

HUMAN TRAFFICKING IN NIGERIA

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Abstract

What constitutes human trafficking in Nigeria has long been an issue of debate amongst practitioners and law enforcement agents. The debacle is further entrenched when different organisations in Nigeria started to have different definitions of the term. Perhaps because of its many facets, different law enforcement agencies assume competence in the prosecution of offenders in matters that are not within their purview. This work gives content and description of what constitutes human trafficking in Nigeria and tries to establish the laws guiding its adjudication in Nigeria's penal code.

Keywords: Human Trafficking, Nigeria, Law, Institution

1. Introduction

Human trafficking has become largely a developmental issue across the world, while it is generally believed that this act is often recurring in poor nations whose citizens resort to the practice of trafficking in humans as social and economic mitigations where legitimate vocations are scarce. A recent observation (Lawal 2020) has revealed that human trafficking is not at all peculiar to poor nations to the extent that it has raised global concern in western nations in the middle of the 20th century where men supplied young girls for sex and returns were paid to cartels. In recent times the issue of diaspora remittance has widened the search of the operations of human traffickers when it is observed that many people at home are now beneficiaries of indirect remittance intervention. Eventually, this ignited the March 2000 Convention against Transnational Organised Crime in Vienna which developed within it, two protocols to tackle and address the issues of human trafficking and smuggling. In more recent times the United Nations Office of Drugs and Crimes (UNODC) has taken over this intervention on human trafficking.

Millions of people have been victims of the phenomenon called human trafficking especially women and young girls. Because of its higher fiber of sexual exploitation, the female gender is assumed to be its primary targets and victims worldwide. Humanity is at crossroads when one considers the fact some of the victims of the act allowed the exploitation

of pecuniary gains occasioned by their state of squalor and its economic costs have taken immense toll on individuals and communities. By conservative estimates, the cost of trafficking in terms of underpayment of wages and recruiting fees is over \$45 billion (Social Development Notes, 2019). The costs to human capital are probably impossible to quantify. The problem of trafficking cuts across a range of development issues, from poverty to social inclusion, justice and rule of law, and thus has relevance for practitioners throughout human communities. Human trafficking is considered a social ill in both local and international discourse. The act of human trafficking can be equated to slavery, now often refers to as "modern-day slavery" by many in contemporary society. At the centre of trafficking is the issue of exploitation and this is a central anathema to human rights as a result, it is often frowned upon by both the public and government. Human trafficking is as old as human civilization. Many individuals have often profited from participating in this illicit activity. Human trafficking refers to all human actions which have transactional framework between parties where one of the parties is exploited without the persons consent. The issue of consent here has been played down because of the assumption that human naturally will not consent to his exploitation and where that happens, it will be factorized as part of the exploitation. Acts such as child labour, sex work and all other forms of occupation where the worker does not earn his/her pay directly are termed modern

slavery or human trafficking. Particularly these activities have grave human rights infringements which come with huge penalties when referred to the existing authorities. Human trafficking means several things to several persons and more often than not, individual and institutional definitions differ from various standpoints and perspectives ranging from human rights, historical, religious, criminological, sociological, and even legal perspectives. With a common-sense approach, the two coined terms "human" and "trafficking" put together, could be defined as the 'transportation of humans' or movement by an individual or group of persons from one place to another. This could be misleading in that this could be linked to migration -the movement of persons into or out of a state, or region with no illegal connotation. It could also be erroneously described as the smuggling of people (Emanemua, 2016)

To further understand human trafficking, there is the need to properly explain, by acknowledging other definitions to achieve varied viewpoints on the issue. According to the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime (2000) which is often considered the standard definition for human trafficking defines human trafficking as "The recruitment, transportation, transfer, harbouring or receipt of persons, employing the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for 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 consent of a victim of trafficking in persons to the intended exploitation...shall be irrelevant where any of the...[fore-mentioned] means...have been used. The recruitment, transfer, harbouring or receipt of a child for exploitation shall be considered trafficking in persons,' even if it does not involve ... [any of the above-listed means]. "Child" shall mean any person under eighteen years of age (Art. 3)."(UNESCO policy paper, 2006). This particular definition explores three actions regarding human trafficking which are:

1. an action (recruitment, transportation, transfer, harbouring, or reception of persons);
2. means of (threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim); and
3. goals (for exploitation or the purpose of exploitation, which includes exploiting the prostitution of others, other forms of sexual exploitation, forced labour or services, slavery or similar practices, and the removal of organs). (Aronowitz, 2009)

Exploitation is a major feature of human traffic: The United Nations Office on Drugs and Crime (2022), explains: "the crime of human trafficking consists of three core elements: the act, the means, and the purpose". Physical and sexual abuse, blackmail, emotional manipulation, and the removal of official documents are used by traffickers to control their victims. Exploitation can take place in a victim's home country, during the migration or in a foreign country. Human trafficking has many forms. These include exploitation in the sex, entertainment and hospitality industries, and as domestic workers or in forced marriages. Victims are forced to work in factories, on construction sites or in the agricultural sector without pay or with an inadequate salary, living in fear of violence and often in inhumane conditions. Some victims are tricked or coerced into having their organs removed. Children are forced to serve as soldiers or to commit crimes for the benefit of the criminals. Trafficking in human beings, especially women and girls, is not new.

Apart from the historical foundation of human trafficking, contemporary international relation has brought fresh dynamism to the concept especially when new lexicon was developed herein called modern slavery. Modern slavery is an acceptance of the end of slavery and slave trade, but the issue of human trafficking finds a balance within the concept when although now human beings are not being sold out rightly, they are in peonage under intense exploitative framework. "Modern slavery" underscores a modern rebirth of human beings as an article of trade in global markets. According to the UNODC (2022), it is a complex, multi-faceted phenomenon involving multiple stakeholders at the institutional and commercial levels. it is a demand-driven global business with a huge market for cheap labour and commercial sex confronting often

insufficient unexercised policy frameworks or trained personnel to prevent it. Human trafficking is often considered a crime against humanity. Human traffickers often employ numerous tactics towards the acquisition of their victims, from blatant force to subtle promises of better living conditions in other parts of the world. (UNODC, 2022)

II. Global Explanations of Human Trafficking

Scholars have attempted some causalities to incidences of human trafficking, some of the explanations are more sociological and economical than psychological. The aggregation of these explanations bothers on economic despondence of people and whether for victims or cartels of human trafficking, they are all reacting to economic stimuli. The causalities of human trafficking include lack of employment opportunities, poverty, economic imbalances among regions of the world, corruption, decline of border controls, gender and ethnic discrimination, and political instability and conflict. These push factors are contrasted with the pull factors of demand for workers, the possibilities of higher standards of living, and the perceptions of many in poor communities that better opportunities exist in larger cities or abroad. Yet most of these conditions have existed for a very long time. They alone do not explain the phenomenal growth of human trafficking since the mid-1980s. Trafficking has increased dramatically with globalization, the rise of illicit trade, and the end of the Cold War. Free markets, free trade, greater economic competition, and a decline in state intervention in the economy have been hallmarks of the globalizing process. Globalization is also characterized by greater mobility of goods and people and more rapid communications. Remote parts of the world are now integrated into the global economy. Yet controls on the entrance to the most affluent countries create barriers for those who seek to migrate. This presents a criminogenic approach to the discourse. According to Shelley (2010), developed countries of the world often require labours that are naturally to be filled by citizens of dependent countries. In most cases, the issue of inadequate wages for this level of labour leads to illegal recruitment and the source of which is the illegal movements of humans across international borders. Many seek illicit means to enter countries where there is a demand for labour (Shelley, 2010). There are other explanations for the rise of human trafficking in

the 21st Century but globalization alone certainly does not explain the growth. Hepburn and Simon (2013) opine that with the end of the Cold War, there were revolutions in Eastern Europe, the demise of Soviet socialism, and the collapse of the USSR. The bipolar world ended. Greater international political instability resulted. According to them, after the breakup of the USSR, many new states sought sovereignty, and parts of larger states such as Chechnya in Russia, regions such as Nagorno – Karabakh in the Caucasus, and states in the Balkans sought greater independence. Apart from these conflicts, more than sixty national and regional conflicts have occurred since the early 1990s, leaving widespread devastation and many individuals vulnerable to exploitation by human traffickers. Increasing and more severe natural disasters, possibly as a result of global warming, have also left millions displaced, homeless, and impoverished. Examples include the tsunami in Southeast Asia, Hurricane Katrina in New Orleans, the drought in Sudan and the earthquake in Haiti. Assistance programmes to aid disaster victims have often been insufficient, and needed aid too often has been diverted by corrupt officials. Deprived of their land and without increased opportunities in nonagricultural sectors, these desperate people are often exploited by human traffickers. (Hepburn and Simon, 2013)

