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An Appraisal of the Socio-Legal issues Involved in Trafficking of Nigeria Women and Children

Abstract. Trafficking in humans has been described as the third most lucrative criminal enterprise in the world after trade in illicit arms and drugs with an estimated profits between US \$7–10 billion annually. The main aim of this paper is to discuss how Nigerian women and children are trafficked to Italy for prostitution with the impression that they will make a living through effortless earnings in Europe. Though no society is immune from trafficking but studies have shown that most Nigerian women and children who are trafficked to Italy for the purpose of prostitution is as a result of their gullibility to make easy life in Europe and they end up being trapped in a trafficking ring of Nigerian and Italian mafias. Hence this paper will examine the “*An Appraisal of the Socio-Legal Issues Involved in Trafficking of Nigeria Women and Children*” by taking into consideration the factors responsible for the trafficking and the legal approaches adopted by the government of Nigeria to address the problem over the years.

Keywords: children, legal, Nigeria, social, trafficking, women

Introduction

Trafficking in Nigerian Women and Children started in the mid-1980s expanding into a multi-billion industry in the early 1990s with new trafficking crime gang joining the network, which has made prostitution deeply embedded in everyday life of some states in the country due to the huge and easy money being derived from the industry.¹ Nigeria is a country of origin, transit and destination. As a country of origin, Nigerian women and children are trafficked to Europe, Middle East, North African and West and Central African countries, too. It is a transit country for West African women and children to Central African Countries, Europe particularly Italy and United Kingdom which are the most common destination of Nigerian women and children. Furthermore, internal trafficking takes place in Nigeria. Nigeria has been reported by the United Nations (UN) to be one of the top 10 countries of origin for trafficking in the world.² Though for the purpose of this research Nigeria will be considered as a country of origin and Italy as the destination.

1. Definition of Trafficking in Persons

The Nigerian Trafficking in Person (Prohibition) Law Enforcement and Administration Act 2003 defines *trafficking* as including “all acts and attempted acts involved in the recruitment, transportation within or across Nigerian borders, purchase, sale, transfer, receipt, or

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¹ Uzoma, K.: Hand-Out on the Smuggling in Nigerian Women and Girls (Kenny Uzoma, Social Communication Expert). Available online <http://www.update.dk/cfje/VidBase.nsf/ID/VB01731407> visited on 16 February, 2012, 1.

² “UN Maps Human Trafficking”, *Associated Press*, 14 October, 2011.

harboring of a person involving the use of deception, coercion, or debt bondage for the purpose of placing or holding the person, whether for or not in involuntary servitude (domestic, sexual, or reproductive) in forced or bonded labour, or in slavery-like conditions.”³ The Palermo Protocol defined “trafficking in persons” to mean “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.⁴ This is the first internationally agreed upon definition of human trafficking.

2. Trafficking of Women and Children Within Nigeria Borders

Nigerian children are trafficked internally from areas such as the states of Akwa Ibom, Cross River, Ebonyi, Imo, and Kwara to big cities such as Abuja, Lagos, Kano, and Kaduna, where their labour is exploited. Children from Ekori and Nko in Cross River state in southern Nigeria are trafficked to the western states of Ondo and Ogun. According to Police report, in 2001, about 50,000 Nigerian girls engaging in the sex trade have been stranded in the streets of Europe and Asia, most of who come from Nigeria’s southern states of Edo, Delta and Lagos. This excludes thousands of those girls scattered across the world neither do they include the dead or those wasted by diseases such as HIV/AIDS.⁵

The Nigerian Immigration Service (NIS) discovered new trafficking routes in the northwest region of the country. Traffickers and smugglers have changed their route from the traditional Lagos-Ogun axis to the northern fringes of the country in order to reach Algeria, Libya, Morocco, and Niger *en route* to Italy, Spain, and other European countries.⁶

In March 2002 at a seminar organized in Lagos by the International Federation of Women Lawyers (FIDA), WOTCLEF reported that there are about 20,000 Nigerian women involved in the sex industry in Italy. Again the Daily Champion of 12 July, 2002 reported that 80% of foreign prostitutes in Italy were Nigerian women.⁷

³ Trafficking in Person (Prohibition) Law Enforcement and Administration Act 2003, Section 50.

⁴ United Nations: Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children Supplementing the UN Convention Against Transnational and Organized Crime. Palermo-Italy. UN/General Assembly [UN. Doc. A/55/383 (2000) Annex II]. Eleventh Session, adopted by Resolution 55/25, 12–15 December, 2000. Article 3(a)

⁵ “40 Nigerian Girls Deported from Guinea”, Xinhua News Agency, Beijing, China. August 19, 2001.

⁶ “Nigeria Intensifies Crackdown on Human Trafficking”, *Xinhua General News Service*, Beijing, China. 23 March, 2003.

⁷ Osita, A.: Corruption and Human Trafficking: The Nigerian Case. *West African Review*, 4 (2003) 1, 7. Available online at http://www.childtrafficking.com/Docs/agbu_2003_corruption_and_t.pdf Visited on 18 February 2012. See also Oyagbola, H.: *Human Trafficking: The Nigerian Woman an Endangered Species*. Available online at http://beliefassembly.com/papers2005/oyagbola_eng.htm Visited on 18 February 2012, 4.

3. A Panoramic View of Trafficking in Nigerian Women and Girls to Italy for Prostitution

The trafficking of Nigerian women and young girls into Italy for prostitution began in the second half of the 1980s following the increasing economic problems caused by structural adjustment programmes (SAP) imposed at the time by the Nigerian government on orders of the International Monetary Fund.⁸ Women and girls started leaving Nigeria for Europe on promises of fantastic well-paying jobs to be obtained in factories, offices, and farms. They arrived in Italy only to find them lured into prostitution and sold into sexual slavery to pay off debts, which they were told they incurred in being “helped” to come to Europe. A number of those who came to Italy during the 1980s ended up as madams who later perpetuated the sex trade by becoming exploiters of their countrywomen.

