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**INTERNATIONAL JURIDICAL RESPONSE TO 21ST CENTURY SLAVERY:
CHALLENGES FOR NIGERIA'S COMATOSE LEGISLATURE**

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International Juridical Response to 21st Century Slavery: Challenges for Nigeria's Comatose Legislature*

Introduction

The international trafficking in human beings – particularly of women and children for purposes of slavery, slavery-like practices, forced or bonded labour, prostitution, pornography, forced marriages and the removal of organs is a growing global problem. Like the dreaded HIV/AIDS pandemic, it affects both poor and rich countries alike and represents the world's third largest area of organized crime – after drugs and arms trade – and a business that produces an estimated seven billion dollars annually. The Congressional Research Service of the United States of America estimates that every year, two million people are trafficked against their will to work in some form of servitude and that 35% of trafficking victims are under the age of 18. The United States State Department also reports that an estimated 700,000 persons annually – primarily women and children – are kidnapped, tricked or coerced into leaving home and often cross international borders with the promise of bogus jobs that could benefit families back home. Some are sold into outright slavery while others end up trapped in some forms of human bondage.

Slavery in its ancient and modern forms is a global practice. The ancient was so crude and barbaric as to cause its eventual legal abolition; but the modern version of slavery is a complex, sophisticated and lethal slow poison eating deep into the fabrics of the global society. Twenty first century slavery cuts across the boundaries of sex, age, professional and occupational callings. Humans are regularly moved from place to place and across international borders for several illegal purposes, and these activities in the past few decades have had adverse social, psychological, political and economic effects on the nations and peoples of the world. Strangely enough, a survey carried out by Anti-Slavery International (a Non-Governmental Organisation) reveals that many of these modern slaves follow the same trade routes of the middle ages and the Renaissance across Europe and West Africa. The new slave trade has the same type of actors and characteristics as the old except that the new slave masters have replaced the camels and slave ships with trucks, jeeps, four-wheel drive vehicles and sometimes aircraft. Another remarkable feature of the new variety is that both the slavers and the victims – particularly those in the sex labour market – often carry mobile telephones. However, the age-old cunning, deceit, use of drugs to subdue victims, fraud, coercion, abduction, the whip and in extreme cases, cold blooded murder have remained essential tools for the slavers.

The international trafficking in human beings – particularly of women – is also referred to as the white slave trade and started towards the end of the nineteenth century. The problem first gained international recognition in 1904 when the International Agreement for the Suppression of White Slave Traffic was signed. This agreement was built upon by the League of Nations in 1921 and 1926 when the International Convention for the Suppression of Traffic in Women and Children and the Slavery Convention respectively, came into force. Since then, the United Nations has come out with a number of conventions and their supplementary protocols to outlaw the obnoxious practice. Laudable as these laws are, they are normative in character and most member states had hitherto chosen to ignore the implementation of the guidelines set therein to combat the scourge. Over the years, governments the world over failed to see trafficking in

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humans for what it really is - that is, gross violation of human rights - but treated it as a social problem. Till date, victims of trafficking continue to suffer not only in the hands of their traffickers and exploiters but from officials and agencies of transit and destination countries where they are mostly treated as criminals and illegal aliens.

In the last decade however, trafficking in human beings - particularly of women and children – has emerged on the world's political and operational agenda with an expanded meaning informed by current discourse on globalisation, migration, changes in prostitution patterns, the feminist and gender debates, increased attention to human rights and most recently, children's rights. Governments and private organisations all over the world, having recognized the dangers of this modern slavery are coming together and working jointly and severally to fight the common monster. The last decade of the twentieth century till date has witnessed an unprecedented level of international concern over the trafficking of human beings especially women and children. It has become the world's biggest headache, after the dreaded HIV/AIDS pandemic. The big question is: what are nation states doing about it and how far should they go? This is the focus of this paper, with Nigeria taking the centre stage in the discourse. The paper takes a close look at international governmental/agency responses to the problem in general, and the contributions if any, of Nigeria's law makers to address the problem of trafficking in humans, which in our humble opinion has become a national emergency.

Evolution and development of Trafficking – The Slave Trade to date

From a historical perspective, the practice of massive trafficking in human beings and slavery is not new to the world especially on the African continent. African peoples a few centuries ago experienced slavery in its most barbaric form with an estimated 11.5 million people taken from their native lands.¹ Unfortunately, trafficking in humans with its attendant slavery and practices similar to slavery has not ceased with the legal abolition of slavery by the former colonial masters. Rather, it is growing in frightening proportions. Today, Africa is still one of the most vulnerable parts of the world experiencing slavery in its sophisticated contemporary forms. Other regions of the world badly hit by this phenomenon are *inter alia* South/South-East Asia, parts of the Middle East, Eastern Europe, Central and Latin America and the Caribbean islands.

Slave trade is the buying and selling of people as slaves.² And a slave has been defined as a person who is wholly subject to the will of another, one who has no freedom of action but whose person and services are wholly under the control of another; a person who is the chattel or property of another and is wholly subject to his will. In the same vein, slavery is defined as the state of entire subjection of one person to the will of another; a condition of enforced compulsory service of one to another.³

Slaves were considered as property over which their masters had lawful authority and the masters were therefore free to use such force and means in reducing their rebellious slaves to lawful submission to their authority as were necessary to affect their purposes, even to the destruction of the life or limb of the slave.⁴ Slave masters were however under a legal obligation to supply all necessaries to, and to protect and preserve the lives of their slaves.⁵ Slaves could be transferred by will, gift, or sale and they could also be mortgaged or pledged as security. They could be sold, hired or lent out in the

¹ See Rob Boone, "United Nations Action Against Trafficking in Human Beings" in Tunde Fagbohunbe (ed.) **The Rape of the Innocents – Evolving an African Initiative Against Human Trafficking** (Abuja: WOTCLEF Publications, 2001) p.236

² Okojie et al, UNICRI/UNODC Report of Field Survey in Edo State, Nigeria in the Programme of Action Against Trafficking in Minors and Young Women from Nigeria into Italy for the purpose of Sexual Exploitation, August 2003

³ See Vol. 80, Corpus Juris Secundum (C. J. S.) p. 1317

⁴ Dave v. State, 22 Ala. 23.58 C. J. S. p.760 note 60

⁵ Fairchild v. Bell 4 S. C. L 129, 3 Am.D. 702

same manner as other chattels subject to all legal and customary rules governing these transactions.⁶ A slave had no civil, social or political rights or capacity except those conferred on him by statute, and could not acquire or hold title to property or any necessary interest therein. In the same vein, a slave could not contract without the consent of his master and had no rights of inheritance from or through slaves.⁷

