

International Human Rights Standards and the Laws Against Human Trafficking in Africa: A Critical Analysis

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Abstract

Human trafficking remains a plague ravaging the African continent. Thousands of Africans are trafficked year in and year out. This transnational crime, which can involve illegal organ harvest and luring vulnerable victims into the sex-slave market, has negative implications for the affected individuals. The African Union (AU) and other international organizations have put measures in place to arrest or de-escalate the upward trend of this menace, but the desired results are far from being achieved. Most states in Africa have set up both legal and institutional frameworks to tackle it. Still, it is quite worrisome that this crime is on the increase rather than being abated, as research has shown in Africa. This paper critically examines laws put in place to checkmate human trafficking in Africa through the lens of international human rights standards. It ascertains whether they are effective enough to combat and overreach the sponsors of human trafficking, rescue victims, and bring to justice all the perpetrators and sponsors of this heinous crime. The article identifies some of the theories that are viable tools in understanding the concept and the challenges encountered in the fight against human trafficking. While Nigeria is the focal case study, this paper analyses various cases decided by human rights courts from which learning points are drawn. The paper finds that there exist gaps between international human rights standards and extant laws on human trafficking. In conclusion, interventions addressing Africa-specific trafficking trends like community-based reporting mechanisms, victim support systems and reintegration, addressing gender-based vulnerabilities, strengthening border control, facilitating cross-border collaboration, and harmonization of anti-trafficking laws are recommended to effectively tackle the menace of human trafficking based on international human rights standards.

Keywords: *Human Trafficking, Modern-day-slavery, Human Rights, Nigeria, International Standards*

1. Introduction

In the desperate need to take care of her mother and son, Francisca Awah left her home in Cameroon for Kuwait to take up a teaching job. Unfortunately, she discovered the job was nonexistent, was forced into domestic slavery, suffered sexual abuse and laboured without pay.¹ Adamma was taken from Togo to the United States of America. Her father thought he

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¹ B. Koigi. 'Trafficking Survivors Lead the Fight against Modern Slavery' (2 April, 2024) www.fairplanet.org/humam-trafficking-survivors-in-africa-fight-against-the-crisis (accessed 4 April 2025).

was securing a better future for her, but alas, she became a victim of labour trafficking.² Pamela considered the offer to travel to Europe as an attractive option compared to her limited prospects in Nigeria. Her travails from Nigeria to Libya to Italy were marked with enslavement, beatings, rape and forced prostitution. She worked both on day and night shifts with the job description of 'selling sex on the streets.'³

Daniel fell for the fake promise of getting a well-paid corporate job in Ghana, but he was forced to work as a cyber-criminal with neck-breaking targets.⁴ Samuel Labarot had heard from friends on Facebook that jobs were in abundance in Europe. His quest for greener pastures was terminated when he was sold to armed men who kept a stable of African migrants in Libya. He was held as a captive labourer in a fetid warehouse and suffered varying degrees of humiliation.⁵ Jose Alfaro was rejected and sent away from home because of his sexual orientation, he became vulnerable to human (sex) trafficking at age 16.⁶ His sex trafficker was eventually convicted and sentenced to 30 years imprisonment.⁷

From the scenarios above, it is abundantly clear that human trafficking is neither a new phenomenon nor peculiar to any particular gender, race or geographical location. It is a global crime and challenge that cuts across all walks of life,⁸ and a significant human rights violation affecting millions of people globally.⁹ It is an egregious transnational crime that basically entails the recruitment, transportation, transfer, harbouring of persons by force, fraud, deceit or coercion for exploitative purposes.¹⁰ Human trafficking exploits the vulnerability of affected individuals through violence, sexual slavery, forced labour, exploitation of minors, and other forms of modern-day slavery.

Even though slavery is no longer legal anywhere in the world, human trafficking still occurs in many countries.¹¹ The prevalence of modern day slavery is highest in Africa which makes up 14% of human trafficking worldwide, in essence, about 7 million people in Africa are victims

² How one young Woman Survived Human Trafficking. <https://www.ice.gov/features/survivorstory> (accessed 4 April 2025).

³ <https://www.ohchr.org/en/stories/2017/07/escaping-bonds-human-trafficking-pamelas-story> (accessed 4 April 2025).

⁴ Action Aid. 'Combating Modern Slavery: Nigerians Trafficked to Ghana and Forced to Work as Cyber-Criminals for Ruthless Gangs' (27 July 2023) <https://actionaid.org/stories/2023/nigerians-trafficked-ghana-and-forced-work-cyber-criminals-ruthless-gangs> (accessed 4 April 2025).

⁵ A. Baker, 'Africa's New Slavery Problem: The Trade in Human Beings Thrives on the Road to Europe' <https://time.com/5550333/african-slave-trade/> (accessed 4 April 2025).

⁶ A. Pesta. 'How Jose Alfaro Escaped a Sex Trafficking Nightmare' (*Rolling Stone* 21 August, 2022) <https://www.rollingstone.com/culture/culture-features/sex-trafficking-gay-teen-lgbtq-1395140/> (accessed 4 April 2025).

⁷ *USA v. Jason Gandy* No 18-20823 (5th Cir. 2019).

⁸ J.O Akinselure, O.A Olateru-Olagbegi, and G.E Aigbadon., 'Remediating Victims of Human Trafficking under the Nigerian Legal Regime: Beyond Legal Rhetoric to Adequate Legal Protection' (2025) (6) (1) *Journal of Human Trafficking, Enslavement and Conflict-Related Sexual Violence*, 90.

⁹ *An Introduction to Human Trafficking: Vulnerability, Impact and Action* (United Nations Office on Drugs and Crime, Vienna, 2008) https://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf (accessed 24 May 2025).

¹⁰ See Human Trafficking <https://www.unodc.org/conig/en/stories/human-trafficking.html> (accessed 22 September, 2025); see also UN Trafficking in Persons Protocol 2020, Article 3 (a) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol).

¹¹ B Giovagnoni, and A.V Schooneveld. 'The History of Human Trafficking' <https://theexodusroad.com/history-of-human-trafficking> (accessed 1 April 2025).

of modern-day slavery.¹² Victims are usually individuals struggling with economic hardship, political instability or armed conflict in their community or region and who see the veiled offer as an escape route for a better life than the one they know. This heinous act, which is one of the acts regarded as modern-day slavery, remains an affront to the human rights of the victims.¹³

Despite available international, regional and national human rights standards and institutional mechanisms aimed at tackling issues of human trafficking, Africa is still being identified as the worst hit region of the world. A report developed by the International Labour Organization (ILO), Walk Free, and the International Organization for Migration (IOM) revealed that globally, fifty (50) million people are victims of modern-day slavery, with human trafficking being a major contributor to the statistics.¹⁴ Available data also reveals that about seven (7) million Africans live under various forms of modern slavery.¹⁵ The region is susceptible to these issues because of ineffective governance, poverty and conflict or insurgency. The spiraling effect of these crimes no doubt undermines the autonomy or fundamental rights and freedoms of affected individuals.

The purpose of this paper is to critically appraise international human rights standards and laws against human trafficking. The paper is divided into five parts. Section one is the introductory part. The discussion in section two centres on the theoretical framework of human trafficking. The section looks at the complex nature of human trafficking and its relationship with other modern-slavery crimes. The extant legal frameworks in Nigeria on human rights trafficking are examined in section three of this paper. While section four discusses the global responses to tackling human trafficking, section five reviews cases from selected jurisdictions. Section six, which is the conclusion and recommendation section, suggest pathways for the effective protection of the rights of vulnerable individuals and safeguarding them against the dangers of human trafficking.

