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Legal and institutional framework for trafficking in persons and protection of victims in Nigeria

Chioma Okeoma Okoye¹*, Enright Que Okolie², Ansem Uchechukwu Abonyi³

^{1,2,3} Faculty of Law, Chukwemelika Okekegwu Oziokwu University, Egbariam Campus, Anambra State, Nigeria

Corresponding Author* : chomaukeye@gmail.com

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Abstract

The legal and institutional framework addressing trafficking in persons and the protection of victims in Nigeria has made considerable strides in recent years, underpinned by a strong commitment to international conventions and national legal reforms. Hence the present study focused on how national laws, institutions, and international agreements worked together to combat trafficking and safeguard rights of those affected. The research drew attention to key legal instruments, including the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the Child's Rights Act, 2004, the Penal Code, 2004, the Labour Act, 2004, the Criminal Code Act, 2004, and the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015. These laws provided both preventative measures and protection for victims, while assigning responsibilities to federal and state actors. The study also assessed the efforts of institutions that played active roles in tackling trafficking. These included the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), the National Human Rights Commission (NHRC), the Nigerian Police, other security agencies, as well as non-governmental and civil society organizations. Their work involved awareness creation, victim rescue and rehabilitation, legal enforcement, and advocacy. Nigeria's commitment to international and regional frameworks was also explored. Treaties such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, were examined as part of this legal landscape. Other agreements, including the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination Against Women, further reinforced protection for vulnerable groups, particularly women and children. Comparative reflections from other jurisdictions offered useful lessons as to areas where Nigerian laws could become more effective. The study also considered the role of the judiciary and other legal institutions in shaping legal interpretations, enforcing rights, and ensuring accountability. Although progress had been made, challenges such as weak enforcement, limited inter-agency collaboration, and inadequate support for victims persisted. Strengthening legal mechanisms and improving institutional coordination remained vital for building a more effective and humane response to human trafficking in Nigeria.

Keywords : Human trafficking & victims

INTRODUCTION

Human trafficking remains a major human rights issue in Nigeria. Human trafficking is the illegal trade of people through force, fraud, or coercion for the purpose of exploitation. This crime often involves the recruitment, transportation, harboring, or receipt of individuals who are then subjected to forced labor, sexual exploitation, domestic servitude, or other forms of abuse¹. Human trafficking takes many forms—forced labor, sexual exploitation, domestic servitude, and child trafficking, to name a few. Over the years, Nigeria has created a legal and institutional framework aimed at tackling these challenges and supporting victims. While these efforts have shown progress, researchers still point to gaps in enforcement, victim care, and coordination across institutions².

At the center of Nigeria's legal approach is the Trafficking in Persons (Prohibition) Enforcement and Administration Act (TIPPEA), enacted in 2015. This law updated previous versions from 2003 and 2006, expanding the definition of trafficking to cover activities like forced marriage, organ trafficking, and exploitation in the informal sector. The changes brought the law in line with global standards, particularly the UN's Palermo Protocol³. TIPPEA includes strict penalties for traffickers and also makes victim rehabilitation a legal responsibility. One of the most important institutions in this fight is NAPTIP—the National Agency for the Prohibition of Trafficking in Persons. Created in 2003, NAPTIP has legal backing from the TIPPEA Act. The agency leads investigations, prosecutes traffickers, runs victim shelters, and works on public education. Fere and others⁴ describes NAPTIP as a critical part of Nigeria's anti-trafficking structure, having helped secure convictions and build awareness in communities. Still, challenges exist. Limited resources, staff shortages, and cultural practices like child fostering often create roadblocks.

Beyond NAPTIP, a wider network supports Nigeria's anti-trafficking mission. This includes the Nigerian Police, Immigration Services, and a number of civil society groups. These organizations play key roles—from arresting traffickers to helping victims rebuild their lives. According to Igwe⁵, this multi-agency approach brings many strengths but also causes some confusion due to overlapping duties and inconsistent coordination. When it comes to protecting victims, TIPPEA outlines the right to shelter, medical care, counseling, and skills training. NAPTIP has facilities for this, and partnerships with non-profits help fill in the gaps. However, long-term care is still not where it needs to be. Many victims struggle with stigma and lack the tools to rejoin society in a meaningful way. Reintegration programs often fall

¹Adeyemi, O. (2025). DYNAMICS OF HUMAN TRAFFICKING IN OYO STATE, NIGERIA. *Journal of African Philosophy and Indigenous Knowledge Systems*, 1(1), 33-44.

²Anaricha, I. (2024). Child Labor: The Human Trafficking Dilemma in Nigeria. *International Journal of Research in Innovation in Social Science*, 8(2), 2285-2293.

³Scopis, S. (2020). UN Palermo trafficking protocol eighteen years on: A critique. *The Palgrave international handbook of human trafficking*, 623-640.

⁴Eze, H. U., Opande, O. A., & Samuel, K. A. (2024). Assessment of NAPTIP Communication Strategies in Curtailing Gender-Based Human Trafficking in FCT Abuja, Nigeria. *International Journal of Sub-Saharan African Research*, 2(4), 124-139.

⁵Igwe, D. O. (2023). Inter-Agency Collaboration against Transnational Crime and Law Enforcement within Sewu Badajoy Border Migration Corridor Example. *ESUJ JOURNAL OF SOCIAL SCIENCES*, 8(1).

short, especially when victims return from trafficking abroad. Cecchet and Thornburn¹ notes that without psychological support and economic opportunities, many survivors face the risk of being trafficked again.

Nigeria also works closely with international partners like the United Nations Office on Drugs and Crime (UNODC), International Organization for Migration (IOM), and the European Union. These collaborations have improved training for law enforcement, supported joint investigations, and helped victims return home. Reports from UNODC (2019) suggest that international support has made Nigeria more effective in dismantling trafficking networks that operate across borders. Still, experts believe more work is needed to go beyond legal tools and look at what drives trafficking in the first place. Issues like poverty, gender inequality, poor education, and youth unemployment often make people more vulnerable to trafficking schemes.

Although Nigeria has taken significant steps, such as enacting the *Trafficking in Persons (Prohibition) Enforcement and Administration Act (TPEA)* 2015 and establishing the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), trafficking remains widespread. This raises questions about the effectiveness of these frameworks in addressing the complex and evolving nature of trafficking. Several studies highlight gaps in implementation, enforcement, and victim support. For instance, Afolabi² points out that while NAPTIP has secured convictions, limited resources and weak inter-agency collaboration reduce its impact. Similarly, Mbachu and others³ note the lack of reliable data and monitoring systems, which hinders evidence-based policymaking. Victim reintegration programs often fall short, particularly in providing psychological and economic support. These gaps suggest that beyond legal frameworks, more holistic and sustainable strategies are required. This study is therefore motivated by the need to critically assess these frameworks, identify their strengths and weaknesses, and explore ways to enhance protection and justice for trafficking victims in Nigeria.

METHODOLOGY

This study employed a qualitative research design using a systematic review approach to critically examine the legal and institutional frameworks guiding the fight against trafficking in persons and the protection of victims in Nigeria. The PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) framework offered structure and rigor to the literature selection and review process.

¹Cecchet, S. J., & Thornburn, J. (2014). The psychological experience of child and adolescent sex trafficking in the United States: Trauma and resilience in survivors. *Psychological trauma: theory, research, practice, and policy*, 6(1), 48-2.

²Afolabi, M. B. (2019). An Appraisal of the Impact of the National Agency for the Prohibition of Traffic in Persons (NAPTIP) and the Role of Strategic Spiritual Intelligence (SSI). *International Organization of Scientific Research*, 15-19.

³Mbachu, C., Agwu, P., Ohi, E., & Onwiodigwe, O. (2024). Understanding and bridging gaps in the use of evidence from modelling for evidence-based policy making in Nigeria's health system. *MDM Policy & Practice*, 9(1), 2301-6603231225659.

RESULT AND DISCUSSION

3.1 LEGAL FRAMEWORK

3.1.1 Federal and State Government and their response to trafficking in persons and protection of victims

The Universal Declaration of Human Rights (UDHR) of 1948 is the rallying point of all human rights laws. As a result, other enactments for the protection of fundamental human rights from abuses were apparently influenced and inspired by the UDHR. Some of these laws were either lifted word for word and domesticated by most nations or merely varied a bit.

a. The Constitution Federal Republic of Nigeria, 1999 (as amended)

In Nigeria, the first and most important step taken by the Nigerian state is the insertion Chapter IV of the 1999 Constitution of Nigeria as amended covering generally all fundamental human rights of the citizens.

The rights provided for under the four chapter of the 1999 Constitution of the Federal Republic of Nigeria as amended includes; the Right to life, Right to Dignity of the Human Person, Right to personal Liberty, Right to fair hearing, Right to private and family life, Right to freedom of thoughts, conscience and religion, Right to freedom of expression and the press, Right to peaceful assembly and association, Right to freedom of movement, right freedom from discrimination, right to acquire and own immovable property, Right against compulsory acquisition of property whether movable or immovable. Section 33(1) of the Constitution of the Federal Republic of Nigeria as amended (CFRN), 1999, provides that "every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria". From this provision, two core elements could be extracted: "every person has a right to life" and "no one shall be deprived intentionally of his life". These two elements open into variety of instances of actions that may properly fall within the section, if it is realized that the elements yield to both conjunctive and disjunctive interpretation and application.

When taken together, there is a risk that the second element will take precedence over the first, leading to the interpretation that the right to life is only breached in cases of willful deprivation of life. Therefore, knowing that the remedies of the section emerge only within the incidence of wrongful loss of life is necessary for the full realization of the "right to life" that is truly the subject-matter of the provision. This is especially true since instances of "unintentional" deprivation of life brought on by actions or inactions that have the potential to result in death may exceed instances of "intended deprivation of death". On the other hand, realizing that the phrase "every person has a right to life" may stand alone and support a cause of action even before death occurs, provides the provision a broad interpretation that allows it to safeguard life as well as offer remedies for the willful deprivation of life. If the right to life only applied to those that had been denied, it would be worthless. It is however notable that the agency created by the 1999 Constitution under this chapter is the High Courts⁹ and the Chief Justice is given the powers to make such further rules with respect to the procedure of court on the enforcement of Chapter IV of the 1999 Constitution as amended¹⁰.

⁹ This could be a Federal High Court or a High Court of a State.

