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CHILD TRAFFICKIG IN NIGERIA AND THE LAW

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Abstract

Child trafficking has been a major social ill in the contemporary world. It reared its ugly head about three decades ago, has blossomed, permeating nations and causing havoc globally, with women and children being the most vulnerable. Perpetrators adopted coercion, fraud and deceit to lure victims to informal acceptance to travel abroad, or leave their homes. Unfortunately, only on arrival at their destinations, did they realize, too late, that they have been sold into slavery. Victims were trafficked for reasons of forced labour, domestic services, house-maid services, prostitution, organ harvesting, armed conflict and so on, for the purpose of exploitation. It subjected the victims to trauma, and sometimes to unavoidable death, especially those involved in organ harvesting. Nigeria has been identified as leading in child trafficking in Africa, observed as a source, transit as well as a destination country simultaneously. Child trafficking has preyed on Nigerian children in different forms and trends which prompted this research. The Doctrinal research method is adopted for the analysis of primary and secondary data. The author aimed at throwing light on the reality and impact of child trafficking in Nigeria, and in addition, examined the laws enacted to combat it. The authors also explored the causes and consequences of the phenomenon, and finally proffered suggestions which include conducting regular awareness campaigns on the reality, prevalence and consequences of child trafficking, extending the awareness to the grass-root; legalizing domestic and house-maid services in Nigeria, in order to curb child trafficking in the country.

KEYWORDS: *Child, Trafficking, Child Trafficking, Child Abuse, Human Rights*

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1. Introduction

Recent decades witnessed the re-emergence of the outlawed ancient slavery. Human trafficking, having all the characteristics of ancient slavery, is nicknamed modern slavery. It has permeated and wrecked havoc on nations globally. It is a territorial, extra-territorial or trans-national, external or international business network. Children are taken from one place to the other, and from one county to another. Traffickers often lure victims away by making offers of well-paid jobs and better life in foreign countries. False promises of opportunities for education or marriage are other ways traffickers adopt to recruit victims, while religious fanaticism and political ideologies include means which terrorists adopt to replenish their own stock. Nigeria appears to be a star player in the business of human trafficking, especially child trafficking. In Nigeria, children are trafficked for mere begging for alms (organized begging),[1] arranged in a way that the children lead physically disabled persons begging for alms in cities like Abuja, Kaduna, Port Harcourt, Kano, Ibadan, Lagos and others. They are also trafficked for ritual.

Trafficking is a lucrative business; hence perpetrators cling tenaciously onto it, despite laws against it, and the battle governments of nations, inter-governmental, non-governmental organisations and charitable groups mounted against it. The business is carried on secretly; while coercion, deceit and fraud are the traffickers' recruitment strategies. Countries are said to be trafficking prevalent where they facilitate the recruitment (as source), transit and destination centres. Victims once recruited are transported, transferred and harboured all the way till they get to their final destinations.

Regrettably, Nigeria appears to be involved, as well as known as a source, transit, destination country. As stated earlier, children are taken from one place to the other, especially from the rural areas to the cities. Nigeria has been observed to be featuring in the distribution of trafficked children to some other African countries like Cameroon, Gabon, Mali, Libya, as well as some European countries like Italy, Spain, Belgium, Germany, United Kingdom which are destination countries for children trafficked from Nigeria.[2] Nigeria is also a transit country as it serves as a centre for distribution of trafficked children to various countries in Africa. For instan instance, girls recruited from Togo, Dapong, Bassar, Lama-kara are moved to Europe through Nigeria.[3]

2.1 Forms of Child Trafficking in Nigeria

Okpalaobi and Umeobika opined that the covert nature of trafficking in persons hinders precise identification of all forms of trafficking in persons,[4] that the country of origin, trafficking routes, final destination, as well as age and sex of the trafficked, is factors that determine the forms of trafficking. Ikpeazu and Arinze[5] identified the forms of trafficking as External and Internal or domestic trafficking. The following forms of trafficking in persons are discussed below.

a) External Trafficking

In this context, victims are transported and transferred to countries abroad where there is an already existing established system that nurture and promote trafficking in the destinations.
Nigerian children are trafficked to countries like Italy, Germany, USA, Netherlands, Spain to work as domestic servants, farm labourers, sweetshop attendants, prostitutes, for transplanting and so on. Accordingly, Nigerian children have been and are still being trafficked externally or internationally to

[1] A B Dambazua, '*Criminology and Criminal Justice*' (2nd edn Spectrum Books Ltd, 2007) 132.
[2] UNESCO, 2006, 'Human Trafficking in Nigeria: Root causes and Recommendations www.unesdoc.unesco.org/images/0014. Accessed 1st August, 2022.
[3] *Trafficking in human beings, especially women and children in Africa*. <http//www.unicef.irc.org/publications/pdf/trafficking-gd2ed 2005pdf> Accessed 1st August, 2022
[4] B N Okpalaobi and C Q Umeobika, 'Legal Framework for Eradication of Child Trafficking in Nigeria: Strategies for Implementation' [2016] (18) Journal of Public Law, 45.
[5] O V C Ikpeze and C Arinze, Human Rights and Human Trafficking in the 21st Century: Nigeria in Focus' in Justice Paul Chukwuma Obiddiegwu: Selected Judgement & Contributing Essays, (Lagos Papyrus Publishers, 2011) 412.

