

Transnational Organized Crimes: An Appraisal of the Legal Framework for Combating Modern Slavery and Human Trafficking in Nigeria

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ABSTRACT

Abstract—The emergence of information and communication technology, globalization and transboundary criminal syndicates have changed the nomenclature of crimes committed globally. Transboundary crimes have remained one of the menaces that has continued to threatened global peace and security, hence, there is the need for a multilateral and multilevel approach to effectively curtail them. It is against this backdrop that the paper examines the legal framework to combat the crime of modern slavery and human trafficking in Nigeria, tracing the history of these ugly menace. Human trafficking is widely recognized as a form of contemporary slavery with a range of socioeconomic ramifications in Nigeria, Regrettably is a source, transit and destination country for human trafficking, which is a disgusting position to hold. The paper adopted a doctrinal method of data collection by relying on data from primary and secondary sources for analysis. The paper revealed among other things that, poverty, unemployment, weak laws and inadequate enforcement, systemic corruption, stigmatization, sophistication and financial war chest of cartels, influence of the social media, the traditional and cultural practices are the main drivers of human trafficking in Nigeria. The paper concluded by recommending that, there is urgent need by the government to address the social inequality, creation of more employment opportunities, carrying out awareness campaigns at all levels and the use of triangulated nexus of organ trafficking enforcement by countries among others..

Keywords: *Transnational organized crime, slavery, human trafficking, Nigeria, Globalization.*

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INTRODUCTION

Slave trade is the obnoxious trade in human beings, and it thrived in Africa in the 16th and 17th centuries and attained its apogee in the 18th century. So odious and inhuman was this trade that several associations were formed in Europe to champion the fight against it. The efforts of the abolitionists eventually bore fruit when in the early 19th century, slave trade was formally abolished by the international community. However, Britain spear headed efforts to put an end to this ugly menace of trafficking in persons in Africa. It is estimated that the global market for human trafficking, a modern-day form of slavery that involves the unlawful trade of individuals for financial gains or human exploitation, is worth &150 billion (*Anti-Trafficking Alliance 2017*). According to a study by *Pathfinder's Justice Initiatives (2018)* the majority of this sum (\$99 billion) is generated by pansexual – sexual trafficking and exploitation, with an additional \$51 billion being generated by unintentional forced labour such as domestic labour, agricultural activities, and other economic achievements. In addition, recent estimates released by the global slavery index between January and July 2018 revealed that, there are approximately 40.3 million victims of modern slavery worldwide, 71% of whom are young women or girls and 25% of whom are children under the age of 18 likewise. Reports on human trafficking that were released in September 2022 by several organizations and NGOs including the Walk Free Foundation, ILO, and IOM revealed that there are about 49 million victims of contemporary slavery globally or over 49.5 million people. It is significant that the UNODC's 2020 comprehensive report on trafficking in persons also revealed that the number of children in slavery is about 30% of global victims, whereas 75% of persons trafficked for sexual exploitation which is the more rampant practice of human trafficking, are young women and girls.

However, modern slavery and human trafficking have historical antecedents. The history of slavery and human trafficking teaches us that harsh and exploitative behaviours from the past are still practiced today, especially in Africa. The outdated perception of slavery holds that individuals are enslaved, controlled, or purchased and exchanged like goods and services. Today, slavery has assumed a different dimension. The majority of state laws recognized that slavery may originate through a number of alternative mechanisms, which include.

Control of movement, control of physical environment, psychological control, measures taken to prevent or deter escape, force, threat of force, coercion or deception, assertion of exclusivity, subjection to cruel treatment and abuse, control of sexuality and forced labour and power to use series without commensurate compensation.

Indeed, it is the social and economic implications of the trade on the victims as well as its adverse effect on the cooperate image of the country in the international community that combine to make the subject of fundamental importance in contemporary discourse.

In the absence of oil in international trade, slavery was the most attractive global trade (*Wright, 2008*) though there are staggering dates of when the slave trade was actually abolished around the world. For instance, slave trade was abolished through

the slavery abolition act of 1833 in Britain (*Opal, 2020*). While in the United States of America, slave trade came to an end in 1862 by the proclamation of slave emancipation by the then American president Abraham Lincoln which took effect from 1st January 1863(*Kitson et al, 2020*).

Although virtually all African countries have subscribed to international conventions that condemned the practice (*The convention on the Rights of the Child, 1989*). These have not been effectively implemented and human trafficking in all its ramifications have become an increasingly social and economic problem in the continent.

Regrettably, slavery appears not to have ended as stated earlier, as it has recently metamorphosed into other forms, such as human trafficking (*Mason go and Olisa, 2019*). Human trafficking is an international crime that can be described as modern slavery, replacing the hitherto traditional slave trade (*Winterdyk, 2020*). Long after these formal declarations, the trade in human persons has continued to flourish in modern times (*Frank 2012*). A former president of the United States of America, Barrack Obama described modern day slavery as “the most debasement of our common humanity” (*Sorenson, 2019*).