The ancient slave trade took place from the 17th to the 19th centuries A.D.⁸ The trade in African slaves of that period was a political institution modelled after that of the ancient Romans whereby a person could become a slave either by birth⁹ or through captivity.¹⁰ At the end of the 14th century, Europeans started to take people from Africa against their will. Initially they were mainly used as servants for the rich. The Europeans justified the taking of slaves by arguing that they were providing an opportunity for Africans to become Christians. By the 17th century the removal of slaves from Africa became a holy cause that had the full support of the Christian Church.¹¹ When Spanish and Portuguese sea captains began to explore the Americas they took their African servants with them. Some of these Africans proved to be excellent explorers who led the first European expeditions to the Americas. After the arrival of the Europeans, there was a sharp decline in the local population of most of the islands in the Caribbean Sea as a result of the heavy losses inflicted on them by the conquering European armies. This created a problem for the Europeans, as they needed labour to exploit the natural resources of these islands. Eventually the Europeans came up with a solution: the importation of slaves from Africa. By 1540, an estimated 10,000 slaves a year were being brought from Africa to replace the diminishing local populations.¹² British merchants became involved in the trade and eventually dominated the market. They built coastal forts in Africa where they kept the captured Africans until the arrival of the slave ships that ferried the slaves to the Americas to work in a variety of settings particularly the notorious plantations. The merchants obtained the slaves from African chiefs by giving them goods from Europe. At first, these slaves were often the captured soldiers from tribal wars. However, the demand for slaves became so great that raiding parties were organised to obtain young Africans.¹³ An estimated 15 million Africans were transported to the Americas between 1540 and 1850. By the 17th century, slaves could be purchased in Africa for about \$25 and sold in the Americas for about \$150. After the slave trade was declared illegal, prices went much higher. Even with a death rate of 50 per cent, merchants could expect to make tremendous profits from the trade.¹⁴

Between the years 1650 and 1900, historians estimate that at least 28 million Africans were forcibly removed from central and western Africa as slaves (though these figures are controversial). Muslim traders exported as many as 17 million slaves to the coast of the Indian Ocean, to the Middle East, and to North Africa. Before then, estimates place the number of Africans sold in the Arab slave trade (from A.D./C.E. 700 to 1911) somewhere around 14 million: at least 9.6 million African women and 4.4 African men.¹⁵ African slave exports via the Red Sea, trans-Saharan, and East Africa/Indian Ocean to

⁶ Supra n. 3 id at 1322

⁷ Id. at 1324 - 1325

⁸ Oxford Advanced Learner's Dictionary of Current English, 6th ed. (London: Oxford University Press, 2000)

⁹ Going by the maxim, *partus sequitur ventrem* the children of a slave followed the condition of their mother at birth.

See the American case of *Jones v. Wooten*, 1 Del. 77

¹⁰ Supra n. 3 id at 1318

¹¹ See The Spartacus Internet Encyclopedia, *British History 1700 – 1930* at [www. Spartacus.schoolnet.co.uk/slavery.htm](http://www.Spartacus.schoolnet.co.uk/slavery.htm) accessed 23/03/04

¹² Ibid

¹³ Ibid

¹⁴ Ibid

¹⁵ KAMMAASI / Sankofa Project Guide, 1999 "The Forgotten Holocaust: The Eastern Slave Trade" at <http://www.geocities.com/CollegePark/Classroom/9912/eastertrade.html>

other parts of the world between 1500-1900 totalled at least 5 million Africans sent into bondage.¹⁶ Between 1450 and 1850, at least 12 million Africans were shipped from Africa across the Atlantic Ocean through the notorious "Middle Passage" primarily to colonies in North America, South America, and the West Indies. 80% of these kidnapped Africans (or at least 7 million) were exported during the 18th century, with a mortality rate of probably 10-20% on the ships en route to the Americas.¹⁷ Unknown numbers (probably at least 4 million) of Africans died in slave wars and forced marches before being shipped. Within Africa itself, the slave trade precipitated migrations: coastal tribes fled slave-raiding parties and captured slaves were redistributed to different regions in Africa.

African slave trade labour transformed the world. In Africa, slave trade stimulated the expansion of powerful West African kingdoms.¹⁸ In the Islamic world, African slave labour on plantations, in seaports, and within families expanded the commerce and trade of the Indian Ocean and Persian Gulf.¹⁹ In the Americas, slave labour became the key component in the trans-Atlantic agriculture and commerce supporting the booming capitalist economy of the 17th and 18th centuries, with the greatest demand in the Americas coming from Brazil and the sugar plantations of the Caribbean. The forced and brutal dispersal of millions of Africans into foreign lands created the Black Diaspora. African slaves and their descendants carried skills and communitarian values, rich cultural traditions, resiliency, and resistance ethos that transformed and enriched the cultures and economies they entered around the world.²⁰

The entire episode of the world African or trans-Atlantic Slave Trade was considered to be a human catastrophe for Africa, aptly referred to as the "Black Holocaust." According to recent reports:²¹

The Black Holocaust is one of the more underreported events in the annals of human history. The Black Holocaust makes reference to the millions of African lives, which have been lost during the centuries to slavery, colonization and oppression. The Black Holocaust makes reference to the horrors endured by millions of men, women, and children throughout the African Diaspora. In sheer numbers, depth and brutality, it is a testimony to the worst elements of human behaviour and the strongest elements of survival.

The situation in the 20th and this early part of 21st centuries did not and has not changed much: it only became sophisticated and clandestine. Over the years, the supply markets have expanded to the rest of the world and not Africa alone. According to the International Labour Organisation (ILO) report based on one of its commissioned studies²², practices as old and as barbaric as chattel slavery and bonded labour continue to exist even in the 21st century. The report, while conceding "the physical abduction of persons for forced labour purposes is certainly not as common in the modern world as it was before slavery became outlawed", also admits that the practice of abduction of

¹⁶ Elizabeth Clement, "Ship's plan for Middle Passage" <http://www.history.upenn.edu/hist345/wass3.html>

¹⁷ Philip D. Curtin (comp.) & Herbert S. Klein (ed.) Records of Slave Ship Movements Between Africa and the Americas, 1817-1843 at <http://dpls.dacc.wisc.edu/slavedata/slaintro1.html>

¹⁸ See PBS Online's *Wonders of the African World with Henry Louis Gates, Jr* (1999) "The Slave Kingdoms" at http://www.pbs.org/wonders/fr_e3.htm