2. Unpacking the Crime of Human Trafficking

Human trafficking can be described to mean: 'the recruitment, transportation, transfer, harbouring or receipt of persons by means of 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 the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for exploitation...' ¹⁶ Exploitation in this sense is understood to include the 'exploitation of the prostitution of others or other forms of sexual exploitation, forced

¹² Modern-day Slavery: The Sad Reality of Human Trafficking in Africa <https://www.okoarefuge.org/modern-day-slavery-the-sad-reality-of-human-trafficking-in-africa/> (accessed 21 September, 2025).

¹³ I. Currie, and J. De Wall, *The Bill of Rights Handbook* (6th edition, JUTA 2013) 291.

¹⁴ Global Estimates of Modern Slavery: Forced Labour and Forced Marriage 12 September, 2022 <https://www.ilo.org/publications/major-publications/global-estimates-modern-slavery-forced-labour-and-forced-marriage/> (accessed 3 April 2025).

¹⁵M. Schwikowski. 'Human Trafficking and Trade- A Growing Threat for Africa' (InfoMigrants, 30 July 2024) <https://www.infomigrants.net/en/post/58797/human-trafficking-and-trade--a-growing-threat-for-africa> (accessed 3 April 2025).

¹⁶Article 3(a) Palermo Protocol. www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons (accessed 4 April 2025).

labour or services, slavery or practices similar to slavery, servitude or the removal of organs'¹⁷ It is important to state that trafficking does not require that exploitation transpired, but rather, that the purpose of the act was to exploit the victim.¹⁸ It is not an excuse that the victim consents to the exploitative act, where other features of trafficking is present, the trafficker will be liable.¹⁹ The exploitation contemplated is usually targeted at individuals who are poor and desperate for a better life. Sometimes, these individuals are ignorant of the true risks accruing to their decision or plainly insouciant about the consequences.

Conceptually, the crime of human trafficking is complex and dynamic. Its origin dates back to the time when the slave trade was legal in the world. Even though slavery has been abolished and prohibited in most jurisdictions of the world, nations still grapple with the negative effects of human trafficking and other forms of modern-day slavery.²⁰ On many occasions, the crime is difficult to detect²¹ given the fact that it is veiled and takes place in a wide variety of contexts, including sex trafficking, labour trafficking, organ trafficking, debt bondage, child trafficking, child soldiering, and domestic servitude, amongst several others. These contexts in which human trafficking is presented violate the basic human rights principles enshrined both in international and municipal laws.²² It is submitted that due to the inhuman consequences that flow from the crime of human trafficking against its victims, it qualifies as one of the crimes against humanity under the Rome Statute.²³ This is because the Rome Statute, besides enumerating specific crimes against humanity, includes other inhuman acts as one of such crimes.²⁴

Upon arrival at the destination country, traffickers sell their victims to the highest bidder or force them to work off their travel costs through prostitution or other means, an act which violates their human rights.²⁵ If human rights are entitlements which are considered non-negotiable and inalienable, trafficking remains a violation of the human rights of its victims.²⁶ Traffickers maintain coercive control over their victims by restricting their movements or seizing their identification documents.²⁷ More often than not, individuals who are victims of human trafficking find it difficult to formally report or expose their traffickers. As most of them are usually illegal migrants, the fear of being repatriated back to their home country, distrust

¹⁷ *Ibid.*

¹⁸ See *R v. Obinna Obeta, Ike Ekweremadu and Beatrice Ekweremadu: Sentencing Remarks* <https://www.judiciary.uk/wp-content/uploads/2023/05/R-v-Obeta-and-others-sentencing-remarks.pdf> (accessed 2 April 2025).

¹⁹ Article 3 (b) Palermo Protocol.

²⁰ I. Currie, and J. De Wall, *opcit.*, 291.

²¹ H. J. Clawson and N. Dutch. 'Identifying Victims of Human Trafficking: Inherent Challenges and Promising Strategies from the Field' <https://aspe.hhs.gov/reports/identifying-victims-human-trafficking-inherent-challenges-promising-strategies-field-0> (accessed 20 April 2025).

²² I. Bantekas and L. Oette, *International Human Rights: Law and Practice* (3rd edition, Cambridge 2020) 370.

²³ J. Dugard, *International Law: A South African Perspective* (4th edition, JUTA 2011) 179; See section 7 of the Rome Statute.

²⁴ *Ibid* 180.

²⁵ See generally, F. Viljoen, *International Human Rights Law in Africa* (2nd edition, Oxford 2012).

²⁶ B.C Smith, *Good Governance and Development* (Palgrave, 2007) 51.

²⁷ G.D Gyamfi, 'International Responses to Human Trafficking: The Ghanaian Experience' (2016) (7) (7) *International Journal of Peace and Development Studies*, 66.

of authorities, the feeling that they are to be blamed for their situation, and, in some cases, language barrier, encourages the culture of silence.²⁸ The loud silence contributes to making the menace a hidden crime, which further emboldens the operation of trafficking cartels within and across borders. As a crime rooted in exploitation and unequal power dynamics, several theories can be adopted in analysing and further understanding the concept.

Grounding human trafficking on the push-pull migration theory reveals that while some 'push' factors drive people out of their area of origin or location, other 'pull' factors attract them elsewhere to the area of destination.²⁹ The push factors (like poverty, unemployment, lack of economic opportunities, political instability, and insurgency) stimulate the pull factors (job opportunities, better standard of living, safety), creating a reinforcing relationship.³⁰ Traffickers manipulate the push-pull dynamics to their advantage with their bogus offers while the victims are 'pulled' by the fake opportunities, leading to exploitation.

Human trafficking has been touted as preying on the vulnerability of its victims to make them susceptible to several broad human rights violations. Human rights are basic rights or freedoms which human beings are entitled to by virtue of being human.³¹ They are affirmed in international laws as being sacrosanct, universal, fundamental, and inalienable because they flow from and protect the very core of human existence. To infringe an individual's fundamental human rights would amount to 'distorting his or her humanity' or, at best, destroying our humanity.³² No progressive nation would watch the rights of its citizens flagrantly being disregarded and trampled upon, whether within or outside their territory. The rights-based approach to understanding human trafficking sees the crime as a violation of the human rights of the victims, especially their rights to the dignity of a human person, freedom of movement, and right to bodily autonomy. It emphasises the importance of protecting the rights of victims against all odds. The understanding of human trafficking from the human rights perspective reveals significant concerns that human trafficking occurs as a result of inadequate protection of the rights of the victims, leading to its infringement and subsequent crime.

²⁸ A. Akingbade. 'Beyond the Migration Lens: Rethinking International Legal Standards on the Detention and Deportation of Trafficking Victims' (2025) (6) (1) *Journal of Human Trafficking, Enslavement and Conflict-Related Sexual Violence*, 53.

²⁹ P.O Bello, A.A Olutola. 'Effective Response to Human Trafficking in South Africa: Law as Toothless Bulldog' (2022) (12) (1) SAGE Open; See also O. Yakeen. 'Examining the Push and Pull Dynamics in Human Trafficking: Insights from Nigeria' https://osf.io/preprints/socarxiv/7tycd_v1 (accessed 10 May 2025).

³⁰ M.O Abiodun. 'Factors that Contribute to the Trafficking of Nigerian Women and Children'. Master's Thesis, Faculty of Landscape and Society, Norwegian University of Life Sciences, 32; see also S. A Lawal and A. Yekini 'The Legal and Institutional Frameworks aimed at Curbing Human Trafficking in Nigeria' (2024) (4) *Turf Law Journal*, 4-5.

³¹ I. Bantekas, and L. Oette, *International Human Rights Law and Practice* (3rd ed. Cambridge University Press, United Kingdom. 2020) 5.

³² C.A Oputa, *Human Rights in the Political and Legal Culture of Nigeria*, (Nigerian Law Publications, 1989) 73 cited in Y. Olomjobi, *Human Rights and Civil Liberties in Nigeria: Discussions, Analyses and Explanations*, (2nd edition. Princeton and Associates. 2018) 3.