In spite of the numerous aggressive measures and laws put in place by governments and the international organizations to checkmate the thriving of these international crime across borders, the illicit trade has continued unabated. (*Wade, 2020*). The United Nations General Assembly to demonstrate its seriousness in creating awareness for the crime in 2013, passed resolution A/RES/68/192 and in that resolution set aside July 30th of each year as the world day against trafficking in persons, creating awareness and pontificating the danger of the crime to all nations of the world (*Purka, Yastha and Yusuf, 2018*).

CONCEPTUAL CLARIFICATION

For better appreciation of the issues raised in this paper, it is imperative that, the following concepts are initially clarified. The conceptual framework that underpins the notion of transnational organized crime is subject to scholarly variations. Nonetheless, this paper would attempt to highlight a few intellectual discourse or viewpoint around the concept.

HUMAN TRAFFICKING

The protocol to prevent, suppress and punish trafficking in persons especially women and children, supplement the United Nations convention against Transnational Organized Crime defines human trafficking or trafficking in persons:

“Trafficking in persons” means 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 or vulnerability or of the giving or receiving of payments 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 (Article 3, paragraph (a)).

The protocol further elaborates that the consent of a trafficked person may be rendered irrelevant when obtained through improper means.

The consent of a victim of trafficking in persons to the intended exploitation set forth in sub-paragraph (a) of this paper shall be irrelevant where any of the means set forth in subparagraph (a) have been used. (Article 3, paragraph (b)).

In the case of trafficked children, the protocol elaborates that the vulnerable status of children makes it impossible for them to consent regardless of whether any improper means used or not.

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this paper, Article 3, paragraph (c) “child” shall mean any person under eighteen (Article 3, paragraph (d)).

MODERN SLAVERY:

“Trafficking in persons” “human trafficking” and “modern slavery” are used as umbrella terms to refer to both sex trafficking and compelled labour. The trafficking victim’s protection Act of 2000 (Pub. L. 106-386), as amended (TRPA) and the protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol) described this compelled service using a number of different terms, including involuntary servitude, slavery or practices similar to slavery, debt bondage and forced labour.

GLOBALIZATION:

Globalization is the process by which ideas, knowledge, information, goods, and services spread around the world. In business, the term is used in an economic context to describe integrated economies marked by free trade, the free flow of capital among countries and easy access to foreign resources, including labour markets, to maximize returns and benefit for the common good. Globalization is driven by the convergence of cultural and economic system. This convergence promotes in some cases necessitates increased interaction and interdependence among nations. The more countries and regions of the world become intertwined politically, culturally, and economically, the more globalized the world becomes.

NIGERIA:

Nigeria is a multinational state inhabited by more than 250 ethnic groups speaking 500 distinct languages, all identifying with a wide variety of culture. Nigeria, an African country on the calf of cornea, has many natural landmarks and wildlife

serves protected areas such as Cross Rive National Park and Yankari National Park have Waterfalls, dense rainforest, savanna and rare primate habitats. Nigeria has a population of about 220 million people and with English language as its official language. The capital of Nigeria is Abuja.

TRANSNATIONAL ORGANIZED CRIME

According to *Okeke, Orji and Richard (2014)* the task of a definition or description of transnational organized crime would not be an easy one. However, they described transnational organized crime (TOC) as crimes whose potentials transcended the borders of a particular state, but which can offend fundamental values of the international community. The word transnational implies that the crimes are not only international but have a cross-border transference. Such crimes may take place in one country, but the consequences significantly affect other countries.

Erring (2011) defines transnational organized crime or “trans-border crime” as one which represents a number of illegal and notorious activities carried out by individuals and groups across national and international borders, either, for financial or economic benefits and socio-political and religious considerations. It is a set of criminal acts whose perpetrators and repercussions go beyond territorial borders (Sunday and Okechukwu, 2014). These acts would include human trafficking, money laundering, drug trafficking, arms smuggling or trafficking in weapons, terrorism, illegal oil bunkering, illicit trafficking in diamonds, corruption, and business fraud among others.

Trans-border crime or transnational crime is defined as acts which violate the laws of more than one country (Passas, 2003), the later definition which suits the purpose of this paper simply stated that,

Trans-border crimes are the crimes that have actual or potential effect across national borders and the crimes that are intra state but offend fundamental values of the international community. The term is commonly used in the law enforcement and academic communities (The United Nations Convention against Trans-national Organized Crime, 2000:22). Stoica, (2016) views the concept from international relations theoretical viewpoint, namely, liberalism, realism, social constructivism and maxims. From the perspective, he conceptualizes transnational organized crime as the concerted efforts of the apologists of capitalists to increase profit at the expense of the other social classes. To a constructivist, crime results from the prevailing ideas in society. That is, crime is a reaction to the social construction of the people about how they perceived the state. A realist would see the crime as the outcome of social misdeeds. Whereas a liberalist would conceive of the behaviour necessitated by human freedom, trade liberalization and globalization.

In its operational usage in this paper, TOC refers to a crime involving a national or global syndicate beyond the borders of a given country and with the capacity to challenging national and international authorities.

