
Trafficking in Women and Children in Nigeria: A Human Right Discourse

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Abstract

Trafficking in women and children is a serious violation of human rights, stripping victims of their dignity, freedom, and security. It's a global crisis that thrives on vulnerability, coercion, and exploitation, often forcing people into labor, sexual slavery, or other forms of abuse. This study therefore examined the issue of trafficking in women and children within the broader context of human rights discourse. It explores the protection afforded to victims under the Nigerian Constitution and international human rights laws, with a particular focus on gender equity. The study highlights fundamental rights such as the right to life, liberty and security, dignity of the human person, and freedom of movement as enshrined in legal instruments. It further investigates the enforcement mechanisms available to trafficking victims, as well as the practical challenges that hinder the realization of these rights. These include lack of coordination among law enforcement agencies, difficulties in prosecution, witness intimidation, victims' reluctance to testify, inducement by traffickers, and the complex, syndicate-based structure of trafficking networks. The study also provides a comparative perspective by examining approaches to trafficking in other jurisdictions and discusses the limitations posed by inadequate legal provisions and procedural rules. Emphasis is placed on the need to adopt more effective international mechanisms and legal reforms to strengthen the enforcement of anti-trafficking laws. Finally, the research addresses the jurisdictional reach of Nigerian courts in handling trafficking-related cases. Through this multidisciplinary approach, the study underscores the urgency of a coordinated, rights-based, and gender-sensitive response to trafficking in women and children.

Keywords : human trafficking, women and children, human rights, Nigerian Constitution, law enforcement, gender equity

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INTRODUCTION

Human trafficking, particularly of women and children, is one of the gravest human rights violations in the modern world. It strips victims of their dignity, freedom, and fundamental rights, often subjecting them to forced labor, sexual exploitation, or servitude. Despite international and national legal frameworks designed to combat trafficking, it remains a global crisis, driven by poverty, gender inequality, armed conflicts, and weak law enforcement mechanisms (United Nations Office on Drugs and Crime [UNODC], 2023). While many discussions focus on trafficking from a criminal justice perspective, it is important to recognize its deep-rooted human rights implications. Trafficking victims are not just individuals caught in an illegal trade; they are people whose rights to life, liberty, dignity, and security are repeatedly violated.

At its core, human trafficking is a direct attack on human rights. The United Nations defines trafficking as the recruitment, transportation, transfer, harboring, or receipt of individuals through force, coercion, fraud, or deception for the purpose of exploitation (UNODC, 2023). This exploitation can take various forms, including forced labor, sexual slavery, child soldiering, and even organ trafficking. Women and children are especially vulnerable due to socio-economic hardships, gender-based violence, and lack of education (International Labour Organization [ILO], 2022). For victims, the most fundamental human rights are compromised. Their right to life is constantly threatened, especially in cases where traffickers use extreme violence. Their right to liberty and security is violated when they are forcefully transported, imprisoned, or denied their autonomy (United Nations Human Rights Council [UNHRC], 2022). Many experiences degrading treatment that strips them of their dignity, reinforcing their helplessness. Additionally, their right to freedom of movement is erased as they are often smuggled across borders or confined to inhumane working conditions.

Beyond these personal violations, trafficking has far-reaching consequences for families and societies. Families suffer the emotional trauma of losing loved ones, while communities face economic and social instability due to the continued exploitation of their most vulnerable members. The issue, therefore, goes beyond individual cases—it is a systemic problem that requires urgent action at all levels. Recognizing the severity of trafficking, various legal frameworks have been established to protect victims and prosecute traffickers. In Nigeria, the Constitution of the Federal Republic of Nigeria (1999, as amended) guarantees fundamental human rights, including the right to dignity and protection from inhuman treatment. The Trafficking in Persons (Prohibition) Enforcement and Administration Act (2015) provides a legal basis for combating trafficking, with agencies like the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) leading enforcement efforts (NAPTIP, 2022).

At the international level, Nigeria is a signatory to key conventions such as the United Nations Palermo Protocol, which outlines strategies for preventing trafficking, protecting victims, and prosecuting offenders. Other relevant agreements include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), which reinforce Nigeria's obligation to protect women and children from exploitation (United Nations, 2023). Despite these legal instruments, implementation remains a challenge. Corruption, limited resources, and lack of coordination among law enforcement agencies make it difficult to effectively combat trafficking. Many

traffickers operate within sophisticated criminal networks, making prosecution complicated and often ineffective¹

One of the biggest barriers to stopping trafficking is the lack of coordination among law enforcement agencies. In many cases, trafficking victims do not come forward due to fear of retaliation from traffickers or distrust in the justice system (UNHRC, 2022). Even when cases are reported, legal proceedings can be slow and ineffective. Victims often refuse to testify because of threats, financial inducements from traffickers, or social stigma². Another major challenge is the complex and organized nature of trafficking networks. Many traffickers work across multiple countries, forging documents, bribing officials, and using advanced methods to avoid detection³. This makes it difficult for law enforcement to track and dismantle their operations. Additionally, rigid legal provisions regarding evidence create hurdles in securing convictions. Victims are often required to prove coercion or deception, which can be difficult when traffickers manipulate them into compliance⁴.

The rehabilitation and reintegration of victims is another pressing concern. Many trafficking survivors face social rejection upon returning to their communities. Without proper support, they remain vulnerable to re-trafficking, creating a vicious cycle of exploitation (ILO, 2022). Despite existing laws such as the *Trafficking in Persons (Prohibition) Enforcement and Administration Act (2015)* and constitutional protections, victims continue to suffer from severe rights violations, highlighting gaps in enforcement and protection mechanisms (NAPTIP, 2022). This study is motivated by the need to bridge these gaps and strengthen legal protections for trafficking victims.

The Nigerian Constitution guarantees fundamental rights, yet trafficked individuals often lack adequate protection and access to justice. Victims' rights to life, liberty, dignity, and freedom of movement are routinely violated, yet gender-based inequalities further exacerbate vulnerabilities⁵. Efforts to enforce victim rights face challenges such as weak inter-agency coordination, threats to witnesses, and legal loopholes. Additionally, the transnational nature of trafficking requires a comparative analysis with other jurisdictions to identify best practices⁶. This study is important in examining these issues, identifying weaknesses in existing frameworks, and advocating for stronger enforcement mechanisms, international cooperation, and victim-centered approaches in tackling trafficking.

¹Ebu, A. A. (2024). Transnational Organized Crimes: An Appraisal of the Legal Framework for Combating Modern Slavery and Human Trafficking in Nigeria. *Advances in Law, Pedagogy, and Multidisciplinary Humanities*, 2(1), 105-123.

²Islam, F. (2024). Human trafficking law enforcement over the victims and offenders: The perspective of anti-trafficking stakeholders. *Victims & Offenders*, 19(8), 1512-1540.

³Igboke, S. C., & Okafor, F. C. N. (2023). Trafficking in Persons and Nigeria's External Image Crisis (1990—2020). *Nnamdi Azikiwe Journal of Political Science*, 8(4), 107-131.

⁴Ogunniyi, D. (2024). Child trafficking and the complexities of implementing the CRC in West Africa. *Manchester*, 10, 215.

⁵Osiki, A. (2022). The impact of socio-legal inequality on women in the Nigerian domestic work sector. *Law, democracy and development*, 26, 48-83.

⁶Oyebanji, A. O., Ikubanni, O. O., Oyebade, A. A., & Ololu, T. (2023). A Comparative Study of the Legal Framework on Trafficking in Persons for Organ Removal in Nigeria and the United Kingdom. *Unizik Law Journal*, 19(2).

RESEARCH METHOD

This study adopted a qualitative research approach to critically examines how human trafficking is addressed within the Nigerian legal system and explores the enforcement of rights under domestic and international law. Since this study relies entirely on secondary data, there are no direct interactions with human participants, ensuring that ethical concerns related to participant confidentiality and consent are not applicable. However, the study adheres to ethical research standards by ensuring accuracy in representing legal texts and judicial decisions. All sources are properly cited reflecting respect for intellectual property and maintaining the integrity of the research process. This ensures that all legal documents, case law, and academic sources are used appropriately and responsibly.

The eligibility criteria for literature selection were carefully defined to ensure the inclusion of relevant and credible sources. Legal documents such as the Nigerian Constitution, the Trafficking in Persons (Prohibition) Enforcement and Administration Act (2015), and international instruments like the Palermo Protocol were included. Also, reports from respected organizations such as UNODC, ILO, and NAPTIP were considered essential sources. Peer-reviewed academic articles published between 2018 and 2024 were prioritized, as they provide contemporary insights into the issue of human trafficking and the associated human rights discourse. Judicial decisions from Nigerian courts, as well as regional and international human rights tribunals, were also incorporated to understand how the law has been applied in practice. On the other hand, non-legal sources such as opinion pieces or non-peer-reviewed materials were excluded, ensuring the study maintains a high standard of academic rigor.

The data for this study was sourced primarily from legal documents, government and NGO reports, judicial case law, and academic literature. The legal documents include the relevant provisions of the Nigerian Constitution and other domestic legislation, alongside international treaties that address trafficking and human rights. Judicial decisions offer practical insights into how laws have been interpreted and enforced in Nigerian courts and in international legal contexts. Reports from reputable organizations like UNODC, NAPTIP, and the U.S. Department of State were included to provide empirical data and policy analysis. Furthermore, academic literature was selected based on its focus on trafficking, human rights protections, and law enforcement challenges.

To maximize the reach and relevance of the literature search, relevant keywords and Boolean operators were strategically employed. The search covered databases like Westlaw, LexisNexis, HeinOnline, and Google Scholar. Keywords such as "Human trafficking AND women AND children AND human rights," "Trafficking in persons AND Nigerian Constitution," "Trafficking laws AND enforcement challenges," and "Comparative analysis AND trafficking laws AND international human rights" were used to capture the most pertinent and up-to-date literature. This approach ensured a comprehensive collection of data relevant to both the Nigerian context and global trafficking frameworks.

The study selection process was conducted in two stages. First, titles and abstracts of the collected materials were screened to ensure they aligned with the research focus. The second stage involved a full-text review of the selected materials to determine their applicability and relevance to the study's objectives. This rigorous selection process ensured that only the most relevant and authoritative sources were included in the analysis. For data extraction, a structured format was employed to capture critical details from the selected materials. These included the source type (e.g., legal documents, case law, reports), the jurisdiction of the source (whether

Nigerian or international), the key findings (such as legal protections and enforcement challenges), and their implications for improving victim protection and law enforcement efforts. This systematic approach facilitated a focused and organized synthesis of the literature.