The theoretical conceptualization of human trafficking using the conflict theory of Karl Marx can help to understand factors that fuel the crime. According to this theory, there is a constant struggle for power and limited resources between the bourgeoisie and the proletariat. This social inequality or struggle produce a system that resulted in the control of the weak and impoverished.³³ Trafficking, therefore, can be seen as a consequence of a systemic power imbalance and capitalist exploitation to which vulnerable individuals (victims) become exposed. This imbalance is turned into an excuse for violating these vulnerable people and creating an opportunity for trafficking to thrive.

In using the routine activities theory to explain trafficking as a criminal phenomenon, the convergence of three elements (a motivated offender, a suitable target and absence of capable guardianship) is critical. According to the theory, opportunities for criminal offending are created where there is a motivated offender who preys on a suitable target because capable guardianship is absent.³⁴ In the context of human trafficking, the motivated offenders are the traffickers who target and exploit vulnerable people for their selfish gains. The motivated offenders could carry out their enterprise because there is no capable guardian to deter them and/or to protect the suitable target. This capable guardian could be in the form of law enforcement or social protection, and they can be state or non-state actors.

From the exposition above, it is obvious that human trafficking cannot be attributed to a single cause, as several factors give rise to it becoming a complex crime. A common denominator for the approaches to human trafficking discussed is that the crime latches onto exploitation and coercive control.

3. Human Trafficking and the Nigerian State

Available evidence suggests that Nigeria is the largest human trafficking hub in the world.³⁵ According to UNESCO, Trafficking is the third most common crime in Nigeria after drug trafficking and economic fraud.³⁶ The country is described as one of the main source, transit and destination countries for human trafficking in Africa.³⁷ A shocking estimate revealed that between 750,000 and one million people are trafficked every year in Nigeria. Out of this number, 75% happens across the 36 states in the country, 23% within the states and 2% percent

³³ S.K Bhardwaj *Theoretical Framework*. 50.

http://agnee.tezu.ernet.in:8082/jspui/bitstream/1994/1621/7/07_chapter%203.pdf (accessed 3 April 2025).

³⁴ E.E Mustaine, and R. Tewksbury. 'A Routine Activity Theory Explanation for Women's Stalking Victimization' (1999) (5) (1) *Violence Against Women*, 46-47.

³⁵ M. Campanella 'Devatop Centre Advocates to End Human Trafficking in Nigeria' 25 July,2020 <https://borgenproject.org/devatop-centre-for-african-development-advocates-to-end-human-trafficking-in-nigeria> (accessed 3 April 2025).

³⁶ Human Trafficking in Nigeria: Root Causes and Recommendations Policy Paper 14.2 (E) <https://unesdoc.unesco.org/ark:/48223/pf0000147844> (accessed 4 April 2025).

³⁷ B.A Chia, 'Human Trafficking in Nigeria and its Effects on the National Image: A Moral Appraisal' (2018) (4) (2) *IGWEBUIKE: An African Journal of Arts and Humanities*, 3. See also United States Department Trafficking in Persons Report <https://www.state.gov/reports/2022-trafficking-in-persons-report/> (accessed 3 April 2025).

outside the country.³⁸ It is also on record that female victims are three times more likely to suffer violent forms of trafficking.³⁹

There are several drivers fueling trafficking in Nigeria. These include economic factors, cultural factors, corruption and weak enforcement among others.⁴⁰ Individuals are vulnerable to traffickers because these drivers lead to unfavourable economic conditions that aggravate widespread poverty, and unemployment rate in the country. The trafficker too on the other hand can be pushed into the illicit business of trafficking because of these drivers. While several young people see migration out of the country as a solution to their economic misfortunes,⁴¹ jobless individuals take to the crime of human trafficking as a new dimension of illegal wealth creation.⁴²

The dynamics of human trafficking in Nigeria are both internal and cross border. People are trafficked for the purpose of providing cheap, manipulative exploitative labour, for domestic and agricultural work, commercial sex work, unregulated industrial work and street trading.⁴³ Given the negative implications of trafficking and other forms of modern-day slavery on the affected individual and the country as a whole, several legal frameworks,⁴⁴ like the constitution, criminal laws, and specific legislations, are in place to tackle the menace. The Nigerian Constitution guarantees the right to the dignity of human persons.⁴⁵ The implication of this is that no one shall be subjected to inhuman or degrading treatment, slavery, servitude or forced labour in such a way that the self-worth of such an individual is disparaged.⁴⁶ This right is inherent in the fact that the individual is not an animal but a human being and should be treated as such.⁴⁷ Section 35 of the Nigerian Constitution provides for the right to personal liberty. The right is said to have a wide scope encompassing other rights like the right to freely assemble and associate with others in section 40 as well as freedom of movement in section 41.⁴⁸ In *Adewole and ors v. Jakande and ors*,⁴⁹ personal liberty was said to mean 'privileges, immunities, or rights enjoyed by prescription or grant. It denotes not merely freedom from

³⁸ UNODC. Prevention of Human Trafficking in Nigeria www.unodc.org/conig/en/stories/prevention-of-human-trafficking.html

³⁹ UNODC. *Global Report on Trafficking in Persons, 2024* www.unodc.org/documents/data-and-analysis/glotip/2024/glotip2024_book.PDF

⁴⁰ O.O. Ogwezzy, 'The Challenges in the Enforcement of Human Trafficking Laws in Nigeria' (2023) (3) (1) *Achievers University Law Journal*, 157.

⁴¹ S. A Lawal and A. Yekini 'The Legal and Institutional Frameworks aimed at Curbing Human Trafficking in Nigeria' (2024) (4) *Turf Law Journal*, 5.

⁴² Y.T Wuyah, and I. J Mailamba. 'The Role of Poverty in the Prevalence of Human Trafficking in Nigeria.' (2019) (13) (4) *Journal of Economics Theory*, 21.

⁴³ B.A Chia, 'Human Trafficking in Nigeria and its Effects on the National Image: A Moral Appraisal' *opcit.*, 4.

⁴⁴ It is important to state that availability of legal frameworks may not eradicate human right abuses that comes with human trafficking, but it has the potential of improving rights enjoyed by the victim. See J. Aransiola, and C. Zarowsky 'Human Trafficking and Human Rights Violations in South Africa: Stakeholders' Perceptions and the Critical Role of Legislation'. (2014) (14) *African Human Rights Law Journal*, 513.

⁴⁵ Section 34 Constitution of the Federal Republic of Nigeria 1999 (as amended).

⁴⁶ See generally, K. M. Mowoe, *Constitutional Law in Nigeria* (Malthouse Law Books 2008).

⁴⁷ Y. Olomjobi. *Human Rights on Gender, Sex and the Law in Nigeria* (Princeton and Associates Co Ltd Ikeja, 2015) 61.

⁴⁸ K.M Mowoe. *Op cit.*, 19.

⁴⁹ (1981) 1 NCLR 262 at 278.

bodily restraint but to rights to contract, to have an occupation, to acquire knowledge, to marry, to have a home, children, to worship, enjoy and have privileges recognized at law for happiness of free men...’ It should be noted that when a trafficker takes away the autonomy and limit the freedom of choice of the victim, the right to personal liberty could be said to be flagrantly infringed.