Globalization has contributed greatly to the interconnected nature of the world making travel, and information among others to be swift compared to times before now. Importantly, the event of globalization has greatly contributed to the activities of traffickers all over the world; leading to the creation and sustenance of numerous trafficking links in different parts of the world. The industry of human trafficking greatly benefits from an interconnected world. Contacts are often drawn up which help the transfer of numerous trafficked individuals from one place to another in the world. Illegal movement of persons generally encompasses two related activities: migrant smuggling and the trafficking of persons for exploitation. In short, both activities involve the recruitment, movement, and delivery of migrants from a host to a destination state. What separates the two activities, however, is that the traffickers enslave and exploit trafficked persons, while smuggled migrants have a consensual relationship at the onset with their smugglers. Moreover, many smuggled individuals are free at the end of their journey or after a period of

indentured servitude (Aronowitz, 2011). Many countries are simultaneously source, host, and transit countries for victims of human trafficking. For example, Russia is a major source of sex trafficking victims and a host country for both victims of sexual and labour trafficking. Furthermore, it is a transit country for many Asian smuggling victims whose destination is Western Europe. The richer states of the former Soviet Union receive women from Moldova and Ukraine, and many trafficked labourers from the Caucasus and Central Asia. The problem of sex trafficking is pronounced in Asia but also more recently in the developed world and some countries in the Middle East where men have disposable incomes. Women forced to provide sexual services in Asia are most often native-born or from other Asian countries, but women are also imported from other regions to work in the Asian sex industry (Salt, 2000). In Europe, the preponderance of prostitutes are women trafficked from outside the older member states of the European Union. Women are imported from Eurasia, Asia, Latin America, and Africa. But many newly rich countries in the developing world are also magnets for traffickers. Labour trafficking is the term largely used for human trafficking in the Middle East. Traffickers in the Middle East, particularly the Gulf States, Israel, and Egypt, import women from the former USSR and Eastern Europe as well as Asia. The problem of labour trafficking is often less recognized but no less acute in affluent countries. In the United States, millions migrate illegally, primarily from Mexico and Latin America; an unknown but not insignificant percentage become victims of labour trafficking as they are subject to coercion and deception on arrival. Hundreds of thousands more are smuggled into Europe from North Africa or through Turkey and Eastern Europe to the prosperous countries of Western Europe, which need labourers because of their low birth rates. The Middle East imports labourers from the Philippines, Bangladesh, Pakistan, Thailand, and other poor Asian countries. Many of those exploited are available because of globalization. Globalization has facilitated the rise of human trafficking by marginalizing many rural communities, impoverishing women and children in many regions, and accelerating rural-to-urban migration. Increased speed and ease of money movement, facilitate not only the laundering of traffickers' profits but grand corruption. (Weitzer, 2015)