A qualitative content analysis approach was used to synthesize the extracted data. Legal provisions and judicial decisions were analyzed to identify recurring themes related to the protection of trafficking victims, enforcement challenges, and the role of human rights in legal frameworks.

RESULTS AND DISCUSSION

3.1 Protection of Victims of Trafficking Under the Nigerian Constitution.

Almost all nations in the globe have been impacted by human trafficking, either as places of origin, transit, or destination. As a result, fighting the epidemic has grown extremely important during the past 1.5 decades. Nigeria was in a state of denial and did not acknowledge human trafficking as a problem until the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, which was revised in December 2005, was passed. Human rights advocates and non-governmental organizations prompted the Nigerian government to focus on the issue of the trafficking of women to Europe, which was quickly receiving attention throughout the world. Even then, the Nigerian government didn't begin taking action against the issue until 2003. As a result, there was no explicit rule that forbade the appropriate definition of human trafficking, regardless of gender. At best, anti-trafficking legislation was added to the existing Criminal or Penal Codes rather than being passed as a standalone complete statute. Before the Child Rights Act was passed in August 2003, no comprehensive special legislation safeguarding children's rights existed in Nigeria. In order to defend the rights of children in subjects pertaining to their health, education, religion, and general welfare, she was forced to depend on the Federal Constitutions⁷, the Criminal and Penal Codes, as well as African and United Nations Conventions.

Because of their links to illegal activities and groups, victims of trafficking are typically considered as a danger to internal security, leading to the frequent use of incarceration and deportation⁸. The Trafficking in Persons Protocol⁹ recognizes these difficulties and the criminalization of behaviours that constitute trafficking in persons' offenses. It also mandates that each state party to the Protocol's domestic law work to protect the identity, privacy, and protection of those who are victims of trafficking in persons, including, among other things, by keeping legal proceedings involving such trafficking confidential. In the statement of purpose for the Trafficking in Persons Protocol, it is also stated that victims of such trafficking must be protected and helped while maintaining full respect for their human rights. The Nigerian anti-trafficking law, Trafficking in Persons (Prohibition) Law Enforcement and Administration Act

⁷ The Federal Republic of Nigeria's Constitution (Promulgation) Act, 1999, Cap. 23 LFN, 2004 forbids the denial of the personal liberty of Nigerians of all ages as well as forced labour, slavery, and sexual exploitation. While Section 34 protects the dignity of the human person, which includes freedom from torture, cruel or humiliating treatment, slavery or servitude, and forced or involuntary labour, Section 35 ensures individual liberties. Section 41 ensures that all Nigerian nationals have the right to freedom of movement.

⁸ T. Obokata, *Trafficking of Human Beings as a Human Rights Violation: Obligations and Accountability of States*. In *Trafficking of Human Beings from a Human Rights Perspective* (Brill Nijhoff, 2006) 147-172.

⁹ Adopted by the General Assembly of the UN in its Resolution 55/25 of 15th November 2000 signed and ratified by Nigeria on the 13th October 2000 and June 2001

(TIPPLEA), 2003 (as amended)¹⁰, ensures that victims of trafficking receive humane treatment, protection, and non-discriminatory practices by making elaborate provisions for the protection of the victims' identities and physical well-being. With the passage of the TIPPLEA 2003 and the establishment of NAPTIP the Nigerian Government put in place effective measures for protecting trafficked persons. The provisions of the TIPPLEA ensures that trafficked persons (TPs), Nigerian and non- Nigerian citizens are free from discrimination and have access to protection services.

The legislation also grants immunity to crime victims for offenses committed as a result of their status as victims. The issue of identifying victims of human trafficking is one that immediately comes to mind. This is not covered by the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (Trafficking Act) because, without accurate identification of the victims, there is no way to both protect them and learn more about the traffickers in order to end the cycle of exploitation. The agency is mandated by law to ensure, among other things, that the investigation, detection, gathering, and interpretation of evidence in relation to cases of human trafficking should be conducted in a manner that minimizes intrusion into the personal histories of the trafficked individuals, that the identity of the trafficked individual is protected from intimidation, threats, and retaliation from traffickers and their associates, including retaliation from individuals in positions of authority (steps should be taken to rehabilitate the trafficked person and where the circumstances so justify, trafficked persons shall not be detained, imprisoned or prosecuted for offences related to being a victim of trafficking, including possession of valid travel, false travel or other documents).

The agency has put in place operational rules for the administration of all cases with specific regard to the handling of crime victims in accordance with this created safe homes. In a nation like Nigeria, which comprises 36 States and the Federal Capital Territory of Abuja, these safe homes cannot offer the necessary help to victims of human trafficking. The Act extends protection to family members of the victim of trafficking in addition to providing protection to the victim themselves. This is an effort to safeguard the trafficking victim against intimidation, retaliation, threats, and other types of unjustified pressure that might prevent him from testifying during the trafficker's trial¹¹. The Act offers protection from threats of reprisals, intimidation, and retaliation by traffickers, their affiliates, and individuals in positions of authority. It stipulates that before, during, or after any judicial procedures, the safety and integrity of trafficked people and witnesses must not be compromised in the sake of prosecution. According to the Act, a victim of trafficking is a selfish, dishonest, and fraudulent trafficker who either took advantage of the victim's vulnerability or violated his duty of care and protection to him. The Act contains safeguards for victims of this crime, but this study argues that it can do more by granting victims the ability to take part in the legal and investigative processes against traffickers.

From the standpoint of criminal justice, the involvement of victims is advantageous since the testimony and evidence they offer should hasten the investigation, conviction, and punishment¹². From a human rights standpoint, participation by victims gives them the chance

¹⁰ <<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101267/121929/F958851509/NGA101267%20Part%201.pdf>> Accessed June 10, 2024 at 4:12pm

¹¹ E. Pearson, *Traffic: Redefining Victim Protection* Anti-Slavery International 2002, pp. 166-167

¹² S. K. Kigbu, & Y. B. Hassan, *Legal framework for combating human trafficking in Nigeria: The Journey So Far*, (2015). *JL Pol'y & Globalization* 38, 205.

to speak up, which has therapeutic benefits. Additionally, it helps individuals deal with their rage and trauma in a healthy way, which may help them regain control and their feeling of dignity and worth. A number of international treaties relating to human trafficking have been ratified, to which Nigeria has acceded, or to which it has signed. However, Nigeria's stance on international treaties serves as a barrier because it only allows for the particular adoption of legally signed treaties, or their domestication through local enabling legislation, into Nigerian domestic law. Nigeria has chosen to develop domestic alternatives to the most important international anti-trafficking legislation that would not upset some deeply ingrained cultural, religious, and social practices that the international world definitely views as a violation of human rights. As a result, these problems would serve as the cornerstone for any proposals for an efficient legal system and enforcement procedures in the struggle.

3.2 Trafficking In Persons (Women And Children) And Protection Under The Human Rights Laws (Gender Equity)

Nigerian women and girl victims of trafficking are mainly recruited for domestic servitude and sex trafficking while boys are generally forced to work on plantations or in commercial farming, construction, quarries and mines, or engage in petty crimes and the drug trade. Nigerian victims are taken to other West and Central African countries (Côte d'Ivoire, Mali, Benin, Equatorial Guinea, Cameroon, Gabon and Guinea), as well as to South Africa. Women and girls - primarily from Benin City in Edo state – subjected to forced prostitution are trafficked mainly in Italy. According to the 2014 trafficking report, trafficking of young women from Nigeria to Europe for the purpose of sexual exploitation is one of the most persistent trafficking flows, as it is very well organized and difficult to detect. An important characteristic of the Nigerian trafficking system is the use by the traffickers of threats of voodoo curses to control Nigerian victims and force them into situations of prostitution. In fact, once arrangements for victims' trips abroad are completed, traffickers seal the deal by taking the victims to shrines of voodoo priests for oath taking. During the ritual, in which body parts such as fingernails, blood and/or pubic hairs are recollected, the woman is made to swear an oath to repay her debt, never to report her situation to the police or reveal the identities of her traffickers¹³. Fear of breaking the pact is so strong that it creates a powerful hold over the victims and impedes them to seek help. According to the Nigerian National Agency for Prohibition of Traffic in Persons about 90 per cent of girls that are been trafficked to Europe are taken to shrines to take "oaths of secrecy".

Nevertheless, numerous actions related to trafficking are against international human rights legislation. Promoting and protecting human rights is especially important in the fight against human trafficking since violations of human rights are both a cause of and a result of this crime. At various stages of the trafficking cycle, various human rights violations take place, including those that violate inalienable rights like the right to life, liberty, and security, the right to freedom of movement, and the right to be free from torture and/or cruel, inhuman, or degrading treatment or punishment. For instance, human rights legislation outlaws the following as abuses of human rights: forced marriage, forced prostitution, debt bondage, slavery, servitude, and child sexual exploitation. Despite a solid international legal framework, millions of girls, boys, women and men continue to be trafficked each year.

¹³ A. Chisholm and others, Rituals as a Control Mechanism in Human Trafficking: Systematic Review and Thematic Synthesis of Qualitative Literature (2022). *Journal of Human Trafficking*, 1-24.

Human rights and the battle against human trafficking go hand in hand. Human rights legislation has categorically stated that it is morally and legally wrong for one person to take advantage of another's legal personality, labour, or humanity from its inception to the present. Human rights law has outlawed discrimination based on race and sex, demanded equal rights for those who are not citizens, denounced and outlawed inhumane practices such as arbitrary detention, forced labour, debt servitude, forced marriage, and the sexual exploitation of children and women, and championed the freedom to move around and the right to leave and return to one's own country¹⁴. Many of the methods used in contemporary trafficking are categorically forbidden by international human rights legislation. Human rights legislation, for instance, prohibits debt bondage, which is the pledge of personal services as security for a debt when the value of such services is not applied toward the payment of the obligation or when their length or character is not restricted and regulated. Many trafficked people find themselves in a state of debt bondage when they come into a debt with their exploiters (related to, for example, placement or transport costs); the debt is used as a way of controlling and abusing them. Forced labour is prohibited by human rights law as well; it is described as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself [herself] voluntarily" by Convention No. 29 concerning Forced or Compulsory Labour of the International Labour Organization (ILO). International human rights law forbids further activities connected to trafficking, including forced prostitution, forced marriage, servile forms of matrimony, child marriage, and forced prostitution and the exploitation of prostitution.