Gabon, Togo, Mali, Saudi Arabia, and Italy through Sokoto, Lagos, and Ogun States borders by road and air transport means.[6] Ugah[7] further highlighted that no fewer than 4,541 Nigerian girls within the age brackets of 18 years to 30 years, were lured into Lebanon in 2019 alone by recruiting agents from Nigeria who gave them false impression of getting them "decent jobs", but ostensibly used them for sexual slavery. Again, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) in collaboration with civil society groups rescued 15 Nigerian girls who were trafficked and trapped in Mali.[8]

Children are also transited through Nigeria from Republic of Benin to Europe and Middle East.[4] States like Akwa Ibom, Cross River, Ondo and some other border States are said to have camps from where children are taken abroad. Nigeria is also a destination country, as apart from harbouring victims locally sourced, it receives trafficked children from countries like Togo, Benin Republic, Niger, Liberia, Mali, Burkina Faso and Ghana.[5] Trafficking is an exploitative enterprise. Trafficked children are made to perform labours that are unhealthy and injurious to their health, physical, mental and moral development.

It is an undertaking reminiscent of injuries, ruin and loss of opportunities to a child victim in particular and the nation at large. The victims work under servitude and receive no payment for jobs they do, as well as for the services they render. Nigerian children are trafficked from rural areas in Osun, Ogun, Oyo, Kwara, Akwa Ibom, Cross River, Bayelsa, Ebonyi, Imo, Edo States to cities like Lagos, Port Harcourt, Abeokuta, Kano, Ibadan, Kaduna predominantly for exploitative purposes like farm work, domestic services and prostitution.[6] In some situations, trafficked children are coerced into drug trafficking, terrorism and armed conflict.

The research method adopted is the Doctrinal methodology, for primary and secondary data analysis, to enable the researcher explore the diverse forms and trends of child trafficking in Nigeria, the causes, and the consequences as well as factors militating against the laws enacted to combat the vice. This article is significant as it x-rays these factors, and proffers suggestions meant to attract the stakeholders' attention on the prevalence and impact of the crime in Nigeria, which efforts are geared towards eradicating child trafficking in the country.

b) Internal Trafficking

Nigeria appears to have been observed to be greatly involved in trafficking, as being a source, transitand a destination county. Being a destination country means that Nigeria receives, harbours victims of trafficking and provides means through which they are exploited by perpetrators of the crime operating internally or domestically in Nigeria. Nigeria became recognised, according to UNESCO, as a leading African country in human trafficking with cross border and internal trafficking.[9] In relation to domestic trafficking, Nigerian children are trafficked from rural areas in Osun, Ogun, Oyo, Kwara, Akwa Ibom, Cross River, Bayelsa, Ebonyi, Imo, Benue to cities like Lagos, Port Harcourt, Abeokuta, Kano, Kaduna, Ibadan, predominantly for exploitation purposes like farm work, domestic service and pprostitution.[10] Sometimes, recruiters or intermediaries are relatives or acquaintances well known to the children. Further in the internal trafficking context, the middlemen or intermediaries supply children who are most often not up to 17 years of age to different households in exchange for money which is never given to the children, their parents or their guardians.

The tradition common in Nigeria, particularly in the Eastern part, whereby parents give away their children to other families, or to family relatives, with the intention to better their lots, has greatly facilitated domestic child trafficking in this country. Some of such other families do receive the children with genuine intentions, while others abuse, traffick and often cause their death.

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[6] (n 5)

[7] N Ugah, 'Human Trafficking: 4,541 Nigerian girls trapped in Lebanon. Saturday Telegraph, Saturday, January 28, 2020, Vol. 5, No. 2,166, 5.

[8] L Aleke, 'Buhari raises alarm over ritual killings, deadly attacks on innocents. This Nigeria, Monday, February 21, 2022, Vol. 2, No. 75.

[9] UNESCO, Human Trafficking in Nigeria: Root Causes and Recommendations https://unesdoc.unesco.org/ark:/48223/pf0000147844 Accessed 17th June, 2022.

[10] (n 5).

2.2 Trends of Child Trafficking in Nigeria

a) Commercial Sex Trade

It has earlier been stated, that children have been trafficked in, within and outside this country for diverse purposes. The main aim of child trafficking, especially girls is sexual exploitation. Young girls are often lured by agents, traffickers themselves or relatives into being trafficked, with rosy promises of decent jobs and better life overseas, marriage, education abroad, and many others. It has earlier been stated, that children have been trafficked in, within, and outside this country for diverse purposes. The main aim of child trafficking, especially girls is sexual exploitation. Young girls are often lured by agents, traffickers themselves or even relatives into being trafficked, with rosy promises of decent jobs and better life overseas, marriage, education abroad, and many others. They informally agree to travel outside to strange countries, only to discover at their destinations that the promises were fake, and that they have been sold into slavery – to engage in commercial sex transactions without remunerations for the services they are forced to render. Further, they are harboured in brothels attending to unending queue of pimps as well as their masters in addition. Eze pointed out that internal trafficking of women and girls within Nigeria is primarily for domestic servitude and commercial sex exploitation.[11]