GLOBAL ATTRACTION AND BOOM OF THE HUMAN TRAFFICKING TRANSACTION

The boom in the global trafficking in persons is motivated by several factors. Formal indications and economic factors have been identified as the most motivating factors (Ravllk, 2019). A Global Report on trafficking in persons published by the United Nations office on Drugs and Crime (UNODC) has estimated economic worth of this crime to be anything in the range of &5 billion and &42 billion as at 2017 (Bouche and Bailey, 2020). While an IMF report in 2018 indicate that the trade in human trafficking is worth &150 billion (IMF, 298). According to *Deb et al* other drivers of human trafficking, globally include, for the reason of sex slaves, organ harvesting, force labour, mercenary and facilitations of other crimes such as drugs trafficking among others (Deb, Sunny and *Majhnder*, (2020). Several international conventions regulating the illicit trade in human beings include the United Nations protocol to prevent suppress and punish trafficking in persons, especially women and children, the European Union (EU) Council Framework Decision on Combating Trafficking in Human Beings; the Council of Europe Convention on Action against Trafficking in Human Beings among others (Gallagher, 2010). Much as this framework have been put in place, there are still some agitations as to the adequacy of these legal frameworks to bring to an end this very lacerative crimes of marketing human beings (*Osterdah*, 2009). These positions have been echoed by Bear up, who argue that hence the crime of human trafficking is transnational in nature, nations need to take more stringent measures beyond mere minimal to end this modern day crime against humanity (*Bearup*, 2020). Though all the above mentioned have been taken in the fight and understanding of this international crime, this paper shall seek to further provoke knowledge by delivering deep to unearth and analyze some of the factors that have continue to make this crime so flourishing in Nigeria and the world in general.

Human trafficking has come to be the most lucrative illegal global trade, next to the trafficking in arms smuggling and drugs (*Benlarabi*, 2019). According to Ravlik, the financial returns in human trafficking are honestly very tempting, considering that a “pimp” for instance can sell one human as many time as possible, unlike arms or drugs trafficking which have a single face value (*Ravlik*, 2019).

HUMAN TRAFFICKING IN NIGERIA

Nigeria as a country has gained notoriety and negative reputation, as a result of the illicit activities such as human trafficking, organ harvesting, child prostitution, drug trafficking among others. Prostitution for instance has gained notoriety in countries such as Italy, Libya, Lebanon, Malaysia, United Arap Emirates among others (*Carling*, 2006, *Noah*, 2021). According to Benevento, this ugly scenario can be viewed from the perspective of active exploitation and an indictment of the recipient countries or countries of destinations, because, without their patronage, this illicit act would have ended long ago (*Benevento et al*, 2021). This position has been collaborated by Sabon, who averred that human trafficking is oppressive in all its ramifications, and

intentionally paid attention to persons in poverty, the disadvantage, the vulnerable people especially children and women (*Mikall and Muhammed, 2020, Sabon, 2018*). The international organization for migration (IOM) reported in 2017 that 119,000 trafficking persons arrive in Italy in a year, and of the number 18, 185 were from Nigeria, and 5,425 were women with 94% coming from Edo State (*Edegbe and Imafadon, 2021; Noah, 2021*). When human trafficking is mentioned especially in Nigeria, most people are always tempted to conclude that it is only the girls or ladies that are victims of this crime (*Poli, 2010; Ikutejiyo, 2020*). But according to a European Asylum Support Office. (ELSO) report, young boys also are also tricked into human trafficking in Nigeria at the time of recruiting them for the purpose of football or facilitating them into professional football in Europe, but when they get there, the reality on ground becomes quite different (*EASO, 2021*). Given this ugly trend and normed by the illicit trade on human beings over the years, the Nigerian government took some drastic actions, which culminated in the enactment of a legislation or law establishing the National Agency for the Prohibition of Trafficking in Persons (*NAPTIP, 2015 (Mika'll and Muhammed, 2020)*). According to the Nigerian (National Agency for the Prohibition of Trafficking in Persons act 2015). Any person who recruits, transport, transfer, harbours or received another person by means of threat, use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or of a position, of vulnerability; or giving or receiving of payment or benefits to achieve the consent of a person having control over other persons for the purpose of exploitation" (*Usman, Ariffin and Othmain, 2021; Kwangyang; 2016, Obabaoye, 2020*).

Despite the reception that follows the enactment of the legislation, there is a school of thought that hold the opinion that these alone cannot achieve much in the fight against human trafficking in Nigeria. That in their perspectives, Ezeibe and Adepitan avers that, proper investment in the countries education sector, and quality education will be a more effective tool against the fight against the crime. (*Ezeibe et al, 2021; Adepitan, 2020*).

In this fight against human trafficking in Nigeria, credit should be given to Edo State government, as well as the traditional institutions in the state, who have actually done much in recent years in the repatriation of victims, training of young ladies in vocations and skills acquisitions and cash incentives to embark on alternative trade and self-reliance and awareness of the dangers of human trafficking (*Adepitan, 2020, Eze, 2017; Agwu et al, 2020*) when other states in the federation adopt the approach of Edo State and the efforts of the security and law enforcement agencies in the state, this illicit trade in human beings would reduce considerably.