Beginning from 1995 and 1996, many women and girls trafficked to Italy were often aware that they were unlikely to work in a regular job and might be involved in the sex industry. However, most of these Nigerian women had no idea what prostitution really meant because the majority of them had never been in prostitution in Nigeria. Most of them had no understanding of the conditions under which they would have to work, nor the violence that prostitution entails. However, because many of the women knew that they might have to engage in prostitution, traffickers claim that they were approached by their victims, therefore they did not force or coerce the women into prostitution.⁹

Most victims are induced to travel abroad by the promise of high effortless earnings in a short time period. Most Nigerian victims of trafficking are illiterate and have never had any experience of urban life before they find themselves in the enormous city centres of Turin, Milan, and Rome. When they arrive at their destinations, they are told what they are expected to do and how much money they must pay to regain their freedom. Only then do they realize they are in some form of bondage to their traffickers when it is usually too late and almost impossible to refuse or run away. They find themselves having to cope with a new situation, country, language, and social context without any friendly or family support network. They are subjected to violence, exploitation, and an existence that they never imagined. Nigerian women and girls are made to believe that they have been sponsored to come to Italy to work. They are told that the “madam” who paid for the trip is in Nigeria, whereas the person they are to stay with in Italy is an acquaintance of the madam who is giving them hospitality. The reality is that the “madam” in Nigeria and the hostess in Italy are accomplices in trafficking and prostitution. Most “madams” are women once enslaved as victims of trafficking who, when they succeed in paying their debt, continue in prostitution and earn enough to buy a girl who becomes their slave. The girl or young woman is obliged to prostitute and pay the “madam” a fixed amount of money exactly as the “madams” themselves were made to do. However, the Nigerian victims believe that their exploiters are extending a helping hand to take them out of the misery in which they had been living. Only when they are subjected to violence and degrading acts, stripped of their clothing, money, and dignity, and made to endure physical hardship and beatings do they realize that the deprivation they had lived with in Nigeria was better than the violence, humiliation, and misery they are subjected to on a daily basis in Italy.

⁸ Aghatise, E.: Trafficking for Prostitution in Italy: Possible Effects of Government Proposals for Legitimization of Brothels. *VIOLENCE AGAINST WOMEN*/October 2004, 1129, Available online at www.prostitutionresearch.com/pdf/AghatiseVAW.pdf visited on 16 February 2012.

⁹ *Ibid.* 1129.

4. Modus Operendi of the Traffickers

4.1. Oath Taking and Juju Rites as a Tool to obtain Psychological Submission, to the Traffickers

The traffickers, usually men who transport women and girls on commission for the “madams”, or who traffic their own set of women and girls, sell them to the highest bidder. When the girls and women are sold, they are made to undergo specific magic *juju* rites, during which they swear never to reveal the identity of their traffickers and madams to the police and to pay their debts without creating problems. *Juju* practices are black magic rites in which intimate clothing, body tissue, fragments, or fluids of the women (e.g. pubic or head hair, finger nails, or menstrual blood) are taken and placed before traditional shrines. Sometimes, prostitution is induced by magic rites and potions in which women and girls are forced to drink the water used to wash a dead person’s body as part of the ritual. The young women are made to swear an oath not to disclose the origin of their trip abroad, pay their debts (usually not stated at the moment of stipulating the blood contract), and never to report to the police. These rites have great significance for the victims because they strongly believe that harm would come after them or their families if they do not repay their debts. The Italian police have noted that Nigerian women and girls require much less physical control from their exploiters compared with other foreign women and girls trafficked into prostitution because the rites they are made to undergo impose psychological control on them.¹⁰

4.2. Debt Bondage by Traffickers as a Tool for Continued Exploitation of Victims

The debts, imposed by the traffickers when victims arrive in Italy, are large amounts that range from about €31,000 to €62,000. In recent times, these sums have doubled. Trafficked victims are now required, in most cases, to pay between €62,000 and €124,000 to obtain their freedom. The debts have to be paid in a matter of a few months, at the risk of violence being used against them or their families in Nigeria. It should be noted that men who buy women for sex pay an average of €10.00 to €15.00 per session and at times, as little as €5.00. Moreover, victims are also required to make an advance payment each month of minimally €516.00 to rent the roadside spot where they work. Victims must also pay a weekly sum of €36.00 for food, purchase expensive provocative clothing for prostituting that is usually sold to them by the madam or by her friends, and buy regular and expensive gifts for their madams each month.¹¹ Another source stated that the madam handles the girls and keeps them in almost slavlike conditions. They are held until they can pay off their debt of €40,000 to €50,000 plus costs for their room and board and any other fees the traffickers tack onto the debt. Girls are usually housed under direct control of the “mama”, who keeps in touch with the criminal organizations and passes on a percentage of the earnings to those organizations. Girls brought into the sex industry often earn up to €3,000 (Euros) a month for their bosses in Italy.¹²

¹⁰ *Ibid.* 1130–1131. See also Aghatise, E.: *Research and Case Studies on the International Trafficking of Nigerian Women and Girls for Prostitution in Italy (La prostituzione Nigeriana in Italia)*. Unpublished Report, Turin, Italy, 2001, 43.

¹¹ *Ibid.* 1131.

¹² “Nigeria: Agreement Signed with Italy to Combat Human Trafficking”, *Africa News*, Nairobi, Kenya, 13 November 2003.

5. Factors Contributing to the Growth of Trafficking in Nigeria

The factors responsible for the growth of trafficking in women and children in Nigeria are economic, social, cultural, gender discrimination and marginalization, corruption and organized criminal networks.

(a) *Economic Factors*: Causes of trafficking in Nigeria include economic hardship, a weakening of family networks, low levels of education, few employment opportunities, a strong desire to emigrate in search of economic and social betterment, a high demand for trafficked persons in Europe, involvement of international organized criminal groups, limited border control, and poor reporting and monitoring of trafficking cases by law enforcement.¹³ According to Uzoma, “a young woman prostituting in Europe can earn in few months with less efforts what she would make in twelve years working in a farm, private or public entities in Nigeria”.¹⁴

(b) *Social Factors*: Due to the high cost of education since the mid-1980s occasioned by the Nigeria’s adoption of the Structural Adjustment Programme (SAP) it became increasingly difficult for poor families to sponsor their children especially in tertiary institution.¹⁵ Thus, there is a strong correlation between the trafficking of women and girls for prostitution and low levels of education, inadequate training and educational opportunities. For instance, in Nigeria a considerable number of trafficked victims for prostitution have only completed primary school or have dropped out of secondary school. In addition to having low-level qualifications, they do not have access to vocational training. Hence they cannot be absorbed by the formal economy because of the economic down turn in this country and their educational limitations. Most of them do not have access to capital and so they become easy prey to traffickers who entice them with the possibility of a better life.¹⁶

Given the patriarchal nature of the Nigerian Society, girls normally become victims as they drop out of school because their families can no longer afford to pay their fees. Many of these girls that drop out of school are trafficked to destination countries for prostitution.

(c) *Cultural Factors*: The magnitude of the problem of child trafficking and labour exploitation in a given geographic area also depends on family and community hierarchies and cultural traditions and values that encourage gender discrimination¹⁷ and a disregard for children’s rights. The demand for particular types of children which is also often related to cultural, ethnic, and/or socio-economic status find expression in trafficking. Children belonging to marginalized ethnic groups, subservient castes or dysfunctional families (war or disaster affected, for example) are often target for trafficking. Again many cultures have a long tradition of children labouring to help their families at home or in the fields. This traditional attitude that children should work, to help their families sometimes result in the inadvertent placement of a child in a situation of exploitative labour from which it is then very difficult to escape.