Hepburn and Simon (2013) point out numerous factors such as economic, geographical and even gender bias which greatly play out in trafficking. Economic factors are also significant in the trafficking status of a nation. For instance, South Africa has four times the GDP of its neighbours. This makes it attractive to both migrants and traffickers. When combined with poor border control, it is easy to see how it became a popular destination for human trafficking in the region. Other nations, such as Russia and the United Arab Emirates, have experienced quick economic growth that resulted in an urgent demand for affordable labour, making them destinations for human trafficking. Human trafficking is a high-profit and relatively low-risk business with ample supply and growing demand. Even where human trafficking is criminalized, most of the investigations do not result in convictions of traffickers. Economic exploitation is probably the biggest motivation behind most cases of human trafficking; nonetheless, there is not enough attention given to human trafficking from an economic perspective. Political climates and civil unrest further exacerbate the issue. In Colombia, decades of civil unrest have resulted in a high number of internally displaced persons. Displacement creates vulnerability to a variety of exploitations, including human trafficking. Guerrilla and rebel forces also force and lure children to join their groups. Child soldiers can be found in Colombia and Iraq. Geographic location is also essential to the trafficking scenario. Yet, it isn't just location, per se, but also grouping that is a factor, at least when it comes to the European Union (EU). For instance, Poland joined the European Union and became part of the Schengen area, where signatory nations are, in essence, a single country for travel. As a result, Poland went from primarily a source nation to a destination and transit country. Porous borders in countries that are surrounded by many other nations, such as Iran, which is bordered by seven other nations, are ideal for cross-border and transnational trafficking. Immigration and border control have become hot-button issues worldwide, resulting in a slew of new legislation that often conflicts with these nations' anti-trafficking laws. For instance, in the United States, when it comes to trafficking victim visa applicants, there is often a race against the clock as to what will happen first—deportation or protection. Gender bias is also a factor in the trafficking calculus. In nations where women are not on equal footing with men, they are

particularly vulnerable to exploitation, including human trafficking. Not surprisingly, in the post-trafficking experience women often continue to face unequal treatment. This occurs in Iran where, under the government's interpretation of Islamic law, a woman's testimony is worth half of that of a man. Of course, this is in direct conflict with Article 3 of the constitution of Iran, but in cases of conflict between the constitution and Islamic law, the principles of Islamic law prevail. Yet, it is not just bias against women that are an issue. Men too face discrimination, particularly in the post-trafficking experience, and in many nations, they are simply not acknowledged as victims. The governments of other nations, such as Poland and Japan, recognize that men can be victims, but the lack of shelters specifically designated for men illustrates that they are not yet a priority. (This was also the case in Israel, where male victims were rarely given shelter, but the situation has changed with the inclusion of the Atlas shelter, which is specifically designated for victims of male trafficking.) Part of this distinction is not just based on gender but on the form of trafficking that is deemed more offensive. In many nations, sex trafficking is perceived as worse. This is reflected in their anti-trafficking laws, both at national and local levels. For example, the New York State Anti-Trafficking Law treats sex traffickers and labour traffickers differently: sex trafficking is a class B felony with a maximum sentence of twenty-five years' imprisonment, while labour trafficking is a class D felony with a maximum sentence of seven years (Hepburn and Simon, 2013).

Trafficking is not a single event, but can be viewed as a process which begins with recruitment often in a country of origin – and involves the movement through transit and entry of the victim into destination countries. Exploitation may take place anywhere along the process as victims are moved from source, through (numerous) transit countries and on to their final destinations. A study of trafficked victims who moved from Nigeria to Western Europe showed they were moved overland through Africa and forced into prostitution along the way to pay off their transportation costs (Okojie, 2013). In the case of trafficking for sexual exploitation, particularly in prostitution, victims may be rotated from one location (brothel, bar, massage parlour), city or country to the next. Traffickers may perpetuate instrumental criminal activities in direct furtherance of the trafficking activity (Shelley, 2010). Examples of these crimes are

the corruption of government officials, forgery of documents, and violence necessary to maintain control over victims. Other secondary crimes, such as money laundering and tax evasion occur as a result of successful trafficking activity (Aronowitz 2003). At each stage of the trafficking process, several crimes may be perpetrated against the individual victim and the State.

Demand fuels the growth of human trafficking. Many of the world's citizens would never buy illegal drugs or smuggled weapons, but consumers will use the products produced by trafficking victims without thinking about why they are available at such an affordable price. Instead, they are satisfied to have found a well-priced good in a globally competitive economy. They will unknowingly buy clothes produced by the sweatshops where trafficked workers are employed and buy the fruits and vegetables harvested by trafficked agricultural workers. Increasingly accustomed to the benefits of a consumer society, they will eat in restaurants where trafficked labourers are employed. With more women employed outside the home in developed countries, they hire domestic labourers to take care of their children and their homes, all too often forcing those employed to work for substandard wages and long hours, conditions often prohibited by the work laws in their countries. Men who purchase sexual services rarely think about the prostitutes with whom they have sexual relations. Instead, they happily hire the services of a younger woman who is compliant and affordable without thinking of why these services are so accessible (Shelley, 2010). Sex slavery today has made sex services more available than a decade ago and thereby has increased demand. The business of human trafficking is built on widespread individual human suffering, yet human trafficking is hard to combat because it has financial advantages for many legal businesses. Just as the slave trade of previous centuries financially benefited many participants beyond the actual slave traders, the contemporary trade in human beings also yields significant profits for many legitimate employers. Agricultural producers, manufacturers, and construction companies can pay trafficked workers subminimum or no wages. Moreover, they of course do not pay health or accident insurance, Social Security taxes, social benefits, or pensions that may cost their competitors significant sums. The nefarious sex traders who exploit women and children are not the only ones who