The Nigerian Child Rights Act (CRA) 2003⁵⁰ builds a formidable legal framework against actions that would endanger the Nigerian Child. Every child has a right to survival and development.⁵¹ The right to dignity of his person is also guaranteed.⁵² Accordingly, no child should be subjected to physical, mental or emotional injury, abuse, neglect or maltreatment, including sexual abuse, torture, inhuman or degrading treatment, or held in slavery or servitude, even while in the care of a parent, legal guardian or school authority or any other person.⁵³ The CRA further prohibits the exploitative labour of a child⁵⁴ or engagement as domestic help outside their own home or family environment. The Act proscribes a range of trafficking related offences like slavery, or debt bondage,⁵⁵ dealing with children for the purpose of begging for alms or hawking,⁵⁶ sexual abuse and exploitation,⁵⁷ amongst so many others. In addition to this, the principal criminal law enactments in Nigeria proscribe several forms of modern-day slavery.⁵⁸ Under the Criminal Code (CC), abducting, importing or transporting a person out of his abode or out of Nigeria without his consent is illegal.⁵⁹ The unlawful confinement of a person in any place against his will is prohibited.⁶⁰ The act of slave dealing or holding someone in servitude is prohibited in the Criminal Code and the Penal Code.⁶¹

Trafficking in Persons (Prohibition) Enforcement and Administration (TIPEA) Act, 2015 (as amended) is the extant law in Nigeria on trafficking.⁶² The TIPEA Act seems to be a conglomerate of the legislation earlier discussed. The Act re-enact offences relating to human trafficking, which include the importation and exportation, buying and selling, procurement, recruitment, detaining, abuse and use of persons (including children) for sexual exploitation.⁶³ It is not a defence that the trafficked individual gave consent.⁶⁴ The production of pornographic performances or harbouring persons in a brothel for sexual exploitation⁶⁵ are illegal. The

⁵⁰ The CRA’s provisions are products of the Convention on the Rights of the Child (CRC) and the ILO Convention.

⁵¹ Section 4 CRA.

⁵² Section 11 of CRA.

⁵³ Section 11(a-d) CRA.

⁵⁴ Section 28 CRA.

⁵⁵ Section 30 (2) b CRA.

⁵⁶ Section 30 CRA.

⁵⁷ Section 32 CRA.

⁵⁸ See Criminal Code Cap C38 Laws of Federation Nigeria and Penal Code Laws of Federation Nigeria, 2004.

⁵⁹ Section 364 CC.

⁶⁰ Section 365 CC.

⁶¹ Section 369 CC, and 279 PC.

⁶² There are similar specialized legislations across many African States like the Prevention and Combating of Trafficking in Persons (PACOTIP) Act, 2013 of South Africa; Human Trafficking Act, 2005 of Ghana (as amended in 2009); The Counter-Trafficking in Persons Act, 2010 of Kenya.

⁶³ See sections 14, 15, and 16 TIPEA Act.

⁶⁴ Section 13 (5) *ibid.*

⁶⁵ Section 17 TIPEA Act.

buying or selling of human beings for any purpose,⁶⁶ the procurement or recruitment of persons for use in armed conflicts,⁶⁷ for organ harvesting⁶⁸ for forced labour,⁶⁹ or under aged children as domestic workers⁷⁰ or as slaves⁷¹ are expressly prohibited under TIPPEA Act. Under the TIPPEA Act, individuals who employ children as domestic staff are liable upon conviction to imprisonment for between a minimum term of six months and maximum of seven years.⁷² In the case of *Gift Ukatu v. FRN*,⁷³ the appellant had custody of two of her nieces (aged 12 years). It was alleged that she withdrew them from school and used them basically for carrying out domestic chores and taking care of her children. It was on record that appellant maltreated and starved the minors to the extent that one of them ran away. The court found her guilty of harbouring persons under the age of 12 years for the purpose of treatment as slaves contrary to TIPPEA Act.

The process of trafficking starts with the abduction or recruitment of the victim and continues with transportation until the point of exploitation.⁷⁴ Where the trafficking is across national borders, the transportation occurs when the victim's entry into another country is complete and exploitation is achieved when the victim is forced into sex work, forced servitude, organ removal, criminal activities, drug trafficking, internet fraud among others.⁷⁵ In the case of *Mariam Mohammed v. AG Federation*,⁷⁶ the Supreme court of Nigeria held that in order to secure conviction for human trafficking, prosecution must prove that: accused person participated in the procurement of the victim...that a foreign travel for the said purpose was organized by the accused for the victim and that the victim was deceitfully induced by the accused.⁷⁷

Trafficking is a serious offence in Nigeria. A plea of guilty may not mitigate the sentence of the court. In the case of *Serah Ezekiel v. AG Federation*⁷⁸ the court held that the fact that the appellant was a first-time offender or pleaded guilty to the offence charged would not downplay the severity of the offence. According to the court, it is worrisome that the insatiable allure of filthy lucre could compel a woman to traffic young girls and debase the very essence of womanhood.⁷⁹ The need to protect womanhood, therefore, calls for stricter measures against human trafficking.

The agency of government charged with the responsibility of implementing the TIPPEA Act in Nigeria is the National Agency for Prohibition of Trafficking in Persons (NAPTIP). Operatives of the agency are constantly on the heels of traffickers. The agency maintains a

⁶⁶ Section 21 *ibid.*

⁶⁷ Section 19 TIPEA Act.

⁶⁸ Section 20 TIPEA Act.

⁶⁹ Section 22 TIPEA Act.

⁷⁰ Section 23 TIPEA Act.

⁷¹ Section 24, 25 TIPEA Act.

⁷² Section 23 TIPEA Act.

⁷³ (2021) 10 NWLR (pt. 1785) 519.

⁷⁴ NAPTIP, *Standard Reporting Handbook on Trafficking in Persons in Nigeria for Journalists* (2023) pg 4 <https://naptip.gov.ng/wp-content/uploads/2024/01/NAPTIP-handbook-on-trafficking-in-nigeria-for-journalists.pdf> (accessed 3 April 2025).

⁷⁵ *Ibid.*

⁷⁶ (2021) 3 NWLR (pt.1764) 397.

⁷⁷ Per Kekere-Ekun, JSC at 421.

⁷⁸ (2017) 12 NWLR (pt. 1578) 1 at 26.

⁷⁹ Per Nweze, JSC, at 20.

database where the particulars of convicted traffickers and convicted sexual offenders are usually posted and updated. The agency reported the case of one Emmanuel Stephen who allegedly trafficked his girlfriend to Mali for prostitution and sexual exploitation.⁸⁰ There was also a case in Nigeria when a man allegedly sold his wife to ritualists⁸¹ Similarly, another Nigerian man was arrested for allegedly trafficking his wife to Mali for prostitution.⁸² These among several other acts are proscribed under TIPPEA Act.

Despite the comprehensive legislation and establishment of NAPTIP in Nigeria, the implementation gap between law and practice,⁸³ inadequate protection for victims of human trafficking⁸⁴ and limited reintegration opportunities⁸⁵ still remain stumbling blocks in the fight against human trafficking in Nigeria. Even though Nigeria as a country demonstrates formal compliance with international standards, the country still struggles to operationalize a rights-based victim centered response to the fight against human trafficking.

4. Global Responses to Tackling the Crime of Human Trafficking

There is no gainsaying the fact that human trafficking is an ubiquitous and complex criminal act that requires a wide range of legal instruments, institutional mechanisms, states' obligations and collaborations to tackle. Human trafficking, as a global crime, preys on the exploitation of its numerous vulnerable victims. In response to the vice, states, governmental and non-governmental organizations have developed and put in place mechanisms and strategies to prevent and/or fight off the menace. Some of these responses are discussed.

4.1 Regional and International Legal Framework Prohibiting Human Trafficking

Right from the International Convention to Suppress the Slave Trade and Slavery of 1926 to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, legal frameworks both at the international and regional levels are in place to combat human trafficking and other forms of modern slavery. Most of these instruments and treaties reinforce the fact that trafficking violates an individual's right to human dignity.

Even though slavery had been outlawed before 1948, the Universal Declaration of Human Rights (UDHR) is a primary source of reference in modern times. As one of the foundational treaties of the United Nations, the UDHR accentuates the promotion and protection of

⁸⁰ V. Adekoye, 'NAPTIP Arrest Middle Aged Man for Allegedly Trafficking His Girlfriend to Mali for Sexual Exploitation' *NAPTIP Website* (August 16, 2021) <www.naptip.gov.ng/naptip-arrest-middle-aged-man-for-allegedly-trafficking-his-girlfriend-to-mali-for-sexual-exploitation> (accessed 3 March, 2025).