According to Weatherburn¹⁵, gender disparity contributes to human trafficking. Lack of work prospects, discrimination, and lack of access to education all contribute to gender inequality, and in places where these vulnerabilities abound, cultural subjugation of women is the norm. Because of this, women in African countries may not be drawn to the West's economic progress but rather to their need for freedom from domestic abuse and a strong male authority. In Sub-Saharan Africa, 80 percent of those who live in poverty are women, according to Wester¹⁶. The percentage of women in politics in Sub-Saharan Africa is so low. Where women make up 6% of the parliament, 10% of local government, and 2% of cabinet members, gender imbalance is evident. Governments are impoverished, weak, and overwhelmingly governed by males, which makes it difficult for them to address breaches of women's human rights like human trafficking. More women are lacking in land economic rights. For instance, women produce 80% of the food and labour for around 80% of the agricultural workforce, yet they only own 7% of the land.

Women and girls are forcibly removed from rural areas and transported to mining centers as part of sex trafficking on the pretext that they would be given financial help before being sold as sex objects. During raids, soldiers frequently grab women and girls at gunpoint and compel them to become their brides. Threats of using force to subjugate them to sexual and

¹⁴ Human Rights and Human Trafficking, United Nations Office of the Human Rights Commissioner Factsheet No. 36, (United Nations, New York and Geneva, 2014) 4. Available at <https://www.ohchr.org/Documents/Publications/FS36_en.pdf> Accessed September 26, 2023 at 3:15pm.

¹⁵ A. Weatherburn, *The effects of political and socio-economic factors on human trafficking* (pp. 25–26). *Conference paper*. (Bulgaria: Sofia, 2015).

¹⁶ K. B. Wester, *Violated: Women's Human Rights in Sub-Saharan Africa* (pp. 1–6). *Botswana: Topical review digest 2013*.

labour exploitation are used to keep and control women. After determining that human trafficking practices violate the fundamental rights of the victims of the crime, this research will quickly review some of the rights that are typically infringed during periods of trafficking as follows:

3.2.1 Right to life: The right to life finds its most general recognition in the Universal

Declaration of Human Rights. Article 6 of the International Covenant on Civil and Political Rights recognizes the inherent right of every person to life, adding that this right "shall be protected by law" and that "no one shall be arbitrarily deprived of life".¹⁷ Everyone is entitled to the protection of the right to life without limitation or discrimination of any kind, in accordance with article 2 of the Universal Declaration of Human Rights, articles 2 and 26 of the International Covenant on Civil and Political Rights, and in accordance with a number of other United Nations declarations and conventions, and all persons shall be granted equal and effective access to remedies for violations of this right. Numerous causes contribute to the deaths of many trafficking victims. For instance, when trafficking is done for the purpose of organ removal, the operation is typically performed by non-medical specialists, endangering the victim's life and maybe even resulting in death. Since the victim's right to live is arbitrarily taken away, this is an outright violation of human rights. Trafficking is not one of the instances listed in the legislation as to when the right to life may be violated.¹⁸

The current constitution of Nigeria guarantees the right to life, as it states that no one may be purposefully deprived of their life unless to carry out a court's judgment about a crime for which they have been proven guilty in Nigeria.¹⁹ Numerous laws in the nation outline the conditions under which the right to life may be deprived, but trafficking is not one of them.

3.2.2 The right to liberty and security: Whether covered by domestic law or international law, the rights to personal liberty, security, and freedom from arbitrary arrest and detention fall under the umbrella of human rights. According to the right to personal liberty, no one may be arrested or detained unless it is authorized by law and provided that neither the arrest nor the detention is capricious. All types of confinement that rob persons of their liberty fall under the scope of this right. The nation must take reasonable steps to safeguard a person's bodily safety in order to uphold the right to security. Article 9 of the International Covenant on Civil and

Political Rights outlines the rights to personal safety and freedom from arbitrary imprisonment (ICCPR). Other rights are also provided for those who are detained or imprisoned under Article 9. The constitution of Nigeria, which states that everyone has a right to their personal liberty and that no one may be deprived of that liberty unless in the circumstances listed below and in compliance with a judicial process, guarantees that right.²⁰ Despite the fact that the aforementioned rule provides for a number of exceptions, none of them may be used to support the practice of human trafficking. In the case of *C. N v The United Kingdom*²¹ the Applicant's right to liberty was breached.

¹⁷ The Universal Declaration of Human Rights, Article 3.

¹⁸ Article 4, paragraph 2 of the International Covenant on Civil and Political Rights provides that exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any derogation from the right to life and security of the person.

¹⁹ The Constitution of the Federal Republic of Nigeria 1999 (as amended), s.33.

²⁰ The Constitution of the Federal Republic of Nigeria 1999 (as amended), section 35.

²¹ [2008] ECHR 4239/08

3.2.3 The right to dignity of human person: Human beings must be free from slavery, servitude, forced labor, and bonded labour in order to have the right to dignity. People cannot be kept in situations where the rights associated with ownership are used, according to the right to freedom from slavery. A person must be free from any work or services that are required of them under threat of punishment and for which they have not given their consent in order to exercise their right to be free from forced labour. No one shall be kept in slavery; slavery and the slave trade in all its manifestations must be forbidden; and no one shall be held in servitude, according to one of the ICCPR's provisions. It also provides that no one shall be required to perform forced or compulsory labour.²² The Nigerian constitution guarantees everyone's right to human dignity. The constitution states that everyone has a right to respect for their own personal dignity and that no one shall be subjected to torture or other cruel, inhumane, or humiliating treatment. No one shall be kept in slavery or servitude, and no individual shall be subjected to forced or involuntary labor, according to the law.²³

3.2.4 The right to freedom of movement: The ICCPR guarantees the right to free movement, which is the freedom to move around in any place one finds oneself.²⁴ According to the Covenant, everyone who is legitimately on a State's territory has the right to freedom of movement and the choice of abode within that territory. When persons are trafficked, this is the legal right that is most frequently violated. Because they no longer have the freedom to roam freely, victims of trafficking are always restricted in their movements. Similar to this, the

Nigerian constitution states that every citizen of Nigeria is free to roam about the country and live wherever inside it. No Nigerian person may be barred from entering or leaving the country.²⁵

3.3 Enforcement of Rights of Victims of Human Trafficking

Despite the fact that there have been cases of child trafficking in Nigeria since the 1960s, the subject has only recently come to the attention of the general public. The public outcry caused by the 1994 commencement of deporting people trafficked for prostitution to Europe and the Middle East led to the current awareness of trafficking in Nigeria. All victims of human rights breaches have the right to "an effective remedy" through the state's legal systems, in accordance with international human rights standards that Nigeria has agreed to due to its membership in the UN. Human rights violations such as slavery, torture, arbitrary imprisonment, cruel and humiliating treatment, and many more can be a part of trafficking. Therefore, victims of trafficking are automatically entitled to all applicable remedies in Nigeria. Frequently, this is referred to as the ability to "access justice".²⁶

This is explicitly stated in the UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) as follows: Article 4 states that victims must be handled

²² International Covenant on Civil and Political Rights, Article 8.

<<https://www.ohchr.org/en/instrumentsmechanisms/instruments/international-covenant-civil-and-political-rights>> Accessed July 10, 2024 at 3:20pm.

²³ The Constitution of the Federal Republic of Nigeria 1999 (as amended), s.34.

²⁴ International Covenant on Civil and Political Rights, Article 12.

<<https://www.ohchr.org/en/instrumentsmechanisms/instruments/international-covenant-civil-and-political-rights>> Accessed July 10, 2024 at 3:35pm.

²⁵ The Constitution of the Federal Republic of Nigeria 1999 (as amended), s.41.

²⁶ *Federal Republic of Nigeria v Favour Anware Okwuede*, FHC/ASB/24C/2009 (unreported)

kindly and with regard for their human dignity. They have the right to swift reparation for the injury they have experienced, as stipulated by national law, and access to the legal systems. Access to justice can aid in the healing process for the offender and those closest to the victim. It acknowledges in a public setting that a mistake was done, and by lowering the threat of additional harm.

The conclusion of the legal system, especially a civil one, may also entail restitution or other forms of financial support from the perpetrator, which can help the victim go on with their lives. There are other social advantages as well. By giving the victims of trafficking a voice and a face via access to justice, society and networks of friends and family may be better able to comprehend the human rights violations involved, leading to greater awareness and improved prevention. The administration has made a very clear message about what is acceptable. Additionally, it has the practical effects of getting criminals off the streets and making communities safer for residents, decreasing crime impunity and acting as a deterrent to others, removing the need for retaliation (revenge) from the offended parties or their families, and aiding in the fight against poverty. The most common victims of crimes like trafficking are the underprivileged and needy, who also find it most difficult to seek redress.

Depending on their unique circumstances and the conditions of the trafficking they experienced, victims of human trafficking have a wide range of civil legal demands. Others will have several legal concerns that could persist for many years, while some people will just require limited legal services for a short time. To motivate them to testify against traffickers and to guarantee that their rights are upheld throughout the criminal justice process, victims of trafficking must be given the appropriate protection. To guarantee that victims, who usually fear or endure intimidation and retaliation by traffickers, are adequately protected, laws must often be changed or new measures introduced.

3.3.1 Challenges against Efforts at Protecting Women and Children from Trafficking.

Despite the three-prong approach adopted by NAPTIP to nip the trafficking of women in the bud, the business is extremely difficult to eradicate due to the number of other ‘small enterprises’ which depend on it and service it. These include forgers, disreputable and even fake lawyers who set up “contracts” between the victims and their traffickers, self-styled “evangelists” who pray for them, traditional voodooists who hold the victims to their promises or undertakings with threats of ordeals, Customs and Immigration officials who receive bribes to look the other way when regular streams of young women with no visible support are escorted out of the country, and in some cases, corrupt embassy officials who facilitate the issuance of visas.

The introduction, growth, and utilization of Information and Communication Technologies (ICTs) have been accompanied by an increase in illegal exploitation and abuse of technology for criminal activities. Although new techniques are constantly being invented and implemented, the regulations being adopted to combat and eradicate diverse forms of human trafficking remain inadequate, ICTs are also providing new means and tools that facilitate human trafficking especially for sexual exploitation. According to Chawki and Wahab (2005), the use of ICTs in human trafficking involves the utilization of computers and/ or networks²⁷. The duo in a study commissioned by the Computer Crimes Research Centre identified the fact that users in ICT-supported trafficking included collectors of child pornography, stalkers and

²⁷ Linus Akor, Trafficking of Women in Nigeria: Causes, Consequences and the way forward (2011). *Corvinus Journal of Sociology and Social Policy* Vol2 2:107

buyers. According to them, some of the distributors of pornography on the internet started off as collectors and then decided to profit from their collections while other sex offenders such as paedophiles engage children on many levels, from sexual talk to enticing them into physical contact. They added that there are also those who buy women and children for the purpose of sexual exploitation²⁸.