¹⁰ Section 46 (1-3) of the 1999 Constitution of the Federal Republic of Nigeria as amended.

Section 15(2) and 42(1)¹¹ prohibits sex-based discrimination. Section 17¹² outlines the demographically derived disparities as fundamental objective of the state policy.

Although Subsection 4 of Section 46¹³ made an attempt to further empower the National Assembly to expand the powers of Court in exercising jurisdiction and also to make provisions for legal aids especially for indigent persons, it is yet to be seen how victims of Human rights abuses especially victims of trafficking who are always at the mercy of their masters and without any form whatsoever of access to the court or legal aid can confidently assert their rights.

It is clear therefore that whereas Sections 34 and 35 of the Constitution¹⁴ made clear provisions for the protection of the dignity of the human person and personal liberty which rights the carnage of trafficking in human persons more directly infringe, the attempt by the Constitution to put the onus of asserting these rights on the victims who are themselves unable to wriggle out free from their abductors and traffickers who are more or less wolves. Whereas the more affluent and exposed or informed individuals have taken advantage of this provision of the Law to assert their right over the years, it is yet to be seen how the victims of trafficking can be helped since they cannot help themselves but are rather in need of rescue.

Of course, there have been a number of legislative attempts to address the gap left by the 1999 Constitution especially as it concerns the rights of women and children and especially as pertains trafficking in human persons. In the year 1992, the National Commission for Women Act of 1992 was promulgated while the National Centre for Women Development Act of 1995 quickly followed suit.

b. Child's Rights Act, 2003

Historically in the year 2003, the Child's Rights Act (CRA) was passed by the National Assembly for the protection of the vulnerable children who cannot help themselves. As at the 17th day of June, 2022, twenty-four (24) out of Thirty-Six (36) States have adopted the CRA as a state law to give it the force of law. Sections 1 to 30¹⁵ made provision for the interest of the best interest of any child under 18 years.

c. Penal Code, 2004

Good as all these efforts may have been, it is worrisome that the offense of trafficking in person was not given reasonable attention in the Penal Code Act enforceable in the North Criminal Code Act enforceable in the south,¹⁶ instead what might be considered close to this offence are the provisions dealing with unlawful carnal knowledge, kidnapping, abduction, defilement.¹⁷ Section 275 of the Penal Code provided for the procurement of a minor girl. Section 278 provided for offence of buying or selling of minor for immoral or whatever purpose, Section 279 provided for the offence of buying or disposal of slave, Section 280

¹¹ Section 15 (2) and Section 42(1), Constitution of the Federal Republic of Nigeria, 1999 as amended.

¹² Section 17 of the 1999 Constitution of the Federal Republic of Nigeria as amended.

¹³ Section 46(1-3) of the 1999 Constitution of the Federal Republic of Nigeria as amended.

¹⁴ *Ibid*, 1999 Constitution

¹⁵ Child's Rights Act, 2003.

¹⁶ Dr. C. Olati Ndifon, K. A. Apoti, & Dr. R.A. Ndifon, Human Trafficking in Nigeria: A Menace for Human Rights, Crime and Security Violations *American Journal of Social Issues & Humanities* (ISSN: 2276 - 6928) Vol. 2(3) pp. 84-99 May 2012 84-99.

¹⁷ *Ibid*.

6.1 Judicial Penetration

provided for the offence of unlawful compulsory labour while Section 281 provided for the offence of trafficking women without commensurate punishment hence the advocacy for the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015 be domesticated by state yet to domesticate it as this will help curb trafficking.

d. Labour Act, 2004

Section 39 talks about the procedure to take prior to leaving Nigeria to work abroad and the traffickers do not take the procedure mentioned in the above-mentioned section. Section 45 voids any contract induced by fraud, while Section 46 of the Labour Act, 2004 provided for the neglect and ill-treated workers but the issue I have with the provision of Section 46 is the fine not exceeding N500 or an imprisonment for a term not exceeding one year or both, which to me is not enough to deter other employers from mistreating their staff (employees). Sections 59-62 of the Labour Act, 2004¹⁵ shall apply to children. Other relevant sections of the Labour Act provide:

No child or young person shall be employed in any capacity outside his family's light agricultural, domestic, or horticultural work as approved by the Ministry of Labour; or be required to lift, carry or move anything so heavy as to be likely to injure his physical development; or be employed or work in any industrial undertaking except work done in technical schools under the relevant supervisory agency; or be employed in circumstances in which it is not reasonably possible for him to return home each day; or employed to work underground, or on machines or on public holidays; or be employed in any employment which is injurious to his health, dangerous or immoral; or be required to work for a longer period than four consecutive hours and for a total of more than eight hours a day.

e. Criminal Code Act, 2004

Sections 223 of the Criminal Code provided for the procurement of a girl or woman, both in Nigeria or outside Nigeria for the purpose of having carnal knowledge or prostitution. Section 224 of the Criminal Code provided for procuring and defilement of woman by threats or fraud, or administering drugs. Section 365 of the Criminal Code provided for the offence of deprivation of liberty, while Section 369 of the Criminal Code provided for the offence of slave dealing. The above-mentioned sections of the Criminal Code

Act which are also dealt more extensively in the Trafficking in Persons (Prohibition) Enforcement and Administrative Law, 2015 hence the advocacy that the states yet to domesticate the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act to do so for the proper prosecution of traffickers.

f. Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015

The activities and intervention of Non-Governmental Organizations (NGO's) and other interests Civil Society Organizations (CSO) which from the year 1999 drew much attention to the menace of trafficking and brought it to the national discourse in Nigeria thereby creating great awareness and understanding into the depth of damages which the activities of these traffickers are causing the Nigerian Society. In this regard, it is noteworthy to state that it is the work of the wife of the former Vice-President of the Federal Republic of Nigeria, Chief (Mrs) Aminu Titi Abubakar that facilitated the establishment of an NGO called Women Trafficking and Child Labour Eradication Foundation (WOTCLEF) in 1999 and

¹⁵ Cap. 11, Laws of the Federation of Nigeria (LFN) 2004.

this that triggered the rapid progress of the war against trafficking in persons in Nigeria. Consequently, the hard work of WOTCLEP²⁸ paid off when the bill the organization sponsored at the National Assembly was adopted and passed into law as 'Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003'²⁹ which Act deals comprehensively with the issue of trafficking generally and precisely women and children and criminalized the procurement of women and children for trafficking and prostitution.

One of the major achievements of this law is the establishment of the National Agency for the Prohibition of Traffic in Persons and Related Matters and the fact that this agency so established is equally vested with the authority to enforce the provisions of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 against defaulters, investigate and prosecute these defaulters and to also take responsibility for the Rehabilitation, Counselling and reintegration of the victims of trafficking back into the society.

This Act was amended in the year 2005 but was eventually repealed in the year 2015 by the Trafficking in Persons (Prohibition) Enforcement and Administration Act. This latest Act established the National Agency for the Prohibition against Trafficking in Persons charged with the responsibility of enforcing the Act and other ancillary duties. The Act also provided for Punishments upon conviction ranging from ten years to Life imprisonment. But beyond this is the impressive set up of the NAPTIP which empowers it with a mandate to fight against trafficking in Human persons and completely eradicate it. In addition, the Act of 2003 did not make provisions relating to organ harvesting which the new act by its section 20 closed the gap and brought the Act to be in line with the provision of ILO Convention which prohibited trading of human vital parts called organ harvesting. Section 5³⁰ listed the functions of

NAPTIP as an agency of the federal government. Section 13³¹ defined the term Trafficking in Person, while Section 36³² gave High Court the jurisdiction to try offences, hear and determine proceedings arising from Trafficking in Person.

3.2 INSTITUTIONAL FRAMEWORK FOR PROTECTING AND PROMOTION OF RIGHTS OF VICTIMS OF TRAFFICKING

3.2.1 Activities of the National Agency for Trafficking in Persons (NAPTIP)

From the establishment of the National Agency for Trafficking in Persons, the agency has been quite pragmatic and proactive in their approach to their mandate to eradicate Trafficking in Human persons in Nigeria. The Agency has also done well in documenting their progress and achievements through quarterly reports which are often referred to as Nigeria Country Reports on Human Trafficking. NAPTIP operates 9 zonal commands and ten shelters spread across the six geopolitical zones in Nigeria. These offices are situated in Lagos,

²⁸ Women Trafficking and Child Labour Eradication Foundation (WOTCLEP)

²⁹ Dr. C. Olan Ndufu, K. A. Apoti, & Dr. R.A. Ndufu, Human Trafficking in Nigeria: A Metaphor for Human Rights, Crime and Security Violations *American Journal of Social Issues & Humanities* (ISSN: 2276 - 0928) Vol 2(3) pp. 84-99 May 2012 84-99.

³⁰ Trafficking in Persons (Prohibition) Enforcement and Administrative Act, 2015.

³¹ *Ibid.*

³² *Ibid.*

8.1 Judicial Penetration

Oshogbo (South West), Uyo and Benin (South-South), Enugu (South-East), Kano and Sokoto (North-West), Maiduguri (North-east) and Makurdi (North-Central) and the headquarters at the Federal Capital Territory, Abuja.²⁴

In executing its mandate, the agency has been able to take the anti-trafficking battle to the grass roots level in a number of States and Local Government Areas in the country through imaginative posters and signposts which can be seen by various highways and other strategic positions across the nation, enlightenment campaigns are also carried out regularly in the various regions and geopolitical zones to create more awareness and better educate potential victims or victims on how to get help. Radio and television jingles as well as seminars and workshops have been held on air in addition to newspaper publications pursuant to NAPTIP goals to eradicate trafficking in Nigeria. In more recent times and with the surge in social media usage, NAPTIP have also employed the use of social media outlets including Facebook, Twitter and their likes to engage more directly with Nigerians making it even more easier for victims of trafficking to speak up and get help through direct interaction which may otherwise not have been feasible.