LEGAL FRAMEWORK FOR COMBATING HUMAN TRAFFICKING AND MODERN SLAVERY

Arising from the enormity and dynamics of international trafficking in persons from Nigeria to various countries of Africa, Europe and Asia over the years, the Nigerian government has reviewed and enacted legal instruments to tackle the menace

of modern-day slavery that has earned Nigeria negative international image. Apart from domestic or national legislations, the paper equally highlighted both regional and international legal instruments to curb human trafficking and modern slavery in Nigeria. The instruments highlighted include the following, 1979 convention on the elimination of all forms of Discrimination Against Women (CEDAW), 1990 African charter on the Right and Welfare of the child, 1966 international convention on civil and political Rights (ICCPR), 1991 international labour organization (ILO), 2000 optional protocol to the CRC on the sale of children, child prostitution and child pornography; 2000 UN Convention Against Transnational Organized Crime; 1966 International Covenant of Economic, Social and Cultural Right; and 1965 International Convention on the Elimination of All forms of the child (ACRWC) 1990 African charter on Human and People Right; the Protocol to African Charter on Human and Peoples Rights on the Rights of Women in Nigeria; African charter on Human and Peoples Right (1981) and its Protocol relating to the Rights of Women in Africa (2003) and the ECOWAS Declaration and a plan of Action Against Trafficking in persons. Nigerian Laws on trafficking include the Nigerian constitution, criminal code applicable in the Southern and Eastern Nigeria; penal code applicable in Northern Nigeria, Immigration Act; Labour Act, Edo State Law on Trafficking in Persons. Trafficking in persons (prohibition) law enforcement and administration Act.

To appreciate the positive synergy developed between the various instruments, this paper therefore highlights the instruments in this order.

DOMESTIC LAWS

a. Nigerian constitution

the constitution of the Federal Republic of Nigeria guarantees the civil and political rights of citizens in chapter four of the constitution. It provides for the respect and dignity of human person particularly in its section 34 and provides that every individual is entitled to respect for the dignity of his person, hence, no person shall be subjected to torture or to inhuman treatments or to degrading treatment. Further, no person be held in slavery and no person shall be required to perform forced or compulsory labour¹ CFRN (1999). Section 33 (1) of the 1999 constitution guarantees rights to life and provides inter alia (1). Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria. Further, section 35 provides for rights to personal liberty and states that every person shall be entitled to his respect, liberty and no person shall be deprived of such liberty. However, all these rights are violated by human traffickers, who enslave their victims, and many have died in the process. It is pertinent to note that these are fundamental rights that are enforceable in the Nigerian courts, and no one has the right to deprive another. Violation of fundamental human rights provisions contained in chapter 4 of the 1999 constitution can be challenge in a high court in the state where the violations occurs from the provision of the Nigerian constitution which is the supreme law of the land

forbids trafficking of persons in its entity; protecting its citizens against dehumanization that accompanies trafficking in persons, such as torture, conditions of slavery, forced labour, unlawful incarceration² (FRNS 46 (1999)). Pending payment of inflated bills or rendering of cheap labour, denial of the freedom of movement³ S. 35 (FRN, 1999), and other inhuman treatment. The clandestine nature of trafficking in persons enables its perpetuation even in the face of the provisions of the constitution of Nigeria set out above to molest their victims and violate their fundamental human rights with impunity. It is therefore suggested that chapter (II) of the constitution should be made justiciable so that the girl child will enjoy her right to education. This is cardinal because lack of education has put many female children to precarious situation and has made them susceptible to human trafficking.

**b. Trafficking in persons (prohibition) Law Enforcement and Administration Act¹⁰ 2003
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apart from the constitution, the Federal Republic of Nigeria in fulfilment of its international obligations under the protocol to prevent, suppress and punish trafficking in person, especially women and children supplementing the United Nations Convention against Transnational Organized Crime (Palermo Convention), enacted the Trafficking in Persons (prohibition) Law Enforcement Administration Act and established the National Agency for Prohibition of Trafficking in Persons (NATIP) in (2003). This law seeks to address trafficking in persons with its associated problems by creating a specific multi-disciplinary crime fighting agency to address them Trafficking in Person (Prohibition) Law Enforcement and Admin Act 2003). Evidently the drafting of the NATIP Act was influenced by the Palermo protocol. This is obvious from the provision of section 50 of the Act, which incorporates the universally accepted definition of trafficking in person contained in Article 3 of the Palermo protocol with few edits. The Act defined trafficking as follows.

Trafficking include all acts and attempted act involved in the recruitment, transportation within or across Nigeria borders, purchase, sale, transfer, receipt or labouring of a person involving the use of deception, coercion or debt bondage for purpose of placing or holding the person, whether or not in involuntary servitude (domestic sexual or reproductive) in force or bonded labour, or in slavery -like conditions S. 50 of Trafficking in Persons (prohibition) Law Enforcement and Admin Act.

c. Criminal Code

The criminal code was one of the laws that govern trafficking related offenses, before the enactment of the trafficking in person Act in 2003¹⁶ Trafficking in Persons Act 2003. The criminal code is applicable in the southern part of Nigeria. The criminal code does not define trafficking in person; however, it contains provisions that criminalizes offenses which may constitute external trafficking in person. Section 223(2) of the criminal code which deals with unlawful deprivation of liberty of a person by confinement or detention and punishes the offender with imprisonment for two years.

