the oath or affirmation of a witness; or

(c) sealed with an official or public seal -

(i) of a Ministry or Department of the Government of the foreign State; or

(ii) in the case of a territory, protectorate or colony, of the person administering the Government of the foreign territory, protectorate or colony or a department of that territory, protectorate or colony.

72. (1) A request under this part of this Act shall be in writing, dated and signed by or on behalf of the person making the request. Form of requests.

(2) A request may be transmitted by facsimile or by any other electronic device or means.

(3) A request shall –

(a) confirm either that an investigation or prosecution is being conducted in respect of a suspected offence of trafficking or an act related to trafficking or that a person has been convicted of an offence of trafficking or act related to trafficking;

(b) state the grounds on which any person is being investigated or prosecuted for an offence related to trafficking or details of the conviction of the person;

(c) give sufficient particulars of the identity of the person;

(d) give sufficient particulars to identify any financial institution or designated non - financial institution or other persons believed to have information, documents or materials which may be of assistance to the investigation or prosecution;

(e) specify the manner in which and to whom any information, document or material obtained pursuant to the request is to be produced;

(f) specify the information, document or material to be obtained from a financial Institution or designated non - financial institution or any person which may assist the investigation or prosecution;

(g) state whether-

(i) a freezing or forfeiture Order is required; or

(ii) the property may be made the subject of such an Order; and

(h) contain such other information as may assist in the execution of the request.

(4) A request shall not be invalidated for the purposes of this Act or any legal proceedings by failure to comply with the provisions of subsection (3) of this section where the Minister is satisfied that there is sufficient compliance to enable him execute the request.

(5) The Minister of finance shall on the advice of the Minister where he considers it appropriate, either because an international arrangement so requires or permits or it is in the public interest, may, after deducting the cost incurred for actions taken in Nigeria, order that any part of any property forfeited under this Act or the value thereof, be returned or remitted to the requesting State.

(6) Where the whole or any part of the forfeited property, or the value thereof is retained in Nigeria, it shall be paid into the Victims Trust Fund established under this Act.

73. (1) Offences under this Act are considered to be extraditable crimes for which extradition may be requested, granted or obtained under the Extradition Act, CAP E25, Laws of the Federation of Nigeria, 2004. Extradition.

(2) Notwithstanding the provisions of subsection (1) of this section, no person shall be extradited pursuant to this Act, where the Government has substantial grounds for believing that a request for extradition for an offence has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

74. The Agency may with the approval of the Minister, on a request made by the appropriate authority of a Foreign State, disclose to that authority, any information in its possession or any other government department, relating to any of the following – Exchange of information relating to human trafficking organised criminal groups, Traffickers and human trafficking acts.

- (a) the actions or movements of human trafficking organised criminal groups or persons suspected of involvement in the preparation or the commission of human trafficking acts;
- (b) the use of forged or falsified travel papers by persons suspected of involvement in the preparation or the commission of human trafficking acts;
- (c) the use of communication technologies by human trafficking organised criminal groups.

(2) Where the Agency considers that there are no means or conditions under which the information, documents or evidence requested could be provided, disclosed or given without prejudice to the national security of Nigeria, the Agency may refuse the request for the production of such document or the disclosure of such evidence or refuse the authorization of the production of such document or the disclosure of such information and shall notify the requesting Authority of the reasons for doing so, unless the specification of those reasons would in itself be, in the opinion of the Agency, prejudicial to the national security of Nigeria.

PART XII – MISCELLANEOUS

75. (1) The Minister may from time to time, give general policy guidelines to the Agency. Power of the Minister to give directives of general

(2) Notwithstanding the provisions of subsection (1) of this section, the Minister may give to the Agency directives of a general or specific nature relating generally to a particular matter or

case, as the case may be.

character to the Agency.

(3) The Agency shall comply with any policy guidelines or any directive given to it by the Minister pursuant to subsection (1) or (2) of this section.

76. (1) The Minister may make rules or regulations with respect to the exercise of any of the duties, functions or powers of the Agency under this Act.

Power to make regulation.