⁸¹ A. Orenuga, 'Man sells Wife for N.8m in Plateau State' *Daily Post* (Online, 17 September 2014) www.dailypost.ng/2014/09/17/man-sells-wife-n-8m-plateau-state (accessed 3 March, 2025).

⁸² Daily Trust, 'Man Traffic's Wife to Mali for Prostitution, sells Son for N600,000' *Daily Trust* (19 May 2022) <www.dailytrust.com/man-takes-wife-to-mali-for-prostitution-sells-son-for-n600000> (accessed 20 March 2025).

⁸³ I.S. Bello and F.A Okonjo., 'Analyzing the Effectiveness of NAPTIP's Enforcement Mechanisms in Combating Human Trafficking in Nigeria' (2025) (4) (1) *Law and Economy*, 22.

⁸⁴ O. Omojola. 'Protection of Victims of Human Trafficking in Nigeria' (2023) (14) (1) *NAUJILJ*, 87.

⁸⁵ U. Idemudia, *et al.* 'Life after Trafficking: Reintegration Experiences of Human Trafficking Survivors in Nigeria' (2021) (17) (4) *International Journal of Migration, Health and Social Care*, 450.

fundamental human rights laying the foundation for freedom, justice and peace in the world.⁸⁶ UDHR advocates for equality under the law and encourages the 'spirit of brotherhood.'⁸⁷ It also gives the assurance that the law will protect everyone against arbitrary interference of their privacy, family, home or attack(s) on their reputation.⁸⁸ While article 4 unequivocally proscribes slavery and slave trade, holding that 'no one shall be held in slavery or servitude,' article 5 prohibit subjecting anyone to torture, cruel, inhuman or degrading treatment or punishment. Activities which are contrary to the articles above could be interpreted to be tantamount to working against shared commitment of member states to prohibit slavery.⁸⁹ Although the UDHR do not convey an expressly binding authority, it has influenced most countries' national laws and have served as the foundation stone for other international treaties particularly those promoting human rights.

The Convention on the Rights of the Child (CRC) is acknowledged as the most ratified human rights treaty and one of the most comprehensive international treaties on children's rights because it deals with child-specific rights that are universal, inalienable, indivisible, and interdependent.⁹⁰ Worthy of note is the fact that it emphasizes child protection from sexual exploitation and trafficking. Under article 35 of the CRC, State parties are obligated to prevent child trafficking in any form and take necessary steps in preventing child abduction, sale and trafficking.

The International Covenant on Civil and Political Rights (ICCPR) is one of the treaties that make up the International Bill of Human Rights.⁹¹ Some of the rights guaranteed under the ICCPR includes: right to life and survival,⁹² freedom from inhuman or degrading treatment,⁹³ right to liberty and security of the person,⁹⁴ right to liberty of movement and freedom to choose residence.⁹⁵ ICCPR did not expressly mention human trafficking but underlying issues like slavery, forced or compulsory labour, servitude are prohibited under Article 8.

The United Nation's Convention against Transnational Organized Crime⁹⁶ is an international instrument that promotes international cooperation in effectively preventing and fighting organized crimes across national borders.⁹⁷ Its provisions include international cooperation for the purpose of confiscation,⁹⁸ extradition,⁹⁹ information exchange, joint

⁸⁶See Preamble to the UDHR.

⁸⁷See Article 1 UDHR.

⁸⁸ Article 12 UDHR.

⁸⁹ M. Sands, 'UDHR and Modern Slavery: Exploring the Challenges of Fulfilling the Universal Promise to End Slavery in all its Forms'. (2019) *The Political Quarterly*, 2. <http://shura.shu.ac.uk/25095/3/Sands-UDHRModernSlavery%28AM%29.pdf> (accessed 25 March 2025).

⁹⁰ B. Olutola and I. Kolade-Faseyi, 'Transvaluation of the Protection of the Rights of Children in African Constitutions: A Comparative Analysis' Conference Paper delivered at the International Conference on Children's Rights at Stellenbosch University on 10 September, 2024. Pg7.

⁹¹ It was adopted by the United Nations General Assembly in December 1966 and entered into force in March 1976.

⁹² Art 6 ICCPR.

⁹³ Art 7 *ibid*.

⁹⁴ Art 9 *ibid*.

⁹⁵ Art 12 *ibid*.

⁹⁶ Adopted by General Assembly Resolution 55/25 of 15 November, 2000.

⁹⁷ Article 1 UNCTOC.

⁹⁸ Article 13 UNCTOC.

⁹⁹ Article 16 UNCTOC.

investigations,¹⁰⁰ victim protection and assistance,¹⁰¹ law enforcement cooperation¹⁰² and so on. The seriousness of transnational organized crimes and the problems they present no doubt calls for closer cooperation amongst states in fighting them.

The Convention is supplemented by three Protocols each of which targets specific areas and manifestations of organized crime. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol)¹⁰³ is one of the Protocols which supplements the Convention against Transnational Organized Crime.¹⁰⁴ It is the most comprehensive international instrument against human trafficking. Under the Palermo Protocol, state parties are required to assist and protect victims of trafficking,¹⁰⁵ repatriate victims of trafficking,¹⁰⁶ strengthen border controls to prevent and detect trafficking in persons¹⁰⁷ among several other obligations. State parties are obliged to put measures in place to prevent and fight trafficking and protect victims from revictimization.¹⁰⁸ They are also to alleviate factors that exposes vulnerability to trafficking including poverty,¹⁰⁹ lack of equal opportunity and underdevelopment.¹¹⁰

The Palermo Protocol has been criticized for being narrow in scope and limited mainly to transnational trafficking by organized criminal group.¹¹¹ It is said that by excluding human trafficking perpetrated by individuals and prioritizing criminal justice approaches over victim protection, the socio economic root causes of trafficking are likely to be neglected by States.¹¹² Notwithstanding these criticisms, Palermo Protocol is adjudged to be the first internationally binding treaty on trafficking that fosters international collaborations and promotes national legislative reform. As of 2025, it has a near universal ratification with over 195 parties.¹¹³

The African Union Policy on the Prevention of Trafficking in Persons in Africa (AU TIP Policy) presents a harmonized and multidimensional approach to addressing the scourge of trafficking in Africa.¹¹⁴ The five chapter policy document provide a structural analysis of the trafficking in person situation in the African continent. The Policy complements other key instruments within the region. It identified several drivers of human trafficking in Africa and recommends measures to be put in place to fight off these drivers. It is important to state that

¹⁰⁰ Article 19 UNCTOC.

¹⁰¹ Article 25 UNCTOC.

¹⁰² Article 27 UNCTOC.

¹⁰³ Resolution 55/25 of 15 November 2000.

¹⁰⁴ Article 1 (1) Palermo Protocol.

¹⁰⁵ Article 6 Palermo Protocol.

¹⁰⁶ Article 8 Palermo Protocol.

¹⁰⁷ Article 11 (1) Palermo Protocol.

¹⁰⁸ Article 9 (1) (a) (b) Palermo Protocol.

¹⁰⁹ O.O. Ogwezzy, 'The Challenges in the Enforcement of Human Trafficking Laws in Nigeria' (2023) (3) (1) *Achievers University Law Journal*, 157-159.

¹¹⁰ Article 9 (4) Palermo Protocol.

¹¹¹ D. Ogunniyi, and O. Idowu. 'Human Trafficking in West Africa: An Assessment of the Implementation of International and Regional Normative Standards' (2022) *The Age of Human Rights Journal*

¹¹² A.T Gallagher, *The International Law of Human Trafficking* (Cambridge University Press, 2011)77.

¹¹³ UN Convention against Transnational Organized Crime and the Protocols thereto: Status of Ratification <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html> (accessed 22 September, 2025).