The lucrative and covertness of trafficking appear to be behind the global prevalence of the crime. For researchers, however, due to the covertness of the sex industry, obtaining accurate reliable statistics proves difficult for researchers.[12] Yet, in this annual US$32 billion industry, 80 per cent of victims are being exploited as sexual slaves.[13] Ugah also observed that for the International Labour Organisation (ILO), there are 20.9 million people subjected to forced labour and 22 percent *(4*.5) million are victims of forced sexual exploitation.[14] The girls are harboured in brothels and subjected to rendering sexual service all day long without their consent, or desire, irrespective of their health condition, or those of the pimps, once the pimps pay the traffickers. A rescued victim narrated her ordeal to the BBC: "He took me to a casino, into a brothel room … forty-five minutes in each room, night after night, after night, after night".[15]

b) Armed Conflict

For more than a decade, terrorists appeared in Nigeria and found the country a safe-heaven for its diverse operations. Some of the groups were the Islamic States of West African Province (ISWAP), Bandits and Boko Haram. The terrorists replenish their stock by recruiting young men from outside Nigeria and trafficking them into the country. The most dreaded is the Boko haram sect; a Jihadist Militant organisation based in the North-Eastern part of Nigeria, Niger Republic and Cameroon, an Islamic sect that forbids everything Western, including education. Notably,
Boko Haram commenced terrorist attacks in Nigeria in 2009 and continued till date.[16] The devastation of lives and property since its emergence in Nigeria is unprecedented. Both Christians and Muslim civilians have been slaughtered, their houses destroyed, and their communities razed down. … Villages were invaded, police stations over-run, mosques captured, churches burnt, military bases attacked, soldiers and civilians killed and properties destroyed.[17]

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[11] Eze, O L 'The Role of NGOs in the Fight Against Human Trafficking' (2020)(7)(3), Port Harcourt, Journal of Business Law (Faculty of Law, Rivers State University) 137.
[12] (n 7)
[13] *Ibid.*
[14] *Ibid.*
[15] BBC News, 'My Life as a Sex Trafficker Victim'. BBC New Magazine, 30 March 2016. Available at: www.bbc.co.uk/news/magazine-25846207. Accessed 18 August 2022.
[16] M D Hanson, 'Boko Haram Terrorism and the Impact on Human Rights in Nigeria [2019] (II) (2). The *Journal of Property Law and Contemporary Issues*, Rivers State University) 204.
[17] *Ibid.*

Those recruited outside Nigeria are often recruited by terrorist groups and coerced, deceived or radicalized into terrorist groups or organisations.[18] The Boko Haram terrorist organisation recruit victims and traffick them into Nigeria from Chad, Niger Republic and Mali.[19] They are trafficked into Nigeria to perpetrate various forms of violence.

c) Forced Labour

Trafficking for labour is also prevalent globally, including Nigeria. Boys and young men are trafficked across Nigerian borders to nations where they are forced to perform jobs detrimental to their health, and to worsen their conditions, they receive no payment for the jobs, are not cared for medically, neither are they fed, hence many had died in foreign countries while their families are still awaiting their luxurious return. Victims of forced labour are severely maltreated, subjected to stringent conditions, beaten, whipped like beasts, seen as cursed, tilled the soil and treated as casts.

According to UNODC, on 26 September 2003, Nigerian Police rescued 116 male children and young adults from slave camps inside Nigeria.[20] The rescued victims … were used to crush granite and stones at quarry sites in the camps.[21] Cases in Kuwait and Saudi Arabia are more serious and dangerous where some Nigerian housemaids have died and some have become mentally challenged because of trauma and torture they underwent in the hands of their employers.[22]

Trafficking in persons has become so prevalent that new trends evolve daily. Apart **from Organ Harvesting, Debt Bondage** and few others that had existed along with those discussed above, new trends, in forms of **Baby Factory** and **Ritual trafficking**, recently evolved in Nigeria. Organ harvesting take the form of removing vital organs from a victim's body for the purpose of transplant.[23] Organs usually removed include: kidneys, lungs, livers, hearts, and so on. However, **Debt Bondage** is a system traffickers adopt to make the victims liable to pay debts they may not be able to off-set. For instance, after recruitment, traffickers often sponsor and obtain the victims' requisite travel documents, and also fund their trip to their destinations abroad, where they quickly seize the documents and phones from the victims, to facilitate the restriction of their movement, and keeping them always incommunicado, engage them in the forced labour they were trafficked to do. The traffickers then bill the victims whopping amounts they would not be able to refund, which expense they claim to have incurred in bringing the victims abroad. The traffickers attach freedom of the victims to the refund of the entire amount, that is, to regain their freedom, they must pay off or refund the last kobo, hence the term 'debt bondage'. It takes decades of years to off-set the debt, hence the victims toil for their masters/traffickers all through their lives struggling to pay the debt and regain their freedom. Even when some die in the process, their survivors are made to continue till the debt is settled. Trafficked persons often have to pay off the 'debt' they had incurred for being trafficked, and which in most cases, they may never offset.[24]

Baby Factory is another trend of child trafficking that evolved in Nigeria a few years ago, blossoming in States like Abia, Imo, Ebonyi, Anambra and Lagos where houses, hospitals, Clinics, Orphanages existed, harbouring unmarried young girls who did not want their babies and quarantined them until they gave birth.[25] The victims were made to sign papers renouncing their rights to their babies, and to

[18] Boko Haram Threats hit Lagos: Nigeria Immigration Service Reports Over 50 illegal Immigrants from Chad Niger and Mali. http://naijagists.com/Boko.haram-attack-threat-hit-Lagos-nigeria-immigration- service-deports-over-50-illegal-immigrants-from-chad-niger-mali Accessed 3rd August, 2022.