¹³ Ume-Ezeoke, J.: Desk Review for the Programme of Action against Trafficking in Minors and Young Women from Nigerian to Italy for the Purpose of Sexual Exploitation. Rome, United Nations Interregional Crime and Justice Research Institute, February 2003, 24.

¹⁴ Uzoma, *op. cit.* 1.

¹⁵ *Ibid.* 1.

¹⁶ ILO: *Combating the Child Trafficking: At the Heart of the ILO Values*. Geneva, 2002, 26.

¹⁷ Section 42(1) of the Constitution of the Federal Republic of Nigerian 1999.

In many African countries like Nigeria, for instance, sending children to work in faraway places is seen as socially acceptable and often occurs in the context of family dysfunction related to large family size or an inability to care for a child (or children) because of a death in the family, displacement, severe economic stress or other factors. Associated with this wide acceptance of children leaving home for work, is the admissibility of payments to families, intermediaries, agents and other middlemen who can “make a cut”. This practice underlies the widespread interchange of children among African countries, with the result that they easily disappear from parental or other view and are more easily exploitable.¹⁸

Polygamy is still being practiced in most parts of the country, furthermore, given the patriarchal nature of the Nigerian ethnic groups, boys are valued more than girls and this leads to girls who believe that they have nothing to offer but to sell their bodies so they easily become victims of trafficking. When the head of a household dies the inheritance passes to the male child, who should support the females but often does not do so.¹⁹

(d) *Marginalisation and Discrimination on the Basis of Gender*: Gender is an issue in trafficking on both the supply and demand sides of the equation. Girls are often seen as expendable, and laws and law enforcement not to mention some cultural and traditional contexts provide them unequal protection. Girls in many societies are expected to sacrifice their education and security and take on responsibilities towards parents and siblings. It is also recognized that one day they would marry and leave, bringing little or no money to the parental home. In such situations, girls are seen as a relatively “poor investment”, and sending them away to work may seem a viable option. The placement of girls in domestic service is often linked to perceptions that domestic service is a good preparation for marriage, and that girls’ families might raise their dowries by putting them to work. General ignorance of the exploitative nature of much of the work is common since many families are illiterate and exposed only to hearsay evidence from recruiters or returnees.²⁰

(e) *Corruption*: Nigeria, has witnessed the development of a vast system of institutionalized political corruption sometimes emanating from the very top and pervading all governmental institutions with perverse influence on the rest of society. Systemic corruption, sometimes also referred to as entrenched corruption, occurs where bribery, on a large or small scale is routine. However, it is in terms of the effects of corruption on a society that a clearer link is established between corruption and human trafficking.²¹ Thus corruption and bad governance, severely restricted economic growth and development, thereby creating a supply of needy women and children vulnerable to traffickers.²² Again, corruption among officers at European and other African consulates is said to facilitate obtaining transit visas for trafficking victims. Visas are often obtained through brokers, who are Nigerian citizens with “good” connections in diplomatic missions.²³

¹⁸ ILO, *op. cit.* 27.

¹⁹ Uzoma, *op. cit.* 1.

²⁰ ILO, *op. cit.*, 28.

²¹ Osita: *op. cit.* 4–5. See also Osita, A.: *Re-visiting Corruption and Human Trafficking in Nigeria: Any Progress?* Available online at www.ungift.org/docs/ungift/pdf/vf/.../OsitaAgbu_1.pdf visited 17 February, 2012, 3.

²² Ayua, I. (ed.): *Proceedings of the National Conference on the Problems of Corruption in Nigeria*. 26–29 March 2001, Abuja. 15.

²³ di Cartemiglia, L.: Programme of Actions against Trafficking in Minors and Young Women from Nigeria into Italy for the Purpose of Sexual Exploitation. *Desk Review*, United Nations Interregional Crime and Justice Institute, Rome, January 2003, 5.

(f) *Organised Criminal Network*: Organized criminal networks from Nigeria manage trafficking rings throughout Africa.²⁴ Nigerian criminals maintain a strong presence in Italy, especially in Turin. They are involved in the commercial sex industry, clandestine immigration, counterfeiting of documents and money, illegal currency export transactions, and trafficking of drugs and persons. The absence of clashes between Nigerian and Italian criminal groups indicates the existence of complicity. For example, there is evidence that an Italian criminal group will rent out prostitution areas to a Nigerian group.

Most Nigerian trafficked victims for sexual exploitation come primarily from the southern part of the country and belong to the Bini, Edo, Igbo, and Yoruba tribes. They are usually between 17 and 30 years of age, although they are getting younger, and the number of trafficked minors appears to be increasing.²⁵

6. Psychological Consequences of Being Trafficked

Victims suffer many psychological consequences from being trafficked and prostituted. Many of them end up having serious psychological problems as a consequence of the magic *juju* rites and the mental and physical violence to which they are subjected. Because they believe that they are being helped by those who traffic them, the realization that their helpers are exploiting them in vicious ways is often the cause of great psychological suffering. Exploiters use various and cruel forms of violence: verbal and physical abuse; rape; burning women and girls with hot irons if they refuse to prostitute; making them continue prostituting on the road even when they are ill, menstruating, or pregnant; forcing them to undergo abortions without anaesthetics; forcing them to risk their lives by having unprotected intercourse; taking away their children as leverage to make them submissive; and attacking their families in Nigeria as a way of pressuring them to continue prostituting. As part of the psychological pressure, victims are told lies, such as stories of how the Italian police shoot at girls without residence permits. The list of humiliations and violence is endless.

Records have shown that there are about 19,000 to 25,000 foreign prostitutes in Italy and approximately 2000 of them have been trafficked.²⁶ Rome is the concentrated region for trafficked Nigerian women brought for the purpose of prostitution.²⁷ Between 25 October and 12 November, 1999, eighty-four young Nigerian girls were deported from Italy to Nigeria. Seventy-one were from Edo State, nine from Delta, two from Ondo State and one from Enugu and Imo States each. Between December 3rd and 8th another eighty-seven predominantly female deportees arrived Nigeria from Italy. In all, well over 180 Nigerian girls aged between 16 and 25 years have been deported from Italy within a period of three months (October to December 1999) and 90 percent of them are from Edo State Nigeria. This deportation has been a source of embarrassment to both the Federal and Edo, State

²⁴ "Sex-Slave Trade in Kids' Thriving", *South African Press Association*, 5 September 2000. See also Southern Africa: Organized Gangs Lead Wave of Child Sex Trafficking. *United Nations Integrated Regional Information Network*, Nairobi, Kenya, 22 November, 2000.