profit from human trafficking. Moreover, businesses enjoy other tangible advantages from exploiting trafficked labour. They use trafficked labour to ensure they have a compliant labour force. As American businesses tolerated the infiltration of organized crime into labour unions because the mobsters kept the workers passive, the same situation endures in contemporary trafficking.⁹ Construction companies can meet deadlines, farmers can harvest their crops before they spoil, and sweatshops can produce competitive products because they employ compliant trafficked labourers who cannot resist the employers' demands. (Hepburn and Simon, 2013)

Human trafficking is a gross violation of human rights, and this makes the human rights framework an important legal mechanism for combating the practice. Thus, the Universal Declaration on Human Rights, 1948 states in article 4 that "no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms", and article 5 adds that "no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment". These declaratory provisions are reinforced by the binding provisions of article 8 of the International Covenant on Civil and Political Rights, 1966 which is similarly worded. In the same vein, article 5 of the African Charter on Human and Peoples' Rights 1981 (African Charter) provides: "[A]ll forms of exploitation and degradation of man, [or woman] particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited", while article 4(g) of the Protocol on the Rights of Women in Africa provides that "State Parties shall take appropriate and effective measures to prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk".(Okogbule, 2013)

III. Human Trafficking in Nigeria

The need to protect the human rights of an individual is not only crucial to the Federal Government of Nigeria but also recognized in international laws of nations. Aside from the obligation to promote human rights as contained in various paragraphs of the Universal Declaration of Human Rights, the Federal Government of Nigeria (FGN) in the 1999 constitution, Chapter 4, Section 30 succinctly spelt out that every human person, has the right to: life; the dignity of the human person; personal liberty; fair

hearing; private and family life; freedom of thought, conscience and religion; freedom of expression and the press; peaceful assembly and association; freedom of movement; and the freedom from discrimination and ownership of property (Okogbule, 2013) among others. These rights acknowledge that every human being is entitled to enjoy them without marginalization or discrimination irrespective of their gender, race, complexion, tribe, language, religion, political affiliation, birth circumstance and even socio-economic background. Unfortunately, several illegal practices in recent times such as armed robbery, insurgency, kidnapping, child labour and trafficking of humans are all common social problems infringing on the aforementioned rights (Emanemua,2016). Nigeria is a country faced with numerous issues which have greatly affected its internal processes. Crime has been the order of the day for individuals who either do not feel obliged to work or see the failures in the Nigerian system. One such prevalent problem is the continuous participation of Nigerians in human trafficking. People acting as links to other contacts in trafficking-prone countries can be seen in Nigerian society. Trafficking of human beings especially women and children has become one of the most rewarding illegal economic activities and can be put at par with drug trafficking and arms smuggling (Salt, 2000). Nigeria is notoriously known for two different kinds of trafficking: internal and external trafficking. The former (internal trafficking) is in the form of forced labour, servitude, street hawking and even sexual exploitation that comes in the form of establishing a "baby factory" where teen girls are abducted and kept in a secluded place, sexually molested and impregnated to make merchandise of their babies by selling babies (that are as young as one day old), to secret agents who resell them to herbalist and ritualists for profit. External trafficking, on the other hand, is often attributed to sex trafficking and domestic labour motives. Today, Nigeria has become a transit country for trafficked women and children among other countries in the West African sub-region. (Emanemua,2016).