¹⁹ Oscar L. Beard, "Did We Sell Each Other Into Slavery?" (May 1999) at <http://www.hartford-hwp.com/archives/30/145.html>

²⁰ Mapping Africa: Africa and the Diaspora Movement (Kennedy Center's African Odyssey Interactive) at <http://artsedge.kennedy-center.org/aoi/resources/hq/ae-map.html>

²¹ KAMMAASI / *Sankofa Project Guide* (1999) "The Black Holocaust: From Maafa to Colonization" <http://www.geocities.com/CollegePark/Classroom/9912/blackholocaust.html>

²² "Stopping Forced Labour" (May, 2001) ILO Global report under the *Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, 1998 presented at the 89th Session of the International Labour Conference held in Geneva in June, 2000.

persons for sale into slavery and bonded labour does exist and that it covers a range of countries and situations. Highlights of the report include the following:

- (1) That in Africa for example, abductions take place against a backdrop of traditional rivalries²³ like in Mauritania, or full-blown armed conflicts such as in Liberia, Sudan, Rwanda Sierra Leone and other countries within the continent in the last few decades. In Mauritania, Arab and Berber communities traditionally captured black slaves in the south and carried them north to do heavy farm and domestic work. Even when the country declared independence in 1961, hundreds of thousands of people remained in slavery. Although Mauritania officially abolished slavery as recently as in 1980, reports dating to 1997 indicate that the practice still exists.
- (2) The ILO report cited the International Confederation of Free Trade Unions (ICFTU)'s denunciation of the practice whereby adults reportedly held children, abandoned as a consequence of the civil war in Liberia hostage and used them as a source of forced and captive labour.
- (3) That in Sudan, between 5,000 and 10,000 people have been abducted since the civil war broke out in 1983
- (4) That another form of forced labour is "coercive recruitment practices" found in farming and remote rural areas where workers have no choice but to incur further debt to obtain food and other necessities supplied by the landowner or contractor, or accepting goods in lieu of wages.
- (5) In Ivory Coast (Cote D'Ivoire), children, mainly from certain ethnic groups, or from Mali and Burkina Faso, are forced to work on plantations
- (6) The report details the harsh conditions of domestic living in forced labour conditions, especially in the Middle East, which said conditions are compounded when the workers are international migrants.
- (7) There are also cases of children, especially girls, working long hours in private residences without attending school. In Benin Republic for example, 100,000 such cases were documented and 250,000 were found in Haiti.
- (8) Another kind of servitude is bonded labour, in which a person provides services under conditions of bondage arising from economic considerations, notably indebtedness through a loan or advance.²⁴

Recently, there has been a revival of the once thriving slave routes across West Africa, and the evolution of new ones across the globe. Slavers, now going by the name of traffickers, have reappeared following the old slave routes, except that trucks, jeeps and modern four-wheel drive vehicles, and sometimes, aircraft, have replaced the camels and slave ships. The slavers now carry mobile telephones and use sugar-coated tongues, sedatives, hard drugs, threats and sometimes, actual violence to replace the chains, horsewhips and weapons. In fact, one expert has summarised the entire phenomenon of trafficking in humans by saying that trafficking is not new; what is new is the modern way of doing the same old things.

The unique thing about modern trafficking in human beings is that it now has both a large pool from which human cargo is derived as well as a large placement site to which these victims are trafficked and exploited. More often than not, today's slaves are victims mainly because of their distinct cultural, political, economic, social and genetic characteristics. The London-based Anti-Slavery International estimates that more than 200 million people are currently reduced to some form of slavery. Indeed, trafficking in

²³ Not unlike the ancient inter-tribal wars that took place in the era of the Slave Trade

²⁴ This is common among female trafficking victims from Edo State of Nigeria who are made to sign "friendly loan agreement" for sums in excess of U.S.\$45,000 even before they are trafficked to Europe without ever receiving a dime of that amount which they have to work to pay back to the "creditor" within a limited time

human beings is a global event in terms of its geographic coverage, forces at play and the principal actors, that is, the traffickers, the victims and the enormous profit-driven markets and proceeds.

The Human Trafficking Phenomenon

The word “traffic” is a verb that has always had a well-understood meaning in the popular sense. Like some other words however, its precise meaning in any given instance depends largely on the connection in which it is employed. In its primary sense, and as generally defined in the case of *Stewart v. Hugh Nawn Contracting Co.*,²⁵ the word “traffic” means:

The exchange of goods or commodities, either by barter or by buying and selling, between countries, communities, or individuals; the commercial exchange of goods, wares, or any kind of merchandise, whether by barter or the use of money, bills of exchange, or other like means; the purchase or exchange of merchandise, bills, money, and the like; the passing of goods or commodities from one person to another for an equivalent in goods or money. It means the business of bartering, or buying and selling; the buying of something from another or the selling of something to another; bargaining for profit; commerce; trade; sales.

From the above, the word “traffic” primarily conveys the idea of bartering, buying and selling, or dealing in, of which transportation is but an incident. In the general sense, trafficking includes buying and selling and the exchange of goods, wares and merchandise. It necessarily includes all the incidents of such business and trade, and the delivery of the subject of the traffic.²⁶ The word “traffic” applies to movement, but is not wholly confined thereto. While the term is applied in various definitions to the coming and going and the passing to and fro of persons, it has been stated that it cannot fairly be said to include pedestrians.²⁷ It also implies the illicit or unethical sale or selling of something or someone. In a much narrower sense, “traffic” has reference to transportation itself or to the business of transportation, or to the subjects of transportation on a route, as in persons or goods; and means the coming and going of persons or the transportation of goods along a line of travel; the passing to and fro of persons, animals, vehicles, or vessels along a route of transportation, as along a street, canal etc.²⁸ The subject-matter of this paper falls squarely in this narrower meaning of traffic. The word “trafficking” is merely an adverb, which imputes carrying on or engaging in a business.

Globalisation has facilitated the freer movement of people, goods and services across international borders, unwittingly resulting in easing even clandestine operations such as trafficking. Obviously, globalisation has not only stimulated the movement of capital, goods, and technology but also the movement of all categories of people from one end of the world to the other. This global development brought in its wake the loosening up of protective barriers and political boundaries which organized criminal gangs have capitalized on to perpetrate many heinous acts including human trafficking.