Explaining how collectors of pornographic materials operate using the ICTs, Chawki and Wahab observed as follows:

Acquiring a computer and accessing the internet enables the traffickers to get satisfaction from images and fantasy and meet a virtual community of people who reinforce their behaviour. They may develop a sense of confidence in themselves for their new computer skills and success at building a large collection. Most start out accessing adult pornography, and then move on to child pornography. They continually move up to more sophisticated technologies and more extreme forms of sexual exploitation of children, either seeking more harmful, extreme images, or the physical sexual abuse of children. Collecting these materials is an important psychological process and is directly connected to acquiring new technological skills. The offender becomes increasingly “empowered” by the combination of a physical collection, sexual satisfaction, computer skills and a supportive online community²⁹

It is their view that the internet has also become a favoured site for getting children, noting that sex offenders engage children on many levels from sexual chat to enticing them into physical contact. The United Nations Office on Drugs and Crime (UNODC)³⁰ has performed research that demonstrates how victims are targeted and recruited using social media and online dating services where personal information and locational facts are easily accessible. Photos and films of sexual assault and other types of exploitation are being sold to buyers worldwide on various platforms, generating more revenue for the traffickers at no further expense. Traffickers are fast to modify their business strategies to meet their demands and boost earnings, so it stands to reason that they keep up with internet trends. Currently, traffickers use technology to identify, enlist, manage, and profit from their victims. They also use the Internet, particularly the dark web, to conceal the unlawful products of their activities from law enforcement as well as their true identities. Cryptocurrencies are also used to launder the illegal gains from this extremely lucrative crime, which makes it simpler for traffickers to receive, conceal, and move enormous sums of money with less danger of being discovered. Since conventional physical and geographic barriers no longer exist, the Internet today easily connects a far bigger number of prospective victims.

Traffickers construct phony websites or place ads on social networking and job-related websites that are authentic. There is a live chat option on several of these websites. This increases the trafficker's control over the intended victims by allowing for rapid contact and the chance to gather personal information like passport information. Live broadcasting on several

²⁸ *Ibid.*

²⁹ Linus Akor, Trafficking of Women in Nigeria: Causes, Consequences and the way forward (2011). *Corvinus Journal of Sociology and Social Policy* Vol2 2:107

³⁰ Good Use and Abuse: The Role of Technology in Human Trafficking, <<https://www.unodc.org/unodc/en/human-trafficking/Webstories2021/the-role-of-technology-in-humantrafficking.html>> Accessed July 10, 2024 at 3:00pm.

websites allows for the repeated exploitation of victims, and there is no restriction on the number of times or individuals who may see films of their mistreatment. The fact that human trafficking is a global problem and that technology is being abused makes it increasingly harder for law enforcement to combat this crime. Technology is used by traffickers to manage their victims remotely, occasionally without ever having met them in person. Traffickers may observe their victims and their surroundings by using smartphones' cameras during video conversations and location-tracking programs to determine the victim's whereabouts and the location of their surroundings. Threats from traffickers to show personal images or videos of their victims to relatives and friends as punishment for disobeying their requests are another way that traffickers keep control over their victims.

3.3.2 Trafficking in Persons in other Jurisdictions.

Human trafficking is not a menace peculiar only to Nigeria as a nation. Apart from internal Trafficking in human persons which involves the movement of persons from one part of Nigeria to the other both for forced labour and prostitution and their likes, every other trafficking in human persons is across borders. The free trade agreement between the

ECOWAS member nations across West Africa became a major booster for traffickers across

West Africa.

According to the U.S Department of State, Italy is a major destination and transit country for women, children, and men trafficked both transnationally and internationally for the purposes of deploying them as commercial sex workers and subjection to forced or cheap

labour. Women and children are not trafficked mainly from Nigeria³¹, Romania, Bulgaria, Moldova, Albania, and Ukraine but also from Russia, South America, North and East Africa, the Middle East, China, and Uzbekistan. Reportedly, an increasing number of victims are trafficked for forced and cheap labour, mostly in the agricultural sector from Africa and especially from Nigeria to Italy. The trafficked foreign seasonal workers are mostly unregistered without any genuine work or resident permits. The facts that these victims of trafficking are in Italy illegally makes them most vulnerable to continuing trafficking especially even the laws of the nation stand against illegal migrants and technically leaves the victims at the mercy of their slave drivers who promise them protection from the stroke of the law. A major tact often employed by the traffickers to avoid suspicion and the eyes of the law enforcement agencies or other human rights bodies is to move the victims more frequently from city to city within Italy, often keeping victims in major cities for only a few months at a time, in an attempt to evade police detection³²

Despite the concerted efforts of the Government of Italy to ensure full compliance with the internationally accepted minimum standards for the elimination of trafficking, which includes progressive victim-centered approach for the rescue, reintegration, and repatriation of trafficking victims in Italy in which periods preceding the year 2008 as reported by the Italian

³¹ Notice now that Nigeria is the first Nation to be listed as the country whose citizens are the most vulnerable and the most trafficked to Italy in the whole world.

³² "Italy". Trafficking in Persons Report 2008. U.S. Department of State (June 4, 2008). This article incorporates text from this source, which is in the public domain. Accessed 12 January, 2022.

Government and captured by the United States Department of State^{33,34}. Trafficking in persons especially for prostitution and forced labour continued to be on the rise so much so that it got the infamous tag of “*made in Italy*”. According to an NGO based in Genoa working with Nigerian victims of human trafficking, some government officials have been imprisoned for facilitating trafficking³⁵ and this is not withstanding the fact that in the year 2009, human trafficking was made a criminal offence in Italy. According to ‘The Guardian’, since the year 2015, about 21,000 Nigerian women and girls have arrived on Italian shores³⁶ most of which are deployed as sex slaves. According to the Zonal Commander of NAPTIP Benin Zonal Office, Ganiu Aganran, National Agency for the Prohibition of Trafficking in Persons has secured more than 600 convictions and rescued over 20,000 victims of human trafficking since its inception in 2003³⁷.

In Mali, the high rise in trafficking in Human persons have been linked to social and political crises which displaces citizens and children thereby making them vulnerable victims of trafficking. Although Mali is one of the poorest West African Countries, the wealth of both oil and gold deposits in the country serve as a major attraction to both foreigners and the people of other African nations especially Nigeria, and Senegal³⁸. The Victims of trafficking in Mali are usually promised well-paying jobs in the gold mines and sometimes Mali is presented to them as merely a stopover on their way to Europe for a more lucrative life. These victims of trafficking are sometimes bought over, manhandled and turned to sex slaves for religious extremists such as Al-Qaeda who subjects them to various degrees of torture including forcing them to work in the mines under very dehumanizing conditions for the extremists who use the proceeds to aid in their acquisition of sophisticated weapons. The victims are sometimes even radicalized and turned to suicide bombers.

In Mali, over 12 percent of the sex workers in mining towns are minors between the ages of 15 and 19, and a majority of them are foreign workers from Nigeria and Côte d’Ivoire.

Child prostitution and child sex trafficking has been found around mining camps in Mali most of whom were trafficked from Nigeria. In January 2019, Nigerian authorities estimated that more than 20,000 Nigerian girls are victims of sex trafficking in Mali³⁹, although this data has not been corroborated enough for valid claims of reference, the series of infamous revealing reports of the dehumanization of Nigerians in Mali between the year 2020 and 2021 which led to various protest by Civil Societies and private individuals who called for Government

³³ "Italy". Trafficking in Persons Report 2008. U.S. Department of State (June 4, 2008). This article incorporates text from this source, which is in the public domain. Accessed 12 January, 2022.

³⁴ The Italian government aggressively prosecuted and convicted traffickers in their numbers and also ensured the deportation of non-Italian victims of trafficking back to their countries and transfers them to the requisite agencies for rehabilitation and reintegration into the regular society

³⁵ Trafficking in Persons Report 2008. U.S. Department of State (June 4, 2008) Supra.

³⁶ Ottavia Spaggiari, The Guardian, Escape: the woman who brought her trafficker to justice <<https://www.theguardian.com/world/2020/aug/27/nigeria-italy-human-trafficking-sex-workers-exploitationjustice>> Accessed January 12, 2024 at 4:00pm.

³⁷ Adeyinka Adedipe, Punch, 600 traffickers convicted, 20,000 victims rescued in 22years- NAPTIP <https://punch.ng/600-traffickers-convicted-20,000-victims-rescued-in-22-years-naptip/#google_vignette> February 25, 2025, Accessed March 10, 2025 at 12:41pm.

³⁸ Christopher P. Isajiw, Forced and trafficked workers of Mali (Published by International Catholic Migration Commission (ICMC), May 2021).

³⁹ NAPTIP to rescue 20,000 Nigerian girls trafficked to Mali, <<https://www.vanguardngr.com/2019/01/naptipto-rescue-20000-nigerian-girls-trafficked-to-mali-dg/>> Accessed July 10, 2024 at 10:00am

intervention for the rescue of Nigerians trapped in Mali under the restrictions of their traffickers. In these periods, some of these Nigerians were massacred and Murdered at the pleasure of either the Extremists or even unjust prosecutions by the Malian government. This pressure among others led to the deportation and rehabilitation of more than ten thousand (10,000) Nigerians who were victims of human trafficking from Mali and they were rehabilitated and given various aids by the Nigerian government through the agencies concerned in collaboration with NGOs, concerned Civil Society groups and even religious organizations.

Whereas there is a tentative attempt by the government of Mali to combat trafficking in persons, the laws of Mali do not expressly prohibit trafficking in persons. What the laws of Mali prohibited is hereditary slavery that results from human trafficking^{40,367}. It does not explicitly forbid using, procuring, subjecting children or women to illicit activities. This is a great short coming on the will of the Nation to combat human trafficking. The U.S Department of State Report on trafficking seem to cast apparitions on the Mali Military government for its recruitment of child soldiers. Conventional International Humanitarian Law (IHL) states that national armed forces and non-state armed groups engaged in armed conflict are not allowed to enlist children under the age of 15 or directly involve them in hostilities, even though under general international law a child is defined as a person under the age of 18. IHL mandates that national armed forces involved in an International Armed Conflict (IAC) take all necessary (but not all feasible) steps to prevent the recruitment of minors under the age of 15 from directly participating in hostilities⁴¹.