²⁵ *Ibid.*

²⁶ International Organization for Migration (IOM) Migrant Information Programme: *Trafficking in Women for sexual exploitation in Italy*. Rome, June, 1996.

²⁷ European Race Audit Bulletin, No. 25, London, 25 November 1997.

governments.²⁸ It should be noted that deportation of Nigerian women and girls who are trafficked for the purpose of prostitution to Europe is a regular phenomenon though Italy is a destination country for almost 90 percent of them and that is why records deportations there are more accessible as there make news in Nigeria. A Rome study stated that nine million Italian men regularly use prostitutes.²⁹ But as clients get tired of the same woman, gangs often trade slaves to neighbouring countries at knockdown prices. In extreme cases slaves are murdered, especially if gangs suspect that a woman is going to escape. In the early 1990s the number of foreign women murdered in Italy mainly, Albanian and Nigerians accounted for six percent of all murders. By the year 2000 till recent, the figure have risen to twenty-three percent.³⁰

7. Legal Efforts at Curbing Trafficking in Nigerian Women and Children

Nigeran governments have made positive legal efforts to curb trafficking in women and children especially through legislation and prosecution and conviction of traffickers. These legislation are as follows: Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003; Criminal Code as Amended by the Criminal Code (Amendment) Law 2000; Penal Code; the Immigration Act, the Nigerian Labour Act, Constitution of the Federal Republic of Nigeria 1999 and the African Charter on Human and Peoples Rights.

7.1. *Trafficking in Person (Prohibition) Law Enforcement and Administration Act 2003*

In 2003, Nigeria passed the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act. Section 1(1) of the Act established the National Agency for Prohibition of Traffic in Persons and Other Related Matters.³¹

The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) was established by an Act in 2003, (amended in 2005), partly in fulfillment of Nigeria's international obligations under the Trafficking in Persons Protocol Supplementing the United Nations Transnational Organized Crime Convention, to address the scourge of trafficking in persons and its attendant human rights abuses. The functions of NAPTIP include (a) the coordination of all laws on trafficking in persons, (b) the adoption of measures to increase the effectiveness of eradication of trafficking in persons, (c) the enhancement of the effectiveness of law enforcement agents to suppress trafficking, (d) the strengthening and enhancement of effective legal means for international cooperation in criminal matters for suppressing the international activities of traffic in persons, and (e) counseling and rehabilitation of victims of trafficking, etc.³²

The Act provides that "anyone who exports from Nigeria or imports into Nigeria a person less than 18 years of age", "with intent that such person, or knowing it to be likely

²⁸ Bolaji, T.: "Afro-Nets", *Guardian on Saturday*, 18 December 1999, 14–15.

²⁹ Simon, M.: "Perspective-Slavery in Our Times", *Australia News-Future-Survivors of the Sale Yard*. 4 June 2001.

³⁰ *Ibid.*

³¹ Trafficking in Person (Prohibition) Law Enforcement and Administration Act 2003, Section 1(1).

³² United Nations General Assembly: *National report submitted in accordance with paragraph 15 (a) of the annex to human rights council resolution 5/1 Nigeria*. Human Rights Council Working Group on the Universal Periodic Review, fourth session, Geneva, 2–13 February 2009, 9.

that such person, will be forced or seduced to prostitution” is subject to punishment of imprisonment for life.³³ Section 12, provides that “inducing a person less than 18 years of age by means of deception, coercion, or debt bondage into prostitution is punishable by imprisonment for 10 years. The same punishment applies to leading away such a person, even with the person’s consent”,³⁴ and Section 13(1) states that “anyone who, having the custody of a person less than 18 years of age, causes or encourages prostitution of such a person, commits a crime punishable by imprisonment for 10 years.”³⁵

The Act also states that, “procuring a person less than 18 years of age to have unlawful carnal knowledge with other person or persons in or outside Nigeria is an offence punishable by imprisonment for 10 years”. The same punishment applies to anyone who procures such a person to become a prostitute in or outside Nigeria, to leave Nigeria to become a prostitute, and to leave such a person’s place of abode with the intent to engage in prostitution.³⁶

The Act punishes procuring, using, or offering a person for the production of pornography or pornographic performance by imprisonment for 14 years. The same punishment applies to anyone who “traffics in persons for the purpose of forced or compulsory recruitment use in armed conflict.”³⁷

The Act criminalises sex tourism by providing for a punishment of imprisonment for 10 years for “any person who organizes or promotes foreign travel which promotes prostitution of any person or encourages such activity.”³⁸

Under the Act, “the detaining of a person less than 18 years of age for the purposes of being unlawfully carnally known by any man is punishable by imprisonment for 10 years”.³⁹ Section 18 provides punishment that; “procuring a person less than 18 years of age by threats, intimidation, or false pretenses to have carnal connection in or outside Nigeria is punishable by imprisonment for 14 years or a fine”. The same punishment applies to anyone who administers any drug to stupefy or overpower such a person to enable any man to “have a carnal knowledge of such a person”⁴⁰ while section 19(a) and (e), provides that, “anyone who unlawfully takes or entices a person less than 18 years of age out of the custody of the lawful guardian, unlawfully conveys such a person outside Nigeria,⁴¹ forcibly or fraudulently takes away or detains such a person, or receives or harbours a child knowing that a child has been detained or taken away⁴² is subject to punishment of imprisonment for 14 years”.⁴³

³³ Section 11.

³⁴ Section 12.

³⁵ Section 13(1).

³⁶ Section 14.

³⁷ Section 15.

³⁸ Section 16.

³⁹ Section 17(2).

⁴⁰ Section 18.

⁴¹ Section 19(1)(a).

⁴² Section 19(1)(e). According to Section 19(2), a person is deemed to detain any person under section 19(1)(e) when “the person is in or brought upon any such premises with a view to such person being so carnally known, or to detain such person in such premises with intent to compel or induce such person to remain in or upon the premises, he withholds from such person any wearing apparels, other property belonging to such person, or the person’s traveling documents”.

⁴³ Section 19(1)(a) and (e).