According to Gerard Stoudmann,³⁰ trafficking in human beings “has become one of the most pressing human rights issues ... the fastest growing and most lucrative criminal enterprises in the world”. Men, women and children, have become cheap and dispensable commodities sold and put to work mostly in the informal and often illegal

²⁵ U.S. 112 N.E. 218, 223 Mass. 525 cited in Vol. 87, *Corpus Juris Secundum* (C.J.S.) p.883

²⁶ Vol. 87, *Corpus Juris Secundum* (C.J.S.) p.883

²⁷ N. H. – State v. Moore, 37 A.2d 15, 17, 93 N. H. 169 cited in Vol. 87, C.J.S. p.884

²⁸ Vol. 87, C.J.S. 884

³⁰ Director, Organisation on Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) in the OSCE proposed Action Plan and background document titled, “Trafficking in human beings: Implications for OSCE” <http://www.osce.odihr.org>.

labour markets of prostitution, domestic service, agriculture, mines and industries. Over the years however, adult men have become less vulnerable to the wiles of traffickers, leaving the more vulnerable women and children to the manipulations of the traffickers. The United Nations (UN) reports that around the world, more than four million people a year are traded against their will to work in some form of servitude.³¹ The United Nations Office on Drugs and Crime (UNODC) also estimates that more than 700,000 people are trafficked across international borders every year into prostitution and forced labour in the modern version of slavery.³²

Trafficking in humans may share common characteristics with alien smuggling and illegal migration, but it has its own distinctive features and dynamics involving particularly grievous human rights abuses. Though the fact of human trafficking is not difficult to understand on its own, its dimensions and categorization continue to multiply by the day. Broadly conceptualised, human trafficking includes forced adult and child prostitution, domestic servitude, illegal and bonded labour, forced or servile marriage, false adoption, sex tourism and entertainment, pornography, organized begging, organ harvesting³³, and other criminal activities.³⁴

At the end of the last century, the world witnessed the growth, in alarming proportions, of the modern form of slavery. Modern traffickers treat men, women and children as commodities to abuse, sell and move across borders like illegal drugs or stolen weapons.³⁵ In some cases in the West African sub-region, small children are moved across international borders in cargo sacks, overloaded trucks and boats in treacherous waters.³⁶ In Asia, it is not uncommon to find children as young as thirteen years old being purportedly married off to western suitors and later subjected to either forced labour or prostitution by their “husbands” upon arrival in the destination countries of their husbands³⁷. By its very nature, trafficking in humans is not a discrete act, but a combination or series of events that take place in the victims’ home communities or countries, at transit points and at final destinations within the same country or across international borders. The clandestine nature of this type of crime makes it hard to detect and estimate its frequency, since its operators and victims are hidden from public view.

Human trafficking is among many illegal activities tied to organized crime. Unlike illegal immigration - that is, smuggling people who willingly attempt to emigrate by unlawful means across borders - trafficking in humans involves the recruitment, transportation or harbouring of people by means of deception, debt bondage, coercion, violence, or the threat of violence for the purpose of economic exploitation. A Protocol on Trafficking³⁸, attached to the United Nations Convention Against Trans-national Organized Crime, signed by 80 countries and the European Union in December 2000, formally defined trafficking as a modern form of slavery and indentured servitude, linked

³¹ Erin McCormick and Jim Herron Zamora “Slave trade still alive in the U.S.” San Francisco Examiner, Monday, February 14, 2000.

³² See UNODC website at: <http://www.unodc.org/unodc/index.html>

³³ Organ harvesting sometimes referred to as organs laundering, involves the trafficking of humans for the purpose of selling their vital organs for money. This shows the very barbaric dimension of this crime.

³⁴ Corbin B. Lyday, “The Shadow Market in Human Beings: An Anti-Corruption Perspective”, being a paper presented at the 10th International Anti-Corruption Conference organised by Transparency International held in Prague, Czech Republic from October 7 – 11, 2001.

³⁵ Ann Jordan, “Trafficking in Human Beings: The Slavery that Surround Us” August (2001) Global Issues Electronic Journal *Arresting Transnational Crime*

³⁶ Sharon Backers, “Risking it all – Implications of Refugee Smuggling and Trafficking” in Tunde Fagbohunbe (ed.) *supra* n.1 *id* at p.217

³⁷ There is the reported case of an American who negotiated to buy a 13-year old Vietnamese girl from her family to take to the United States for sex: he “married” her and forged a birth certificate showing her age to be 18. This is one of several such cases. See WomenAid International reports on <http://www.womenaid.org>

³⁸ See Art. 3, Protocol To Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime

to organized criminal activity, money laundering, corruption and the obstruction of justice. Using a broad language, this protocol defined trafficking as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of 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.

Organized crime plays a key role in ensuring that trafficking in humans is a growing industry. However, underlying social, political and economic disparities in many developing countries assist them. Poverty, unemployment, a lack of education, a lack of work skills, political oppression, and civil disorder are among the factors that disenfranchise people, making them vulnerable prey to organized crime groups. To criminal networks, the business is highly profitable because of the length of time victims can be held in servitude paying off enormous “debts”. Trafficked persons work in mainly informal labour sectors where their traffickers, exploiters and employers more usually subject them to serious physical and psychological abuses. They are victims of human rights violations. According to a renowned international human rights lawyer:³⁹

Trafficking in humans is the very antithesis of the Universal Declaration of Human Rights ... [and] represents one of the most comprehensive challenges to human rights in the world today, for it involves the very denial of the humanity of its victims.

Traffickers abuse virtually the entire spectrum of rights protected by the Universal Declaration of Human Rights, 1948 and by their acts, traffickers deny that all persons are born free and equal in dignity and rights; they deny their victims freedom of movement, freedom of association, free access to desired employment and the most basic of all – the right to have a childhood. Traffickers profit from arbitrary detention, slavery, rape, and cruel, inhuman and degrading treatment of their victims. They regularly violate any human right that gets in the way of a profit and view their victims as objects and chattels to be bought and sold as needed.⁴⁰

Trafficking is a crime against the individual. Traffickers actively recruit victims, facilitate their migration and deliver them to a place where they are held in bonded servitude for many years working for little or no pay at all for seven days a week and for as long as 18 hours a day. These victims often come from underdeveloped regions experiencing war, economic collapse, environmental degradation or ethnic conflict⁴¹. They are usually in two categories: those who actually consent to going with the traffickers to do mutually agreed specific jobs and those who are deceived about the nature and conditions of the work they would be required to do. In the case of the former, the victims generally know what they are getting into and the arrangement upon arrival.