3.4 Challenges of Enforcement and Application of laws Against Trafficking in Persons.

In Nigeria, there are a few barriers to obtaining justice, such as: Legislation or legal shortcomings that unfairly hurt the victim or potential victims, intolerance or prejudice towards women in the legal system and within law enforcement. Victims are not sufficiently informed of their rights, and they don't know how to pursue justice. Corruption among authorities or in the law enforcement community. Fear of retaliation against trafficking victims or those who support them, including intimidation, threats, and assault. The fact that the courts are too far away, the victim doesn't have enough money to file a claim (especially a civil action), or the victim doesn't speak the court language are all practical barriers to the administration of justice⁴².

Some of these obstacles are the consequence of a general lack of knowledge about human trafficking, a lack of public awareness of the problem, and varying definitions and views of what constitutes a victim. Research suggests that victims of human trafficking frequently refuse to identify themselves as victims; as a result, self-referrals are less likely than with other forms of crime⁴³. This complicates the situation. The community of human trafficking victims

⁴⁰ The Agency report on Child Labour in Mali @ <https://www.dol.gov/agencies/ilab/resources/reports/childlabor/mali> Accessed January, 2024 at 2:00pm; See also the Anti Trafficking Laws of Mali 2012.

⁴¹ Legal Framework on Child Soldiers in Mali (28 February 2022), <<https://reliefweb.int/report/mali/legalframework-child-soldiers-mali-28-february-2022>> Accessed July 10, 2024 at 12:00pm

⁴² Â. Fernandes and M Gonçalves and M Matos “Who are the victims, who are the traffickers?” University students’ portrayals on human trafficking. *Victims & Offenders*, (2020) 15(2), 243-266.

⁴³ R. Aderemi, & A. Aderemi, Addressing human trafficking scourge through community-based participatory education programme. *Journal of Poverty, Investment and Development*, (2022)7(1), pp.1-11.

is equally difficult to locate and get in touch with. Many victims have been taught to distrust law enforcement officials and NGOs, frequently as a result of their encounters with dishonest law enforcement officials or authorities in their home countries. Additionally, victims are frequently reluctant to come out due to their fear of being arrested and extradited as well as the retaliation of their traffickers. Once the police or other uniformed personnel arrive in Nigeria, the victims of human trafficking used as cheap labour—especially women and girls—hide to avoid being apprehended. When victims of human trafficking are detained, they are frequently freed on bond instead of being sent back to their home countries. In more developed regions, human trafficking victims are apprehended and sent back to their country in order to start a new, independent life.

The stigma associated with prostitution in particular and sexual exploitation in general makes it more difficult to identify victims of human trafficking. Due to their own sense of shame and dread of the reaction, both domestic and international sex trafficking victims are unlikely to disclose their involvement in prostitution to providers, notably law enforcement⁴⁴. Additionally, some victims are less inclined to consider themselves as victims and more willing to defend their offender at all costs due to the dominance of the traffickers' or pimps' seduction and manipulation, as well as symptoms of Stockholm syndrome. In addition, meeting the multifaceted requirements of victims of human trafficking can be extremely difficult for service providers, particularly for law enforcement who are seeking to offer them integrated assistance. The inability to provide thorough case management and follow-up/aftercare services for extended periods of time due to a lack of resources; a lack of training regarding effective outreach techniques, cultural competency, and/or confidentiality; and staff failure to recognize and respond to the co-occurrence of emotional and behavioural problems are common challenges (especially among adolescents). Other issues include a general shortage of services in the neighbourhood and the insufficient synchronization of services among organizations.

There are also security issues for workers and victims.

3.4.1 Lack of Coordination Among the law Enforcement Agencies

Many government organizations are responsible for enforcing laws against human trafficking and other related legislation, as well as for investigating and prosecuting criminal cases. Immigration and the police appear to be in competition over who should handle victims who have been repatriated or who have returned from abroad. Each agency is making every effort to keep the other out of their activities and to keep information hidden from one another. The rights of those who have been victims of human trafficking may not be adequately protected if there is a lack of cooperation among various institutions. These agencies must collaborate because of the nature of the crime (people trafficking). The choice of who should be included also seems to entail a lot of politics. The Task Force on Human Trafficking, for instance, no longer counts Interpol as a member. This is odd considering that human trafficking is a global crime. Additionally, there is virtually little cooperation between the law enforcement authorities of Nigeria and those of transit and destination nations.

Human traffickers continue to prosper in large part due to the slim chance of getting apprehended. Poor women and immigrants who were victims of human trafficking historically had little protection from the government. Numerous victims' lack of citizenship further

⁴⁴ N. Mai, 'Too much suffering': understanding the interplay between migration, bounded exploitation and trafficking through Nigerian sex workers' experiences (2016). *Sociological Research Online*, 21(4), 159-172.

hampers law enforcement's reaction. Because they believed that the victims were participating in their own victimization, law enforcement, service providers, and public authorities in Nigeria and abroad have frequently been unwilling to take action against known prostitution rings, sweatshops, and other types of exploitation. New criminal laws, like those addressing human trafficking, are understood and put into practice in large part as a result of existing attitudes of local police enforcement. How police recognize, report, and look into human trafficking offenses will be directly impacted by various perceptions of the problem of human trafficking and the legal requirements. It is important to comprehend how these initiatives are adopted and integrated into local agencies' cultures and how patrol officers put these priorities into action on the street, as with many crime control initiatives that included the federalization of crime and/or incentives to state and local law enforcement agencies to prioritize certain types of crime investigations (such as drugs, guns, and homeland security).

Many nations' law enforcement organizations lack the knowledge, skills, and resources necessary to look into complicated, global organized crime. Because trafficking is just recently made a crime in many of these nations, investigators simply do not have the knowledge and experience necessary to adequately look into this particular category of crime. In fact, according to Gallagher and Holmes, trafficking is still a relatively new crime in many nations, involving "new and untested legislation." Some nations could also be unable to afford the running costs of conducting cross-border criminal investigations, enough financing for technology, training, and other necessary expenses. As victims are less eager or able to offer information and testimony to police and prosecutors when their safety and recovery requirements are not met, an inability to provide proper victim protection, aid, and support may hinder investigations and prosecutions.

3.4.2 Difficulties in the Prosecution of Traffickers

Almost every nation in the world, including Nigeria, deals in human trafficking. Each and every socioeconomic, racial, and ethnic group has a trafficker. There are many different organizational kinds involved in trafficking, including major, international gangs and criminal organizations, regional street and motorcycle gangs, and lone wolves. Not just males, but even women commit trafficking. Traffickers are increasingly enticing kids and teenagers with threats in order to force them into forced labour or commercial sex activities. The desire of traffickers to exploit and enslave victims, as well as the forceful and dishonest methods they employ to do this, are the root of the problem.

The way that organized criminal organizations engaged in global human trafficking do business has been dramatically changed by modern communication technology, including the internet, social media, and mobile apps. Technology has increased criminals' capacity to sell people for many forms of exploitation, such as forced marriages, organ harvesting, sexual and labour exploitation, and coerced organ donation. Modern communication technologies are being used more often by human traffickers to take advantage of their victims in numerous ways, from recruiting them through advertisements to exploiting images and videos as blackmail to restrict their movements. In order to combat this threat, we must make the most of shared intelligence and gather more digital evidence to link local, state, and federal investigations.

3.4.3 Threat to witnesses

In Nigeria, the legal system and practice of protecting witnesses, particularly victim witnesses, is still developing. Despite the fact that many laws have gradually incorporated justifications for protecting witnesses who have been intimidated, there is no defined legal structure or mechanism for witness protection⁴⁵. The most important thing for everyone involved in the criminal justice system is that everyone contributes their fullest cooperation, whether they be a witness, victim, or someone else entirely. In situations of human trafficking, witness protection involves both ensuring the witness's physical safety and offering the essential support and protection. This strategy's overarching objective is to increase the likelihood that the witness will cooperate and make sure that cooperation is of the greatest caliber feasible. A variety of characteristics distinguish human trafficking from other crimes. This inevitably means that witness protection procedures used in human trafficking cases might differ slightly from those used in other situations.

A witness who is under threat is one whose involvement in the case endangers his personal safety or the safety of his family due to threats, intimidation, or other similar activities related to his testimony. Threatening a witness entails a complicated strategic situation and a duality of uncertainty: neither the people traffickers nor the witnesses can predict if the threat will be carried out. The issue of witness intimidation has particular relevance for prosecutors, but it also has significant ramifications for the police⁴⁶. The concerns and solutions that are most pertinent to police are the emphasis of this guide, however valuable resources for prosecutors are occasionally noted as well.

Threats against witnesses are common in many forms of human trafficking and are connected to other issues that police run into when conducting an investigation. However, repeated victimization is not the same as being threatened to witness. Even while the same criminals may be held accountable for repeated incidents in both situations, their intentions are different. When a victim is threatened, the goal is to prevent them from coming forward with information about a human trafficking case or from working with prosecutors, however when a victim is targeted repeatedly, the motivation is frequently material gain. Even when danger was not the reason for victimization, repeat victims can assume that their future victimization was punishment for reporting the previous human trafficking⁴⁷.

Even interactions between a human trafficker and prospective witnesses that appear innocent might lead to accusations of tampering with witnesses. Threats are significantly more frequent and equally effective at preventing collaboration as physical violence. Although intimidation might occur in a single occurrence for some witnesses, it can also comprise a series of increasing threats and behaviors that get more severe over time. While some witnesses feel personally threatened, others worry about facing backlash if they help the police. They are

⁴⁵ Z. Ab Hamid and R M Yusoff and M Mustafa, Challenges in Prosecuting Human Trafficking Cases: The Role of Expert Witness (2022). *Malaysian Journal of Social Sciences and Humanities (MJSSH)*, 7(3), e001356-e001356.

⁴⁶ H. Sadruddin and N. Walter, and J. Hidalgo, Human trafficking in the United States: expanding victim protection beyond prosecution witnesses. *Stan. L. & Pol'y Rev.*, (2005) 16, 379.