Under the Act; “compelling any person to go from any place by force or by any deceitful means is punishable by imprisonment for 10 years or a fine.⁴⁴ The same punishment, without the option of a fine, is applied to anyone who unlawfully takes an unmarried person less than 18 years of age out of the custody or protection of parents”.⁴⁵

The Act states that; punishment or imprisonment for 5 years, a fine, or both can be imposed on anyone who “confines or detains another person in any place against his or her will or otherwise unlawfully deprives another person of his or her liberty.”⁴⁶ It is an offense to buy, sell, hire, let, or otherwise obtain possession or dispose of any person less than 18 years of age with intent of employing or using such a person for immoral purposes. Punishment is imprisonment for 14 years”.⁴⁷ Again, “using a person for forced labour is punishable by imprisonment for five years, a fine not exceeding N100,000.00, or both fine and imprisonment. The same punishment is imposed on anyone who permits “any place outside of Nigeria to be used for forced labour”.⁴⁸ While Section 23 provides that, “importing, exporting, removing, buying, selling, disposing, trafficking, or dealing in any person as a slave, as well as accepting, receiving, or detaining a person as a slave is punishable by imprisonment for life”.⁴⁹

The Act provides that any person who deals or trades in, purchase sells, transfers or takes any person in order that such person should be held or treated as a slave,⁵⁰ places or receives a person in servitude as a debt whether due or owing, or to be incurred or contingent whether under the name of a pawn or by whether other name such person may be called or known,⁵¹ conveys or induces any person to come within the limits of Nigeria in order or so that such a person should be held, possessed, dealt with or treated in, purchased, sold or transferred as a slave or be placed in servitude as a pledge or security for debt⁵² and holding or possessing a person as a slave,⁵³ are punishable by imprisonment for life.⁵⁴ In addition, imprisonment for life is imposed on anyone who enters into a contract or agreement to perform any of those offences.⁵⁵

The Act states that, “any person, after serving a sentence outside Nigeria for an offense related to trafficking, is liable to be tried in Nigeria for bringing the image of Nigeria into disrepute,” and if convicted, he “forfeits his assets to the Federal Government in addition to serving a term of imprisonment not exceeding two years”.⁵⁶

Under the Act, any resident of Nigeria who encourages prostitution of a person less than 18 years of age,⁵⁷ keeps a brothel,⁵⁸ permits a defilement of person less than 18 years

⁴⁴ Section 19(1)(b).

⁴⁵ Section 19(1)(d).

⁴⁶ Section 19(1)(c).

⁴⁷ Section 21.

⁴⁸ Section 22.

⁴⁹ Section 23.

⁵⁰ Section 24(a).

⁵¹ Section 24(b).

⁵² Section 23(c).

⁵³ Section 24(d).

⁵⁴ Section 24.

⁵⁵ Section 24(e).

⁵⁶ Section 25.

⁵⁷ Section 26(1)(a).

⁵⁸ Section 26(1)(b).

of age on his premises,⁵⁹ allows such a person to be in a brothel,⁶⁰ or trades in prostitution⁶¹ and is subject to punishment of imprisonment for ten years⁶². The same punishment applies to any resident of Nigeria who “procures, uses, or offers a person for the production of pornography or for pornographic performance.”⁶³ An alien who commits any of these offences is subject to deportation after serving a term of imprisonment in Nigeria.⁶⁴ Any person who attempts to commit any of the crimes under the act is subject to punishment of imprisonment for 12 months or a fine of N50,000.00 or both.⁶⁵

The Act provides that, “If a corporate body commits an offence under the Act, the Act makes a distinction as to criminal liability”.⁶⁶ First, the Act imposes a punishment of imprisonment for 3 years, a fine, or both on a director, manager, secretary, or anyone claiming to act in his or her capacity if it is proven that an offence has “been committed on the instigation or with the connivance of or is attributable to any neglect on the part of” any one of them.⁶⁷ Secondly, “where a corporate body is convicted of a crime under the Act, the corporate body itself is subject to a fine of N2 million naira in addition, the court may issue an order to wind up the body and have its assets and properties forfeited to the Victims of Trafficking Trust Fund.”⁶⁸

The Act punishes a commercial carrier⁶⁹ that knowingly carry a person in violation of the Act by imprisonment for 2 years or a fine of N2,000,000.00 instead thereof, in addition to any other penalty under any other laws.⁷⁰ The Act imposes a specific obligation on tour operators, travel agents,⁷¹ and airline companies⁷² to combat trafficking in persons. The Act provides for forfeiture of a passport to the Federal Government of Nigeria of anybody convicted of an offence under the act.⁷³

The Act provides for criminal immunity for victims of trafficking; it states, “Where the circumstances so justify, trafficked persons shall not be detained, imprisoned, or prosecuted

⁵⁹ Section 26(1)(c).

⁶⁰ Section 26(1)(d).

⁶¹ Section 26(1)(d).

⁶² Section 26(1).

⁶³ Section 26(1)(e).

⁶⁴ Section 26(2).

⁶⁵ Section 27.

⁶⁶ Section 28.

⁶⁷ Section 28(1).

⁶⁸ Section 28(2).

⁶⁹ Section 29. Note that Section 50 defines a commercial carrier as “any person or any public, private, or other entity engaged in transporting persons, goods, or mails for remuneration, hire, or any other benefit.”

⁷⁰ Section 29(1).

⁷¹ Section 30.

⁷² Trafficking in Person (Prohibition) Law Enforcement and Administration Act 2003 (Section 31). These obligations are to “promote through every possible means public awareness of the guiding principles of this Act in-flight magazines, ticket jackets, Internet units and video on long lane flights.”

⁷³ Section 35. This Article reads, “The passport of any person convicted of an offence involving traffic in persons under this Act shall be forfeited to the Federal Government and shall not be returned to that person unless or until the President directs otherwise, after the grant of a pardon or on exercise of the Constitution of the Federal Republic of Nigeria.”

for offences relating to being a victim of trafficking, including non-possession of valid travel stay or use of false travel or other documents.”⁷⁴

The Act establishes a trafficking victim’s right “to institute civil action against a trafficker and any other person, including a public officer, who have exploited or abused him”.⁷⁵ Also, a victim of trafficking “is entitled to compensation, restitution, and recovery for economic, physical, and psychological damages, to be met from the assets of the convicted trafficker”.⁷⁶

7.2. Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act, 2005

This Act is an Amendment of the National Assembly of the Federal Republic of Nigeria, (of 7 December, 2005). It provides sundry amendments to the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, No. 14 to expand its scope from investigation to prosecution of traffickers, seizure of properties and forfeiture of proceeds to the Victims of Trafficking Trust Fund.⁷⁷

The Act deals with forfeitures after conviction in certain cases and provides that, “(1) A person convicted of an offence under the Act shall forfeit to the Victims of Trafficking Trust Fund; (a) all the properties and Assets and properties which may or are the subject of an interim order of the court after an attachment by the Agency as specified in Section 40 of this Act.”⁷⁸ The Act further addressed the issue of Forfeiture of Property and provides that; “All properties of a person convicted of an offence under this Act and shows to be derived or acquired from such illegal act which are already the subject of an interim order shall be forfeited to the Victims of Trafficking Trust Fund”.⁷⁹

In dealing with foreign Assets of the traffickers the Act states that; “(1) Where it is established that any convicted person has assets or properties in a foreign country, acquired as a result of such criminal activity, such assets or property subject to any treaty or agreement with such foreign country, shall be forfeited to the Victims of Trafficking Trust Fund.”⁸⁰

⁷⁴ Section 37.