[19] *Ibid.*

[20] UNODC 2006, 'Assistance for the implementation of the ECOWAS Plan of Action against Trafficking in Persons *Training Manua*l,1.

[21] Nigeria: Boko Haram Abducts Women, Recruits Children. <http://www.bru.new/2013/11/ 29/nigeria-book-haram-abducts-women-recruits-children> Accessed 3rd August 2022.

[22] (n 7).

[23] Nigerian Television Authority News, Sunday 6th April 2019 @ 9.00 pm; E B J Iherioihanma and others. 'The Challenges of Child Adoption and the emergence of Baby Factory in South Eastern Nigeria' [2015] (3) (8) *International Journal of Education and Research*, 120.

[24] TIPPLEAA 2015 s.13 (2).

[25] This Nigeria Newspaper, 'Buhari raises alarm over ritual killings, deadly attacks on innocents', Monday February 21, 2022, 10.

swear oaths of secrecy.[26] The babies were sold by baby barons for as much as N500,000 or more; as the price depends on the gender and complexion, with baby boy and fair complexion attracting higher prices. Besides, Ritual trafficking is another recent trend that evolved and is still blossoming. It is sad to learn that in the contemporary Nigeria society, human beings, especially children have become beasts of sacrifice. The media, especially radio and television have often announced missing persons, particularly children missing mysteriously. Occasions have arisen where the Police arrested kidnappers, or bandits and found in their dens human parts including heads stored for sale to ritualists. The perpetrators facilitate the recruitment of innocent young girls, who unknown to their parents have been used for money rituals, particularly since the recent trend of 'Yahoo Boys'. President Muhammadu Buhari, in a week of special security concern, condemned a rise in ritual killings …[27]

2.3 Causes of Child Trafficking

A litany of factors are responsible for child trafficking in Nigeria; some are discussed below.

i) Poverty

Poverty is a state of indigence, destitution and inability to meet up with needs. The reality of the existence of acute poverty in Nigeria and its impact on the masses cannot be over-emphasized. Poverty is a prominent drive of child vulnerability in Nigeria. The International community and World Expert bodies have stated that Nigeria consists of most poor people in the world, as shown by data on World Development Indicators.[28] Families and parents are unable to provide necessaries for their children, who are then fraught with deprivations, resorting to fending for themselves, wandering the streets in urban centres hawking, begging and engaging in menial jobs during which time many are kidnapped. In 2020 Nigeria was ranked World Poverty Capital Index; and after the launch of Nigerian Living Standard Survey (NLSS) in May 2020, it was discovered that poverty line in Nigeria was 137,430 per capital income,[29] and majority of Nigerians live below the Universal Standard for measuring poverty which is at $1.90 a day.[30] Due to the economic hardship, parents consent to their children travelling, to better their lots. Poverty is, therefore, the major cause of child trafficking in Nigeria.

ii) Illiteracy

Illiteracy is another factor that cause trafficking in persons, especially children. The Constitution of the FRN 1999 provide for the eradication of illiteracy, but even in States that practice the compulsory universal primary, secondary education,[31] many parents still find it difficult to provide the accompanying items like: books, uniforms, and so on. It is more severe where both parents, especially the mother is an illiterate. The effect is that such parents are easily deceived with rosy promises of better life for their children to which they easily give in. Illiterates are unaware and hardly believe the existence of the business of buying and selling of human beings, hence traffickers prey on their ignorance perpetrating their clandestine sharp practices.

iii) Unemployment

The rate of unemployment in Nigeria is alarming, and appears to be one of the reasons why child trafficking is flourishing in the country. Youths have no jobs, loitering the streets idly. It is worst with school leavers on whom parents have invested their scarce resources training in schools. Women are inculcated with gender roles of house-keeping, breeding children and raising them. Struggling with these situations with dearth of funds to access necessaries pushes them to the extreme, without

[26] Omobowade and O Olariaye', *Social Capital and Human Development in Nigeria*', The Case of Olalupon Community, Ibadan, Oyo State, (African Identities 2009) 7, 77, 88

[27] This Nigeria Newspaper, 'Buhari raises alarm over ritual killings, deadly attacks on innocents', Monday February 21, 2022, 10.

[28] Global Poverty Facts, FAQs, and how to help <https://www.worldvision.org/sponsorship-newstories/global-poverty-facts> Accessed 3rd August, 2022.