Furthermore, section 306 enumerates conducts usually employed by traffickers to subdue their victims and is punishable upon conviction by one year imprisonment, and section 369 of the criminal code prohibits slave dealing, making it punishable by a long fourteen-year jail term. The penalties for offenses that constitute human trafficking as contained in the criminal code provisions seem surprisingly lenient. The penalty seems to regard such heinous offenses as mere misdemeanour (rather than felonies), and penalties range from caning, to fines and imprisonment of two to seven years, which seem unlikely to deter traffickers. It is therefore recommended that the government should beef up the punishment to be commensurate with the offence.

Penal Code

The penal code – Cap89 LFN 1963 was promulgated on 30th of September 1960 and applicable in the Northern Nigeria. Trafficking in women has been recognized as an offence in the penal code with special provisions according to the age of the victim. In general, there are stronger provisions against human trafficking related to offenses as in the penal code than the criminal code, and while the criminal code treats some of these offenses as mere misdemeanours, the penal code categorizes them as felonies and provides more stringent punishments. Thus, section 271-281 of the Penal Code of Northern Nigeria stipulates the prosecution of individual involved in activities that might be described as kidnapping and abduction respectively in section 271 and 272. It states that whoever entices a minor, male below 14 years and female below 16 years or conveys him/her outside the jurisdiction of North, or compels, deceives, or induces any person to go from any place is liable to imprisonment for a maximum of 10 years and a fine¹⁹ Penal Code S. 271. However, efforts of the penal code as a veritable instrument for curtailing trafficking has been hampered because of the disparity in age between male and female.

The disparity is an affront to the constitutional provisions on discrimination against person²⁰ (FRN, 1990). This, it is submitted that there should be an over hauling of this section to amend the age disparity and improve on the rights of a child.

Immigration Act 21 LFN 1990 CAP 171 Section 18(1) (g-h) of the Immigration Act discourages brothel keepers and others who might permit the defilement of young girls on their premise. It also makes it as offence to allow the seduction of prostitution of girls younger than thirteen years of age to trade in prostitution or act as a procurer. An immigrant found to be in violations of these provisions is liable to be declared a prohibited immigrant and deported.

Labour Act:

The Nigerian Labour Act LFN 1990 CAP 198 contains general provisions as to protection of wages, contracts of employment and terms, age of employment and conditions of employment. The labour Act in line with section 31 of 1999 constitution unequivocally prohibits forced labour. As provided in section 73 (1) any person who requires any other person or permits any other person to be required to perform forced

labour shall be guilty of an offence and on conviction shall be liable to a fine not exceeding ₦1000 or to imprisonment for a period not exceeding two years, or to both. This provision is contrary to provision of the NATIP Act on penalty of imprisonment for 5 years or a fine of ₦1000.00 or both²³ NAPTIP Act (2003).

The issue of conflict between both laws arises here and the penalties provided by both are largely inadequate to deter trafficking in persons for forced labour B. Otalevat Olagbegi. Discriminatory conditions of work against women render them vulnerable and make them prone to trafficking, and as result, they become vulnerable to forced labour, and servitude because the lack access to better job opportunities compared to men and are thus compelled to look for job opportunities elsewhere.

INTERNATIONAL LAWS

Apart from domestic laws on the prohibition and protection of persons from trafficking, there are legion of laws that provides for same at international level. This paper therefore considered a few of these international laws and highlight their significance in curbing human trafficking in Nigeria.

1. Convention on the Elimination of Act Forms of Discrimination Against Women (CEDAW) (1979).

This legislation obliges State Parties to take all appropriate measures including legislation, to suppress all forms of trafficking in women for prostitution²⁵ CEDAW 1979. This instrument amongst other provisions, enjoins state parties to take appropriate measure to eliminate discrimination against women in every sphere particularly in areas of education and decision making processes in order to ensure that women and men enjoy equal rights²⁶ CEDAW Art 10 and Art 12. Nothing hinders the progress of the girl child as lack of education, trafficked women and girls are more often used as sex machines and are shackled forever, until they redeem their freedom. However, even when they regain their freedom, after paying their huge debt, they become useless to the society because the time they would have gained education were used for frivolities Vienna Declaration and programme of Action.

2. This instrument addresses the issue of trafficking as a form of gender-based violence and calls for its elimination through national legislation² Vienna Declaration and Programme of Action 1993 Luckily, Nigeria has signed and ratified most international and regional human right documents. Howbeit, domestication of these already ratified human rights document will give women and children a better footing for assertion of their rights to freedom from all forms of exploitation involved in human trafficking.
3. International convention on the Elimination of All Forms of Rachial Discrimination (ICERD) 1965. Articles 5 of the ICERD recognizes the right of everyone to enjoy equal treatment before the tribunal and other organs administering justice, the right to security of person and protection by the state against violence or bodily harm. Political rights, right to freedom of movement, marriage and choice of spouse, own property, economic, social, and cultural rights, free choice of work, public health and education

ICERD (1965). Thus, trafficking is a gross violation of women and children's right of dignity.

4. UN Convention against Transnational Organized Crime 2000 and supplementing Trafficking Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, 2000.