¹¹⁴ See AU Policy on the Prevention of Trafficking in Persons in Africa <https://au.int/en/documents/20240716/au-policy-prevention-trafficking-persons-afica>

even though the AU TIP Policy does not impose strict legal obligations, members are encouraged to adopt it and implement its recommendations.

The Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (Ouagadougou Action Plan) is a regional framework to strengthen the response of West Africa and Central Africa states to human trafficking. It reaffirms preexisting international instruments and provides specific measures to tackle trafficking. The measures according to the Plan are 'based on respect for human rights including protection of victims, and should not adversely affect the rights of victims of trafficking.' The Action Plan identified several causative factors of human trafficking like poverty and vulnerability, an unbalanced distribution of wealth, unemployment, armed conflicts, poor law enforcement system, poor governance, corruption, increased demand for sex trade "and sex tourism amongst others."¹¹⁵ Like the AU TIP Policy, the Ouagadougou Action Plan is not a binding treaty, it aimed at coordinating comprehensive responses to trafficking African Union and European Union member states.

4.2 International Institutional Mechanisms Against Trafficking

It is important to state that institutional mechanisms available to tackle human trafficking violence cannot be exhausted, as new ones keep springing up daily. In no particular order, some of these institutions are discussed briefly:

The International Organization for Migration (IOM) is a UN related organization which implements operational assistance programmes for migrants.¹¹⁶ It has the largest global database with primary data on victims of trafficking from about 171 countries.¹¹⁷ The IOM offers direct support for persons and children who were trafficked for sexual and labour exploitation, slavery or similar practices, servitude, or for organ removal.¹¹⁸ Its intervention approach is usually through prevention, protection, prosecution, and partnership.

United Nations Office on Drugs and Crime (UNODC) is a UN office established as the Office for Drug Control and Crime Prevention. Its focus is on trafficking and abuse of illicit drugs, crime prevention and criminal justice, international terrorism and political corruption.

For over twenty years, the UNODC has been in the forefront of the fight against human trafficking since the adoption of the UN Convention against Transnational Organized Crime and its Protocols.¹¹⁹ The UNODC have strategic collaborations with the IOM¹²⁰ which has led to several successes being recorded.

The International Criminal Police (INTERPOL) is the world largest international police organization that facilitates worldwide police cooperation and crime control. This by virtue of

¹¹⁵ See General Principles of the Ouagadougou Action Plan

https://au.int/sites/default/files/pages/32899-file-3_ouagadougou_action_plan_to_combat_trafficking_en_1.pdf

¹¹⁶ IOM <https://www.iom.int/who-we-are>

¹¹⁷ https://eca.iom.int/sites/g/files/tmzbdl666/files/documents/8-IOM-Countering-human-trafficking_0.pdf

¹¹⁸ IOM., Counter Trafficking in Human Beings <https://globalofficebrussels.iom.int/counter-trafficking-human-beings>

¹¹⁹ <https://unis.unvienna.org/unis/pressrels/2024/uniscp1174.html> (accessed 3 April 2025).

¹²⁰ IOM and UNODC Join Forces to Tackle Human Trafficking and Migrant Smuggling <https://www.iom.int/news/iom-and-unodc-join-forces-tackle-human-trafficking-and-migrant-smuggling>

sharing and accessing data on crimes and criminals.¹²¹ Their mandate covers basically all crimes cutting across nations and continents. Border management, criminal intelligence analysis, forensics, management of criminal databases are some of the responsibilities handled by them.

The ECOWAS Community Court of Justice (ECOWAS Court) being the judicial arm of ECOWAS hears complaints of alleged human rights violations and resolves disputes brought before it.¹²² The Court oversees cases arising from the interpretation and/or application of the relevant human rights instruments. Decisions of the Court to a large extent give meaning to the provisions of these human rights treaties. The court has determined several cases bordering on human right infractions inclusive of modern-day slavery like *Fodi Mohamed v. Niger*,¹²³ and *Koraou v. Republic of Niger*.¹²⁴

It is important to state that the list of international and/or intergovernmental organizations or institutions working on combating human trafficking and other related modern day slavery issues are not in any way exhaustive. Specialized agencies of states, committees of the intergovernmental organizations, non-governmental organizations with mandate areas specific to modern day slavery spring up almost on daily basis.

4.3 The Challenges in the Enforcement of Human Trafficking Laws in Africa

Human trafficking in Africa presents a continual and complex enforcement problem. Even though there are clear obligations expected of states under regional and international laws, practical enforcement of these obligations falls short of expected standards. Some of the challenges hindering effective enforcement of anti-trafficking enactment and policies are identified below:

One of the enforcement challenges with human trafficking in Africa is the problem of fragmented legal frameworks. There are several laws with varying provisions and implementing regulations across the States. For example, the law in Ethiopia combines Trafficking in persons and smuggling of migrants together,¹²⁵ Nigeria created a special institutional agency (NAPTIP) for enforcement of the Act instead of adopting the regular police force,¹²⁶ while South Africa enactment is implemented by the South African Police Service (SAPS) instead of a special agency like what is applicable in Nigeria.¹²⁷ Due to these differences, cross border investigations, prosecutions or extraditions may be slowed down because an alleged trafficking conduct may be prosecuted differently in the states involved. Harmonization and adoption of regional frameworks are uneven due to the transnational nature of trafficking and the weak enforcement capabilities in many States within Africa¹²⁸.

¹²¹ www.interpol.int/en/Who-we-are/What-is-INTERPOL2

¹²² ECOWAS Community Court of Justice Website <http://www.courtecowas.org/mandate-and-jurisdiction-2/> (accessed 7 March, 2025).

¹²³ ECW/CCJ/JUD/12/21.

¹²⁴ ECW/CCJ/JUD/06/08.

¹²⁵ The Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No. 1178/2020.

¹²⁶ See part II of TIPPEA Act

¹²⁷ See sections 19 and 44 of the Prevention and Combating of Trafficking in Persons (PACOTIP) Act, 2013 of South Africa.

¹²⁸ Assessment of National Responses and Strategies to Combat and Eliminate Trafficking in Persons (TIP) and Forced Migration in Africa <https://africa.unwomen.org/sites/default/files/2024->

Corruption at several levels of governance and operations undermine anti trafficking efforts.¹²⁹ Corruption is said to be committed when gratification is given or received in order to influence the exercise of a duty unlawfully.¹³⁰ Traffickers operate with impunity in most parts of Africa because of institutional corruption. Officials collude with traffickers and turn blind eye to activities of traffickers. Political interference during arrest and prosecution of suspects is also capable of sabotaging efforts of anti-trafficking stakeholders.¹³¹ Corruption fuels impunity and undermines victims trust in the criminal justice system. The consequences of corruption for anti-trafficking effort is that the deterrent effect of legislations are reduced where corruption hold sway and the perpetual cycle of exploitation continues.

Another challenge in the enforcement of trafficking laws is the issue of underreporting of trafficking cases by victims. Some of the victims of trafficking do not see themselves as victims of trafficking but see themselves as migrants whose journey took a downward turn. In most cases, they hardly report their traffickers to formal authorities but plot alternative ways to be independent. The problem of underreporting by a trafficked victim is also compounded by language barrier, social cultural norms and stigmatization, fear of retaliation from traffickers, as well as inability to trust formal authority who seek to help them gain their freedom.¹³² Prosecuting human trafficking cases, victim support and integration is largely dependent on the cooperation and courage of the victims,¹³³ where they are silent or unwilling to share their experiences, great success may not be recorded.