[29] *Ibid.*

[30] *Ibid.*

[31] CFRN (1999) as amended s.18(1).

alternatives than to sale or send their children out in exchange for money. Unemployment has also caused youths' upsurge abroad in search of greener pasture overseas where they often fall prey to traffickers who use them for arms harvesting which result to their death. 'This Nigeria' Newspaper lamented the upsurge in number of youths seeking greener pasture abroad,[32] decrying the total failure on social contract by the political class.[33]

iv) Globalization

Globalization has to a very great extent made the crime of human, especially child trafficking blossom globally. Human trafficking has been referred to as the darkest sides of globalization, while globalization itself is the term used to describe interconnectedness of all the countries of the world.[34] It has led to ever-increasing international organisations, and an explosion in global movement of capital and free trade which is facilitated by liberation – restriction of tariffs on trade barriers which nation states normally impose on cross-border economic and socio-political cooperation. The concept of capitalism from the West have the tendency to reinforce human trafficking on the free market and the flow of goods and services across international borders.[35]

v) Corruption and Lack of Political Will by Stakeholders

Corruption and lack of political will by governments and stakeholders to combat it. Child traffic- king prevail in Nigeria due, partly to endemic corruption, especially official corruption in Nigeria. Trafficked persons often allege that some Nigerian officials collude with traffickers by aiding them with forged and fake documents and then facilitate their movement across borders and through the ports.[36] The dragging of feet by the government and other stakeholders to fully accelerate the wheels of the Child Rights Laws appears to contribute to the prevalence of the crime.

vi) High Profit and Less Risk Involved in Trafficking

These two factors also promote trafficking in persons. Trafficking in persons appear to be lucrative and thriving because of the exceptional high profit margin derivable in the business.[37] Trafficking operates in secrecy, which makes for less risk in discovering and apprehending perpetrators. Its clandestine nature and flexibility also shield acts of trafficking in persons from the prying eyes of law enforcement agents.[38] Many laws and child protection measures appear to have been observed in breach, hence child trafficking has prevailed in spite of the numerous laws enacted to combat and prevent it.

2.4 Consequences of Child Trafficking

Child trafficking involves the worst forms of child labour prohibited by the Child Rights Act 2003 and the ILO Convention on the Worst Forms of Child Labour (No. 182) 1999. The consequences are discussed below under: health, economic and psychological background.

a) Health Issues: Trafficking in persons, particularly, in children undoubtedly impacts negatively on their health. As the children are exposed and forced to perform hazardous works detrimental to their health, there is no gain-saying the fact that they would usually develop health problems – both physical and mental, especially because of their immaturity and inexperience. Children who are exposed to heavy duty equipments, toxic chemicals, dangerous machines and noisy environments are

[32] *This Nigeria* Newspaper, Monday, February 21, 2020, Vol. 2, No. 75, 4.
[33] *Ibid.*
[34] A Y Flanagan, The Human Rights Approach, (New York: United Nations Educational, Scientific and Cultural Organisation (UNESCO) 2007, 31
[35] C Arinze Umeobi, *Domestic Violence Against Women in Nigeria: A Legal Anatomy* (Onitsha, Folmechi Printing and Publishing Co, Ltd. 2008) 57 – 58.
[36] Human Trafficking in Nigeria, Root Causes and Recommendations (Pans: UNESCO).
[37] *Ibid.*
[38] United States Department of States, Democracy and Global Affairs: The Facts About Human Trafficking for Labour (Office to Monitor and Combat Trafficking in Persons, Washington DC 2005) 2

often injured by these equipments, yet, due to the informal nature of their jobs, they rarely have quick and proper medical attention. Some have to squat, bend or stand manning machines all day long. Too much squatting, bending or standing affect young persons and sometimes cause them permanent physical disability leading to death.[39] Children exposed to such dangerous machines and environment often suffer permanent eye damage, lung diseases, stunted growth, sexually transmitted diseases like HIV/AIDS, syphilis, staphylococcus, Gonorrhoea and several others. The situation robs their nations of their future productivities and development.

b) Psychological Issues: Severing children away from their parents and relatives, and excommunicating them from their fellow children affects their emotional growth.[40] Their emotional life already at risk may be negatively affected for life too, as the restriction of their movement and social exclusion – seeing others go to school and engage in many social activities, while they remain manning monotonous beats: working, hawking and rendering strenuous services all day without rest, retard their psychological and emotional development. The social exclusion in turn reduce their self-esteem and rob them the chances of realizing their potentials and being better persons in the society.

c) Economic waste/challenges: Child trafficking results in lost opportunities, missed chances of life prospects and is, in fact, a total ruin to the child. A trafficked child remains in a secluded place or plantation toiling all day without rest, food, medical care, and at worst is denied his wages. S/he produces for another, completely estopped from contributing towards his nation-building, family economic prospects, and sadly extremely disabled from achieving his desires. Victims work under hidden economies. Domestically, trafficking represents lost opportunities and chances with irretrievable and immeasurable loss of human resources and future productivity. The 2008 Trafficking in Person (TIP) report indicates that trafficking results in a colossal loss of remittances to developing countries.[41]

2.5 Laws against Child Trafficking in Nigeria

The UN views the protection of children as paramount importance. To that effect, it enacts laws for protecting children globally. At the re-emergence of the outlawed ancient slavery in the form of trafficking in persons, the UN quickly enacted laws to combat and prevent the phenomenon. It also encouraged its state parties to take similar steps aimed at fighting the menace. This section discusses the legal frameworks against human trafficking, especially child trafficking in Nigeria.