This convention aims at improving capacity of state parties to combat transnational organized crime and to promote the implementation of the provision of the convention *Optional Protocol to the Convention on the Right of the Child (2000)* Nigerian Government has demonstrated the political will to combat trafficking in persons by ratifying the protocol and adopting its provisions to apply in Nigeria. Thus, the enactment of the trafficking in persons (prohibition) Law Enforcement and Administration Act, 2003 UN Convention Against Transnational Organized Crime (2000).

Regional legal framework

1. African charter on Human and People's Right 41 ACHPR 1982 Article 5 clearly states that "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploration and degradation of man particularly slavery, slave trade, torture, cruel inhuman or degrading punishment and treatment shall be prohibited.

2. ECOWAS Declaration and a plan of Action against Trafficking in Person

This was adopted in Dakar in December 2001. It calls for a ratification of the trafficking protocol day, all state parties, member states, have committed themselves to criminalize trafficking in person, protect and support trafficked person, promote awareness raising activities and established cooperation for law enforcement officials at the border, share data among ECOWAS countries and the UN, with hope that Declaration and plan of Actions would lead to regional cooperation on trafficking.

ESTABLISHMENT OF INSTITUTIONAL FRAMEWORK

Apart from legislative measures taken by Nigeria to combat human trafficking, the country also established the Inter-Ministerial Committee on Human Trafficking in 2002. The committee aims to bring together representatives of Federal Government Agencies and Ministries to combat trafficking of persons and form Nigeria's response to the phenomenon *Morka (2014)*. The committee includes the immigration service, the police, the Federal Ministry of women Affairs, the National Planning Commission, the Customs Service, and the office of the secretary to the government of the Federation. However, the absence of legislative guidance and a lack of effective coordination, the presence of riveting amongst members, along with competing demands of the agencies, are factors which have placed the committee under critique *Morka (2014)*.

To address human trafficking issues, Nigeria established a National Agency for the Prohibition of Traffic in Persons and other related matters NAP TIP (2003). The Agency has wider mandates, including monitoring investigation and prosecution of

human trafficking. The law also confers jurisdiction to the agency to deal with the counselling and rehabilitation of the victims of trafficking, and to deal with public enlightenment on matters pertaining to human trafficking S. 9 (3) and (4)(a) of trafficking in persons (prohibition) Law Enforcement and Admin Act of 2003. It has established a National Referral Mechanism for Protection and Assistance to Trafficking Persons in Nigeria in 2013, which offers guiding principles for immigration officials, law enforcement and other service providers to advance protection and support trafficking victims¹⁷¹ USAID pt of State (2014).

The NAPTIP is involved in monitoring cross border movements, the investigation of human trafficking cases and the prosecution of human trafficking cases in the court of law. NAPTIP has successfully conducted over 300 convictions and prosecuted over 500 persons between 2004 to date NAPTIP (2017). The agency collaborates with other agencies at regional and international levels, which ensure the eradication and prevention of human trafficking in the country and in bordering countries. The few successful prosecutions and convictions of traffickers described above indicates that there is still ineffectiveness in the criminal justice systems and related institutions in combating human trafficking Global Report on trafficking in persons of the UN office on Drug and Crime (2014). Report shows that some law enforcers harass rather than help the victims particularly those engaged in prostitution. Hence, law enforcers must be able to recognize trafficking when they see it otherwise, they may ignore a case or take unsuitable measures.

INTERNATIONAL MEASURES

Nigeria has launched various initiatives at an international level. It has signed and ratified many international and regional treaties to be applicable in Nigeria which are directly or indirectly related to trafficking. Nonetheless, for any international treaty to be applicable in Nigeria it must be incorporated into the domestic law by the process of specific adoption. The Nigerian constitution under section 12(a) provides that no treaty between Nigeria and any other country shall have the force of law, except to the extent to which the National Assembly has enacted any such treaty into law S. 12(a) CFRN (1999). Therefore, all international treaties signed and ratified by Nigeria are only persuasive. This is to the effect that victims of human trafficking cannot rely on the provisions of international human rights, to enforce their rights in Nigerian courts except to the extent that those rights are provided for under the constitution or other relevant domestic Nigerian laws. Nigeria must domesticate international human rights treaties relating to human trafficking, as it has already ratified these treaties, which should now be rendered enforceable internally. The incorporation of international treaties into domestic legislation is of paramount importance, because if the national court is left in a position where they can only consider ratified instruments, the rights of many trafficking victims will continue to be deprived.

CAUSES OF HUMAN TRAFFICKING IN NIGERIA

There are several factors that have been adduced for the thriving of human trafficking around the globe. However, it is instructive to note that similar as these factors may appear, they seem to be more contagious based on the level of societal development. In Nigeria, this illicit trade in human lives thrives on a complex interplay of factors, each contributing to the creation of a fertile breeding ground for traffickers to operate. Some of the identified factors include,