⁷⁵ Section 38(a).

⁷⁶ Section 38(b).

⁷⁷ Section 14 of the Act deals with insertion of new Sections and provides that the Principal Act is amended- (a) by inserting immediately after the existing Section 34, to be numbered as Sections 35 to 48.

⁷⁸ Section 35 (1), (2) and (3).

⁷⁹ Section 36.

⁸⁰ Section 37(1) and (2). See Section 39 (a), (b) and (c) for types of forfeitable assets under the amended Act viz: “(a) all means of conveyance including vehicles or vessels which are used or are intended for use to transport or in any manner, facilitate trafficking or any person”. (b) All monies, negotiable instruments, securities, (c) all real property, including any right, title, interest (including any leasehold interest) in the whole or any piece or parcel of land appurtenances which is used or intended to be used under this Act...”

7.3. Criminal Code and Penal Code Provisions Prohibiting Trafficking in Persons

(a) Criminal Code as Amended by the Criminal Code (Amendment) Act 2000

Several provisions of the “Criminal Code” and the “Penal Code” apply to trafficking, this is because Nigeria operates two codes of criminal law.⁸¹ Under Section 222 (A) of the Criminal Code, anyone who having lawful custody of a girl less than 13 years of age, “causes or encourages the seduction, unlawful carnal knowledge or prostitution of, or the commission of an indecent assault upon such a girl” is subject to imprisonment for seven years or a fine.⁸²

The Criminal Code prohibits procurement,⁸³ which includes procurement of a girl who is less than 18 years of age for the purpose of unlawful carnal knowledge with another person.⁸⁴ It also includes procurement of a woman or girl with the intent that she become a common prostitute either in Nigeria or elsewhere,⁸⁵ that she leaves Nigeria and possibly become an inmate of a brothel elsewhere,⁸⁶ or that she leaves her usual place of abode for the purpose of prostitution.⁸⁷ The punishment is imprisonment for 14 years.⁸⁸

The Code provides that “anyone who procures a woman or a girl by threats, intimidation, or false pretences is subject to punishment by imprisonment for 2 years. The same punishment applies to anyone who with the intent to facilitate unlawful sexual relations in or outside of Nigeria, administers stupefying or overpowering drugs on a woman or a girl”.⁸⁹ It criminalises trading in prostitution, which includes living on the earnings of prostitution, soliciting, or importing for immoral purposes in a public place.⁹⁰ The punishment for an offence of living on the earnings from prostitution of others is imprisonment for 2 years and a fine.⁹¹

The Criminal Code provides that conspiracy to induce a woman or a girl by fraudulent means to have unlawful sexual intercourse is punishable by imprisonment for 3 years.⁹² Unlawful deprivation of liberty by confinement or detention is an offence punishable by imprisonment for 2 years under Section 365.⁹³ The Code prohibits keeping a brothel⁹⁴ and the unlawful detention of a woman or girl against her will in a brothel.⁹⁵ It also prohibits a person who has the custody or care of a girl who is less than 16 years of age from causing or encouraging the seduction or prostitution of that girl. Punishment is imprisonment for 7

⁸¹ Nigeria has two codes of criminal law. The Criminal Code governs all States in the Southern part of Nigeria. The Penal Code governs all the States in the Northern part of Nigeria. The Criminal Code was first promulgated as an ordinance on 1 June 1916.

⁸² Criminal Code, Cap. C 38 Vol. 4, Laws of the Federation of Nigeria (LFN) 2004; Section 222(a).

⁸³ Section 223.

⁸⁴ Criminal Code, Cap. C38 Vol. 4, LFN 2004 (Section 223(1)).

⁸⁵ Section 223(2).

⁸⁶ Section 223(3).

⁸⁷ Section 223(4).

⁸⁸ Section 223(4).

⁸⁹ Section 224.

⁹⁰ Section 225(A).

⁹¹ *Ibid.*

⁹² Section 227.

⁹³ Section 365.

⁹⁴ Section 225(B).

⁹⁵ Section 226.

years.⁹⁶ Similarly, the Code prohibits such a person from allowing a child or young person to reside in or frequent a brothel.⁹⁷ Punishment for the offense is a fine or imprisonment for up to one year or both.⁹⁸

The Code penalises any person who “sponsors a girl or woman by giving her any financial, physical, or material assistance to enable her to travel out of Nigeria for the purpose of becoming a prostitute or to carry out any immoral act”.⁹⁹ It also penalises any person who “administers any oath on a woman or girl or performs any fetish ritual in order to enable her to travel out of Nigeria for the purpose of becoming a prostitute or to have unlawful carnal knowledge with any person”.¹⁰⁰ Punishment for the offense is a fine, imprisonment for 10 years, or both.¹⁰¹ Any man who patronises prostitutes is subject to punishment by imprisonment for 2 years and a fine.¹⁰² The Criminal Code provides that a person cannot be convicted of any of the procurement offenses on the uncorroborated testimony of one witness.¹⁰³ It also prohibits slave trading. The punishment is imprisonment for 14 years.¹⁰⁴

(b) *Penal Code*: Sections 271 and 272 of the Nigerian Penal Code imposes a punishment of imprisonment for up to 10 years and a fine for kidnapping¹⁰⁵ and abduction¹⁰⁶ of a minor. While Section 277 provides that, any person who induces a girl less than 18 years of age “to go from any place or to do an act with the intent that such girl would be or is likely to be forced or seduced to illicit intercourse” is subject to punishment by imprisonment for up to 10 years.¹⁰⁷

The Penal Code imposes a punishment of up to 10 years and a fine on anyone who “buys, sells, hires, lets to hire, or otherwise obtains possession” of a person less than 18 years of age with the intent of using such a person for “prostitution or other unlawful or immoral purposes.”¹⁰⁸ It also imposes a punishment of imprisonment for up to 14 years and a fine for an offense of slave dealing¹⁰⁹ and Section 280 of the Code further punishes forced labour with a fine and imprisonment for one year.¹¹⁰ The Code provides that, procurement of a woman or a girl for immoral purposes is punishable by imprisonment for up to 7 years and a fine.¹¹¹

The Penal Code specified the punishment for slave trading and forced labour. While the Criminal Code imposes a fine and punishment of one year imprisonment for forced

⁹⁶ Section 222.