The agency has, through its legal and prosecution unit established an investigation task force team made up of representatives of the Nigeria Police Force, the Nigeria Immigration Service, National Intelligence Agency and the judiciary. This quasi coalition with the security groups, the judiciary and other relevant stakeholders made the agency more formidable in the execution of its mandate through maximum cooperation. As at the year 2003, the task force so created has total staff strength of sixty-nine (69), including forty (40) new members of staff. All of these staff detailing was passed through induction courses some of which induction courses were done at the Police Detective School in Enugu.²⁵

NAPTIP's investigation unit while in close collaboration with these other agencies was able to prosecute and obtain a ground breaking conviction over one notorious trafficker by the name Sarah Okoma, who was tried in Benin and sentenced to three years imprisonment upon conviction in the month of November 2004. These emboldened whistle blowers whose confidence in NAPTIP were heightened by that diligent prosecution and owing to that conviction, between the months of May and June 2004, thirty-two (32) cases concerning the trafficking of women were reported and referred to NAPTIP from the headquarters of the Nigerian Immigration Service. Out of the other forty-one (41) cases reported to NAPTIP in 2004, twenty-seven (27) have been interrogated and eight of them arraigned in courts in Anchi, Benin, Uromi, Kano, Ilorin and Ibadan. Six (6) new cases were reported to the NAPTIP in 2005 (Lapede, 2007). The Agency is currently pressing charges against Alhaji Sani Yerima, former Governor of Zamfara State and serving Senator of the Federal Republic of Nigeria for marrying a thirteen (13) year Egyptian minor in contravention of the NAPTIP Act.²⁶

Attempting to get to the source of voodoo priests who make it difficult for victims to provide information about traffickers, the agency raided two (2) juju shrines in Edo state, arrested the priests and confiscated their charms and other items including photographs of trafficked victims. In collaboration with the anti-human trafficking units and other security

²⁴ Page 25 Nigeria Country Report on Human Trafficking 2019.

²⁵ Lilian Muechi Irwada, *Prevalence of Sex Trafficking and Perspectives from Parents in Oyo Community Edo State*, <<https://www.academia.edu>> Accessed February 12, 2023 at 2:00pm.

²⁶ *Ibid*.

agencies. NAPTIP has successfully intercepted teams of traffickers and their victims within Nigeria and across the Sahara Desert. Although the NAPTIP does not provide micro credit schemes, it works closely with relevant federal government poverty alleviation agencies such as the National Directorate of Employment (NDE), or the National Program for the Eradication of Poverty (NAPEP), to ensure that rehabilitated female victims of trafficking can access funds to set up shop, while the rehabilitation division of NAPTIP collaborates with anti-human trafficking units of the Immigration Service as well as local and international NGOs to rehabilitate and reintegrate victims of human trafficking. Evident in NAPTIP's collaboration with the International Organization for Migration (IOM) and ALNIMA (an NGO), was the successful rehabilitation of eighteen (18) repatriated victims and the reuniting of fourteen (14) trafficked persons with their families²⁷.

NAPTIP has also been active in the area of cooperation and collaboration with a number of countries both within the West African sub-region and in other parts of the world. This is particularly so with source, transit and destination countries. The agency has in place a Memorandum of Understanding (MoU), with England and Northern Ireland. In May 2004 the agency signed a memorandum of agreement with the Italian government while the kingdoms of Saudi Arabia, Spain and the Netherlands have been cooperating in the areas of intelligence sharing and prosecution. The recent submission of the names of traffickers with their addresses to Interpol for investigation is an example of the useful cooperation on going between Nigeria and Spain.

As at the 20th day of January, 2022, the Guardian Newspaper through all its media outlets published the latest activity of NAPTIP which is the arraignment of one Patricia Ekhoie Ighisoria²⁸ before Hon. Justice Chukwujekwu Ankeke of the Federal High Court, Lagos. The Honourable Court remanded her at the Nigeria Correctional Services on a six-count charge in relation to the trafficking of women to Malaga in Spain for prostitution²⁹. Until the end of the matter before the court, the matter is still sub-judice and legally speaking one can say little or nothing on the matter until the end.

3.2.2 Activities of Human Rights Commission

Human trafficking remains a significant violation of human rights and a global concern, with devastating consequences for its victims. In Nigeria, the role of human rights commissions in combating human trafficking is pivotal, particularly that of the National Human Rights Commission (NHRC). The NHRC, as mandated by various legal instruments, is at the forefront of advocating for and protecting the rights of victims of trafficking. The National Human Rights Commission (NHRC) was established under the National Human Rights Commission

Act of 1995 with the primary responsibility of promoting and protecting human rights in Nigeria. In its work to combat human trafficking, the NHRC operates within a legal framework provided by both domestic and international laws. These legal instruments empower the Commission to investigate human rights violations, including those related to

²⁷ Wale Ighimade, *THISDAYLIVE* <<https://www.thisdaylive.com>> Accessed February 12, 2023 at 2:20pm.

²⁸ Federal Republic of Nigeria v Patricia Ekhoie Ighisoria (aka Maria Bobbys), FHC/L/345/2021 (unreported).

²⁹ Yemide Ayobami Ojo, *The Guardian* <https://guardian.ng/news/2021-orders-remand-of-55-year-old-woman-in-4-deges-humantrafficking/?utm_source=facebook&utm_medium=social&utm_campaign=social&utm_term=.642650857> Accessed January 20, 2023 at 2:00pm.

human trafficking, and ensure that trafficked persons receive necessary protection and support²⁰.

The NHRC is specifically tasked with monitoring, protecting, and promoting the human rights of Nigerian citizens, including victims of human trafficking. The Commission's mandate extends to addressing abuses related to trafficking in persons, advocating for legal reform, and ensuring that Nigeria adheres to its international commitments to combat trafficking. As a national human rights institution, the NHRC's efforts are guided by the Universal Declaration of Human Rights (UDHR), the African Charter on Human and Peoples' Rights, and relevant provisions of the Nigerian Constitution²¹.

One of the key legal frameworks enabling the NHRC to address human trafficking is the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, passed in 2003. While the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) is primarily responsible for enforcement, the NHRC's role is focused on advocacy, victim protection, and ensuring that individuals are not subjected to further harm after being trafficked. The NHRC supports the enforcement of this law by investigating alleged violations and providing victims with necessary legal protection²².

The Constitution of Nigeria also plays a critical role in providing the legal basis for the activities of the NHRC. Section 33 of the Constitution guarantees the right to life, which includes protection from all forms of exploitation, such as trafficking. This constitutional provision underpins the NHRC's mandate to advocate for the rights of trafficked persons and ensure that their basic rights to dignity and freedom are upheld. Moreover, the Child Rights Act of 2003 is another key piece of legislation that contributes to the NHRC's role in protecting vulnerable populations, particularly children, from trafficking²³. The Act criminalizes child trafficking and exploitation, thus providing a legal basis for the NHRC's advocacy on behalf of child trafficking victims. This law ensures that children who are trafficked for forced labor, sexual exploitation, or other forms of abuse receive legal protection and can access rehabilitation services²⁴.

In addition to domestic laws, Nigeria's international obligations further empower the NHRC in its fight against human trafficking. The country is a signatory to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention Against Transnational Organized Crime. These international agreements require Nigeria to adopt effective measures to combat human trafficking and to protect and assist victims. As a part of its mandate, the NHRC ensures

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²⁰ N S Amadi, M O Aden, *The Role of the National Human Rights Commission (NHRC) in Post Conflict Situations in Nigeria*. *AFREX IAH: An International Journal of Arts and Humanities*, 2019 Mar 1,8(1):132-42.

²¹ O V Okene, N K Akani, *Human Dignity and Human Rights: The Nigerian Question*. *Australian Law Journal*, 2019;1:7.

²² N C Charles, J C Patricia, *Trafficking of Women and Children (1)- 2-4-3 Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 and other relevant laws*. *Chidwomaka Odumegwu Ojukwu University Journal of Private and Public Law*, 2023;5(1).

²³ O S Akintoye, *Legal impediments on the practical implementation of the Child Right Act 2003*. *International Journal of Legal Information*, 2010,37(3):10.

²⁴ N Togo, *Resisting equality as a right: the minimum age of marriage clause in the Nigerian Child Rights Act, 2003*. In *The Politics of Rights*, September 15, 2013 (pp. 125-138). Routledge.

that Nigeria fulfills its international commitments and that victims of trafficking receive adequate protection and assistance in line with international standards.

The African Charter on Human and Peoples' Rights, to which Nigeria is also a signatory, includes provisions related to the protection of individuals from exploitation and inhuman treatment. The NHRC, in its efforts to combat human trafficking, relies on these international human rights instruments to ensure that the rights of Nigerian citizens, especially those trafficked abroad, are protected. The NHRC's role includes advocating for legal reform and aligning Nigeria's laws with international standards on trafficking²³. The NHRC's involvement in addressing human trafficking goes beyond monitoring and enforcement; it also includes several critical functions, such as:

1. **Advocacy and Public Awareness:** One of the NHRC's primary roles is raising public awareness about the dangers of human trafficking. Through campaigns, seminars, and public outreach programs, the Commission educates Nigerians on how to recognize trafficking situations and prevent victimization. These awareness initiatives are crucial, as they inform communities about the signs of trafficking and empower individuals to protect themselves from traffickers.
2. **Victim Protection:** While NAPTIP handles direct victim rehabilitation, the NHRC supports the legal protection of trafficking victims. The Commission works with other governmental and non-governmental organizations to ensure that trafficked persons are not further victimized by the legal system. The NHRC provides legal assistance and works toward the reintegration of victims into society.
3. **Monitoring and Reporting:** The NHRC monitors the implementation of anti-trafficking laws and policies in Nigeria. This includes monitoring law enforcement efforts to investigate and prosecute trafficking cases. The Commission also submits periodic reports to international bodies, ensuring that Nigeria remains accountable for its commitments to combat trafficking.
4. **Legal Reform Advocacy:** The NHRC plays a significant role in advocating for reforms to existing laws and the introduction of new legislative measures that can better address trafficking in persons. The Commission works with lawmakers, civil society organizations, and other stakeholders to push for stronger laws, better enforcement mechanisms, and greater protection for trafficking victims.

Despite the legal frameworks in place, the NHRC faces several challenges in its fight against human trafficking. One of the most significant challenges is the lack of resources. The NHRC's operations are often hampered by insufficient funding, which limits its capacity to carry out its advocacy and monitoring functions effectively. Additionally, the NHRC often faces challenges in coordinating with other law enforcement agencies due to institutional weaknesses and a lack of proper communication mechanisms.