a. POVERTY AND UNEMPLOYMENT

One of the primary driving forces behind human trafficking is the spectre of poverty. In areas stricken by extreme financial hardship. Individuals and families may be hired by deceptive promises of well-paid work or better living conditions, making them easy prey for unscrupulous traffickers. In most developing countries and especially the sub-Saharan Africa, most people live by less than a Dollar per day (*Admed et al, 2007*). In Nigeria about 33 percent of the population is estimated to be unemployed, and youths who are below the age of 30 years constitute about 70 percent of the unemployed population (*Onwuka, 2021*). This negative demographic index and many others seriously account for why human trafficking has continue to thrive in Nigeria. This is because it has become the most lucrative avenue to improve the economic fortunes of the families thereby making the families mostly active collaborators in the crime (*Keleta and Asmara, 2019*). Some analysts often asked questions whether this urge to acquire illicit wealth ultimately end poverty in such families. Many condemned this desperate and evil act in the name of eradicating poverty and rather argue that there are other means of tackling poverty in families than engaging in trafficking in persons (*Kim, 2010*). It was further submitted by analyst that, to eliminate this ugly trend, it is imperative to accelerate the improvement through Sustainable Development Goals (SDG) in developing countries, arguing that this will guarantee a better and more reliable way of living for the people (*Gupta and Vegelin, 2016; Moda et al, 2021*).

b. LACK OF ACCESS TO QUALITY EDUCATION

Another significant factor is the lack of access to quality education. Without the empowerment that comes from knowledge and learning, individuals may lack the awareness to identify potential traps set by traffickers or may be unable to access better, safer opportunities. Thus falling into the hands of these criminal.

c. LUCRATIVENESS OF ORGAN HARVESTING

In recent times, the most despicable transgression of basic human rights is the international crime of organ harvesting due to the very lucrative returns on the sale of body parts, such as kidney, liver, heart among others, that are on high demand globally (*Bruckmuller, 2020*). According to Meshelemiah, the organ trafficking dimension is one of the most coveted forms of human trafficking in modern times (*Mashelemiah and*

Lyuch, 2019). He further averred that only 10 percent of the world legal required transplant has been met, indicating that, this has triggered the propensity by traffickers to engaged in illicit practices of getting human parts as to generate more resources in this illegal trade. Giving further insight on the damaging situation of the demand and pressure for human organs, the American transplant foundation 2018 report revealed that; about 114,000 people in the United States of America are on the waiting list for organ transplant, and of this number, one person is added in every 10 minutes (*Meshelemiah and Lynch, 2019*).

d. POLITICAL INSTABILITY

Political instability also plays a considerable role in this grim tableau. In regions where the rule of law is weak or non-existent, where governments are unstable or corrupt, the resulting power vacuums and lack of legal enforcement can be ruthlessly exploited by human traffickers.

e. INADEQUATE DATA

Another major challenge in the fight against human trafficking is inadequate data. The actual number of persons trafficked globally is thought to be underestimated and consequently under reported globally (Godey, 2008; Smith, 2011). As a result, it is believed that this development has provided relevant stakeholders the benefit of truly understanding the enormity and deployment of proportionate strategies in addressing the menace. Also related to this, is the issue of stigmatization and unwillingness of victims to come forward for report and documentation, which have enhanced the tracing, tracking down and prosecution of perpetrators (*Gulali et al, 2011*).

f. POROUS BORDERS

The Nigerian state and her porous borders have attained notoriety in recent years. There is no arguing the fact that Nigeria's borders are excessively porous and has proven quite difficult to manage. Armed traffickers exploit this porous border situation to smuggle small arms and light weapons (SALW) into the country. Even though both federal government of Nigeria and most African governments have made efforts to combat the rise in small arms, their efforts are weakened by arms brokers and governments with expansionist agendas which do businesses with non-state actors by pushing arms into their hands which culminate in the spread of arms to other countries within the sub region or continent (*Nte, 2011*).

The state of Nigeria's borders has become a safe haven for international criminals who engage in smuggling, trafficking of humans, arms and ammunition, drugs, oil and agricultural produce brazenly due to inept and poor management (*Olagbemi and Joshua, 2017*).

g. Globalization

Another significant factor that has given impetus to TOC is globalization. The digitalization and villagization of the world necessitated by liberal trade policies and

globalization has encouraged the free flow of persons and goods across various countries. Given that the world has turned into a global village propelled by the advancement in technology and telecommunications, it has become easy for criminals also to move across various borders unimpeded and continue with illicit business with impunity and without recourse to the impact such crime has for the socio-economic development of the state and the insecurity of lives and property (*Olagbani and Joshua, 2017*). This opinion was supported by (*Akinyemi, 2013*).

h. Role of security agencies

There has been a strong indictment of the security agencies in their action or inaction in the thriving of human trafficking (*Agbu, 2003*). In many countries, security agencies are accused of compromising and looking the other way when these crimes are been perpetrated (*Ortuno and Wiryachai, 2009*). There are arguments as to how these groups continue to have passage if the security agencies are performing their duties effectively and efficiently. Though Shelley have countered this narrative, he cited the none usage of old and unknown traditional routes in most cases for the movement by these criminal gangs as one of the challenges posed to security agencies in effectively combating this crime (*Shelley, 2013*).

i. Strong cartel and links

There are available pieces of evidence of powerful individuals in the society and with huge financial war chest who are the architects involved in this illicit trade of trafficking in persons. This network or cartel can be defeated only if extra efforts are put in place to get a hold and break the nefarious activities (*Uzuegbu-Wilson, 2019*). Some of the links are local, some national, and some across borders of nations, thus making it difficult to effectively checkmate the activities of these criminals, there is a need for strong collaborations locally and internationally (International Association of Chiefs of United States of 2020).