⁹⁷ Section 222(B).

⁹⁸ *Ibid.*

⁹⁹ Criminal Code Act, Cap. C38 Vol. 4, LFN 2004. Section 223(A), as Amended by the Criminal Code (Amendment) Act 2000.

¹⁰⁰ Section 223(A).

¹⁰¹ *Ibid.*

¹⁰² Section 223(C).

¹⁰³ See Sections 223 and 224 of the Criminal Code.

¹⁰⁴ Section 369.

¹⁰⁵ Penal Code (Northern States) Federal Provision Act, Cap. P3, Punishment of Offences Committed in Northern States, Vol. 13, LFN 2004.

¹⁰⁶ Section 272.

¹⁰⁷ Section 277.

¹⁰⁸ Section 278.

¹⁰⁹ Section 279.

¹¹⁰ Section 280.

¹¹¹ Section 281.

labour, the Nigerian Labour Act provides that such persons shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one thousand naira or to imprisonment for up to 2 years, or both. The Penal Code did not provide punishment for actions committed by associations or companies with respect to forced labour but the Nigerian Labour Act provides for a fine of not exceeding two hundred naira or to imprisonment for a period not exceeding six months, or both. While the provisions of the Penal Code are applicable in the northern parts of Nigeria, the provisions of the Criminal Code is applicable in the southern parts of Nigeria.

7.4. Immigration Act No. 6 of 1963 (Now Cap. 11, Vol. 7. Laws of the Federation of Nigeria 2004)

The Immigration Act¹¹² deems the following persons under Section 18(1) to (3) to be “prohibited immigrants” persons who may not be admitted into Nigeria and are subject to deportation: any prostitute,¹¹³ any person who is or has been a brothel keeper,¹¹⁴ a householder permitting the defilement of a young girl on his or her premises,¹¹⁵ a person allowing a child less than 13 years of age to be in a brothel,¹¹⁶ a person causing or encouraging the seduction or prostitution of a girl less than 13 years of age,¹¹⁷ a person trading in prostitution,¹¹⁸ or a procurer.¹¹⁹

¹¹² Immigration Act of Nigeria, Law No. 6 of 1st August, 1963. (Cap. 11, Vol. 7 LFN, 2004).

¹¹³ Section 18(1)(g).

¹¹⁴ Section 18(1)(h)(i). According to section 18(3)(a), a brothel keeper includes “any person who appears, acts, or behaves himself as the owner of or the person having the care, government, or management of any premises or room or set of rooms in premises, kept for the purposes of prostitution”.

¹¹⁵ Section 18(1)(h)(ii). According to section 18(3)(b), for such purposes such a householder is “any person who, being the owner or occupier of any premises or having or acting or assisting in the management or control thereof, inducing or knowingly suffers any girl under the age of 13 years to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man for any lewd purpose”.

¹¹⁶ Section 18(1)(h)(iii). According to section 18(3)(c), a person allowing another under 13 years of age to be in a brothel is “any person having the custody, charge, or care of a child or young person who has attained the age of 4 years and is under the age of 13 years, who allows that child or young person to reside in or frequent a brothel”.

¹¹⁷ Penal Code Laws of Northern Nigeria, Cap. P3, Vol. 13, LFN 2004. Section 18(1)(h)(iv). According to section 18(3)(d), a person causing or encouraging the seduction or prostitution of a girl under 13 years of age is “any person having the custody, charge, or care of a girl under the age of 13 years who causes or encourages the seduction, unlawful carnal knowledge, or prostitution of or commission of an indecent assault upon that girl”.

¹¹⁸ Section 18(1)(h)(iv). According to section 18(3)(e), a person trading in prostitution is “(i) a male person who knowingly lives wholly or in part on the earnings of prostitution or who, in any public place persistently solicits or importunes for immoral purposes, or (ii) a female who, for the purpose of gain, exercises control, direction, or influence over the movements of a prostitute in such a manner as to show that such female is aiding, abetting, or compelling her prostitution with any other person or generally.” Section 18(3)(2) states that prostitution includes “the offering by a female of her body commonly for acts of lewdness for payment although there is no act, or offer of an act, of ordinary sexual connection”.

¹¹⁹ Section 18(1)(h)(vi). The term *procurer* refers to the trafficker. As defined in section 18(3)(f), it includes any person “who (i) procures or attempts to procure any female under 21 years of age,

7.5. *Constitution of the Federal Republic of Nigeria, 1999*

The Constitution of Nigeria, 1999; provides that “Every individual is entitled to respect for the dignity of his person and accordingly: (a) no person shall be subjected to torture or to inhuman or degrading treatment; (b) no one shall be held in slavery or servitude”¹²⁰ and “no person shall be required to perform forced or compulsory labour.”¹²¹

7.6. *Labour Act 1971 (Now Cap. L1, Vol. 8. Laws of the Federation of Nigeria, 2004)*

Forced Labour: Under Section 73(1) of the Labour Act, any person who requires or permits any other person to perform forced labour in contravention to the prohibition of forced or compulsory labour under Section 34 (1) (c) of the Constitution of the Federal Republic of Nigeria¹²² shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one thousand naira or to imprisonment for up to 2 years, or both.¹²³

Young Persons: Section 59(a) of the Labour Act prohibits child labour.¹²⁴ The Act specifies that a child younger than 14 years of age may be employed only on “a daily wage, on a day-to-day basis and so long as he returns each night to the place of residence of his parents or his legal guardian.”¹²⁵ The Act prohibits employment of a child less than 15 years of age in any industrial undertaking: provided that this subsection shall not apply to work done by the young person in technical schools or similar institutions, if the work is approved or supervised by the Ministry of Education or (a corresponding department of government)

not being a common prostitute or of knowing immoral character, to have unlawful carnal connection either within or without Nigeria with any other person, or (ii) procures or attempts to procure any female to become either within or without Nigeria a common prostitute, or (iii) procures or attempts to procure any female to leave her usual place of abode (such place not being a brothel), with the intent that she may, for the purpose of prostitution, become an inmate of a brothel, either within or without Nigeria”.

¹²⁰ Constitution of the Federal Republic of Nigeria 1999. Chapter IV, Section 34(1) (a) and (b) Cap. C38, Vol. 3, Laws of the Federation of Nigeria (LFN) 2004.

¹²¹ Chapter IV, Section 34(1)(c).

¹²² The Constitution referred to under the Labour Act, (Section 31(1) (c) is the defunct 1963 Republican Constitution which was the Constitution Nigeria was operating at the time of the enactment of the Labour Act but the new position now is the Constitution of the Federal Republic of Nigeria 1999. Chapter IV, Section 34(1)(c).