3.2.3 Non-Governmental Organizations and other Civil Society Organizations

Human trafficking is a pervasive issue that affects millions of individuals worldwide, with Nigeria being one of the countries significantly impacted by this crisis. Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs) play a crucial

²³ U.O. Unwanike, *The African Charter on Human and Peoples' Rights*, Brill, August 28, 2023.

role in addressing human trafficking in Nigeria. Their activities, guided by various legal frameworks, have been instrumental in advocacy, victim protection, and the enforcement of anti-trafficking laws.³⁶

NGOs and CSOs in Nigeria contribute significantly to the fight against human trafficking through advocacy, legal support, victim rehabilitation, public awareness campaigns, and monitoring the effectiveness of government policies. These organizations work collaboratively with international bodies, law enforcement agencies, and governmental agencies to combat trafficking and protect victims. NGOs and CSOs act as watchdogs, ensuring that Nigeria complies with its national and international obligations on human trafficking.³⁷ Their roles encompass victim support, including providing shelter, legal aid, and psychological support to victims of trafficking. They also engage in preventive measures, such as community education to raise awareness about the dangers of trafficking and the rights of individuals under Nigerian law. CSOs and NGOs are often the first line of assistance for victims of trafficking, helping them navigate the legal system and access necessary services.³⁸

The legal framework that supports the activities of NGOs and CSOs in combating human trafficking in Nigeria is primarily derived from national laws, international treaties, and agreements. The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (2003), a key legislative framework, criminalizes human trafficking and empowers various organizations, including NGOs and CSOs, to work alongside governmental bodies in combating trafficking. The Act establishes a legal basis for organizations to engage in anti-trafficking activities such as advocacy, victim protection, and rehabilitation.³⁹

The National Human Rights Commission Act (1995) also provides a foundation for the activities of NGOs and CSOs, as it mandates the protection of the human rights of all individuals, including trafficking victims. The National Human Rights Commission (NHRC), in collaboration with NGOs and CSOs, oversees the implementation of human rights laws, including those that pertain to trafficking.⁴⁰ The Commission works to ensure that trafficking victims are provided with the necessary legal protections and that laws against trafficking are effectively enforced.

Furthermore, the Child Rights Act (2003) criminalizes child trafficking and makes it a priority to protect children from exploitation and abuse. This law strengthens the role of NGOs and CSOs working to protect vulnerable children from trafficking by providing a legal framework for their interventions. These organizations can use the provisions of the Act to challenge child trafficking and provide victims with services such as rehabilitation.

³⁶ D.I. Nnaji and others, *Are Civil Society Organizations Doing enough? Monitoring Civil Society Organizations in the Administration of Criminal Justice in Nigeria*, *University of Nigeria Journal of Political Economy*, 2024 Jul 7, 14(1).

³⁷ M. Bayart, *Bilateral Cooperation Against Trafficking: Nigeria and the United Kingdom, Bilateral Cooperation and Human Trafficking: Establishing Modern Slavery between the United Kingdom and Nigeria*, p217, Palgrave Macmillan 2018.

³⁸ A. Mitra, *Non-governmental organizations in the human rights world. In the handbook research companion to non-state actors* 2016 Mar 23 (pp. 377-396), Routledge.

³⁹ K. A. Fosu and A. Toft and N. Cesari, *Developments in anti-trafficking efforts: 2006-2011*, *Journal of Human Trafficking*, 2015 Apr 3; 1(2):156-55.

⁴⁰ M. Mayrhofer and other, *International human rights protection: The role of National Human Rights Institutions-a case study*, *HEAMZ*, 2016.

reintegration into society, and access to education⁴¹. International legal frameworks also influence the work of NGOs and CSOs in Nigeria. Nigeria is a signatory to the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, which supplements the United Nations Convention Against Transnational Organized Crime. The Protocol obligates signatory countries, including Nigeria, to adopt legal measures to prevent trafficking, protect victims, and promote international cooperation. NGOs and CSOs in Nigeria work closely with international organizations to ensure compliance with these global standards and advocate for the protection of trafficking victims⁴².

The African Charter on Human and Peoples' Rights, another international instrument Nigeria has ratified, also plays a role in guiding the activities of NGOs and CSOs. The Charter emphasizes the protection of human dignity and the rights of individuals, including the right to be free from exploitation. This provides an international legal basis for Nigerian CSOs and NGOs to challenge trafficking practices and provide support to victims⁴³. NGOs and CSOs in Nigeria contribute in various ways to the fight against human trafficking, with a focus on prevention, victim support, and advocacy. Many NGOs and CSOs in Nigeria engage in advocacy efforts aimed at influencing policy and legal reforms. These organizations play a critical role in ensuring that Nigerian laws regarding human trafficking are in line with international standards and are effectively implemented⁴⁴. They work to raise awareness about the dangers of trafficking and to lobby for stronger laws and policies that protect victims and deter traffickers.

NGOs and CSOs provide essential services to victims of human trafficking, including legal assistance, shelter, empowerment, and psychological counseling. These organizations ensure that trafficking victims are not further victimized by the justice system. They provide a safe space for victims, assist in reintegrating them into society, and ensure they receive the support needed to rebuild their lives⁴⁵. NGOs and CSOs conduct awareness campaigns to educate communities about the dangers of human trafficking and the methods traffickers use to exploit individuals. These campaigns aim to empower vulnerable populations to recognize trafficking attempts and seek help when necessary. NGOs collaborate with schools, religious organizations, and local communities to disseminate information about trafficking⁴⁶.

NGOs and CSOs also play a critical role in monitoring the effectiveness of anti-trafficking laws and government efforts to combat trafficking. They act as independent

⁴¹ N S Amala, M O Adede, 'The Role of the National Human Rights Commission (NHRC) in Post Conflict Situations in Nigeria', *AFRREV IAH: An International Journal of Arts and Humanities*, 2019 Mar; 3(1):132-42.

⁴² C Martin, 'National Human Rights Institutions in Southeast Asian States: The Necessary Foundation for an Efficient ASEAN Intergovernmental Commission on Human Rights', *National Human Rights Institutions in Southeast Asia: Selected Case Studies*, 2020:37-54.

⁴³ N K de Lang, 'The establishment and development of the Myanmar national human rights commission and its conformity with international standards', *Asia-Pac. J. on Hum. Rts. & L.*, 2012:13:1.

⁴⁴ Trugha F, F. 'From Transition to Governance: Accountability Opportunities for the Myanmar National Human Rights Commission', *National Human Rights Institutions in Southeast Asia: Selected Case Studies*, 2020:121-40.

⁴⁵ D Langley, K R Lee, 'National human rights institutions: Roles, requirements, and practice', *Oxford University Press*, 2021, 4.

⁴⁶ T Oluigbo, 'Combating trafficking in person: A case study of Nigeria', *European journal of scientific research*, 2008;24(1):23-32.

watchdogs, documenting cases of trafficking and providing reports to the public and international organizations. This monitoring helps to hold both the government and traffickers accountable for their actions.⁴⁷ Despite their significant contributions, NGOs and CSOs in Nigeria face several challenges in their efforts to combat human trafficking. One of the primary challenges is the lack of funding and resources. Many NGOs and CSOs operate with limited financial resources, which affects their ability to provide comprehensive services to trafficking victims and sustain long-term advocacy programs. Limited funding also hampers their ability to conduct large-scale public awareness campaigns or carry out detailed research on the scope of human trafficking in Nigeria.

3.2.4 Nigerian Police and other Security Agencies

Human trafficking is a significant and growing issue in Nigeria, affecting millions of individuals and requiring a coordinated response from both governmental and nongovernmental organizations. Among the key players in the fight against human trafficking are Nigerian law enforcement agencies, particularly the police and other security agencies. These agencies play a pivotal role in combating trafficking through enforcement, investigation, prevention, and victim protection.

Several legal instruments and frameworks guide the activities of Nigerian law enforcement agencies in addressing human trafficking. The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (2003) is the primary piece of legislation that criminalizes human trafficking in Nigeria. The Act empowers the police and other security agencies to arrest, prosecute, and convict traffickers. It defines human trafficking, establishes penalties for traffickers, and outlines the responsibilities of law enforcement agencies in tackling the crime. The Act also establishes the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), which collaborates with the Nigerian police and other security forces in the enforcement of anti-trafficking laws.⁴⁸

The Nigerian Police Act (2020) provides a comprehensive legal framework for the operations of the Nigerian Police Force, including their role in combating human trafficking. The Act mandates the police to uphold the rule of law, maintain public safety, and protect citizens from all forms of exploitation, including human trafficking. Section 4 of the Act empowers the police to prevent and investigate crimes, including trafficking in persons, and to arrest individuals suspected of being involved in trafficking activities.⁴⁹ The Criminal Code Act (1990) is another crucial legal instrument that guides the activities of law enforcement agencies in addressing human trafficking. The Code criminalizes various forms of exploitation, including forced labor, slavery, and child trafficking. The police, under the Criminal Code, are authorized to investigate trafficking cases, arrest perpetrators, and initiate

⁴⁷ A. K. Abiodun and others, *Human trafficking: A global challenge reflection on the challenges in Nigeria*, *Jl. Policy & Globalization*, 2017/61:192.

⁴⁸ S. K. Kigbo, V. B. Hassan, *Legal framework for combating human trafficking in Nigeria: The journey so far*, *Jl. Policy & Globalization*, 2015/38:205.

⁴⁹ A. O. Babamile, *Human trafficking and transnational organized crime: Implications for security in Nigeria*, *Peace Research*, 2014 Jan 1:61-64.

prosecutions. The Criminal Code also provides legal protection for victims of trafficking, ensuring that they are not criminalized for actions they were coerced into.²⁰

International treaties also play a significant role in shaping the legal framework for Nigerian law enforcement in the fight against human trafficking. Nigeria is a signatory to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, which supplements the United Nations Convention Against Transnational Organized Crime. This Protocol requires signatory states, including Nigeria, to criminalize trafficking and take necessary measures to prevent, detect, and punish trafficking activities. Nigerian law enforcement agencies, including the police, are tasked with ensuring that the country complies with this international obligation, particularly in terms of prosecuting traffickers and protecting victims.²¹

The African Charter on Human and Peoples' Rights is another international treaty to which Nigeria is a party. The Charter obliges signatories to respect the dignity of the individual and prohibit all forms of exploitation, including human trafficking. This international commitment reinforces the role of Nigerian police and other security agencies in combating trafficking and ensuring the protection of human rights.²² The Nigerian Police Force, alongside other security agencies such as the Nigeria Immigration Service (NIS), Economic and Financial Crimes Commission (EFCC), and Department of State Services (DSS), plays an essential role in fighting human trafficking. These agencies work together to investigate trafficking networks, apprehend traffickers, and safeguard the welfare of trafficking victims.