The effectiveness of national legislations on trafficking depends on the strict compliance by front line officials.¹³⁴ Unfortunately, these officials are not adequately trained for the duties they are expected to discharge. Where trafficking responders lack adequate training or resources to carry out their assigned task, enforcement will also be negatively affected.¹³⁵

Curbing the menace of human trafficking requires financial and material funding. Unfortunately, most of the agents of government in this drive are not well funded to discharge their official duties.¹³⁶ Where there is no specifically earmarked budget to work with, most of these institutions heavily rely on financial and statistical support from NGOs, individuals and

01/policy brief assessment of national responses and strategies to combat and eliminate trafficking in persons tip and forced migration in africa.pdf (accessed 22 September, 2025)

¹²⁹ J. Ramsamooj., 'A Comparative Study on Human Trafficking as a Crime in South Africa' (2023) (38) (2) *Southern African Public Law*,6; K.S Mort, M.A Adabere, and A. Karim. 'A Value-Critical Analysis of Ghana's Human Trafficking Act (Act 694) as amended: Implications for Social Welfare Practice' (2023) (1) (1) *American Journal of Social Work*, 5

¹³⁰ M.M Moses 'An Exploration of Corruption and Human Trafficking: The South African Case' (2022) *Cogent Social Sciences*, 5.

¹³¹ G.A Ampah and L. Kandilige., 'Gaps and Challenges in Ghana's Implementation of the Mechanisms for Cooperation and Referral of Trafficking in Persons (TIP) Victims' (2023) (9) (3) *AHMR African Human Mobility Review*, 19.

¹³² S.K Kigbu. Challenges in Investigating and Prosecuting Trafficking in Persons' Cases in Nigeria (2015) (38) *Journal of Law, Policy and Globalization*, 150.

¹³³ See *S v. Alaba Makanjuola Osabiya* (CC47/2019) [2021] ZAGPPHC 716.

¹³⁴ See *Cheba and others v. Minister of Police and others* (520/2018) [20180 ZALMPPHC,6.

¹³⁵ K.S Mort, M.A Adabere, and A. Karim. 'A Value-Critical Analysis of Ghana's Human Trafficking Act (Act 694) as amended: Implications for Social Welfare Practice' (2023) (1) (1) *American Journal of Social Work*, 5

¹³⁶ G.D. Gyamfi, *opcit.*, 67.

similar non state actors.¹³⁷ This may negatively impair the anti-trafficking drive as financiers may influence investigations.

5. Case Studies and Lessons from Selected Jurisdictions

As earlier indicated, the crime of human trafficking is a diverse and hidden crime which thrives in secrecy. The coercive control, manipulative and exploitative tactics employed makes help seeking intervention difficult, few and far between. When cases with elements of modern-day slavery eventually get to court, different scenarios are likely to play out depending on the facts of the case, issues before the court and the applicable laws. In investigating the rationale for modern day slavery, selected cases are reviewed from where lessons are drawn from.

Under international laws, culpability of state parties for actions or inactions of their agencies is possible, especially where such state failed to prevent, carry out effective investigation or prosecution of the human right violation(s) complained of. In *Hadijatou Mani Koraou v. Republic of Niger*,¹³⁸ the applicant was sold when she was twelve years old. Her 'owner' subjected her to rape, violence and forced labour. Even though Mani was granted a deed of emancipation after ten years of servitude, her ex-owner was unwilling to release her.¹³⁹ She was convicted and sentenced on charges of bigamy brought against her after she remarried. The applicant approached the ECOWAS Community Court of Justice (ECCJ) when the Nigerien Supreme Court failed to convict her 'ex-owner'. The court declares that the applicant was a victim of slavery and blames the Republic of Niger for the inaction of its administrative and judicial authorities. The sum of ten million CFA Francs was ordered to be paid to the applicant by the Republic of Niger.

Although the *Hadijatou Mani Koraou's* case was focused on slavery, the judgment is in line with trafficking related human right obligations of holding state accountable for their inactions, awarding reparations and not tolerating exploitative control. The ECOWAS court's judgment establishes a jurisprudential precedent that can be invoked whenever state inaction(s) facilitates exploitation and coercive control.

Lydia Mugambe, an Ugandan United Nations Criminal Tribunal Judge who is also a PhD student at Oxford University, was convicted of modern slavery offences (slavery, forced labour and human trafficking) under the Modern Slavery Act 2015. The court found her guilty of conspiring to facilitate the commission of a breach of the United Kingdom immigration law, facilitating travel with a view to exploitation, forcing someone to work and conspiracy to intimidate a witness. The diplomatic immunity of Mugambe was waived by the UN Secretary General making her answerable to the charges proffered against her.¹⁴⁰ Upon conviction, Mugambe was sentenced to 6 years and 4 months imprisonment.¹⁴¹

¹³⁷ G.A Ampah and L. Kandilige., *opcit.*, s-23

¹³⁸ ECW/CCJ/JUD/06/08.

¹³⁹ By virtue of Article 270.1-5 of the Nigerien Penal Code (2003 as amended), slavery became illegal,

¹⁴⁰ Statement of the Mechanism following Resignation of Judge Lydia Mugambe. <https://www.irmct.org/en/news/statement-mechanism-following-resignation-judge-lydia-mugambe> (accessed 17 September, 2025).

¹⁴¹ R v. Mugambe's Sentencing Remarks. <https://www.judiciary.uk/wp-content/uploads/2025/05/R-v-Mugambe-Sentencing-Remarks.pdf> (accessed 17 September 2025).

This case highlights concerns over misuse of diplomatic privileges and underscores the fact that criminal prosecution knows no social status, position or influence. Diplomatic staff and government officials are not beyond scrutiny especially where abuse of office or status is involved. Even though it is yet unknown whether the case will spur sweeping reforms in Uganda and other African States, it is certain however that it reinforces the principle of equality before the law and establishes a precedent that controlling freedom of movement, withholding travel documents forms part of modern-day slavery.

The accused in *S v. Bertus Koch*¹⁴² was charged with child trafficking and rape of five minor girls under coercive circumstances. He was convicted on charges of trafficking the girls, in that, he harboured or received them within the meaning of the Namibian Prevention of Organized Crime Act (POCA) 2004 by engaging in lewd and lascivious conduct for his sexual gratification. The court made explicit reference to the UNCTC and the Provisions of the Palermo Protocol and concluded that 'harbouring' within the meaning of the POCA and the Palermo Protocol is satisfied with the defendant in a room with minor girls exposed to pornographic photos without oversight of their parents. He was sentenced to 8 years' imprisonment. The court's framing of recruiting or harbouring minors for sexual exploitation as child trafficking (and not as a sexual offence alone) is consistent with international legal standards.

In *R v Obinna Obeta, Ike Ekweremadu and Beatrice Ekweremadu*, accused persons who are all citizens and residents of Nigeria, were accused of facilitating the victim's trip to the United Kingdom to harvest his kidney for the daughter of the 2nd and 3rd accused persons. They were convicted of conspiracy to commit trafficking and sentenced to varying terms of imprisonment. The court ruled that trafficking of people across international borders to harvest their organs is a form of slavery. It treats human beings and their body parts as commodities to be bought and sold.¹⁴³ The factors of power disparities, deceit, corruption, coercive control as fueling human trafficking are identified in this case. The case is the first organ trafficking conviction under the UK's Modern Slavery Act 2015 involving a former Nigerian Senator and other elites. The court's recognition of organ harvesting as a form of exploitation aligns with international human right standards and a precedent for states in Africa with no definite law on organ trafficking. From the case, it was clear that the victim enjoyed 'witness' protection from the state. He reported to the police and the state preserved his anonymity while the matter lasted. The applicants in *Cheba and others v. Minister of Police*¹⁴⁴ were fifteen Ethiopian nationals who alleged they were fleeing political hostility in Ethiopia were found locked in a room in the custody of South African Police Service (SAPS). One of the issues before the court was whether applicants were victims of human trafficking as defined in the PACOTIP Act. The court ordered that the relevant protections under PACOTIP Act be applied to them as victims of human trafficking and not ordinary immigration detainees.