¹²³ Labour Act of Nigeria (1st August, 1971). (Cap. L1, Vol. 8, Laws of the Federation of Nigeria, 2004).

¹²⁴ Section 59(a): “No child shall be employed in any capacity except were he his employed by a member of his family in light work of an agricultural, horticultural, or domestic character approved by the Minister or, (b) be requires in any case to lift, carry or move anything so heavy as to be likely to injure his physical development.”

¹²⁵ Section 59(3) provided that, save as may be otherwise provided by regulations made under Section 65 of this Act, this subsection shall not apply to young persons employed in domestic service. Section 65 provides that the Minister may make regulations providing for: (a) the engagement, repatriation or supervision of domestic servants; (b) the employment of young women and young persons as domestic servants, and (c) the housing accommodation and sanitary arrangements of domestic servants; and (d) the conditions of domestic service generally.

of a state.¹²⁶ In addition, no child younger than 16 years of age is allowed to work underground,¹²⁷ or on machine work,¹²⁸ or on a public holiday.¹²⁹

The Labour Act provides that no young person shall be employed in any employment which is injurious to his health dangerous or immoral; and where an employer is notified in writing by the Minister (either generally or in any particular case) that the kind of work upon which a young person is employed is injurious to the young person's health; dangerous; immoral or otherwise unsuitable, the employer shall discontinue the employment without prejudice to the right of the young person to be paid such wages as he might have earned unto the date of discontinuance.¹³⁰ It further provides that no young person under the age of sixteen years shall be required to work for a longer period than four consecutive hours or permitted to work for more than eight hours in any one day: provided that they are safe as may be otherwise provided by any regulation made under Section 65 of this Act. This subsection shall not apply to persons employed in domestic services.

The Act demands every employer of young persons in an industrial undertaking to keep a register of all young persons in his employment with particulars of their ages, the date of employment and such other particulars as may be prescribed and shall produce the register for inspection when required by an authorised labour officer.

The Labour Act provides for punishment and states that "any person who employs a child in contravention of these provisions, as well as any "owner and manager of any undertaking in which a child is employed" and any parent or legal guardian of a child who allows the child to be employed in contravention of these provisions, commits an offence and is subject to a fine".¹³¹

7.7. The African Charter on Human and Peoples Rights

Nigeria is a signatory to the African Charter on Human and Peoples Rights¹³² and the African Charter guarantees the same right in Article 5 as follows; "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited".

¹²⁶ Section 59(2).

¹²⁷ Section 59(5)(a).

¹²⁸ Section 59(5)(b).

¹²⁹ Section 59 (5)(c).

¹³⁰ Section 59(6) Subsection (7) provides that no person shall continue to employ any person under the age of sixteen after receiving the notice either orally or in writing from the parent or guardian of the young person, that the young person is employed against the wishes of the parent or guardian. Section 59(7) provides that this subsection shall not apply to a young person employed under a written contract entered into with the approval of an authorised labour officer.

¹³¹ Section 64.

¹³² African (Banjul) Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct 21, 1986. (Article 5).

8. Recommendations on Curbing the Menace of Trafficking in Nigeria

1. Nigeria should effectively implement the international legal instruments already ratified with the aim of protecting human rights and combating human trafficking, these include the following: Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (2000) and there should be effectively implement all of the ratified international laws and regulations, in particular the Palermo protocol (2000), the UNCRC, the ILO Convention No. 182 and the CEDAW, in order to provide an environment conducive to the elimination of human trafficking in Nigeria. The focus must be on all forms of trafficking including trafficking in children, and not limited to trafficking for prostitution and sexual exploitation.¹³³
2. Implement the Memorandum of Understanding signed between the Federal Government of Nigeria and transit and destination countries. Continue regional and international cooperation between NGOs and government institutions and honour the existing bilateral agreements to uphold international human rights.
3. Adoption and implementation of the Child Rights Act of 2003 in all Nigerian States. Revise anti-trafficking measures and laws so as to address all forms of trafficking as well as the protection of trafficked persons. Replace anti-migratory policies with policies that inform and empower citizens migrate safely.¹³⁴
4. There should be security collaborations between Nigeria law enforcement agencies and Interpol when dealing with the more complex problems associated with human trafficking so that the culprits can be apprehended even if there have absconded from Nigeria.
5. Nigerian government should carry out more policy-oriented research on the various manifestations of human trafficking in Nigeria, in particular on socio-cultural factors increasing vulnerability.
6. There should be developed concerted and clearly articulated strategies to combat human trafficking in Nigeria along with a national plan of action and reliable information from data base on trafficking with the active collaboration of all strategic stakeholders such as the government, NGOs, international agencies, as well as representatives from urban and rural communities.
7. Government has to create anti-trafficking watchdog committees in rural areas across Nigeria. Such efforts should require the cooperation of community based organizations (CBOs) and law enforcement agents such as the Police and Immigration Departments.
8. Adequate funds should be given to all anti-trafficking agencies including NAPTIP, the Police and Immigration Department to support their actions and improve efficiency, this measure would enable NAPTIP to ensure speedy prosecution of trafficking cases.
9. Government should establish witness protection programmes to encourage and protect trafficked persons who act as witnesses. Set up policies to create jobs for young graduates and school dropouts in Nigeria. Resource centers should also be created by different states in Nigeria for skills acquisition of rescued trafficked persons. Develop facilities and social services for the reception, protection and reintegration of trafficked persons to prevent as much as possible the re-trafficking of the trafficked persons.

¹³³ Olagbegi, B. A. et al.: Human Trafficking in Nigeria: Root Causes and Recommendations. *UNESCO Policy Paper Poverty Series*, No. 14.2 (E) Paris 2006, 56–60.

¹³⁴ *Ibid.*

10. Governments should invest in education and provide alternative economic opportunities for children and the youth. This will greatly reduce the number of those that will be available for trafficking. A collaborative approach that brings together anti-corruption and anti-human trafficking measures should be devised.

Conclusion

Nigeria as a nation with over 150 million people, the most populous country in Africa, no doubt is a major supply chain for trafficking in women and children for prostitution worldwide. It has been discovered that economic, social, cultural, gender discrimination and marginalization, corruption and organized criminal networks are factors promoting trafficking of Nigerian Women and Children to Italy for sexual exploitation. This research work shows that Nigerian government over time has put a number of legal mechanisms in place to curb the menace of trafficking in Nigerian women and children for prostitution whether in Nigeria or abroad. This climaxed in 2003, with the enactment by the National Assembly of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 and the amendment of 2005.