The Nigerian police are at the forefront of investigating human trafficking cases. They are responsible for gathering evidence, conducting raids, and identifying traffickers involved in the illegal trade of humans. The police collaborate with international law enforcement agencies, such as INTERPOL, in investigating cross-border trafficking cases. Under the Trafficking in Persons Act, police are empowered to investigate trafficking syndicates, arrest suspects, and bring them to justice. The establishment of specialized police units, such as the Anti-Trafficking Unit in some police formations, has enhanced the capacity of the Nigerian police to combat trafficking.²³

The police also play a vital role in the protection of trafficking victims. Under Nigerian law, law enforcement agencies, including the police, are required to provide support and assistance to victims. The police coordinate with NGOs and civil society organizations to ensure that victims receive necessary services, such as shelter, legal aid, and psychological support. Additionally, the police ensure that victims are not penalized for crimes committed as a result of trafficking, in line with the provisions of the Trafficking in Persons Act.²⁴ Another critical function of the police in combating human trafficking is public awareness and

²⁰ O. Oluwakemi, *Enhancing Effective Judicial Response to Human Trafficking in Nigeria*, *International Journal of Law and Social Sciences*, 2023, 50-63.

²¹ C. Akinlo-Oluwalabi and K.C. Nwagwu and L. O. Ojiboye, *Examination of the Institutional Framework for Combating Trafficking in Persons in Nigeria*, *IRJALTE*, 2020, 1-54.

²² A. Idris and others, *Community-Based Border Policing: Towards Complementing Border Surveillance Strategy in Countering Human Trafficking on the Nigeria-Niger Border*, *Journal of Asian and African Studies*, 2024 Feb 15:00219096241228770.

²³ K. Aina, *The Nigerian police law*, Pinter Publishers & Associates Publishing Company Ltd., 2014.

²⁴ A. E. Torinope, *Human Trafficking and Its Implications for Women in Edo State, Nigeria* (Master's thesis, Kwara State University (Nigeria)).

prevention. The Nigerian police engage in campaigns to educate the public about the dangers of human trafficking and how to identify and report trafficking activities. These awareness campaigns are often carried out in collaboration with other stakeholders, including NGOs, civil society organizations, and international bodies.

The Nigerian Police Force works in close coordination with other security agencies, including the Nigeria Immigration Service (NIS), which controls the movement of individuals across borders, and the DSS, which provides intelligence on trafficking activities. This multiagency collaboration enhances the effectiveness of efforts to combat trafficking. The police and NIS, for instance, work together to detect and intercept traffickers at border posts and airports²⁵. Despite the legal framework and the critical role of Nigerian police and security agencies in combating human trafficking, several challenges impede their effectiveness. One of the significant challenges is insufficient training and capacity-building. Many police officers lack specialized training in identifying and investigating human trafficking cases. This knowledge gap affects their ability to detect and properly handle trafficking cases. There is also a lack of resources, such as adequate funding and technology, which hinders the police's ability to effectively combat trafficking²⁶.

3.3 Nigerian Laws and ratified international conventions/treaties for protection of victims of trafficking and for regulation in Nigeria

Nigeria is party to the Protocol to Prevent, Suppress and Punish Trafficking in persons, especially women and children (Trafficking Protocol) supplementing the United Nations Convention against Transnational Organized Crime, as well as to a number of international human rights instruments, including the United Nations Slavery Convention²⁷, the Convention for the suppression of trafficking in Persons and of the Exploitation of the Prostitution of Others²⁸, the ILO Forced Labour Convention (1930, No. 29)²⁹, the ILO Abolition of Forced Labour Convention (1957, No. 105)³⁰, the ILO Worst Forms of Child Labour Convention (1999, No. 182)³¹.

Nigeria also ratified other international instruments which have provisions that can apply by extension to the protection of the human rights of trafficked persons, including: The Convention on Elimination of All Forms of Discrimination against Women (1979)³², the

²⁵ S.S. Hentley, 'The Phenomenon of "Baby Factories" in Nigeria: a New Trend in Human Trafficking', *International Criminal Justice Database*, 2013 Oct.

²⁶ H. Van der Wal, 'Trafficking in Human Beings: environmental, crime against humanity? Unravelling the concepts', *Crime Journal of International Law*, 2014 Jan (152):237-334.

²⁷ K. Finkle, *United Nations Convention Against Slavery: A Critical Examination*, Harv. Bus. Q., 1968, at 306.

²⁸ S. Dolanek, 'Tensions of abolitionism of the Prostitution of Others', in *Prostitution in Twentieth Century Europe*, May 23, 202, 110-120, Routledge.

²⁹ M.A. Marston, 'ILO Convention 29 (Forced Labour Convention) 1930 (No. 29)', *International and European Labour Law*, 3rd ed., 3049-3073, Nomos Verlagsgesellschaft, 2016 & Cit. RG.

³⁰ E. Thomson, 'The abolition of forced and compulsory labour', in *Steps to Compliance with International Labour Standards: The International Labour Organization (ILO) and the Abolition of Forced Labour* 2011 (pp. 183-242), Wipacaden: VS Verlag für Sozialwissenschaften.

³¹ International Labour Organization, C182, Worst Forms of Child Labour Convention, 1999 (No. 182), ³² Women UN, Convention on the elimination of all forms of discrimination against women, dates include: <http://www.un.org/womenwatch/daw/cedaw/cedawintro.html>, para. 1979 Dec, 42.

³³ G.A. Resolution, Declaration on the Elimination of Violence against Women, New York: United Nations, 1993.

Convention on the Rights of the Child (1989)⁵⁵, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children⁵⁶, Child Prostitution and Child Pornography (2000)⁵⁷, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)⁵⁸, the Convention on the Elimination of All Forms of Racial

Discrimination (1965)⁵⁹, the UN General Assembly Declaration on the Elimination of Violence against Women (1993)⁶⁰, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)⁶¹, the ILO Conventions 97 and 143 on Migrant Workers and 181 on Private Employment Agencies⁶².

Section 34⁶³ guarantees the right to the dignity of the human person thus prohibiting the subjection of any person to slavery and servitude. It prohibits the subjection of any person to slavery or servitude providing that: "Every individual is entitled to respect for the dignity of the person and accordingly: no person shall be subjected to torture or to inhuman or degrading treatment; no person shall be held in slavery or servitude; and no person shall be required to perform forced or compulsory labour." Other relevant provisions in the Constitution are those that safeguard the rights to movement (Section 41), personal liberty (Section 35), and those that prohibit torture and inhuman or degrading treatment, slavery, servitude and forced labour (Sections 34(1)(a), (b) and (c) respectively).

The Penal Code applies to the northern states of Nigeria, whereas the Criminal Code applies to the southern states. The Criminal Code does not address either what constitutes trafficking or its numerous manifestations. However, it deals with offenses that might be considered external prostitution and slave trade trafficking. For instance, the Criminal Code (223C2) makes it illegal to obtain women and girls for prostitution inside or outside of Nigeria. Additionally, there are rules that address the crimes of wrongful liberty deprivation, slave trade, forced labour, and sexual offenses. For instance, section 265 deals with unlawful confinement or detention against a person's will while Section 360 covers compelling someone to do something by threats, surveillance or other intimidation and is punishable by

⁵⁵ U.N. Assembly, *Convention on the Rights of the Child, Grand Sources, Treaty Series*, 1989 Nov 20; (1577/3) 3-25.

⁵⁶ M.S.Pas, *The protection of children from sexual exploitation Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, *The International Journal of Children's Rights*, 2010 Jan 1; 35(4):551-68.

⁵⁷ N.O. Unuokwu, *Protection of children from pornography: an appraisal*, *NIALS Journal of Public Law*, 2020 Dec 7; 2: 194-218.

⁵⁸ J.H. Burgess, *The United Nations Convention against Torture: A handbook on the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment*, Martinus Nijhoff Publishers, 1988.

⁵⁹ N. Lorenz, *The UN Convention on the Elimination of All Forms of Racial Discrimination: A Commentary*, (Published for the Institute of Jewish Affairs, London, in Association with the World Jewish Congress, 2001) 200 O & F.

⁶⁰ G.A. Res. 48/134, *Declaration on the Elimination of Violence against Women*, New York: United Nations, 1993.

⁶¹ B. Fass, *International convention on the protection of the rights of all migrant workers and members of their families*, *Maharashtra Budget Analysis* 2017-18, 2012 Nov 20.

⁶² A.C. Davies, *ILO Convention 181 Private Employment Agencies Convention*, 1997 (No. 181), *International and European Labour Law* 2018 Sep 3 (pp. 911-916), Nomos Verlagsgesellschaft mbH & Co. KG.

⁶³ Federal Republic of Nigeria (1999), *Constitution of the Federal Republic of Nigeria 1999*, <https://nigeriainights.gov.ng/files/constitution.pdf> Accessed November 16, 2024, 2:00pm.

one year of imprisonment⁷². If this involves assault, the penalty increases to five years. The Criminal Code prohibits slave dealing, and Section 369 punishes slave stealing with imprisonment for 14 years upon conviction of any offender. The Penal Code contains similar provisions on trafficking. Section 275 prohibits to induce girls below 18 to incitation of prostitution and others similar practices. Section 278 provides that any person who buys, sells, hires, lets to hire or otherwise obtains possession or disposes of any person below 18 years with intent that the person will be or is likely to be employed or used for prostitution or other unlawful or immoral purposes is guilty of an offence punishable with imprisonment up to ten years and liable to pay a fine in addition. Section 279 creates the offence of slave dealing and provides that any person who exports, imports, removes, buys, sells, disposes of, traffics or deals in any person as a slave or accepts, receives or detains such person is liable to imprisonment for a maximum of 14 years and a fine. Section 280 punishes forced labour with a fine and one-year imprisonment; enticement or leading away of any woman or girl (with or without her consent); for immoral purpose with imprisonment of up to 7 years and a fine. The Penal Code does not define the term traffic.