⁴⁷ A. Maloku, E. Maloku, Protection of Human Trafficking Victims and Functionalization of Institutional Mechanisms in Kosovo (2020). *Acta U. DanubiusJur.*, 21.

discouraged from providing pertinent information that might help police and prosecutors in any case⁴⁸.

For a variety of reasons, it is challenging to estimate the occurrence of threat to witness. First, a variety of reasons that have nothing to do with the danger of becoming a witness contribute to the underreporting of human trafficking. Second, victims and witnesses do not disclose the original human trafficking or the intimidation when threat is successful. Third, while interviews with witnesses whose cases proceed to court and victimization surveys are beneficial, they only include a portion of the greater community of witnesses. They don't offer details on the experiences of the numerous witnesses who leave the investigation before a suspect is charged or a case is brought to court. Last but not least, there hasn't been any actual investigation on the extent or particular traits of threat to the entire community.

Even the notion that retaliation is probable can be upsetting and bothersome to witnesses, even if the majority of intimidation is neither violent nor life-threatening.

Threatening people makes it less likely that they will interact with the legal system for human traffickers in the now and in the future. Despite the fact that the general people tend to overestimate the real danger of damage, their fear and the resultant unwillingness to participate can have major unintended implications for the legal system that deals with human trafficking⁴⁹. Investigators and prosecutors are deprived of important evidence when witnesses are threatened, which frequently prevents the charging of defendants or results in cases being dropped or losing in court. Threats against witnesses can diminish public faith in the legal system against people traffickers and give the impression that the populace cannot be protected. As a result, police invest a lot of time and effort convincing witnesses to come forward⁵⁰. Once they do, police invest a lot of time comforting and safeguarding them. A witness may be intimidated or manipulated in order to lie, say something under oath, change or destroy evidence, withhold testimony, or otherwise refuse to assist with law enforcement.

The physical safety of a witness is undoubtedly the prosecution's first priority, and this concern will persist until and after the judicial system's case is resolved. Physical protection can be very difficult to give for a number of reasons, not the least of which is that it might have to do so for trafficking victims and others close to them in a country other than our own. The requirement to offer suitable support and aid in addition to physical safety, particularly in the case of victim-witnesses, is just as difficult, if not more so. It serves little use to just keep someone secure physically while ignoring the psychological effects of trafficking⁵¹. Physical safeguards against assault and intimidation must be combined with support and aid to address psychological issues and other potential barriers to the greatest possible cooperation from witnesses. The victim-witness or those close to him or her may be threatened with physical harm. It's possible that the witness is aware of these dangers or not. A successful physical assault

⁴⁸ S. Giannoukos and A. Agapiou, and S. Taylor, Advances in chemical sensing technologies for VOCs in breath for security/threat assessment, illicit drug detection, and human trafficking activity (2018). *Journal of Breath Research*, 12(2), 027106.

⁴⁹ A. Paraskevas, & M. Brookes, Human trafficking in hotels: An "invisible" threat for a vulnerable industry (2018). *International Journal of Contemporary Hospitality Management*.

⁵⁰ J. Beigi, Protective Approaches of United Nations, Iran and Islam in Providing Security for Victims and Witnesses of Human Trafficking. *Jurisprudence and Islamic Law*, (2011)1(1), 59-25.

⁵¹ S. Eviningrum, M. Jamin, *Developing Human Rights-Based Legal Protection Model on Victims of Child Trafficking in Indonesia*. In 3rd International Conference on Globalization of Law and Local Wisdom (ICGLOW 2019). (Atlantis Press, 2019) 80-83.

may terrify the victim into withdrawing their assistance from the prosecuting agency or preventing them from collaborating, or the nature of the injuries may be so serious (including death) that they are unable to participate.

3.4.4 Unwillingness of victims for the prosecution of the traffickers

It might be difficult to get victims to cooperate as witnesses. Trafficking survivors frequently worry that they will be punished as criminals, imprisoned, or deported because they distrust the authorities in their own countries. A human trafficking victim testifies in court during a prosecution case against the trafficker. In addition to being the pertinent proof of exploitations against the traffickers, he or she. The difficulties in persuading the victim to testify in court are quite great⁵². Some victims refuse to cooperate with investigators despite feeling resentful toward their traffickers because they are afraid of the effects of voodoo or the visitation of the consequences of the blood oath they were forced to take before testifying before a "awesome" judge, wearing wig and gown, and/or standing in front of the public in an open court to disclose their "sordid" experiences⁵³. This is a result of the fervent adherence to the blood pledge of secrecy. The purpose of the oath is to coerce the victims into submission, servitude, and "loyalty" to their master in order to assure that the victim will be fully exploited without fear of being discovered by law authorities. The materials of this pledge, which are often presented before a shrine, typically include the victims' fingernail clippings, last menstrual smears, public hair strands, naked pictures of the victims, and occasionally a piece of kola-nut that the victims had dipped in blood and eaten. A victim with such a connection will not even reveal their traffickers under threat of arrest or incarceration out of fear of the repercussions of the blood oath⁵⁴.

According to Agbakoba JSC in the case of Charles Ume v Godfrey Okoronkwo & Anor, and in Ofomata & Ors v Anoka & Anor⁵⁵

Oath-taking is a recognized and accepted form of proof existing in certain customary judicature. Oath may be sworn extra-judicial but as a mode of judicial proof, its esoteric and reverential feature, the solemnity of the choice of an oath by the disputants and imminent evil visitation to the oath breaker if he swore falsely, are the deterrent sanctions of this form of customary judicial process which commends it alike to rural and urban indigenous courts. It is therefore my view that the decision to swear to an oath is not illegal although it may be obnoxious to Christian ethics ...⁵⁶

⁵² E. M. Goździak, (2021). *Human Trafficking as a New (in) security Threat*. Springer Nature.

⁵³ C. S. Baarda, Human trafficking for sexual exploitation from Nigeria into Western Europe: The role of voodoo rituals in the functioning of a criminal network (2016). *European Journal of Criminology*, 13(2), 257-273.

⁵⁴ N. H. Msuya, Traditional "juju oath" and human trafficking in Nigeria: A human rights perspective (2019). *De Jure Law Journal*, 52(1), 138-162.

⁵⁵ (1996) 12 SCJN 404, (1974) 3 ECLSR 251 at 254. The same principle was also upheld in the case of Onyenge & Ors v Ebere & Ors (2004) 6SCNJ 126 at 141-43

⁵⁶ Ikenga K. E Oraegbunam, The Principles and Practice of Justice in Traditional Igbo Jurisprudence. African Journals Online p.76.

<https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&ved=0CC8QFjAA&url=https://www.ajol.info/2Findex.php/2Fog/2Farticle/2Fdownload/2F52335%2F40960&ei=gdnUevVBaXP4QSc41CYBw&usqAFQjCNFiqVB6WHADwNC78YDynQJ58NGjPA&bvm=bv.49478099,d.Bge>. Accessed August 18, 2023 at 8:24am. See also A. A Oba, *Juju Oaths in Customary Law Arbitration and their Legal Validity in Nigerian Courts*, Journal of African Law, 1(2008) 52.

After being saved, victims continue to dread the traffickers because they believe they have the incredible power to decapitate anyone at any time if they are believed to be assisting in the investigation of the case against them. Victims are typically too afraid to cooperate with investigators because of this. Most victims of sexual exploitation who are eventually saved prefer to lick their wounds alone rather than disclose them during the ensuing trial in front of a large audience. The victims' or their parents' subsequent perception of shame and disgrace prevents them from cooperating with law enforcement officials in the investigation and punishment of the trafficker.

In situations of human trafficking, the testimony of the victims presents several difficulties. Some victim testimonials look contradictory, illogical, unpersuasive, or obviously untrue rather than being open, direct, and unshakable. There may not always be any additional reliable evidence to support testimony. Furthermore, victims may not always come forward to testify about the incident, and there can be little to no victim testimony available. Where victim testimony has these problems, it can be more difficult to successfully prosecute traffickers⁵⁷.

Inconsistent claims and a delay in filing a complaint are common problems in testifying. Whether correctly or incorrectly, courts frequently consider timeliness when determining a victim's credibility, operating under the presumption that a person who had been wronged would report the incident as soon as possible, whether to the police or other relevant parties; disclosure of trafficking stories piece by piece over time. As they have not shared their entire story at the first opportunity, this may give the impression that such victims are fabricating or embellishing their testimony⁵⁸. Some victims share traumatic trafficking stories while exhibiting seemingly unexpected gestures or emotional reactions, such as laughter. During the inquiry or trial, a victim may respond emotionally in many ways. Because many victim statements lack supporting evidence, yet defendants and their companions are eager to vouch for one another, these behaviors may give rise to the notion that a victim is not an accurate eyewitness. The trafficking of young, helpless, illiterate women into domestic slavery is a particularly challenging case. Private homes are where the crime is done, and the residents will vouch for each other's denials. This leads to a credibility battle between a single, helpless victim and multiple, frequently intelligent, educated, and resourceful family members⁵⁹.

This is not to argue that faults or discrepancies in the victims' testimony will necessarily make their testimony less credible. It may even have a beneficial impact in some circumstances, such as when earlier remarks are plainly the consequence of intimidation and demonstrate the power an offender had over a victim while being incongruous with subsequent claims. It is natural that the testimony of trafficking victims may be flawed given the trauma they frequently encounter, their fear of reprisals, their lack of expertise with court procedures, and the probing cross-examination they frequently endure from defense attorneys or judges⁶⁰. However, relying solely on the victim's testimony in the absence of further, corroborated evidence will make it

⁵⁷ S. K. Kigbu, & Y. B. Hassan, Legal framework for combating human trafficking in Nigeria: The Journey So Far (2015). *JL Pol'y & Globalization*, 38, 205.

⁵⁸ P. O. Bello, Criminal justice response to human trafficking in Nigeria and South Africa: Suggestions for better performance (2018). *Contemporary Justice Review*, 21(2), 140-158.

⁵⁹ L. O. Ikuteyijo, Between prosecutors and counsellors: State and non-state actors in the rehabilitation of victims of human trafficking in Nigeria (2018). In *Gender and mobility in Africa* (pp. 139-157). Palgrave Macmillan, Cham.

⁶⁰ Deanna Davy, Justice for victims of human trafficking in Australia? Issues associated with Australia's criminal justice response to trafficking in persons (2017). *Contemporary Justice Review*, vol. 20, pp. 115-131

challenging for the prosecution to establish its case beyond a reasonable doubt (the standard of proof in criminal trials). These evidence difficulties show how urgently police and prosecutors need specialized training in speaking with and interviewing victims. Investigators must seek for independent evidence to support victim testimony as part of a cautious and proactive strategy.