1) The Constitution of the Federal Republic of Nigeria (1999) as amended

The Constitution is the supreme law of the land from where all other laws operating in Nigeria derive their validity. It is also the basis for the applicability of international and regional treaties and conventions in Nigeria. Its provisions in Chapter IV on Fundamental Human Rights, especially s. 33 on Right to Life, 34 on the Right to dignity of human person, and 35 on the Right to Personal Liberty are relevant to this Article. Accordingly, s.34 makes it lawful that no person should be subjected to torture or to inhuman or degrading treatment, or held in slavery, or servitude of required to perform forced labour or compulsory labour.[42] Subjecting a person to trafficking and its end product is degrading and desecrates the humanity in him, because trafficked persons end up being used for so many criminal and anti-social acts which include sexual exploitation, forced labour, organ harvesting, forced begging, and so on. Victims of trafficking are usually beaten, imprisoned, tortured and made to live in a very terrible condition.[43]

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[39] B N Okpalaobi, 'Legal Framework for the eradication of Child Trafficking in Nigeria: Strategies for Implementation' [2016] (8) Journal of Public and Private Law, NAU.

[40] Y I Amuda, Working Conditions and Consequences of Child Labour in Nigeria <http://www.ssm.com/link/OIDA-Intl-Journal-sustainable-DDev.html/>

[41] M Clarke, *An Introduction to Human Trafficking:* Vulnerability, *Impact and Action* (Austria: UNODC 2008).

[42] CFRN Cap c23 LFN 2004, s.34 (1) a – c.

[43] O A Gbadamosi, *International Perspectives and Nigerian Laws on Human Trafficking* (Network for Justice and Democracy 2006) 51.

Similarly, the constitution guarantees the right to personal liberty, except for certain situations provided, in other words, no one should have his liberty deprived of him, except in accordance with the law.[44] Trafficked people are not allowed to return home or protest against what they are forced to do. From the foregoing, it is obvious that the protection of citizens' rights is of paramount concern to the government by matching the conviction with actions that led to the setting up of policies and institutions charged with monitoring, promoting, educating and protecting human rights which does not exclude those of the child in Nigeria.

In the area of domestic service where women are presently busier than their husbands, such that they are left with no option other than to get a house help who in most cases are children with less privileged parents. The child is left with poor food, poor and dirty clothes, sleeps on the floor, with long hours of work, being the first to wake up, and the last to retire, brutalized physically, and abused sexually and without education.

2) **Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015**

The Trafficking In Persons (Prohibition) Enforcement Administration Act (TIPPEAA) 2015 can be said to have extended the coverage of the CRC hampered by various issues, and can be used to protect children from child trafficking and exploitation and some of the most treacherous and notorious forms of child abuse. This is because the Act addresses many forms of violence against children including child labour, sale, slavery and incidences of slavery particularly women and children. It sets its objectives as to provide an effective and comprehensive legal and institutional framework for the prohibition, prevention, detection, protection and the punishment of human trafficking and related offences in Nigeria to protect victims of human trafficking and promote and facilitate national and international cooperation in order to meet the objectives set out in paragraphs 'a' and 'b' of section 1 of the Act as stated above. Part III provides for prohibition of acts of trafficking in Nigeria. According to the Act:

> The offence of human trafficking is committed when a person recruits, transports, transfers, harbours or receives another by use of force, or other forms of coercion, (b) abduction, fraud, deception, abuse or power or position of vulnerability; or (c) giving or receiving of payment or benefits to achieve the purpose of exploitation of that person.[45]

The offence on conviction, attracts not less than 2 years jail term and a fine not less than N250,000. The Act also provides against the commission of trafficking outside Nigeria, the threat of any act preparatory to or in furtherance of an act of trafficking in persons, assists or facilitates the activities of any person engaged in an act of trafficking in persons or is an accessory to any offence under the Act, and so on, each with its specific punishment and fine. It further provided against trafficking for sexual exploitation with its punishment of 5 years imprisonment and fine not less than N1,000,000.[46] Sections 15 and 16 appears to be dedicated to child trafficking (ie persons below 18 years) for providing that any person who by the use of coercion, deception, debt bondage or any means induces any person under the age of 18 years to go from one place to another to do any act with the intent that such a person may be or knowing that it is likely that the person will be forced or seduced to illicit intercourse with another person … commits an offence which attracts 5 years jail term and a fine of N500,000.[47] Section 21 prohibit the buying and selling of human beings for any purpose. Section 22 prohibits forced labour, while Section 23 prohibits child domestic worker and infliction of grievous harm.[48]

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[44] Manyam Ishaku Gwangudi, 'The Right to Liberty under International Human Rights Law: An Analysis' [2015] (37*) Journal of Law, Policy and Globalization*, 213.
[45] TIPPLEAA 2015 s.13 (2).
[46] (n 45) s.14.
[47] (n 45).
[48] Ibid, s.15 (a – b).

3) **Universal Basic Education (UBE) Act 2004**

This Act is relevant to this paper, being that illiteracy and poverty have direct nexus with the menace of child trafficking, especially in Nigeria. Consequently, the Compulsory Free Universal Basic Education Act provides that every government in Nigeria shall provide free, compulsory and universal basic education for every child of primary and junior secondary age.[49] It further mandates any parent to ensure his child or ward attends and completes his Primary and Junior Secondary schools.[50] The Act provides that Basic Education is early childhood care and education, and nine years of formal schooling.[51] The question is the practicability of the provisions, having recourse to the constitutional provision that States shall provide free education when practicable.