Nigeria is a transit, and destination country for women and children subjected to trafficking in persons, specifically conditions of forced labour and forced prostitution. Trafficked Nigerian women and children are recruited from rural areas within the country's borders – women and girls for involuntary domestic servitude and forced commercial sexual exploitation,

and boys for forced labour in street vending, domestic servitude, mining, and begging. Nigerian women and children are taken from Nigeria to other West and Central African countries, primarily Gabon, Cameroon, Ghana, Chad, Benin, Togo, Niger, Burkina Faso, and the Gambia, for the same purposes. Children from West African states like Benin, Togo, and Ghana – where Economic Community of West African States (ECOWAS) rules allow for easy entry – are also forced to work in Nigeria, and some are subjected to hazardous jobs in Nigeria's granite mines. Nigerian women and girls are taken to Europe, especially to Italy and Russia, and to the Middle East and North Africa, for forced prostitution. Traffickers sometimes move their victims to Europe by caravan, forcing them to cross the desert on foot, and subjecting them to forced prostitution to repay heavy debts for travel expenses. The trafficking of children is one of the gravest violations of human rights in the world today. Children and their families are lured by the empty promises of the trafficking networks: - promises of a better life, of an escape route from poverty, and every year, hundreds of thousands of children are smuggled across borders and sold as mere commodities. Their survival and development are threatened and their rights to education, health, to grow up within a family, to protection from exploitation and abuse, are denied. These include all the women, children and men who are deceived, transported and delivered into the hands of those who exploit them for profit. Poverty, war, lack of information, gender inequality and cheap labour put demographic populations such as women and children at high risk. The general lack of prospects in rural areas often leads to trafficking, and many of those trafficked come from poor communities. Trafficking in Nigeria can be viewed from a migration perspective, as both legal and illegal forms of migration are driven by the same factors. The shift is always from more economically disadvantaged regions to those which are economically more secure. Nigeria is notoriously known for two different kinds of trafficking: internal and external trafficking. The former (internal trafficking) is in the form of forced labour, servitude, street hawking and even sexual exploitation that comes in the form of establishing a "baby factory" where teen girls are abducted and kept in a secluded place, sexually molested and impregnated to make merchandise of their babies by selling babies (that are as young as one day old), to

secret agents who resell them to herbalist and ritualist for profit. External trafficking on the other hand is often attributed to sex trafficking and domestic labour motives. (Emanemua,2016)

In Nigeria, there are push and pull factors which are often considered the causes of human trafficking in Nigeria. These factors have global resonance but vary in local emphasis and scale. While greatly hinged on this theory are different indices which promote activities linked inimical to the existence of the Nigerian state. Owing to myriad issues facing the Nigerian state just like most African countries, the attitude of citizens towards leaving their home countries for perceived greener pastures has often given room for human traffickers to introduce such individuals to activities which will be problematic for them in the long run. The pursuit of a better life by many youths in Nigeria has landed in captivity externally with no visible way out. Push factors such as poverty, the pervasion of cultural traditions, unequal access to education, information, and lack of access to employment opportunities among others alongside pull factors such as the devaluation of the rights of women and children, the growth of sex and entertainment industry, the low risk-high profit nature of trafficking among others have often pulled women and children to be the most susceptible to human trafficking in the long run. The rise of human trafficking in Nigeria today can be described as 'the return of civilized Nigerians to the trans-Atlantic slave trade in our pre-colonial days'. It can be likened to the unguarded backyard fire that is gradually burning the building of a nonchalant owner. One could also describe it as the strategy of some 'shady fellows' to recruit unemployed youths who are seemingly disadvantaged because of their socio-background. Hence, any effort directed towards creating massive employment for the teeming youth, parents and most particularly, the girl-child remains the immediate and ultimate solution to curbing this menace in Nigeria

IV. Identification of Humans Being Trafficked in Nigeria

Through my membership in the Lagos State Task Force on Anti-Human Trafficking, I present some basic proofs that human trafficking is taking place near you without you knowing. In many of the interactive sessions I have had with victims and practitioners of human trafficking, there is a certain

uniformity in the operations of human traffickers. In Nigeria as elsewhere, human trafficking is being carried out by both institutions and individuals. An instance is the recent social media outburst of a popular Nigerian hip-hop musician, Habeeb Olalomi, otherwise known as "Portable", where he cried out that he was denied a visa application by the US Embassy because the promoter added some unknown persons to his bad members at the point of visa application.