3.4.5 Receipt of Inducement by Victims from the Traffickers

Many victims are apprehensive about testifying in court. This reluctance is influenced by a variety of factors, including, among others, the fear of retaliation from traffickers and their associates, the irregular status and worry about deportation, mistrust of the authorities, shame, and the belief that the actions of the traffickers are not wrong or illegal. Others may just wish to return home and start over rather than stay for perhaps extended lengths of time in a nation where they have been subjected to exploitation and abuse. There is little question that giving testimony as a witness may be a terrible experience and may result in "secondary victimization.

It is commonly acknowledged that helping victims of trafficking advances goals of the criminal justice system. Where victims feel comfortable and their needs are addressed, they are more inclined to cooperate with authorities. In this way, a human rights-based approach to the crime and a successful criminal justice response to human trafficking are mutually reinforcing⁶¹. Whether victims should be required to testify in court against their traffickers is a contentious topic in the anti-trafficking movement. One opinion, backed by international standards, holds that the victim should be the only one who decides this. The argument against this is that the State should make the choice since traffickers cannot be brought to justice without the evidence of victims. In the second scenario, victims ought to be made under oath in order to guarantee that traffickers are prosecuted and so deterred from trafficking others. It should be highlighted that this viewpoint clashes with a victim-centered approach to trafficking and goes against international rules. Victims must have the freedom to decide whether or not they want to engage in the criminal justice system rather than being forced to.

A victim of human trafficking will show evidence of being controlled. There will likely be evidence of an inability to move or leave a job. There may be physical signs of abuse such as bruises or other signs of battering. The victim may exhibit signs or symptoms of fear or depression. Oftentimes the victim is non-English speaking and has difficulty communicating outside the control of the trafficker. They have no passport, immigration, or identification documentation in their possession, even though the trafficker may have it. If the fee is not paid then the victim must agree to work off their debt (trafficking), which is the exploitation of that victim for labor or services for a debt for which they never make enough money to pay off.

The victims need housing, food, medical attention, safety, and security for themselves and their family, cash, and legal status. The trafficker promises these things and more *after* the victim pays off their debt. This keeps the trafficker in control of the victim, and the victim in a subservient position afraid to make a move against the person in control. Threats of harm to the child's family are often used to maintain control⁶²

3.4.6 Complexity of the nature of the crime-working as a cartel or syndicate

⁶¹ Bernadette McSherry, and Miriam Cullen, *The Criminal Justice Response to Trafficking in Persons: Practical Problems with Enforcement in the Asia-Pacific Region* (2007). *Global Change, Peace & Security*, vol. 19, pp. 205-220

⁶² R. H. Pascoal, *How Nigerian human trafficking networks use motherhood to maintain and introduce their victims into sexual exploitation* (2017). *Journal of Trafficking, Organized Crime and Security*, 3(1-2), pp-21.

Finding cases, taking them to trial, and pursuing charges against traffickers were made more difficult by certain law enforcement prosecutors' and judges' ignorance of the problems involved. Law enforcement has unique difficulties as a result of the global aspect of many trafficking investigations since they are required to gather evidence from foreign countries, some of whom may be reluctant or unable to comply. These difficulties include logistical difficulties in pursuing cross-border criminal activity; a lack of cooperation, resources, expertise, and adequate laws; deficiencies and inconsistencies in the laws of the various nations where a particular group of traffickers operates, which make it difficult to look into, apprehend, extradite, and prosecute offenders; and the capacity of traffickers to flee from arrest by attempting to flee the jurisdiction in which they are being investigated.

On equal, or if not greater concern, is the failure of the investigators to carry out their duty to investigate allegations made by these victims which could help their cases. This was the case in *OOO and others v Commissioner of Police for the Metropolis*⁶³. A criminal lawyer in the UK who specializes in trafficking cases indicated that a significant number of people held in prison whom he visited in the course of his work have been prosecuted without being recognized as being trafficked⁶⁴.

3.4.7 Unhelpful Provisions of Laws and Instruments

The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 was put into law by the Federal Government of Nigeria in an effort to combat the growing problem of human trafficking in the country. Despite the fact that this law is important in the effort to stop human trafficking in Nigeria, there are several parts of the Act that require revision. The Prohibition of Trafficking in Persons Act, which Nigeria zealously ratified but has not domesticated, is one example of these deficiencies. It acknowledges the issue of trafficking in Nigeria but falls short of the standards set in the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, 2000, as well as the various international human rights obligations and standards for the treatment of trafficked persons.

Article 3 of the UN Protocol defines trafficking as:

... the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 in Section 50, however defines trafficking as:

⁶³ Queens Bench Division, May 20, 2011.

⁶⁴ Rachel Witkin, Human Rights Protection in the Return of Trafficked Persons to Countries of Origin. Human Dimension Implementation Meeting, October 1, 2009, Warsaw. ODIHR Anti-Trafficking Programme.

Trafficking includes all acts and attempted acts involved in the recruitment, transportation within or across Nigerian, borders, purchases, sale, transfer, receipt or harbouring of a person involving the use of deception, coercion or debt, bondage for the purpose of placing or holding the person whether for or not in voluntary servitude (domestic, sexual or reproductive) in force or bonded labour or in slavery-like condition.

Analysis of the Nigerian Anti-Trafficking Act, 2003's definition of human trafficking reveals a significant gap due to the omission of the phrase "for the purpose of exploitation," which is ingrained in the UN Protocol. The offense is described in this statement. As a result, it becomes more challenging for prosecutors to get a conviction due to the absence of the essential elements of the crime that qualify the acts and methods of trafficking. NO TRAFFICKING OR EXPLOITATION! The subject of sexual exploitation is narrowly emphasized. The Act falls short in how it addresses trafficking offenses because it is focused on the plight of women and girls and sexual offenses while ignoring the larger issue of trafficking in men and children for other purposes (such as migrant smuggling, conspiracy, forgery, criminal threats and intimidation, criminal oaths, deception and receiving of payments, corruption in the trafficking pathway, sale of babies, child abuse, child sexual molestation, child rejection i.e. witchcraft children, illegal adoptions, organ trafficking, early and forced marriages). None of these offenses are brought to justice.

The Protocol requires States parties to make efforts illegal. The Anti-Trafficking Law in Nigeria has adopted this. Technically speaking, the obvious question is: How can you demonstrate that someone has "attempted to exploit" a victim? Though theoretically feasible, this may be challenging in actuality. In reality, prosecutors won't even seek to prosecute attempt since they would be required to provide the tightest proof of such purpose to abuse. Human trafficking breaches the fundamental human rights of its victims and is a crime with low risks and big benefits. The Anti-Trafficking Act of 2003 does not cover all aspects of human trafficking offenses. The Criminal Code, Penal Code, Labour Act, Immigration Act, Child Rights Act, and certain newer State legislation against prostitution all address concerns related to human trafficking in Nigeria. However, there is an urgent need to address the issue of inconsistent laws holistically, taking into consideration its numerous aspects.

3.4.8 Adopting International Mechanism

Another important factor is that law enforcement agencies in the countries of transit and final destination frequently need to work together across borders in order to prosecute transnational trafficking offences. This is a challenging procedure that sometimes costs a lot of money, time, and resources. The subject of human trafficking is complicated and extremely worrisome, reflecting both the nature of globalization and the development of human rights theory and practice. The international community, especially some NGOs and governments, have grown more concerned with the phenomenon over the past few years and with increasing frequency and intensity⁶⁵. They frequently claim that because of how much it is growing, human trafficking has become one of the most urgent human rights violations in the world. The moral claim that people who are forced into prostitution or forced to work in hazardous, dangerous,

⁶⁵ A. T. Gallagher, Improving the effectiveness of the international law of human trafficking: A vision for the future of the US trafficking in persons reports (2011). *Human Rights Review*, 12(3), 381-400.

or even slave-like situations as sex workers, domestic helpers, agricultural laborers, or sweatshop employees is at the core of this growing concern.

Although the suffering described in the moral, legal, and advocacy discourse around human trafficking is real, there are many fundamental inconsistencies and uncertainties in the expanding global concern with this issue. Some of the main disagreements in the discussion are factual and arise from a lack of understanding on the volume, nature, structure, and effects of human trafficking⁶⁶.

Since the discussion is still in its early stages and lacks a definitive definition, a large portion of this ambiguity stems from this. As a result, there are either holes in the whole legal system or a lack of concentration in the international legal framework and domestic enforcement mechanisms, depending on how one views the situation. The concerns with the evolving discourse on human trafficking are particularly concerning in light of two major problems: the crime's enormous definitional vagueness and the startling dearth of quantitative and qualitative information on real trafficking practices. These issues go beyond simple disagreements of opinion. Instead, they undermine the value and coherence of the anti-trafficking programs' capacity for prevention and punishment.

These problems are closely related to how the current understanding of trafficking emerged from a history of international legal frameworks addressing four major forms of harm: chattel slavery and later other forms of slavery and servitude; prostitution (especially "white slavery"); labor violations; and organized crime⁶⁷. Each of these categories of human suffering has been theorized, addressed, and used in public campaigns, as well as via the use of tools and processes created by law in order to stop such suffering from occurring and to hold those accountable. From a legal standpoint, these treaties frequently have serious faults, like excessively detailed definitions of the offenses they cover and seriously inadequate enforcement mechanisms. For instance, the majority of pertinent international treaties do not permit a single victim of human trafficking to file a claim against their perpetrators⁶⁸. Existing treaties are often insufficient, however some offer comparatively appropriate means for pursuing the intricately structured networks engaged in trafficking. However, interest in these subjects has considerably increased recently.

A group that engages in the activity for profit, but whose operations may or may not be restricted to this unlawful activity, may have created an enterprise to engage in illicit transboundary movement. The individuals who are forcibly relocated over national boundaries may have requested the assistance of others to provide this passage service, may have been persuaded under false pretenses to consent to such a move, or may have been coerced into such a circumstance. Such a person may be used for labor exploitation or for commercial sexual exploitation, depending on whether they consent, are enticed in, or are forced. Such exploitation may have been planned before to the person's illegal transit across national lines or may have

⁶⁶ D. Eccleston, Identifying victims of human trafficking: human trafficking has a huge impact on the health of victims, but what are the referral and support mechanisms in place for practitioners? Dawn Eccleston looks at the signs of trafficking and the consequences for victims (2013). *Community practitioner*, 86(5), 40-43.