CONCLUSION AND RECOMMENDATIONS

The paper has been able to trace the origin of human trafficking. It found that although the traditional slave trade may have been abolished as far back as 1833 in Britain and later in other parts of the world, the desired objective of eliminating this illicit trade has not been achieved. This is because, a new form of slavery has resurfaced Christen, modern slavery, or human trafficking. This paper was able to identify most of the factors that have continue to encourage this nefarious international crime in Nigeria. Some of which include but not limited to poverty family pressure, weak laws and inadequate enforcement, inadequate data, porous borders, systemic corruption, the advent of social media, information, and communication technology (ICT) strong financial war chest of the trafficking cartels among others.

It is the view of this paper that in a bid to eliminate or eradicate the menace of human trafficking, the social inequality in the society must be critically addressed to

cater for the most vulnerable in the society. The paper also recommends that victims must be given all the necessary assistance as to feel free and not stigmatized. Authorities can also work hand in hand with victims in creating awareness on human trafficking at all levels of the society. In addition, there is need for greater synergy among countries in the effort to combating this crime against humanity. As pointed out earlier in this work citing (Raolik, 2019). There seems to be at crossroad in the legislation, and laws in fighting this crime by countries, wherein his proposal of a “triangulated nexus of anti-trafficking enforcement” is strongly endorsed by these papers, which entails laws and strong law enforcement by a cluster of nations.

Moreover, information from the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and responses from the respondents, the severe economic hardship experience by the African continent, particularly Nigeria, over the past three decades is what caused the problem of trafficking in persons (TIP) to be prevalent and noticeable. The study has established the degree of its prevalence across Nigeria as well as the multifariousness of its implications. There is no doubt that the increase rates of human trafficking in Nigeria have made it to be perceived as one of the major problems that require urgent attention to put an end to in striving for national growth and development. It revealed that the menace of human trafficking is indeed a national problem that has extensive and various dimensions in the country. It was also revealed that poverty and unemployment are the major or drivers of human trafficking in Nigeria.

In addition, it revealed that trafficking in Nigeria has a multifaceted socio-economic and political basis linked to large global processes. Though various efforts had been made to address trafficking in human beings, but without huge success recorded. Being that human trafficking cannot always tackle poverty or related concerns of vulnerability and prejudice in curable ways, it is not merely a social or moral matter to be solved with casual actions. Trafficking is an evolving issue that requires a solid, comprehensive, and unified strategy that is founded based on rights values, concepts, and norms. Combining the problems of human trafficking therefore offers some of the most difficult legal and social concerns of our time. It takes the efforts of the individual, the neighbourhood, the political will of the government multisectoral methods as well as coordinated international measures, to effectively combat the scourge of human trafficking. The decision to create jobs and employment prospects for people, especially for young people who are vulnerable, must therefore be made. To decrease the prevalence of human trafficking in Nigeria, it is also necessary to plan out robust security forces at and near the country’s borders. A legislation that forbids it and makes offenders subjects to punishment can also help Nigeria’s ongoing human trafficking problems.

In accordance with the nation’s plan of action and with the active participation of every major stakeholder, including the government, NGOs and international organizations among others, it is crucial to developed synchronized and well-articulated strategies to combat human trafficking in Nigeria.

RECOMMENDATIONS

From the foregoing analysis, it is evident that with her enormous resources, sustainable development in Nigeria remains elusive due to the menace of trans-border criminal activities and general insecurity. Against this backdrop, the paper suggests the following recommendations:

1. For effective border security in Nigeria, training and retraining of security personnel should be intensified to acquaint them with modern trends in migration and border management.
2. There is need for paradigm shift from manual to digital (e-border) control mechanism to tackled terrorism and other trans-border criminal activities in Nigeria.
3. Federal government should include security management in school curriculum at all levels of education in Nigeria. This will enable the Nigerian youths to appreciate the importance of security in a secular state like Nigeria.
4. There is need for mass public enlightenment on the dangers of trans-border crimes, irregular migration, and improper conduct of emigrants.
5. Regional and sub-regional organizations like ECOWAS should enforce existing international laws, treaties, and conventions against defaulter whenever they are arrested to serve as deterrence to others.
6. Government should provide modern facilities such as CCTV cameras and sensors in all its borders that can effectively detect movement of criminal activities such as terrorism and illegal importation of arms in the country.
7. Government should hold complicit officials as well as individuals affiliated with the government including security officials and civilian joint task force (CJTF) members criminally accountable for trafficking offenses, including for the sex trafficking of IDPS and unlawful recruitment and use of child soldiers.
8. National Agency for the prohibition of trafficking in persons (NAPTIP) and Nigeria police force (NPF) enhance coordination on law enforcement efforts - including instigating illicit centers exploiting women in force surrogacy and prosecute suspects while respecting the rights of the accused.
9. Develop and implement a centralized data base linking NAPTIP, NPF and other relevant law enforcement agencies.
10. Finalize, resource, and implement the country's 2021-2025 draft anti- trafficking national action plan in coordination with civil society NGO's partner government, as well as the private sector.
11. Increase the capacity of Nigerian embassies to identify and help victims abroad, including by providing replacement travel or identity documents free of charge.

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