(2) The contravention of any regulation issued pursuant to any of the provisions of this Act shall constitute an offence and shall be punishable as prescribed in the particular regulation.

(3) The Agency may with the approval of the Minister make regulations as it deems necessary or expedient for giving full effect to the provisions of this Act.

77. (1) No civil action shall be commenced against the Agency or its authorised officers before the expiration of a period of 30 days after written notice of intention to commence the suit shall have been served on the Agency by the intending plaintiff or his agent, and the notice shall clearly and explicitly state the:

Pre-action notice.

(a) cause of action;

(b) particulars of the claim;

(c) name and place of abode of the intending plaintiff; and

(d) relief sought.

(2) The notice referred to in subsection (1) of this section and any summons, or other documents required or authorized to be served on the Agency under this Act or any other enactment or law, may be served by:

(a) delivering it to the Agency; or

(b) sending it by registered mail to the postal address of the Agency.

78. A member of the Board, Director-General, officer or employee of the Agency shall be indemnified out of the assets of the Agency against any proceedings brought against him in his capacity as a member of the Board, Director-General, officer or employee of the Agency where the act complained of is not *ultra vires* his powers.

Indemnity of officers of the Agency.

79. (1) The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 as amended is hereby repealed.

Repeal and savings provision.

(2) Without prejudice to section 6 of the Interpretation Act, the repeal of the Act specified in subsection (1) of this section, shall not affect anything done under or pursuant to the Act.

(3) Every regulation, order, requirement, certificate, notice, direction, decision, authorization, consent, application, request or thing made, issued, given or done under the repealed Act shall,

if in force at the commencement of this Act, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Act.

(4) All assets, funds, resources and other movable and immovable property which, immediately before the commencement of this Act, vested in the former Agency shall by virtue of this Act and without further assurance be vested in the Agency established under section 2 of this Act.

(5) Every reference to the former Agency, Board, Minister, Executive Secretary, Board Chairman or any person under their control or a document issued in the name of the former Agency, Board, Minister, Executive Secretary, Chairman of the former Board or employee of the former Agency shall be read, unless the context otherwise requires, as a reference to the Agency, Minister, Board, Director- General, Chairman, or an employee of the Agency established under this Act, as the case may be.

80. (1) Subject to the provisions of this Act, the Executive Secretary of the Agency established under the repealed Act is deemed to have been appointed to the Agency established under this Act under the same conditions as Director- General. Transitional provisions.

(2) Any person who immediately before the commencement of this Act was a staff of the Agency established under the repealed Act shall continue in office and be deemed to have been appointed under this Act for purposes of Pension.

(3) Properties held immediately before the commencement date of this Act on behalf of the National Agency for the Prohibition of Traffic in Persons by any person shall, by virtue of this Act, be vested in the Agency established under this Act.

(4) The Agency established in section 2 of this Act shall be subject to all the obligations and liabilities to which the former National Agency for the Prohibition of Traffic in Persons was subject immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Agency established by this Act as they had against the Agency immediately before the commencement of this Act.

(5) Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Agency established under the repealed Act in respect of any right, interest, obligation or liability of the Agency may be continued or commenced, as the case may be, and any determination of a Court of law, Tribunal or other Commission or person may be enforced by or against the Agency established by this Act to the same extent that such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the Agency as if this Act had not been made.

(6) As from the commencement of this Act, any disciplinary proceeding pending or existing against any employee of the Agency shall be continued and completed by the Agency established under this Act.

81. In this Act- Interpretation.

“Agency” means the National Agency for the Prohibition of Trafficking in Persons established under section 2 of this Act;

“Assets” means items of ownership convertible into cash; total resources of person or business, as cash, notes and accounts receivable, securities, inventories, goodwill, fixtures, machinery or real estate.

“Attachment” includes forfeiture or the permanent deprivation of property by Order of a Court

“Brothel” includes any enclosure, house, premises, hotels, restaurants, drinking place, vessels, stationary or moving receptacle where a person offers the body commonly for acts of lewdness and sexual gratification.