4) **Violence Against Persons (Prohibition) Act 2015**

It must be stated at the onset that this Act did not expressly provide for human trafficking, considered herein because violence against persons (which the Act prohibits) appears to be one of the awful incidences of human trafficking. The Act provides that deprivation of a person's liberty, except pursuant to a court order, is an offence that attracts not more than 2 years jail term or to a fine not exceeding N500,000 or both.[52] Among other things, the Act prohibits: an attempt to commit the offence and its punishment; inciting, aiding and abetting or counselling another person to commit the offence; an accessory after the fact; forcefully isolating another from family and friends; an attempt of acts of violence, as stated above, and so on, all have their specific punishments.

5) **Criminal Code**

The Criminal Code is one of the five principal statutes regulating crime in Nigeria, covering the Southern part of the country. Although trafficking is not extensively covered here, there are salient provisions relevant to the topic of this discussion relating to domestic and external trafficking for slavery and prostitution. For instance, Section 223 provides that any person who procures a women or girl under the age of 18 years to have carnal knowledge of any other person or persons either in Nigeria or elsewhere, or procures a women or girl to become a common prostitute either in Nigeria or elsewhere, or procures a women or girl to leave Nigeria with the intent that she may become an inmate of a brothel elsewhere or procures a woman or girl to leave her usual place of abode in Nigeria with the intent that she may, for the purpose of prostitution become an inmate of a brothel either in Nigeria or elsewhere is guilty of a misdemeanour and is liable for imprisonment for 2 years.[53] The Act also provided against sexual exploitation and the parties, unlawful carnal knowledge of women or girls by means of threat or intimidation, or administering to her any drug or other things to stupefy or overpower her, to have unlawful carnal knowledge of here, is guilty of a misdemeanour and is liable to imprisonment for 2 years.[54]

The **Penal Code** is another principal statute regulating crimes, but operating in Northern in Nigeria. It has similar provisions with the Criminal Code. The **Nigerian Immigration Act** is also worthy of mention in the circumstance. It provides for any person entering or leaving Nigeria, from any port or airport to show to an immigration officer a landing or embarkation card and other travelling documents as the Minister may direct the owners of the ship or aircraft to supply to passengers, and satisfy the Immigration Officer that s/he is the holder of such travel documents as the officer may require.[55] There are also many other statutes in Nigeria relevant to the care and protection of children such as **the Police Act**, the **African Charter on Human and People's Rights (Ratification and Enforcement) Act** and others. From the examination of these statutes one may conclude that there are sufficient coverage of the field to address the issue of child trafficking in Nigeria, but it seems the vice

[49] UBE Act 2004 s.2 (1).
[50] *Ibid.*, s. 2 (2).
[51] Ibid s. 15 (1)
[52] VAPPA 2015 s. 10 (1).
[53] CCA s. 223 (1 – 4).
[54] Ibid s. 224 (1).
[55] Nigeria Immigration Act s.4 (1) (a – b).

is still flourishing in the country as more and more people are exposed to it in different forms and places. The factors responsible for the prevalence are discussed below.

2.6 Factors Militating Against Child Trafficking Laws

In spite of the numerous legislations, both national and international, and the institutions charged with their enforcement in Nigeria, some factors still militate against the eradication of child trafficking in the country. The examination of the factors focus on the legal limitations of child trafficking laws in Nigeria; some challenges facing NAPTIP – the major national institution established to combat child trafficking in Nigeria are also considered.

a) Jurisdiction: Jurisdiction is referred to as the power granted to a court to decide a case.[56] Tripartite in nature (geographical, subject, and monetary or punishment jurisdictions) this paper focuses on subject matter jurisdiction. It seems the powers of the court to entertain matters relating to child care and protection, especially child trafficking in Nigeria is not clear. As earlier noted, the Child Rights Act 2003 empowers the Family Court constituted through the High Court and Magistrate court to entertain matters relating to children. The Act[57] also made provision for the removal of jurisdiction limit of Magistrates to impose fine and punishment. Also, human trafficking sometimes occurs across borders, making it relate to Immigration (provided for under Section 251 (j) of the Constitution) as the jurisdiction of the Federal High Court – posing a jurisdictional problem. The TIPPEAA, also, confers jurisdiction on the High Court for offences under the Act.[58] While a Sharia Court of Appeal of a State[59] has express jurisdiction to decide Muslim civil matters, including Muslim children's cases. All these breed jurisdictional problems.

b) The Issue of Locus *Standi*: Locus *standi* clothes a plaintiff or complainant with the right to sue or prosecute a matter in court. The CFRN 1999 makes it a prerequisite for only the actual person whose rights are infringed to sue for breach of the fundamental right guaranteed in Chapter IV of the constitution. To that effect, an application cannot be filed in any name other than that of the actual person wronged. Lack of capacity denies children the ability to enforce their rights, hence the issue of locus *standi* frustrates them from suing their traffickers.

c) Lack of Political Will to Enforce Child Protection Laws: The survival of any law depends, to a great extent, on the political will of the government or institutions charged with its enforcement. The dragging of feet by stakeholders to fully accelerate the wheels of the Child Rights laws and protection militates against child protection laws in Nigeria.

d) Legal Minimum Age limit to work: ILO recommends that children should be in school, at least until the age of 14.[60] In Nigeria, as against international standard, the Labour Act provides for the right of children below the age of 12 years to carry on light works in a family enterprise, whereas light or any form of work is generally prohibited for children below the age of 12 under ILO Convention 138.[61] The Labour Act also prohibits persons under the age of 16 years from working in an underground, heavy duty machines and other potentially dangerous works, but does not have provision that light work should not be prejudicial to the education of the child as provided by the ILO Convention 138. The Labour Act does not point to any particular age for starting work, and it appears as though children of all ages can work in Nigeria. The lacuna militates against enforcement of child trafficking laws in Nigeria.