³⁹ Harold Hongju Koh, former United States Assistant Secretary of State for Democracy, Human Rights and Labour, in his testimony before the United States House Committee on International Relations: Washington, DC, September 14, 1999.

⁴⁰ Ibid

⁴¹ Hae Jung Cho, “Trafficking in Humans Isn’t Behind Us Yet” Commentary in the Los Angeles Times, Friday, February 11, 2000.

At some point however, the purported terms and conditions of the initial contract disappear and the victims are then coerced or forced into slavery or subjected to slavery-like practices.⁴² In the case of the latter, traffickers or their agents often lie to the victims about the kind of life that awaits them abroad. They are deceived about job opportunities and avenues of making quick and easy money⁴³. Traffickers also recruit victims through fake advertisement, mail-order bride catalogues and casual acquaintances.⁴⁴ There have been reported cases of out right kidnapping and abduction of children and young girls on their way from work or schools or in war-torn countries.⁴⁵

Trafficking practices vary from region to region and according to the type of trafficking engaged in by different criminal groups within such regions. Generally, trafficking involves a vicious cycle in which victims are lured or forced from their home countries, shuttled across international borders and enslaved, with their human rights violated every step of the way. In the trafficking chain, there are “source”, “transit” and “destination” countries. Victims of trafficking originate from source countries; they are taken through transit countries and they end up in destination countries. In “source countries” from any part of the world, victims of trafficking can include men, women and children of every age group. However, the majority are girls and young women under the age of 25.⁴⁶ In almost every situation, traffickers prey upon the hopes and fears of their victims by offering the false hope of a better life abroad or in the big cities far away from their home communities. In many cases, victims are taken through “transit countries” where they discover for the first time that they have no choice but to accept prostitution, debt bondage, servile marriages or other forms of involuntary servitude. To ensure compliance, the traffickers regularly use different means like drugs, starvation, physical violence (including sexual assault) threats to victims’ families back home, subjection to voodoo rituals and oath-taking (peculiar to Nigerians) and threats of handing them over for detention to unsympathetic local law enforcement agents to secure the cooperation of the victims⁴⁷. At this stage or upon arrival at the “destination country”, the traffickers often seize or destroy victims’ identification papers, passports and other travel documents to ensure that victims cannot return home on their own. They are stripped of whatever little money they have and where money has been exchanged either by the victims/victims’ families as travel expenses or as payment to the victims’ families – as is most common with child trafficking – the victims are then told that transportation costs have increased a lot more than anticipated and that they would have to work additional months or even years in some cases, to pay back the traffickers.

Traffickers frequently move victims from one “safe” house to another, from city to city and from country to country in a confusing maze that the victims can hardly understand. Once victims arrive at their final destination, they are often kept in squalid conditions in a state of virtual house arrest. To the victims, violence, intimidation, drugs, long hours of servitude and threats of just about anything form part of the miserable and

⁴² Ibid.

⁴³ Erin McCormick and Jim Herron Zamora “Slave trade still alive in the U.S.” San Francisco Examiner, Monday, February 14, 2000.

⁴⁴ A Times Editorial, “Trafficking in Humans” St. Petersburg Times, Thursday, July 19, 2001.

⁴⁵ In the United States of America, three men were convicted in 1997 on charges of kidnapping a 22 year-old Chinese woman in China, taking her to America and forcing her to work as a prostitute after series of rape and beatings. There have also been reported cases of abductions in war-torn Sudan, Sierra Leone and Liberia. In Sokoto State of Nigeria, kidnapped children were reportedly sold for amounts ranging from ₦50, 000 to ₦ 100,000 (US \$500 – US \$1,000) to be used as labourers or as ritual sex objects.

⁴⁶ United States of America State Department’s 1999 Annual Country Reports on Human Rights Practices presented by the former Secretary of State, Madeleine K. Albright on February 25, 2000. See. http://www.state.gov/www/global/human_rights/1999_hrp_report/

⁴⁷ At this stage, some victims never make it to the countries originally destined for them. Some have been reported to have lost their lives in the course of their “recalcitrance” or sold off to exploiters based in that country.

often brutal daily routine. At the end of all the labour, the victims get a tiny percentage of their actual earnings while the traffickers keep the balance to “cover” purported costs for room, board, clothing and in the case of prostitutes, rent on the portion of the roadside they stand on to pick up their customers. For victims working in the prostitution and pornographic industries, they are forced to continue working regardless of sexually-transmitted diseases like HIV⁴⁸ and pregnancy, if not forcefully aborted. Health care for victims is virtually non-existent or only provided by more experienced fellow victims, leaving most victims at high risk of further health complications, and ensuring that many children born to victims while in captivity will themselves be trafficked, usually through adoption rings.⁴⁹

Trafficking of humans, particularly of women and children has negative cost implications on the economies of home countries of the victims. Usually, victims of trafficking are normally of low employable skills on account of their relatively lower or zero education levels. Therefore, most of them are trafficked on fake travel documents and hence occasionally get arrested by law enforcement agencies of either the transit or destination countries leading to forced repatriation, the cost of which is borne by their home governments.⁵⁰ More often than not, the deported victims are left on their own upon arrival in their home countries penniless, disoriented and confused. Sometimes, these victims resort to desperate behaviour when, having been subjected to exploitation, humiliation, detention and repatriation, they suffer neglect further humiliations in the hands of their home authorities.⁵¹ The home countries also lose the human resource value of these victims in the overall development of their economies.

The negative consequences of trafficking cannot be over-emphasised. For the victims, the mental and physical abuse suffered in the course of their economic exploitation more often than not lead to multiple trauma, anxiety and depression. Some also suffer from physical ailments, malnutrition, diseases (sometimes terminal) and sometimes death at the hands of traffickers or during transportation. They also suffer rejection and alienation from their families and communities particularly when they have failed to live up to their expectations and repay family ‘investments’. It is no use telling them their experiences because of the effect of societal stigmatisation, which they suffer as a result of social taboos, and myths about money earned abroad, particularly where the victims returned empty handed or were trafficked into prostitution. To the families, which may have mortgaged family property to pay the traffickers’ fees, the only feasible option to recover the money is often the re-trafficking of the returned victims.⁵²

In summary, the trafficking phenomenon is a rejuvenated slave trade that has come back with a vengeance. The current version is so sophisticated in its dynamics and debilitating in its effect that sooner than later, the world society would find itself on the brink of collapse if urgent and far-reaching measures are not taken to check the activities of traffickers of human cargo.

⁴⁸ In fact, the HIV crisis has even increased the sex trafficking industry in that pimps continue to seek increasingly younger boys and girls (as young as 12 for girls) in order to market them to customers as “clean”.