The court prioritized victim-protection obligations of the State over automatic deportation and emphasized treating trafficking victims of human trafficking as potential witnesses who can help in identifying traffickers rather than simply deporting them.

¹⁴² (2018) NAHCMD, 290.

¹⁴³ *R v. Obeta and others: Sentencing Remarks* <https://www.judiciary.uk/wp-content/uploads/2023/05/R-v-Obeta-and-others-sentencing-remarks.pdf> (accessed 2 April 2025).

¹⁴⁴ (520/2018) [2018] ZALMPPHC, 6.

*Krachunova v. Bulgaria*¹⁴⁵ a trafficked woman claimed compensation against her trafficker in respect of lost earnings from coerced prostitution. The Bulgarian court had stated that since the money was earned through 'lewd and immoral acts', there could be no question as to damages. The European Court of Human Rights (ECtHR), however, reasoned that human rights should be the criterion in designing or implementing policies on prostitution and trafficking. One of the issues before the court was whether a positive obligation can arise under Article 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms for trafficked victims to claim pecuniary damages against their traffickers. The court's finding revealed that the accused had recruited, harboured, and transported the victim with a view to exploiting her for sexual services; he had also retained her income as a prostitute. The compensation, therefore, was a form of restitution to assist in their recovery and reduce the risk of re-trafficking. It also serves as a way of ensuring traffickers do not enjoy the financial rewards of their actions.

It is important to state that the *Krachunova v. Bulgaria*'s case is not binding on African courts because of the difference in regional instruments. In such instance, the ECHR jurisprudence can only be persuasive. The case can be a start point for many African legal systems that still deny remedies because of morality or because an alleged act is immoral.

The defendants in *S v. Fatmata Kamara & Kadiatu Kargbo*¹⁴⁶ recruited seventy young girls on the promise of getting well-paying overseas jobs for them. They facilitated the girls' trip from Sierra Leone to Ghana via Liberia and Cote d'Ivoire, where their agents transported them to Oman and Iraq. The ladies were subjected to sexual exploitation and forced labour. Accused persons pleaded guilty to the 30-count charges ranging from human trafficking to money laundering. They were sentenced to 20 years and 8 years imprisonment respectively. Even though the parties pleaded guilty and showed remorse, the minimum mandatory sentence was still given. This was because the court considered the seriousness of offenses charged and repeated criminal conduct of accused persons.

In this case, gender-based vulnerabilities were exposed. The power imbalance and vulnerability of the victims were exploited but there was no mention of victim support during trial or post conviction. The implication of this is that the possibility of re-trafficking, stigmatization or marginalization is high where holistic victim support is missing. This undermines international standards that prioritize effective remedy and support for victims. The *Kamara and Kargbo*'s case mirror the reoccurring pattern in many countries in Africa where gaps exist between laws and their implementation. There are laws, convictions of traffickers are achieved but victims' compensation and societal reintegration are poor.

In *State v. James Tungamirai Maroodza*¹⁴⁷ the accused acting as an employment agent advertised job opportunities in Dubai and Kuwait. He facilitated the journey of six women to Kuwait. Upon arrival, the job they got and the working conditions were a far cry from what they expected. Even though they were being paid salaries, the court held that they were treated in an inhuman and degrading manner and further reasoned that the consent of the victims does

¹⁴⁵ Application No 18269/18

¹⁴⁶ (2020) SLHC 18.

¹⁴⁷ (R674/18)

not excuse the criminal act of trafficking. The court made a finding that the women were lured into employment contracts by means of deceptive promises of a better life.

The *Maroodza*'s case underscores the push-pull migration theory canvassed in this paper. It is also important to state that the court referred to the definition of human trafficking in Article 3(a) of the UNCTOC and its protocol (Palermo Protocol) when it appeared that section 3 of the Zimbabwean Trafficking in Persons Act, 2014, was not comprehensive enough. The accused was declared wanted for about two years before he was eventually arrested and prosecuted. The *Maroodza*'s case typifies the transnational trafficking chain in Africa and how institutional corporation in cross border investigations can help facilitate extradition.

Between 1994 and 2019, the accused person in *The Queen v. Joseph Matamata*¹⁴⁸ a Samoan Chief, facilitated the entry of four groups of persons into New Zealand, where he was resident. He represented to the victims and their families that they will earn significant income and live well while with him. Upon arrival, defendant kept the passports of the victims, restricted their movements, retained their salaries and controlled them by violence and threats of violence. The victims were also made to work long hours. The defendant was found guilty of human trafficking and slavery and accordingly sentenced.¹⁴⁹ His application for leave to bring an appeal was dismissed on 3 March 2022 in *Matamata v. The Queen*.¹⁵⁰ The victims in *Matamata*'s case were vulnerable- (poor, not educated and never travelled out of their home country) this made them susceptible to the influence of the defendant who wielded control over them for over 24 years because they were illegal immigrants. This is a useful comparative insight for Africa where titled chiefs or community leaders sometimes abuse their position of authority and exploit their followers. This further substantiates the social inequality trend of the conflict theory examined previously in this paper.

6. Conclusion and Recommendations

Despite concerted efforts from stakeholders, human trafficking and similar forms of modern-day slavery remain a scourge in Africa with devastating consequences for millions of vulnerable people. To eradicate all forms of modern slavery or at best, stem its tide, the following recommendations are proffered.

1. Harmonization and Review of Legal and Policy Framework: one of the findings of this paper revealed existing gaps between international human rights standards and extant laws on human trafficking. It is recommended that states with this disconnect review their domestic laws and bring them in line with international human right standards especially with strict penalties. In addition, the effectiveness of a law is not judged with its quantity but by enforcement mechanism put in place to give 'life' to it. Mutual assistance and extradition is easier where provisions of laws across states are in alignment with international or regional legal frameworks.
2. Before any fight against modern day slavery is said to be successful or yield any meaningful result, it is important that the causative factors of the menace are tackled. Government at all levels should be proactive in addressing corruption, poverty,

¹⁴⁸ (2020) NZHC, 677; (2020) NZHC 1829.

¹⁴⁹ The defendant was sentenced to 11 years imprisonment and a reparation of NZ\$180,000 was ordered to the victims.

¹⁵⁰ SC 110/2021; (2022) NZSC, 16

unemployment, limited access to education, gender inequality, conflict and insurgency, and other root causes of trafficking. For example, when government promotes rural development, migration pressure to economically viable locations will reduce.

3. As trafficking is usually hidden and exploitative in nature, victims are more likely to report to trusted people who will keep them anonymous. It is therefore recommended that community based reporting mechanisms (call in radio shows, trusted focal persons, hotlines, anonymous drop boxes) with assurances of confidentiality and anonymity be set up and strengthened to help in the anti-trafficking drive. By acting as discreet watchdogs, these mechanisms bridge the gap between hidden human trafficking realities and formal state responses.
4. Victim centered support- services and any form of support that will address peculiar need of the victim and will help them to be reintegrated back into the community where they were pulled out (or in settling elsewhere) should be available. Rescue and shelter homes, counselling, legal aid medical care and the encouragement of peer-support networks will ease the journey to recovery for the victims.
5. Migration management and Border Control: It is an open secret that most African borders are porous. It is not in doubt that trafficking and similar forms of modern slavery can prove difficult to detect because of its hidden nature and culture of silence. However, with the right attitude and training, immigration officials and security agencies can carry out their statutory responsibility of keeping the borders safe. It is important also that cross border taskforces work together and synchronize their operations as far as practicable, this will help in bridging the gaps between arrest, investigation and successful conviction of human traffickers and their sponsors.
6. Public Awareness, Enlightenment and Campaign: most victims of trafficking are not aware and do not know what they are experiencing is modern day slavery. It is important that efforts that should be geared towards making the public aware of the tell-tale signs of human trafficking and not fall victim to it. The awareness should target communities or vulnerable individuals that are susceptible to human trafficking.