The lack of adequate provisions regarding trafficking in Nigeria's criminal laws led the Federal Government to enact a new law on trafficking. In 2003, Nigeria became the first African country to enact an anti-trafficking legislation with the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003. In March of this year, the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 was passed and repealed the previous law. The new Act primarily intends to reflect recent developments in trafficking that were not included under the previous act. For instance, it ensures that the penalties for breaching the provisions of the law are consistent with the spirit of the Trafficking Protocol. Indeed, the penalties given for offences listed under the 2003 Act were severely inadequate for the purpose of dissuasion and deterrence. The 2015 Act increases the penalties for trafficking offenders. It prescribes a minimum penalty of five years' imprisonment and a minimum fine of one million naira (\$5,470) for labour trafficking offences. The law prescribes a minimum penalty of five years' imprisonment for sex trafficking offences and a minimum fine of one million naira (\$5,470); the minimum penalty increases to seven years' imprisonment if the case involves a child. Moreover, the 2003 Act was found to be inadequate in effectively combating the evolving crime of Trafficking in Persons, with several new trends which were not taken into consideration at the time of enactment. The new law prohibits all forms of trafficking, including trafficking for organ trade or ritual murders.

3.3.1 Regional and institutional instruments for protection of victims of trafficking in persons

Significant legislative advancements have been made recently, both nationally and internationally, to address important areas of intervention for human trafficking, including preventing recruiting, liberating survivors, pursuing offenders, and rehabilitating survivors.⁷³ Trafficking in persons is defined by the United Nations as the act of obtaining another person's

⁷² S. K. Kigba, & Y. B. Hassan, Legal framework for combating human trafficking in Nigeria: The Journey So Far (2015), *JL Policy & Globalisation*, 39, 205.

⁷³ *Inherent Dignity: An Advocacy Guidebook to Preventing Trafficking for the purpose of sexual exploitation and restoring the human rights of women and girls throughout their lives*, A Publication of Mercy International Association, page 12.

consent to be exploited through the recruitment, transportation, transfer, harboring, or receipt of that person through the threat or actual use of force or other coercive measures, kidnapping, fraud, deception, abuse of power, or exploitation of a vulnerable position.⁷⁴

Nigeria has signed a number of bilateral agreements of understanding with several African nations that directly relate to the issues of forced labour, human trafficking, and migration in general. The Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, was endorsed by the African Union in 2006. This Action Plan urges African States to implement legal, administrative, and institutional steps to combat human trafficking and confirms existing international agreements on the issue. Additionally, it took sub-regional initiatives to combat human trafficking such as the ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003), the joint ECOWAS/ECCAS Regional Plan of Action to Combat Trafficking in Persons, especially Women and Children (2006-2009) and the SADC Regional Plan of Action on Trafficking in Persons (2009-2019).

International law now addresses the issue of trafficking primarily through the United Nations Convention against Transnational Organized Crime (UNTOC) and two related protocols: Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children ("Trafficking Protocol"), and Protocol against the Smuggling of Migrants by Land, Sea, and Air. These instruments are preceded by other agreements that address trafficking and slavery. When the Trafficking Protocol was adopted in 2000, less than half of the countries in the world had declared human trafficking a crime. Today, 90% of the countries have. Despite this, many countries' domestic laws do not comply with the Trafficking Protocol, thus leaving billions of people in different parts of the world with inadequate legal protections. UN human rights instruments and documents also highlight the States' obligation to suppress trafficking, following the human rights-based approach.⁷⁵

The United Nations General Assembly passed a resolution known as the Universal Declaration of Human Rights (UDHR). It is not explicitly legally obligatory, unlike a treaty, unless by virtue of customary international law. The Universal Declaration of Human Rights is a declaration of universally recognized fundamental human rights. The 'International Bill of Rights' is made up of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Other treaties deal especially with issues like children, refugees, laborers, migratory workers, and discrimination based on race and gender. A treaty is a legal document, similar to a contract that binds the States that choose to sign it into compliance. This implies that "non-party" – countries who have not opted to join a treaty – are not subject to its requirements. The Special Rapporteur on Trafficking in Persons, Especially Women and Children and the Office of the UN High Commissioner for Human Rights both support the use of a human rights-based strategy to combat trafficking for sexual exploitation. Furthermore, the Optional Protocol to the Convention on the Rights of the

⁷⁴ United Nations Convention against Transnational Organized Crime and the Protocols Thereto.

⁷⁵ <https://www.unodc.org/insee/inseerorganized-crime/intro/UNTOC.html#:~:text=of%20national%20authorities,The%20Protocol%20to%20Prevent%2C%20Suppress%20and%20Punish%20Trafficking%20in%20Persons,de finition%20of%20trafficking%20in%20persons> Accessed July 10, 2023 at 11:10am

⁷⁶ J. D. Shuman, *Teaching Human Rights*, (Denver: Centre for Teaching International Relations Publications, U of Denver, 1993) 6-7.

Child, on the Sale of Children, Child Prostitution, and Child Pornography states in its preamble²⁰: "the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structure, dis-functioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children." The notion of human rights and human development led to the creation of the human rights-based approach as a conceptual framework. Human rights are essential to human growth in universal legal protections for fundamental freedoms, entitlements, and human dignity.

All people have the chance to flourish when all fundamental freedoms, which are also human rights, are realized. This conceptual framework recognizes both duty-bearers (individuals, States, and governmental organizations, as well as non-state entities) and the liabilities that go along with them. It also distinguishes individual right-holders and their entitlements. The goal is to increase both the will and ability of duty-bearers to carry out their commitments, as well as the capacity of right-holders to assert their rights and entitlements. Numerous international human rights treaties include the criteria and guiding principles for the human rights-based approach. The Statement of Common Understanding, which specifies the fundamental components of the human rights-based approach, has been recognized by United Nations organizations.

All individuals are covered by all human rights accords. The condition of those who have been trafficked is particularly affected by a few clauses of several human rights agreements. Even if the records don't clearly identify "trafficking," this is still accurate. These documents have been ratified by several nations, who have pledged to uphold and advance the rights outlined in them. To keep track of how the nations who have signed the various treaties are doing, the UN has formed committees for each one. Reports from nations must be submitted to these bodies. The reports outline the steps the nation is now taking to protect the rights spelled forth in that treaty. The study will briefly review various sections of some United Nations agreements that forbid all forms of human trafficking, either directly or implicitly.

3.3.2 The Universal Declaration of Human Rights

On December 1, 1948, the United Nations General Assembly approved the Universal Declaration of Human Rights. It was the first international law to state in its preamble that "the cornerstone of freedom, justice, and peace in the world is the acknowledgment of the inherent dignity and of the equal and inalienable rights of all members of the human family." According to Article 1, everyone is born free and with equal rights. It follows that the Universal Declaration forbids, among other things, servitude, slavery, and acts that would constitute slavery. As a result, Article 4 of the UDHR says that no one should be held in slavery or servitude and that all kinds of slavery and the slave trade are forbidden. Finally, Article 23(1) of the UDHR asserts the right to freely select employment and to acquire reasonable and

²⁰ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child pornography, U.N. Doc. A/RES/54/262, 2171 U.N.T.S. 227(May 25, 2000) [hereinafter *Optional Protocol on the Sale of Children*].

favorable working conditions, and Article 13(1) of the UDHR adds that everyone has the right to freedom of movement and residence in any State.¹⁷

3.3.3 The International Covenant on Civil and Political Rights (ICCPR)

The ICCPR is a multilateral instrument that was ratified on March 23, 1976, by the United Nations General Assembly according to Resolution 2200A (XXI), which was enacted on December 16, 1966. The Covenant was approved by Nigeria on July 29, 1993. The constitution of Nigeria also includes some of the rights granted by the instrument. Following is a quick discussion of some of the Covenant's clauses against human trafficking.

Article 7¹⁸ provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation. Article 8¹⁹ provides that no one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude. No one shall be required to perform forced or compulsory labour. Article 9²⁰ provides that everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

Article 12²¹ provides that everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Everyone shall be free to leave any country, including his own. From the foregoing provisions of the ICCPR, forced labour, slave trading, torture, inhuman or cruel treatment of any person is prohibited under the instrument. These acts could in one way or the other amount to human trafficking.

3.3.4 The United Nations Convention on the Elimination of all Forms of Discrimination against Women (Women's Convention)

The Convention is an international treaty adopted in 1979 by the United Nations General Assembly and it is described as an international bill of rights for women which was initiated on 3rd September 1981 and has been ratified by 189 states. Nigeria ratified the Convention in 1985 without any reservation. The most relevant provision of the Convention which prohibits trafficking in persons is reproduced hereunder. Article 6²² provides that state parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in

¹⁷ S. K. Raju, & V. W. Hassan, *Legal framework for combating human trafficking in Nigeria: The Journey So Far* 13; *J. Policy & Globalization*, 38, 205-216.

¹⁸ International Covenant on Civil and Political Rights, Article 7.
https://www.ohchr.org/en/instrumentsandmechanisms/instruments/international-covenant-civil-and-political-rights/-access/full%20present%20Covenant_Article%207.pdf accessed July 10, 2023 at 1:11 pm.

¹⁹ *Ibid.*, Article 8.

²⁰ *Ibid.*, Article 9.

²¹ International Covenant on Civil and Political Rights, Article 12.
https://www.ohchr.org/en/instrumentsandmechanisms/instruments/international-covenant-civil-and-political-rights/-access/full%20present%20Covenant_Article%2012.pdf accessed July 10, 2023 at 1:11 pm.

²² *Ibid.*, Article 6.

women and exploitation of prostitution of women. By this provision above, the practice of trafficking in person for the purpose of sexual exploitation is expressly prohibited.

3.3.5 The United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

The Convention is a global human rights pact that the United Nations is now reviewing and intends to outlaw torture and other forms of cruel, inhuman, or degrading treatment or punishment. The Convention was ratified on December 10, 1984, and it went into effect on June 26, 1987. In 2009, the Federal Government of Nigeria ratified the Convention. According to Article 1 of the Convention, "torture" is a subject in which extreme bodily or mental suffering is purposefully inflicted for reasons such as punishment, intimidation, or coercion by a person acting in an official position. According to this definition, all instances of slavery and forced labor, which are both types of human trafficking, constitute torture and cruel treatment.

3.3.6 The United Nations Convention on the Rights of the Child

The Convention, a human rights pact, outlines children's civil, political, economic, social, cultural, and other rights. On November 20, 1989, the United Nations General Assembly approved the Convention and made it available for signing. The Convention was approved by the necessary number of countries and entered into force on September 2nd, 1990. Nigeria ratified the Convention in 1991, and in 2003, the federal government passed the Child Rights Act in an effort to uphold its obligations under the Convention. Since no treaty between the federation of Nigeria and any other nation may have the force of law until the National Assembly enacts a bill to domesticate such treaty, the enactment of the Act denotes the domestication of the Convention. On May 25, 2000, two optional protocols were accepted.