"Child" means a person under the age of eighteen years;

“Commercial carriers” means any person or any public, private or other entity engaged in transporting persons, goods or mails for remuneration, hire or any other benefit;

“Director – General” means the Director – General and Chief Executive Officer of the Agency.

“Export” with its grammatical variations and cognate expressions means to take or cause to be taken out of Nigeria.

“Exploitation” shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, deprivation of the offspring of any person, forced labour or services or practices similar to slavery, servitude or the removal of organs;

“Exploitative labour” include the use of a child’s labour for the monetary, commercial or economic interest of the recruiter and the receiver.

“Financial or other material benefit” includes any type of financial or non-financial inducement, payment, bribe, reward, advantage or service (including sexual or other services).

“Freezing” means temporarily prohibiting the transfer, conversion, disposal or movement of money or assets or temporarily assuming custody or control of money or assets;

“Force” or “coercion” includes obtaining or maintaining through act of threat the labour, service, or other activities of a person by physical, psychological or mental harm, intimidation or any work or service exacted from any person under the menace of any penalty;

“Forced Labour” includes work carried out as a result of deception, threat of or use of force, intimidation, physical or psychological or other harm;

“grievous harm” means any harm which amounts to a maim or dangerous harm or which seriously or permanently injures health, or which is likely so to injure health, or which extends to permanent disfigurement or to any permanent or serious injury to any external or internal organ, member or sense.

“High Court” means Federal High Court, the High Court of a State or the High Court of the Federal Capital Territory.

“Import” with its grammatical variation and cognate expressions means to bring or cause to be

brought into Nigeria.

“Minister” means the Attorney - General of the Federation and Minister of Justice.

"Person" means a natural person or a legal entity.

“President” means the President and Commander in – Chief of the Armed Forces of the Federal Republic of Nigeria.

“Slave” means a person who is held in bondage whose life; liberty, freedom and property are under absolute control of someone;

“Trafficking or Traffic in Persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion , abduction, fraud, deception, the abuse of power of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in forced or bonded labour, or in slavery-like conditions, the removal of organs or generally for exploitative purposes;

“Trafficked person” means a victim of trafficking in persons;

“Trafficker” includes a person or an entity that commits or is in the process of committing, aids, abets, facilitates or acquiesces to an act of trafficking in persons.

“Transit Shelter” means shelter established by the Agency for the purpose of receiving, caring for, rehabilitating and re-integrating into society, victims of human trafficking.

“Trust Fund” means the Victims Trust Fund established under section 67 of this Act;

“Trust Fund Committee” means the Victims of Trafficking Trust Fund Committee established under section 68 of this Act;

“Victim” means a victim of trafficking in persons.

83. This Act may be cited as Trafficking in Persons (Prohibition), Enforcement and Short title. Administration Act, 2014.

SCHEDULES

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC

Section 4

Proceedings

(1) The Board shall, for the purpose of this Act, meet not less than three times in each year.

(2) Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend any particular meeting a member may be appointed by the members present to act as Chairman for that particular meeting.

(3) A quorum at a meeting of the Board shall be one-third.

(4) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than five members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

(5) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him on the Board for such period as it thinks fit but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees

2. (1) The Board may appoint one or more Committees to carry out, on behalf of the Board, its functions under this Act as the Board may determine.

(2) A Committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board as may be determined by the Board and a person other than a member of the Board shall hold office in the Committee in accordance with the terms of his appointment.

(3) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

3. (1) The fixing of the seal of the Agency shall be authentication by the signature of the Chairman, Secretary or any other person authorized generally or specifically to act for that purpose by the Board.

(2) Any contract or instrument, which if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Board by the Chairman, Secretary or any person generally or specifically authorized to act for the purpose by the Board.

3. Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

SECOND SCHEDULE

Sections 49, 54, 56

CONFIDENTIAL FORM 1

TRAFFICKING IN PERSONS (PROHIBITION) ENFORCEMENT AND ADMINISTRATION ACT, 2014

DECLARATION OF ASSET 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 2 years imprisonment under the Act to –

A. (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.

B. (i) Each item to be completed. If it does not apply, the person affected must write “nil” or “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 Director-General of the NATIONAL AGENCY FOR THE PROHIBITION OF TRAFFICKING IN PERSONS (NAPTIP)

I, being accused of an offence
.....under the TRAFFICKING IN PERSONS (PROHIBITION)
LAW ENFORCEMENT AND ADMINISTRATION ACT, 2014.

| | SURNAME | | Other Names | Date of Birth | If dead State the date of death | Place of Birth | Nationality | | State of Origin | Local Government | Occupation | Present Address | Home Address |
|-----------------------------------|------------|------------------------------|-------------|---------------|---------------------------------|----------------|-------------|-----------------|-----------------|------------------|------------|-----------------|--------------|
| | (a) NOW | (b) At Birth if Different | | | | | (a) Now | (b) At Birth | | | | | |
| 1. Declaration | | | | | | | | | | | | | |
| 2. Spouse | | | | | | | | | | | | | |
| 3. Father | | | | | | | | | | | | | |
| 4. Mother | | | | | | | | | | | | | |
| 5. Brother (i) (ii) (iii) | | | | | | | | | | | | | |
| 6. Sisters ..(i) (ii) (iii) | | | | | | | | | | | | | |
| 7. Dependent Relative | | | | | | | | | | | | | |

| | | | | | | | | | | |
|---------------------------------------|--|--|--|---------|--|------------|--|-------------|--|--|
| Uncle, Aunt Next of Kin | | | | | | | | | | |
| 8. Associate Persons | | Name in full | | Address | | Occupation | | Nationality | | |
| (i) ..... |  | ..... |  | ..... |  | ..... |  | ..... |  |  |
| (ii) ..... |  | ..... |  | ..... |  | ..... |  | ..... |  |  |
| (iii) ..... |  | ..... |  | ..... |  | ..... |  | ..... |  |  |
| 9. Aliens | (a) State (b) if | Alien Registration Naturalized Certificate No. | | | | | | | | |
| 10. Schools attended with dates | Primary School | | | | | | | | | |
| | Post Primary School or Secondary University, etc Qualification | | | | | | | | | |

N K

11. Amount held in own account

- (i) Cash in hand
- (ii) Cash at Bank
- (iii) Outside Nigeria (Countries Banks to be named)

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

- (i) Cash in hand
- (ii) Cash at Bank
- (iii) Outside Nigeria (Countries Bankers to be named)

13. Loans or advances made

14. Loans and advances received

15. Amount held on behalf of or as trustee of wife/husband

- (i) Cash in hand
- (ii) Cash at Bank.....
- (iii) Outside Nigeria (Countries Bankers to be named)

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

18. Property in Nigeria in which you are interested in giving date when required.

(i) Land:

(ii) Building:

(iii) Other property (if any)

19. Property in Nigeria in which any wife/husband is interested in giving date when required

(i) Land:

(ii) Building:

(iii) Other property (if any):

20. Property outside in which any wife/husband is interested in giving date when required.

(i) Land:

(ii) Building:

(iii) Other property, (if any)

21. Property in Nigeria which any child of yours is interested in giving date when required.

(i) Land:

(ii) Building:

(iii) Other property, (if any):

22. Property outside Nigeria in which any child of yours is interested in giving due date when required.

(i) Land:

(ii) Building:

(iii) Other property, (if any):

23. 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 Suspect

.....
Signature and Address of Witness

FORM 2
FREEZING ORDER

Section 60

(This form may be amended according to circumstances)

1. To the Manager
(Here insert name and branch of Bank)

Under the authority conferred on me by section 60 of the TRAFFICKING IN PERSONS (PROHIBITION) ENFORCEMENT AND ADMINISTRATION ACT, 2014 you are hereby ordered –

(a) To supply the following information relating to the under mentioned accounts, that is to say –

.....
(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 onward payments, operations or transactions (including Acts 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 of20.....Unless sooner revoked by the President.

DATED this Day of 20.....

.....
Director-General/Bank Examiner