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[56] B A Garner, Black's Law Dictionary (11th edn. Thompson Reuters 2019) 927.
[57] CRA 2003 s.31 (1 – 3).
[58] (n 45) s. 33.
[59] CFRN (1999) as amended s. 18 (1).
[60] Minimum Age Convention (ILO) (No. 138) 1973.
[61] Ibid, Art. 7 (1) 7 (4).

e) The issue of Penalty in the Child Rights Act and others: It appears penalties under the laws are not stringent enough to deter offenders. For instance, S. 28 of the CRC provides for a fine of N50,000 or imprisonment for 5 years or both for engaging a child in forced or exploitative labour; S. 64 of the Labour Act equally does not stipulate stringent penalty that can deter traffickers from engaging a child in forced and exploitative labour. The penalty fine of N100.00 stipulated by the Labour Act in S. 64, rather than deter, promote the illicit business.

f) No pool of prohibited Hazardous activities: Both the Labour Act and the Child Rights Act did not lay out comprehensive lists of the prohibited hazardous activities under the Worst Forms of Child Labour. All these weaknesses militate against the laws enacted to curb human trafficking in Nigeria. In the case of **NAPTIP**, factors militating against its success include: lack of awareness campaign extended to the grass-root, the porous nature of Nigeria's borders, with poor official profiling by Immigration Services, delay in prosecuting offenders, lack of adequate training of law enforcement agents, endemic corruption, and so on. Nevertheless, it is worthy of note that some successes have been achieved, as some offenders were apprehended, arraigned and convicted. Mention is worthy of a few: AGF v Adamu
Haruna,[62] AGF v Abubakar Ibrahim,[63] and AGF v Sani Musa Dorayi.[64]

3. Conclusion

The buying and selling of human beings, right from the days of ancient slavery was horrific, and dehumanizing and was consequently abolished. As civilization and progressed, opening new horizons, diverse forms of industries and plantations kept emerging and expanding, desiring labourers and more labourers, even the unskilled, to work in the industries and the plantations. Science and technology, on their parts, not only made it possible, but also simplified the free flow of capital, goods and services, and also reduced costs, hence human merchandise resurfaced, thrived and flourished globally, especially in Nigeria.

The UN had, since the phenomenon resurfaced, enacted laws, held conventions, organized conferences, in different times and places, structured and restructured strategies to combat the crime, but to no avail. The UN also encouraged its State-parties, which Nigeria is among, to join and be committed to the fight against the trade in humans, as it became a global pandemic. This paper discovered that the prevalence of child trafficking, particularly in Nigeria, is due to acute poverty, high rate of unemployment, mad rush by youths for greener pastures abroad, and numerous others discussed above. The paper also disclosed that multitudes of Nigerian children have been trafficked within and outside borders for exploitative purposes despite numerous laws against it. These prompted this research committed to expose the existence, prevalence and consequences of child trafficking, and also suggested ways to curb the menace in Nigeria.

4. Recommendations

From the critical examination of the issues above, the paper recommends:

1. Conducting regular awareness campaigns on the reality, prevalence and consequences of child trafficking in Nigeria, extend same to the grass-root – to sensitize rural inhabitants; include publication of offenders in all social media– to deter future offenders.

2. Human trafficking should be made a subject of education at secondary and university levels.

[62] (FHC/KN/CR/58/2012).
[63] (FHC/KN/CR/30/2012 FHK).
[64] (FHC/KN/CR/24/2012 FHK).

3. It needs be emphasized that the survival or otherwise of any law, depend on the political will to enforce it. Execute the laws without fear or favour, and eschew sacred cow syndrome.
4. Make the laws (including border policies) stringent. Raise the current liabilities and punishment of 5 years, 3 years and 6 months jail terms with fines of N500,000, N100,000, N50,000 and N100.00 to Life Imprisonment, 50 years, and 20 years for attempts to commit the act, enforce the laws, to actualize the desired deterrence.

6) **Legalize Domestic Service:** Enacted a law stipulating that prior to the commencement of any domestic or house help service, the employer should apply to the Social Welfare or Women Affairs Commission, and thereat sign documents to the effect that the child shall not be subjected to forced labour, torture or works detrimental to his health, or prejudicial to his or her education. Children of very poor backgrounds who have no chances of going to school, can by this way, be empowered to attain some level of education. The law should include that any employer found harbouring any child in breach, shall be prosecuted for child trafficking; by this means, traffickers voracious for exploiting the labours and services of others shall be deterred or prosecuted.
7) Enact laws to prohibit children under 18 years from performing works likely to impact negatively on their health, safety and morals, to conform with international standard.