According to Article 19 of the Convention, state parties must take all necessary governmental, administrative, social, and educational steps to safeguard children from all types of physical or mental abuse, neglect, or maltreatment, as well as sexual abuse while in the custody of their parent(s), legal guardian(s), or other caregivers.⁴² From the foregoing, it is evident that the United Nations vis a vis the Convention frowns at trafficking in a child for the purpose of sexual exploitation, forced labour and ill-treatment.

3.3.7 Optional Protocol to the United Nations Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

A requirement of this Protocol to the Convention on the Rights of the Child is that states forbid the sale of children as well as the prostitution and pornographic use of minors. The Protocol was approved by the UN General Assembly in 2000, and on January 18, 2002, it came into effect. In 2010, Nigeria accepted the Protocol without any conditions. The Protocol aims to fulfill the objectives of several provisions of the Convention, where the rights are outlined and parties are required to take "appropriate measures" to preserve them. The Protocol's Article 1 mandates that State Parties safeguard the rights and interests of children who have been the victims of trafficking, child pornography, child prostitution, and child labor.

⁴² Convention on the Rights of the Child, Article 19
<https://www.unhcr.org/refugees/information/mechanisms/information/convention-rights-child> Accessed July 10, 2023 at 2:30pm

But according to Article 3, it is unlawful or punishable for a child to be sold for the purposes of forced labor, organ harvesting for profit, or sexual exploitation.

3.3.8 The United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

This United Nations agreement expands upon the 1930 Forced Labor Convention and the 1926 Slavery Convention, which sought to end both slavery and the slave trade. The United Nations General Assembly ratified the Convention on September 7, 1956. In September 1961, Nigeria ratified this Convention. The Convention's Article 1 invites parties to pledge to outlaw and eliminate child labor, slave marriage, debt bondage, and serfdom. However, Article 3 makes slave trading and other similar acts illegal.

3.3.9 The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

An addendum to the Convention against Transnational Organized Crime, this Protocol. One of the three Palermo protocols, this one. These three protocols—Protocol against the Illicit Manufacturing and Trafficking in Firearms, Protocol against the Smuggling of Migrants by Land, Sea, and Air, and Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children—all entered into force to address specific threats. In

November 2003, the federal government of Nigeria ratified the Convention. The Protocol to Prevent, Suppress, and Punish Human Trafficking was approved by the UN General Assembly in 2000 and went into effect on December 25, 2003. The UN Office on Drugs and Crime is responsible for overseeing and carrying out the Protocol. The newest international law that expressly addresses trafficking is the Trafficking Protocol. The establishment of two distinct procedures for human trafficking and human smuggling, respectively, is significant because it illustrates the differences between the crimes and the demand for various responses to them.

The Protocol contains a definition of trafficking that is unique to international law.⁴⁴ The list is not all-inclusive, as there are several additional UN documents that either directly or tacitly forbid human trafficking.

3.4 Laws in other jurisdictions

A review of legal frameworks from other jurisdictions reveals a wide array of legislative and policy measures aimed at addressing specific societal challenges. These frameworks provide comparative understandings that can inform legal reforms in other nations, including Nigeria. Several jurisdictions have enacted robust laws to combat human trafficking and modern slavery. For example, the United States' Trafficking Victims Protection Act (TVPA)⁴⁵ is a comprehensive framework that criminalizes all forms of human trafficking while ensuring victim protection and prevention strategies. Similarly, the United Kingdom's

⁴⁴ Human Rights and Trafficking in Persons: A Handbook by the Global Alliance against Traffic in Women, available online at

https://www.gatw.org/books_pdf/trafficking%20and%20trafficking%20in%20persons.pdf. Accessed July 10, 2023 at 2:00pm.

⁴⁵ C. Pringle, The United States Trafficking Victims Protection Act and States' Compliance: An Analysis.

Modern Slavery Act⁶⁵ empowers law enforcement agencies to investigate trafficking cases thoroughly while offering victims access to support systems. These laws underscore the importance of victim-centered approaches, stringent penalties, and multi-agency collaboration. Such frameworks could strengthen Nigeria's anti-trafficking strategies by prioritizing victim rehabilitation and inter-agency coordination.

Human trafficking remains a global issue, and different countries have developed legal frameworks to combat this heinous crime, focusing on prevention, protection, prosecution, and partnerships. The United States Trafficking Victims Protection Act (TVPA), first passed in 2000, remains one of the most comprehensive anti-trafficking laws globally. The TVPA criminalizes all forms of human trafficking, including sex trafficking, labor trafficking, and trafficking of minors. It also mandates the provision of services for trafficking victims, including housing, legal assistance, and counseling. The law promotes collaboration between law enforcement, social services, and non-governmental organizations (NGOs) to offer comprehensive support to victims⁶⁶. Moreover, the law mandates that countries receiving U.S. foreign aid must meet certain anti-trafficking standards, thus creating an international mechanism for accountability.

A unique feature of the TVPA is its annual Trafficking in Persons Report (TIP report), which assesses the efforts of other countries to combat trafficking and categorizes them into three tiers based on their adherence to the minimum standards outlined in the law. This ranking system encourages countries to improve their anti-trafficking policies by offering both incentives and sanctions⁶⁷. Nigeria, like many other countries, has used the TIP Report as a benchmark in its anti-trafficking efforts.

The European Union's Directive 2011/36/EU serves as a key framework for combating human trafficking across member states. This directive requires all EU countries to criminalize trafficking for both sexual and labor exploitation, with penalties that reflect the severity of the crime. The Directive emphasizes the importance of victim protection, providing for the identification and assistance of victims, including access to shelter, medical care, and legal counseling⁶⁸. It also mandates the creation of national rapporteurs or equivalent mechanisms to monitor and report on trafficking cases, ensuring transparency and accountability.

One significant aspect of the EU framework is its emphasis on the prevention of trafficking, including awareness campaigns and education to reduce the vulnerability of potential victims⁶⁹. Furthermore, it promotes the criminalization of the demand that fuels trafficking, including measures to target exploitative businesses and buyers who benefit from trafficking activities. The EU's cooperative approach in addressing trafficking includes partnerships with third countries, enabling joint investigations and capacity building for non-

⁶⁵ Y. Abdulkareem, *Improving Protection and Services for Trafficking Victims in the United States: Recommendations Based on the United Kingdom's Modern Slavery Act 2015*, *UWHL Legal Rev. J.*, 2019, 29, 131.

⁶⁶ J. A. Shikha-Murman, *The Missing P: Prosecution, Prevention, Protection, and Partnership in the Trafficking Victims Protection Act*, *Penn St. L. Rev.*, 2012, 17, 443.

⁶⁷ U.S. M&U, M. Muhammad, *Nigerian Trafficking in Persons Report: Lessons from Policy Implementation*, *ContraPS Journal of Social Sciences*, 2020 Feb 15(2(1)):76-87.

⁶⁸ S. Walby and others, *Study on comprehensive policy review of anti-trafficking projects funded by the European Commission: HOME/2014/ISF/F/FP7/HRE/0032*, Publications Office of the European Union, 2016 Sep 23.

⁶⁹ A. Bosma, C. Rijken, *Key challenges in the combat of human trafficking: Evaluating the EU Trafficking Strategy and EU Trafficking Directive*, *New Journal of European Criminal Law*, 2016 Sep;7(3):315-30.

EU states. The United Kingdom's Modern Slavery Act of 2015 represents a comprehensive approach to combating human trafficking and slavery. The law covers a wide range of issues, including forced labor, domestic servitude, sexual exploitation, and child trafficking. One of its key features is the requirement for businesses with a turnover of £36 million or more to disclose the steps they have taken to prevent modern slavery in their supply chains, which is aimed at curbing the demand for trafficked labor⁵¹.

The UK framework also introduced the Modern Slavery Helpline, which offers support to victims and reports potential trafficking activities. Additionally, the Act mandates courts impose harsher sentences for those convicted of modern slavery offenses, signaling the UK's strong stance on human trafficking. The creation of the Independent Anti-Slavery Commissioner further enhances the effectiveness of the law by providing oversight and ensuring that the law's provisions are fully implemented across the country⁵².

Australia's legal response to human trafficking is encapsulated in the Criminal Code Amendment (Human Trafficking) Act 2008. This law criminalizes human trafficking offenses, including the trafficking of persons for sexual exploitation, forced labor, and exploitation of children. One of its notable provisions is the use of visa conditions to prevent the exploitation of migrant workers, which is particularly relevant in the context of labor trafficking. Traffickers are often able to control victims by manipulating their immigration status, and Australia's legal framework seeks to disrupt this cycle by strengthening oversight of foreign workers⁵³. Australia also places a strong emphasis on victim support, offering assistance to trafficking victims regardless of their immigration status. Victims are provided with temporary visas, accommodation, and counseling, ensuring they are not further marginalized due to their unlawful status. This victim-centered approach helps reduce the fear of deportation, enabling victims to cooperate with authorities in prosecuting traffickers.

In Canada, the Protection of Communities and Exploited Persons Act (PCEPA) of 2014 is a key legislative measure aimed at preventing and combating human trafficking, particularly sex trafficking. The law criminalizes the purchasing of sexual services, which directly targets the demand side of trafficking. In addition to criminalizing trafficking and exploitation, PCEPA also provides for the seizure of proceeds from trafficking activities, further reducing the economic incentives for traffickers. Canada's legal framework emphasizes the importance of prevention, with initiatives focused on raising awareness, particularly among vulnerable populations. Furthermore, Canadian law recognizes the unique needs of Indigenous women and girls, who are disproportionately affected by trafficking. This focus on specific at-risk groups is an important feature that ensures the law is responsive to the diverse nature of trafficking⁵⁴.

⁵¹ S. Fossil and J. Decker, "Deciphering the prosecution's internal approach: Tackling both supply and demand in the struggle against human trafficking," *International Journal of Law, Crime and Justice*, 2018 Mar 1:32:129-43.

⁵² E. Cucklin, L. Tompson, "The role of helplines in the anti-trafficking space: examining contacts in a major 'modern slavery' helpline," *Crime, Law and Society Change*, 2024 Apr 27:1-30.