⁴⁹ Vivien Altman, “Baby Trafficking or Inter – Country Adoption” a July 1996 research publication reproduced at <http://www.signposts.uts.edu.au/articles/Australia/Children/333.html>

⁵⁰ Ernest Taylor, “Trafficking in women and girls” being a presentation at the Expert Group Meeting on “Trafficking in women and girls” held at the Harrison Conference Centre, Glen Cove, New York from 18-22 November, 2002 at pp. 5-6.

⁵¹ See Okojie et al, UNICRI/UNODC Report of Field Survey in Edo State, Nigeria in the Programme of Action Against Trafficking in Minors and Young Women from Nigeria into Italy for the purpose of Sexual Exploitation, August 2003 at p.80.

⁵² See Kejser Lotte, “Trafficking in Human Beings: The IOM Experience” in Tunde Fagbohunbe (ed.) The Rape of the Innocents – Evolving an African Initiative Against Human Trafficking (Abuja: WOTCLEF Publications, 2001) pp. 194-206

Profile of Victims

The actual and potential victims of trafficking are mainly women and children. Comparatively the number of adult male victims is negligible. This is as a result of the feminisation of migration and trafficking. Hitherto, young men previously constituted the vast majority of migrants; women merely followed the men as dependants. In the last three decades however, women and children increasingly migrated as wage earners in their own right, responding to the demand for skilled and unskilled labour in formal and informal service sectors. The situation was made worse by the fact that poverty in developing and transitional countries affected women and children severely and disproportionately due to gender discrimination regarding ownership of property, access to education, training, skills acquisition and jobs outside the domestic and agricultural sectors.

These victims nearly always come from regions experiencing economic stagnation, high unemployment rates, extreme poverty, natural disasters armed conflicts political instability and cultural and racial discriminatory practices. In the case of women and young girls, the victims are usually aged between 14 and 30 years old, while child victims can be as young as 4 years.

Situation Report in Nigeria

The trafficking pattern in Nigeria is two-dimensional – local and international trafficking. On the local scene, there is a massive trafficking of children from rural areas to urban and semi-urban areas for exploitative labour in mainly the informal sector of the economy. Most of the internal trafficking in Nigeria is concerned with the procurement of children and young girls for abusive and exploitative labour as domestic helps, hawkers or street traders, agricultural workers in the cocoa plantations of the western states of Ondo and Ogun, sex workers in brothels and as beggars (Al majiris) in the northern states. The Nigerian Immigration Service has identified the endemic states for child trafficking as Akwa Ibom, Cross River, Ebonyi, Enugu, Imo, Ogun, Ondo and Rivers states.

The international dimension of trafficking in Nigeria is principally for the supply of women and young girls for the prostitution rackets in Europe, North America and the Middle East. However, there is also large-scale trafficking of children across international borders as labourers and on a minor level, to Europe for domestic work and removal of organs.⁵³ Organised criminal rings are involved in the smuggling of children and women across the border to regional destinations as child labourers and to Europe, particularly Italy where more than 60% of the trafficking victims in the commercial sex markets are Nigerian women, some of whom are as young as 14. In recent studies carried out in Edo State, two Chief Magistrates were able to recognize that human traffickers have resorted to using the Adoption laws of Edo State in particular as an avenue of legally trafficking children and young women from Nigeria into Europe (particularly Britain) for several purposes that may well include prostitution, domestic service and organ harvesting⁵⁴.

Legal Responses to Human Trafficking

The last decade of the twentieth century has witnessed an unprecedented level of international concern over the trafficking of human beings, including a broad recognition of the links between trafficking and exploitation of victims who suffer all manners of human rights violations reminiscent of the slave trade. Even though slavery and slavery-

⁵³ Recent media reports indicate that there is a growing trade in Nigerian children in Europe exported for purposes of ritual murders and organ transplant. British Police came to Nigeria late last year to try and identify the Nigerian child code named "Boy Adam" whose limbless and headless torso was found floating on the River Thames.

⁵⁴ See Okojie et al, supra n. 2

like practices have been prohibited through a number of instruments⁵⁵ by International Law since the Congress of Vienna of 1815⁵⁶, the world, in the last few decades has come to recognise that the modern version of slavery is much more complex and sophisticated than the ancient and crude version. Unfortunately, not much has been done in terms of comprehensive policies and legislation at national and regional levels to complement the level of concern, policy and legal responses being exhibited on the international scene. Ironically, the very nations that are mostly affected by this problem are the ones that are lagging behind in law and policy strategies to address the problem. While some countries like The United States of America, Holland, New Zealand and Italy have responded positively in this regard, most African, Caribbean, Asian and Eastern European countries are yet to figure out that they have a social and human rights problem of pandemic proportions and exactly what to do about the situation.

Internationally, the United Nations has risen up to the occasion and has put in place a legal framework upon which member-countries are expected to rely on as a guide and enact anti-trafficking legislation at national and regional levels. In terms of Policy, United Nations has also put in place a number of programmes to address the various dimensions of trafficking and it is encouraging member states to co-operate through bilateral and multilateral treaties and agreements, to fight the scourge on a common platform.

International Juridical Response

The human rights approach and a gender perspective have been the essential focus of a co-ordinated United Nations international effort at preventing and combating trafficking in human beings. This approach is consistent with international law, which has since 1945, focused on the protection of individual and collective human rights as can be seen from Universal Declaration of Human Rights 1948, which emphasises that 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world'.⁵⁷ The United Nations Charter itself contains a number of human rights provisions.⁵⁸ And flowing from the United Nations Universal Declaration of Human Rights, there have been several regional conventions, which re-emphasise the United Nations position on human rights.⁵⁹

Since 1945, the United Nations has successfully negotiated the following conventions and treaties touching on the subject of trafficking in humans and the attendant human rights violations.

- (1) *The Universal Declaration of Human Rights, 1948* adopted by the United Nations General Assembly provides as follows:
No one shall be held in slavery or servitude; ... slavery and the slave trade shall be prohibited in all their forms.⁶⁰
- (2) *The Convention for the Suppression of Traffic in Persons and for the Exploitation of the Prostitution of others*, though signed by 73 State parties, failed to distinguish between consensual and forced prostitution and does not also cover

⁵⁵ The United Nations has more than twenty international instruments to prohibit slavery and other related practices.