While the intention behind the inclusion of non-members to a musical band for visa application may not be altogether known, the general observation is that such arrangements are a standard avenue that human traffickers use to take victims out of the country to their desired destinations. The arrangement is usually ignited by cartels with the promoters of such international shows and a watertight agreement is made where the person being trafficked concurs to every limit of the bargain. In most cases, such illegal inclusions may be made to serve as domestic servants, attendants and even sex workers but largely the human trafficking content of the transaction becomes clear when the victims are not the direct recipients of their wages. Rather, this is paid to the cartels.

Religious institutions also have been used as funnels for human trafficking purposes. Amongst the recent returnees from Libya who was one of our respondents revealed that he was stuck in Tripoli on his way to Italy where an Imam claimed he had established a Modrasah (Qur'anic School) and his coming was to enhance the teaching of Arabic to Nigerian Muslim children in Italy. The arrangement was that he would be picked up at Lampedusa in Italy after crossing the Mediterranean Sea. However, he was arrested by Libyan Coast Guards and deported to Nigeria thereafter. At the centre of this all, the respondent reported that the arrangement for his trip was that the Imam paid for his trip to Italy and he would work at the Modrasah while the Imam would collect the proceeds from his services to defray the cost of his trip, in a clear human trafficking settlement and framework.

At a seminar organised by the United Nations Office of Drugs and Crimes in March 2022, experts identified the following indices as evidence of human trafficking:

When an elderly person holds travelling documents of all the people in his/her entourage

When an individual is often concerned about sitting arrangements in an aircraft

When a group of girls are talking in a low tone and appear to be following instructions from a leader

When a group of girls walk together as if they have been glued

V. Conclusion

Under Nigeria's penal codes human trafficking is an umbrella term for other offences that bear proceeds from human activities involving a third party who is often the master. Prostitution and organ trafficking among others are activities seen as crimes on their own but are often associated with human trafficking. Before the passage of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, amended in December 2005 Nigeria was in a state of denial and did not recognize trafficking in humans as a problem. Nigeria is the first African country to enact a law against human trafficking in 2003 (Usman, 2020). NAPTIP was established under a federal bill on July 14, 2003, by the Trafficking in Persons (Prohibition) Enforcement and Administration Act (2003) through the advocacy of the Women Trafficking and Child Labour Eradication Foundation (WOTCLEF). The WOTCLEF was the brainchild of the wife of former Vice President Alhaja Titi Abubakar. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) was given the mandate to enforce the law. Before then, human traffickers had a field day, wreaking havoc on human lives through recruitment, moving people by deceit and force within Nigeria and beyond for sexual exploitation, forced labour and marriage, rituals, begging, pick-pocketing and drug trafficking. The Government of Nigeria sustained law enforcement efforts to combat trafficking during the past years. The 2003 Trafficking in Persons Law Enforcement and Administration Act, amended in 2005 to increase penalties for trafficking offenders, prohibits all forms of human trafficking. The law's prescribed penalties of five years imprisonment and/or a \$670 fine for labour trafficking, 10 years imprisonment for the trafficking of children for forced labour or street hawking, and 10 years to life imprisonment for sex trafficking which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Nigeria's 2003 Child Rights Act also criminalizes child trafficking, though only 23 of the country's 36 states, including the FCT,

have enacted it (Usman, 2020). According to the Nigerian constitution, laws about children's rights fall under state purview; therefore, the Child Rights Act must be adopted by individual state legislatures to be fully implemented. As stipulated in the criminal code for the South and the Penal code for the North, Nigerian criminal law has several provisions protecting children and youth from harm and sexual exploitation. Within the last three decades, the Nigerian government has not enforced these laws effectively, however, since the democratic transition in 1999, the government and several state Houses of Assembly have passed or are in the process of passing laws to protect the child. The Nigerian anti-trafficking law, Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 (as amended) provides for humane treatment, protection and non-discriminatory practices towards victims of trafficking by providing elaborately for the protection of the identity and persons of victims the crime. The law also provides immunity to a victim of the crime for offences committed as the consequence of being a victim. Non-governmental Organizations and human rights activists forced the Nigerian government to pay attention to the problem of trafficking of women to Europe which was fast gaining notoriety across the globe. Even at that, the Nigerian government only started responding to the problem in 2003. Consequently, there was no specific law prohibiting the trafficking of persons (properly so-called) irrespective of gender. At best, what could be regarded as anti-trafficking legislation was enacted as a part of the existing Criminal or Penal Codes rather than a separate comprehensive law. Before August 2003 when the Child Rights Act was enacted, Nigeria had no comprehensive special law protecting the rights of children. Nigeria had to rely on Federal Constitutions, the Criminal and Penal Codes as well as African and United Nations Conventions protecting the rights of children in matters of the health, education, religion and general welfare of children. (Kigbu and Hassan, 2015)