⁵³ M. Anzure and D. Cahill, and C. Evans, "Tackling human trafficking in governments' supply chains: Legal certainty and effectiveness issues under the Australian Commonwealth government rules model," *Federal Law Review*, 2022 Dec 30(4):479-503.

⁵⁴ K. Ratti, *Brief submitted to the House of Commons Standing Committee on Justice and Human Rights, review of the Protection of Communities and Exploited Persons Act (PCEPA)* (Doctoral dissertation, Ryerson University).

The legal frameworks of these jurisdictions provide several key lessons for Nigeria's efforts to combat human trafficking. First, the creation of victim support services and the emphasis on victim protection in these laws could be mirrored in Nigeria's National Agency for the Prohibition of Trafficking in Persons (NAPTIP). Providing comprehensive support to victims, such as shelter, legal assistance, and psychological counseling, would help improve victim cooperation with law enforcement and enhance the prosecution of traffickers. Secondly, the criminalization of demand, particularly through measures targeting exploitative businesses, can reduce the profitability of trafficking networks. Nigeria could consider adapting the UK's model of requiring businesses to disclose efforts to combat trafficking in their supply chains.

Gender equality laws in Scandinavian countries, particularly Sweden and Norway, are often referenced as exemplary. These nations have implemented policies promoting equal opportunities in employment, political representation, and education. Gender quotas in political offices and corporate boards are legally enforced, ensuring inclusivity. Nigerian scholars suggest that Nigeria could benefit from adopting similar policies to address entrenched gender disparities, particularly in leadership and education sectors. The inclusion of enforcement mechanisms and periodic reviews ensures these laws remain relevant to societal changes⁹¹.

Environmental legislation in the European Union is among the most advanced globally. The EU's comprehensive environmental framework includes directives on waste management, carbon emissions reduction, and biodiversity conservation. Countries like Germany and France have established stringent environmental laws backed by effective enforcement and public awareness campaigns. Nigerian scholars argue that the adoption of such frameworks could enhance Nigeria's response to environmental challenges, particularly in managing oil spillage and promoting renewable energy sources. International cooperation is essential. As seen in the EU, U.S., and Australia, cross-border collaborations in investigations and prosecutions help dismantle transnational trafficking rings. Strengthening Nigeria's relationships with other nations, especially through frameworks such as the UN Convention against Transnational Organized Crime (UNTOC), would improve global coordination in fighting human trafficking.

3.5 The Judiciary and other Legal Bodies

The legal framework for the activities of the judiciary and other legal bodies in fighting trafficking in human persons in Nigeria is integral to the country's efforts to combat this grave crime. Human trafficking is a major issue in Nigeria, with significant consequences for victims, the justice system, and society as a whole. As such, the judiciary, along with other legal bodies, plays a crucial role in the prosecution of traffickers, the protection of victims, and the enforcement of laws aimed at combating trafficking. This role is framed by various legal instruments, national laws, and international treaties, all of which contribute to the judicial process in tackling human trafficking⁹².

The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act of 2003 is the primary legal instrument governing the fight against human trafficking in Nigeria.

⁹¹ A. Hallam and others, *Nordic Equality and Anti-Discrimination Laws in the Times of Change: Legal Developments in Sweden, Finland, Norway, and Iceland*, Taylor & Francis, 2024.

⁹² O. Olowokere, *Enhancing Effective Judicial Response to Human Trafficking in Nigeria*, *International Journal of Law and Social Sciences*, 2023, 90-93.

This Act criminalizes human trafficking, setting out clear guidelines for the prosecution of offenders and the protection of victims. It assigns significant responsibilities to the judiciary, which is tasked with ensuring that traffickers are brought to justice and appropriate sentences are imposed. Under this Act, Nigerian courts are required to adjudicate trafficking cases, applying legal standards and protecting the rights of victims in the process. Additionally, the Criminal Code Act (1990) and the Penal Code (1960) provide further legal support by addressing related issues such as forced labor, sexual exploitation, and child trafficking⁸⁷. These codes give the judiciary the authority to handle offenses associated with human trafficking and to impose relevant penalties that deter trafficking activities.

Furthermore, Nigeria's obligations under international law also shape the judiciary's role. Nigeria is a signatory to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, which complements domestic laws by promoting international standards for combating trafficking. This protocol obligates Nigerian courts to align their practices with international norms, ensuring that traffickers are prosecuted according to internationally recognized principles of justice. Similarly, the African Charter on Human and Peoples' Rights reinforces the need for judicial bodies to protect individuals from exploitation, ensuring that trafficking victims are not subjected to further abuse by the state or other individuals⁸⁸. The judiciary, therefore, must operate within the parameters set by both national and international legal instruments to ensure a coherent and just response to trafficking.

In practice, the judiciary's role in the fight against human trafficking is multifaceted. First and foremost, the courts are responsible for adjudicating cases of human trafficking. Judicial officers in Nigeria must ensure that those accused of trafficking are given fair trials while upholding the rights of victims throughout the legal process. This involves considering the evidence provided by law enforcement agencies and applying the law in a manner that ensures traffickers are convicted and sentenced appropriately⁸⁹. Nigerian courts have increasingly imposed stringent sentences on traffickers, including lengthy prison terms and hefty fines, as a means of deterring potential offenders. However, the judiciary also has a responsibility to protect victims from criminal prosecution for offenses committed as a result of being trafficked. For instance, individuals who have been forced into prostitution or illegal migration due to trafficking should not be treated as criminals but rather as victims of a heinous crime⁹⁰. This victim-centered approach is critical in ensuring that traffickers, not their victims, are held accountable for trafficking activities.

The judiciary also plays a key role in victim protection. Under the Trafficking in Persons Act, courts are empowered to ensure that victims of trafficking receive adequate support and protection, including shelter, medical care, and legal assistance. This protection extends beyond physical safety; it also includes safeguarding victims from re-trafficking by issuing protection orders and collaborating with law enforcement agencies and civil society

⁸⁷ Y. K. Abdul and A. I. Wala and A. Afolabi, *The Role of the Judiciary in Trafficking in Persons and Smuggling of Migrants Cases (TIP-SOM Cases)*, *AJHR*, 2023, 7:106.

⁸⁸ P. O. Bello, *Criminal justice response to human trafficking in Nigeria and South Africa: suggestions for better performance*, *Contemporary Justice Review*, 2018 Apr 3;21(2):140-58.

⁸⁹ N. S. Okigboye, *Combating the "New Slavery" in Nigeria: an appraisal of legal and policy responses to human trafficking*, *Journal of African Law*, 2017 Apr;57(1):53-80.

⁹⁰ C. Akpanare, *Examining Nigeria's Existing Domestic and International Legal Framework for Combating Trafficking in Children (TR)* (Doctoral dissertation, University of Leicester).

organizations to prevent their exploitation. Courts may also award compensation to trafficking victims for the harm they have suffered, helping them rebuild their lives after experiencing such trauma.

Beyond the judiciary, other legal bodies also contribute significantly to the fight against human trafficking. The National Human Rights Commission (NHRC), for example, plays a critical role in advocating for the rights of trafficking victims and ensuring their protection. The NHRC works alongside the judiciary to ensure that victims' rights are respected and that traffickers are held accountable for their actions¹⁰⁴. Furthermore, the Legal Aid Council of Nigeria provides legal assistance to trafficking victims, particularly those who may not have the financial means to secure legal representation. This legal support ensures that victims have access to justice and that traffickers are prosecuted in a fair and impartial manner¹⁰⁵.

In addition, the Nigerian Bar Association (NBA) contributes to the fight against human trafficking by providing pro bono legal services to victims and supporting efforts to increase legal literacy and awareness about human trafficking. Through these collaborations, the judiciary is not isolated in its efforts but works in conjunction with other legal bodies and civil society organizations to create a more coordinated and effective response to trafficking. Despite the robust legal framework and the active roles played by the judiciary and legal bodies, challenges remain. One of the primary obstacles is the lack of resources, which affects the capacity of the judiciary to handle trafficking cases efficiently. Judicial delays, caused by understaffing, insufficient funding, and heavy case backlogs, can result in prolonged trials and a failure to convict traffickers in a timely manner. Additionally, corruption within the judicial system undermines efforts to combat trafficking, as traffickers may use their influence to avoid prosecution or reduce their sentences¹⁰⁷. To address these issues, experts recommend increasing investment in the judicial sector to ensure that courts are adequately equipped to handle trafficking cases.

CONCLUSION

Conclusively, Nigeria has made significant progress in addressing the issue of human trafficking through its legal and institutional frameworks. The introduction of laws like the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (2015) and the Child's Rights Act (2004) has provided a solid foundation for combating trafficking and protecting victims. These laws not only criminalize trafficking but also emphasize the need for support and rehabilitation for victims, showcasing Nigeria's commitment to human rights and justice. The work of institutions like the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), the Nigerian Police, and various NGOs has been crucial in translating these laws into action. They've carried out vital work in rescuing victims, providing legal support, and raising awareness. However, challenges such as inconsistent enforcement, limited

¹⁰⁴ F. A. Adedokun, O. F. Olayinka, The role of the judiciary in combating corruption: identifying and inhibiting factors in Nigeria, *Commonwealth Law Bulletin*, 2014 Dec 2;40(4):589-607.

¹⁰⁵ A. O. Babatundé, Human trafficking and transnational organized crime: Implications for security in Nigeria, *Peace Research*, 2014 Jan 1: 81-84.

¹⁰⁷ O. M. Oyejide, Human Trafficking: As A Continuing Act Of Injustice In The Nigerian Society, *Global Journal of Educational Research*, 2021 Aug 20;2(3):279-90.

resources, and the need for better coordination between agencies still stand in the way of fully addressing this issue.

While Nigeria has made significant strides in aligning with international treaties, the real test lies in ensuring these agreements translate into tangible results on the ground. The legal framework in place needs stronger enforcement and more practical support systems for victims. These systems should be accessible, well-resourced, and sensitive to the needs of those affected by trafficking. Looking ahead, it's clear that Nigeria needs to focus on implementing these laws more effectively, improving coordination across agencies, and ensuring that victim support is not just available, but truly effective. Education and awareness-raising are also essential to prevent trafficking in the first place, equipping communities with the knowledge to recognize and respond to this crime. With a continued commitment to strengthening both its legal framework and institutional efforts, Nigeria can make significant strides in protecting its most vulnerable citizens from the horrors of trafficking.

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