⁵⁶ Kadish, S.H. (ed.) *Encyclopedia of Crime and Justice* (New York: The Free Press, 1983) Vol. 3, Pg. 904

⁵⁷ See Shaw, M. N., *International Law*, 5th ed. (United Kingdom: Cambridge University Press, 2003) chapter 6 for a detailed discussion.

⁵⁸ For example, Articles 1, 13(1) and 56 of the Charter

⁵⁹ See for example, the European Convention, the American Convention and the African Charter on Human and People's Rights.

⁶⁰ Article 4, Universal Declaration of Human Rights, 1948

- modern forms of forced prostitution.⁶¹ This defect has however been cured by the Palermo Protocol⁶²
- (3) *The International Covenant on Civil and Political Rights* further reinforces the above provision and goes further to state that no person shall be held in “servitude”, a term that has wider implications than slavery.⁶³
 - (4) *The International Covenant on Economic, Social and Cultural Rights* recognises an individual’s right to employment or work which he can choose freely and the entitlement of everyone to just and favourable conditions of work.⁶⁴
 - (5) *The Convention on the Rights of the Child* enjoins State parties to take all appropriate national, bilateral, and multilateral measures to prevent abduction of, the sale or traffic in children for any purpose or in any form.⁶⁵
 - (6) *The Optional Protocol to the Convention on the Rights of the Child, on the sale of Children, Child Prostitution and Child Pornography* expressly deals with the subject of trafficking and enjoins State parties to take all appropriate measures to protect the rights and interests of child victims of the prohibited practices at all stages of the criminal justice process.⁶⁶
 - (7) *The Convention on the Elimination of all Forms of Discrimination Against Women* enjoins State parties to take all appropriate legislative and other measures to suppress all forms of traffic in women and the exploitation of the prostitution of women.⁶¹
 - (8) *The ILO Convention 182 on the Worst Forms of Child Labour* defines the worst forms of child labour as comprising all forms of slavery or practices similar to slavery such as the sale and trafficking of children, debt bondage and servitude and forced or compulsory labour including the forced or compulsory recruitment of children for use in armed conflict. It also includes the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances and any work which by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.⁶²
 - (9) *The Convention Against Transnational Organised Crime* criminalizes inter alia, participation in an organised crime group, laundering of proceeds of crime, corruption of public officials and obstruction of justice. It also enjoins State parties to take all appropriate legislative and other measures to establish the criminal offences defined in the convention, regulate and supervise the operation of banks and other financial institutions with regard to money laundering, check corruption, prosecute and impose sanctions, confiscate and seize proceeds or property acquired from criminal activities and establish the liability of legal persons in the commission of any of the offences defined in the convention.⁶³ This convention has two main goals – to eliminate differences among national legal systems that

⁶¹ United Nations Convention for the Suppression of Traffic in Persons and for the Exploitation of the Prostitution of others, 1949.
⁶² The Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children Supplementing the United Nations Convention Against Transnational Organised Crime
⁶³ Article 8, International Covenant on Civil and political Rights, 2002
⁶⁴ Articles 6 and 7, International Covenant on Economic, Social and Cultural Rights
⁶⁵ Article 35, Convention on the Rights of the Child, 1990
⁶⁶ Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, 2000
⁶¹ Article 6, Convention on the Elimination of all Forms of Discrimination against Women, 1981
⁶² Article 3, ILO Convention 182 on the Worst Forms of Child Labour, 1999
⁶³ Articles 3-14 of the United Nations Convention Against Transnational Organised Crime, 2000

- have blocked international co-operation in the past and to set standards for domestic laws as to be able to combat organised crime.⁶⁴
- (10) *The Protocol Against the Smuggling of Migrants by Land, sea and Air* Supplementing the United Nations Convention Against Transnational Organised Crime was made for the purpose of combating and preventing the smuggling of migrants as well as to promote cooperation among State parties while protecting the rights of smuggled migrants. It enjoins each State Parties to adopt legislative and other measures necessary to establish as criminal offences the smuggling and exploitation of migrants.⁶⁵
- (11) *The Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children* Supplementing the United Nations Convention Against Transnational Organised Crime defines trafficking in persons and is applicable to the prevention, investigation and prosecution of trafficking offences where they are transnational in nature. It enjoins State Parties to adopt such legislative and other measures necessary to establish as criminal offences the conduct amounting to trafficking as defined in Article 3 of the protocol. It sets provides for the protection of trafficking victims and enjoins State Parties to establish comprehensive policies, programmes and other measures like border control, information exchange and training necessary to prevent and combat trafficking in persons.⁶⁶

Apart from the above, the Statute of the International Criminal Court defines trafficking as a form of enslavement falling within the crimes against humanity.

In spite of these conventions, the crime of trafficking in humans continues unabated primarily because most State parties are yet to implement the measures set out therein. Most of the few anti-trafficking laws that have been enacted at national level often do not recognise a trafficked person as a victim. The victim is often treated as a criminal or illegal migrant while the real criminals go scot-free. The laws do not take adequate care of the human rights of victims. Sometimes some laws might provide for the prosecution and punishment of pimps and brothel keepers and of the women and girls found soliciting in public places but ignore the welfare of victims. The laws, more often than not, do not impose adequate punishment on the traffickers, pimps, brothel-keepers, clients and exploiters. Such laws also do not impose obligations on the law enforcement agencies or the state to provide safe shelters for rescued victims, nor for counselling, vocational training or measures for reintegration of the victim with family or society. The laws also do not always provide for compensation and rehabilitation from the state or from the exploiter to the victim.

Nigeria is signatory to virtually all and has ratified some of the instruments cited above. However, Nigeria's practice with respect to international treaties is rooted in the constitution and judicial precedents. The constitutional rule is that a treaty validly entered into, signed and ratified by Nigeria can only be part of her domestic law by a process known in Public International Law as 'specific adoption' that is, domestication by an enabling law.⁶⁷ But that is not to say that other treaties not specifically adopted by local enabling laws do not bind her.

⁶⁴ Rob Boone, *supra* at p. 242.

⁶⁵ General Assembly Resolution 55/25, annexure III, 55 U.N. GAOR Supp. (No. 49) at 65, U.N. Doc. A/45/49 (Vol. I) (2001) also known as the Palermo Protocol.

⁶⁶ Articles 2, 4 – 13 of The Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children, 2002

⁶⁷ See S. 12, Constitution of the Federal Republic of Nigeria, 1999.