VI. References

Ajagun, S. O. (2012). Implications of human trafficking for human rights: The case of Nigeria. *Global Journal of Human Social Science*, Volume 12, No 6

Akpala, J. And Ellis, T. (2011). Making Sense of the Relationship Between Trafficking in Persons, Human

Smuggling and Organised Crime: The Case of Nigeria. In the *Police Journal*, Volume 84.

Aronowitz, A.A (2011). The Human Trafficking - Organised Crime Nexus. In Allum, F. and Gilmour, S . *Routledge Handbook of Transnational Organised Crime*. Oxon: Routledge

Aronowitz, A.A. (2009). *Human Trafficking, Human Misery: The Global Trade in Human Beings*. West Point: Praeger Publishers

Emanemua, A.B. (2016). Human Trafficking: A Variant of the Historic Slave Trade in Contemporary Nigeria. In *International Journal of Arts and Humanities (IJAH)*. Volume 5, No 18

Hepburn, S. and Simon, R. (2013). *Human Trafficking Around the World. Hidden in Plain Sight*. New York: Columbia University Press

Jordan, A. D. (2010). Human rights or wrongs?: The struggle for a rights-based response to trafficking in human beings. In *Gender & Development*, Volume 10, No 1.

Kigbu, S.K. and Hassan, Y.B. (2015). Legal Framework for Combating Human Trafficking in Nigeria. In *Journal of Law, Policy and Globalisation*. Volume 3

Obokata, T. (2006). *Trafficking of human beings from a human rights perspective*. Leiden, the Netherlands: Martinus,Nijhoff.

Okogbule, N.S. (2013). Combating the "New Slavery" in Nigeria: An Appraisal of Legal and Policy Responses to Human Trafficking. In *Journal of African Law*. Volume 57, No 1

Okojie, C. (2003), Programme of Action Against Trafficking in Minors and Young Women from Nigeria to Italy for Sexual Exploitation, Report of Field Survey in Edo State, Nigeria, UNICRI; downloaded from the web at http://www.unicri.it/Nigeria_research.PDF

Okojie, C. (2004), Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo; Final Report – Nigeria, unpublished report submitted to the United Nations Office on Drugs and Crime, Vienna.

Pourmoktari, N. (2015). *Global Human Trafficking Unmasked: A Feminist Rights-Based Approach*. In *Journal of Human Trafficking*. Volume 1

Salt, J., (2000). *Trafficking and human smuggling: An European Perspective*. IOM,

Shelley, L. (2010). *Human Trafficking: A Global Perspective*. Cambridge: Cambridge University Press.

Social Development Notes(Conflict, Crime and Violence)(2009). Human Trafficking: A Brief Overview. No 122

Someone, G.U, Pedro, O and Ahmed, T.M.(2014). Human Trafficking and Interface of Slavery in the 21st Century in Nigeria. In Research on Humanities and Social Sciences. Volume 4, No 21.

UNESCO policy paper. (2006). Human Trafficking in Nigeria: Root Causes and Recommendation. Policy Paper Poverty Series, Paris

UNODC - human trafficking and migrant smuggling. United Nations: Office on Drugs and Crime. (n.d.). Retrieved August 8, 2022, from <https://www.unodc.org/unodc/en/human-trafficking/index.html>

Usman, U.S. (2020). Human Trafficking: History and the Recent Development. In International Journal of Academic Research in Public Policy and Governance. Volume 7, No 1

Volume 38, No 3.

Weitzer, R. (2015). Human Trafficking and Contemporary Slavery. In Annual Review of Sociology