⁶⁷ J. Sarkin, The Need to Deal with All Missing Persons Including Those Missing as a Result of Armed Conflict, Disasters, Migration, Human Trafficking, and Human Rights Violations (Including Enforced Disappearances) in International and Domestic Law and Process (2016). *Inter-Am. & Eur. Hum. Rts. J.*, 8, 112.

⁶⁸ V. Roth, *Defining human trafficking and identifying its victims: A study on the impact and future challenges of international, European and Finnish legal responses to prostitution-related trafficking in human beings*. (Martinus Nijhoff Publishers 2011).

arisen later for any number of reasons. Governments have expressed grave concern about trafficking for the past 20 years in response to a variety of different problems, such as international labour migration, the exploitation of women and children, the effects of conflict on vulnerable populations, and problems relating to refugees. However, they have done so without making any distinctions between the wide ranges of factors involved in this practice.

A thorough grasp of the crime's operative meaning and a serious commitment to qualitatively and quantitatively documenting its actual practice are prerequisites for developing a meaningful global response to trafficking. There is currently substantial ambiguity and disagreement about the term's definition, as well as a serious lack of precise data on the prevalence, makeup, and social effects of trafficking. It is imperative that the world come to terms with a technical vocabulary for tackling this diffuse and complicated problem while also outlining clear legal obligations on the part of governments if the international community is to develop effective anti-trafficking strategies.

Despite the fact that human trafficking has recently attracted considerable international attention, there is a sizable body of international law on the subject. In reality, some facets of what is now known as human trafficking, particularly its connection to slavery, connect the problem to some of the first principles of protective international law. However, what is most intriguing about how international law and trafficking have developed is how varied and unique conceptualizations of the problem at hand have been used to address similar or related issues. It is reasonable to say that international law has long been concerned with combating human trafficking (or at least some components of what is today referred to as human trafficking)⁶⁹. This highlights the notion that the harm connected with the practice (putting aside definitional differences) has been generally acknowledged for some time and that these concerns were understood to require international collaboration at a pretty early stage.

Despite the large number of treaties that address trafficking, it is doubtful that these laws have had much of an impact on the crime, and it is apparent that their current value is limited. These accords frequently have serious legal defects, such as extremely detailed descriptions of the offenses they cover and woefully inadequate methods for enforcing them.

For instance, the majority of pertinent international treaties do not permit a single victim of human trafficking to file a claim against their perpetrators. Existing treaties are often insufficient, however some offer comparatively appropriate means for pursuing the intricately structured networks engaged in trafficking⁷⁰. However, interest in these subjects has substantially increased recently, and a number of encouraging recent developments. Reviewing the development of international law with relation to these challenges is required in order to create new anti-trafficking policies and comprehend the causes of present conceptual issues.

Global mass migration has significantly increased as the sophistication and structure of global networks including commodity production and distribution have increased. Global significance of legal and unauthorized labor migration has increased to the point where internal and international migrants now play a key role in the economies of most countries. An increasingly unequal distribution of the possibilities and benefits of globalization is the result

⁶⁹ N Ollus, M Joutsen, International policies to combat human trafficking. In *Routledge International Handbook of Human Trafficking* (Routledge, 2019) 71-102.

⁷⁰ J. Priyono, & A. P. Sudiro, Intergovernmental cooperation mechanisms in combating transnational human trafficking within ASEAN. *Academic Journal of Interdisciplinary Studies*, (2020)9(2), 120-120.

of social and political outcomes that have been favored by the global economy⁷¹. When developing nations try to industrialize quickly, it threatens established economic sectors, which leads to internal and external migration and displacement. We observe a general deterioration of traditional social structures, a significant influx of individuals from rural to urban regions, the quick growth of transnational labor networks, as well as rising social and economic inequality, alongside worldwide trends of market integration and interpenetration. The number of men, women, and children who are vulnerable is practically limitless. This is a result of the extreme economic inequality in our global system, which is exacerbated by a number of destabilizing factors such as armed conflict, natural disasters, and the social effects of economic restructuring.

In general, current changes around the world have increased pressure on the poor, especially the marginalized groups including rural residents, indigenous people, and low income women and children. When these conditions are combined with a desire for extremely exploitative labor practices, such as those found in the sex industry or the proliferation of sweatshops, trafficking becomes more prevalent. There is a substantial discrepancy in opportunities between developing and industrialized countries due to structural inequality, particularly for women. The "feminization of poverty," a well-known global trend, has been fueled by these and other reasons. Gender inequality is growing as the difference between industrialized and developing nations widens, and this creates the conditions for the exploitation of women and girls for sexual purposes. Sometimes, despite seeming paradox, this trend is made worse by the substantial improvements in gender equity in the industrialized world. That is, as women's position and economic circumstances improve in some regions of the world, women from other, poorer countries take on their role as sexual exploitation targets, as illustrated by the rapidly growing phenomena of sex tourism.

Because of these factors, modern-day trafficking must be understood in the perspective of this evolving, increasingly interconnected world. Trafficking is a multifaceted, intricate web of social and economic activities that differ greatly according on the country, industry, area, and other factors like local culture and social environment. Around the world, there are notable variances in coercive trafficking tactics, transportation infrastructure, labor relations, and recruitment practices. This holds true for both sex and non-sex related trafficking. The specifics of a nation's trafficking systems are frequently tied to the extent to which the sex trade is permitted or illegal, as well as attitudes regarding gender issues and the attendant moral repercussions. There are significant distinctions between work in brothels, sex tourism, male and female prostitution, and any practice involving children within the sex business.

Significant differences exist between sweatshop labor, agricultural labor, and other industries among trafficked workers in non-sex industries. Some differences are industry specific, such as the seasonal nature of the majority of agricultural work, while others relate to the type of workplace (an open-field versus a closed factory) and a range of site-specific issues, such as race, social networks, language barriers, and local legal and political systems. Additionally, cultural considerations greatly impact how trafficking is understood, practiced, and carried out globally.

⁷¹ S. A., Abbas, & A. H. Obaid, Mechanisms of international cooperation to combat human trafficking (2021), *ALMouhaqiq Al-Hilly Journal for legal and political science*, 13(4).

3.4.9 Rules of Evidence

The legal guidelines that control how facts are proven in a court case are known as the rules of evidence. These guidelines specify the types of human trafficking evidence that the trier of fact must or must not take into account when making a decision. Human trafficking is a sophisticated, lucrative, and challenging crime. A lack of international cooperation, insufficient or admissible evidence, and an excessive dependence on victim testimonials are obstacles to successful trials. To be able to gather the quantity and quality of evidence required for convictions, law enforcement agents must possess a certain set of abilities. Currently, there is a widespread trend in the criminal justice system to heavily depend on the oral or written testimony of the victims⁷². Although a witness' testimony may be very persuasive, it may also alter over time or be inconsistent. This could make a case's evidence less strong. People who have been victims of human trafficking have suffered tremendous trauma. They have already gone through a traumatic experience, so having to give their statement repeatedly in interviews could actually cause them to become "secondary victims".

Any sort of evidence must be admissible and relevant. Evidence is relevant if it rationally supports or refutes a fact that the prosecution is arguing against. If it is relevant to the facts at issue or to events that make those facts likely or unlikely, and if it was obtained legally, it is admissible. Only evidence proving each component of the offense must be presented by the prosecution. Witnesses are only permitted to provide evidence of the facts they have personally witnessed, not their opinions (*i.e* evidence of inferences drawn from those facts). However, witnesses may provide evidence of their opinions in order to communicate important facts they have observed.

3.5 Jurisdiction of the Court

A person charged with the offence created under the NAPTIP Act can be charged to a State High Court, Federal High Court and Federal Capital Territory High Court. A trial conducted by a court without jurisdiction is a total waste of time. The outcome is a nullity.⁷³ It is also the law that criminal offence committed outside Nigeria cannot be tried in a court in Nigeria except part of the element part of the elements of the offence occurred in Nigeria.⁷⁴

A trafficker and his accomplice could be prosecuted outside his state of abode once the commissioner of the offence is discovered in the state to which the victim is trafficked. He could be taken there for prosecution and it will not be an excuse that he was taken there involuntarily.⁷⁵

It worthy to note that where the law does not provide for an option of fine, the discretion of the court is limited to impose a term of imprisonment, the court cannot give an option of fine.⁷⁶

⁷² E. Cockbain and K. Bowers and G. Dimitrova, Human trafficking for labour exploitation: the results of a two-phase systematic review mapping the European evidence base and synthesizing key scientific research evidence (2018). *Journal of Experimental Criminology*, 14(3), 319-360.

⁷³ *Madukolu v Nkemdilim* [1962] 2 SCNLR 341

⁷⁴ *Matharadon & Ors. V Ahu* [1995] 8 NWLR (pt.412)225; *Commissioner of Police v Oludeko* [1970] P.L.R 409; *R v Osoba* [1960] 1 All N.L.R. 1

⁷⁵ *Njovens v The State* (1973) NSCC 251

⁷⁶ *State v Dr. Cosmas Okechukwu* (1994) 9NWLR (PT368) 271 at 296

CONCLUSION

Trafficking in women and children continues to be a significant violation of human rights, affecting not just the individuals involved, but communities and societies at large. This study has highlighted the existing gaps in legal protections for trafficking victims, especially within the Nigerian context. While laws like the Trafficking in Persons (Prohibition) Enforcement and Administration Act (2015) and provisions in the Nigerian Constitution aim to safeguard victims, enforcement remains a major challenge. Issues such as poor coordination among law enforcement, difficulty in prosecuting traffickers, and a lack of proper victim support systems during trials hinder the full realization of these protections.

International human rights frameworks, including the Palermo Protocol, provide essential guidelines, but their impact is limited without strong, consistent application at the national level. The findings point to the need for more comprehensive strategies focused on victim protection, such as improved rehabilitation services and better legal support. Moreover, fostering stronger collaboration between government agencies, NGOs, and international partners is crucial to tackling the root causes of trafficking. To truly address trafficking, there is a need for a holistic approach that blends legal reforms with effective enforcement mechanisms, better victim care, and enhanced global cooperation. This study offers valuable insights into how these areas can be improved, helping to pave the way toward a more effective fight against human trafficking and the protection of human rights for vulnerable populations.

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- Adopted by the General Assembly of the UN in its Resolution 55/25 of 15th November 2000 signed and ratified by Nigeria on the 13th October 2000 and June 2001
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emergency may not be invoked to justify any derogation from the right to life and security of the person.

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