Before August 2003, Nigeria had no special criminal legislation prohibiting trafficking in humans, particularly minors and women. Therefore, she had had to rely heavily on the principal criminal and penal codes to deal with offences related to international trafficking in humans, but never the offence of trafficking properly so called. There was no comprehensive legal framework put in place to combat trafficking within and outside Nigeria. Cases of trafficking were dealt with under isolated provisions and other crime-specific sections of the existing criminal and penal codes, which said crimes are identifiable in the trafficking chain. Again, before year 2003, Nigeria had no comprehensive special law protecting the rights of children. She had to rely on the federal constitution, the criminal and penal codes as well as African and United Nations conventions protecting the rights of children in matters of the welfare of children. Nigeria now has the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 enacted by the federal legislature as part of the efforts to combat trafficking in Nigeria. It is an:

Act to establish the National Agency for the Prohibition of Traffic in Persons and other related matters and to vest it with the responsibility to enforce laws against traffic in persons, investigate and prosecute persons suspected to be engaged in traffic in persons and to take charge and co-ordinate the rehabilitation and counselling of trafficked persons; and for related matters.

While this piece of legislation is a major achievement for Nigeria, considering the state of her laws on trafficking in persons and other incidental offences, it has its pitfalls.⁶⁸ However, it does take cognisance of the “measures in such bilateral and multilateral treaties and conventions on traffic in persons as may be adopted by Nigeria to counter the magnitude and extent of traffic in persons and its grave consequences” and confers the National Agency for the Prohibition of Traffic in Persons created under it with the power to reinforce and supplement those measures.⁶⁹ This statement in parenthesis is the foundation of the challenges for the legislature in Nigeria in terms of the creation of an adequate and practicable legal framework for the fight against human trafficking. The question then is: can the National Assembly bell this cat?

Challenges for the Nigerian Legislature

Difficult problems require drastic solutions. The United Nations has created an enabling legal framework that it enjoins State parties to give effect to at national level. Nigeria now has a new democratic dispensation in which the legislature has the constitutional power to make laws for the good governance of the country. However, the attitude of the National Assembly towards the menace posed to the Nigerian society by the activities of human traffickers is like that of the proverbial house owner who goes hunting rats while his house is on fire. Before the early months of year 2003, the Nigerian legislature was virtually in a state of denial over the existence of human trafficking in Nigeria. It is on record that the lawmakers occupied their time mostly on internal bickering, allegations and counter-allegations of certificate forgeries, convictions, bribery and corruption, embezzlement of public funds and physical combat on the floor of the house. They engaged themselves in political wizardry, intrigues and power struggle and paid a lot of attention to furniture loans, individual and corporate financial and material benefits due to them until the wife of the Vice President, Mrs. Titi Atiku Abubakar launched her pet project (alongside its enabling NGO) – the Women Trafficking and Child

⁶⁸ These will be discussed in a future paper

⁶⁹ See S.4 (g) of the Act.

Labour Eradication Foundation (WOTCLEF), to draw their attention to the fact they had a responsibility to carry out in respect of human trafficking. Predictably, the National Assembly wasted no time in attending to an anti-trafficking bill sponsored by WOTCLEF. Many a lawmaker had no idea what the subject of debate was but went along all the same possibly to further some political goodwill. By August, 2003, the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act was enacted and was quickly followed by the Child Rights Act, 2003

As earlier mentioned, the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 created the National Agency for the Prohibition of Traffic in Persons (NAPTIP) in Section 1(1) and in Section 4(g) the Act entrusted the Agency with the responsibility of “reinforcing and supplementing measures in such bilateral and multilateral treaties and conventions on traffic in persons as may be adopted by Nigeria to counter the magnitude and extent of traffic in persons and its grave consequences”. One cannot help but wonder why the National Assembly has chosen to abdicate its responsibilities to NAPTIP. In any case, how does NAPTIP begin to reinforce and supplement bilateral and multilateral treaties and conventions on human trafficking, which have either not been signed, adopted/ratified or domesticated by Nigeria? Is it no longer the responsibility of the National Assembly to domesticate international laws?

Nigerian lawmakers must wake up from this coma if this fight against the new slave trade must be won. It is unwise to keep the peace in neighbouring African countries when there is a raging war going on back home except that the weapons needed for this war are not guns and missiles. They are simply good policies and laws. Nigerian lawmakers are now faced with the challenges of adopting and domesticating all existing anti-human trafficking conventions and treaties (already discussed above) within the legal frameworks supplied by the United Nations as well as amending the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 in areas where it is presently deficient. Then and only then will the Nigerian people be convinced that the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 is not politically motivated and that the National assembly is truly committed to the cause of the fight against human trafficking.

Conclusion

This paper has attempted to establish the notorious fact that trafficking in humans is just old wine in new bottle. The new slave trade is even more virulent than the old. The demand and supply markets have expanded to cover virtually the whole globe: no nation, irrespective of political and economic status, is free from trafficking. The irony of the current trade in humans, from an idiomatic perspective, is that even dogs are eating fellow dogs. Virtually every middle-class home in Nigeria for example, has an unpaid or poorly paid and mostly underage domestic servant imported from either within Nigeria or from other neighbouring countries. To such ‘employers’ who are actually exploiters, they are doing the servants a favour. The unimaginable human rights abuses that characterised the old trans-Atlantic slave trade are just child’s play compared with those currently being unleashed on victims of trafficking irrespective of age, sex, colour and creed. Most countries that are badly affected by this menace (importers or exporters or harbourers) have been lackadaisical in finding solutions to the problem.

Situation report in Nigeria indicates that Nigeria is a source, transit and destination country. The vast majority of Nigerians know next to nothing about the dynamics of human trafficking, which they erroneously misconceive to be illegal migration to seek greener pastures. The national legislature whose responsibility it is to make laws for the protection of Nigerians are either just as ignorant or just couldn’t be bothered about who is trafficking who and to where.

All hope is not lost. The United Nations is in the forefront of the struggle to abolish the new slave trade and has put in place a comprehensive legal framework to discourage and possibly eradicate the problem of human trafficking in any form while encouraging member states to follow its example. Reasonable countries have heeded this call but Nigeria, through her lawmakers has buried her head in the sand like the proverbial ostrich. It appears that what they have done so far is to fulfil all righteousness when they enacted the only anti-trafficking law, which has several loopholes. We respectfully submit that any meaningful attempt to fight human trafficking in Nigeria must begin with the ratification and domestication of all existing international conventions put together by the United Nations to fight the menace. The National Assembly must wake up from its present coma and live up to its responsibilities for a change. That is the only dividend of democracy that can be meaningful to the endangered human species of Nigerian extraction as far as human trafficking is concerned in Nigeria.
