

# Cultural and Legal Perspectives on Child Protection in the Context of Child Trafficking in Nigeria

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## Abstract

Child trafficking remains an alarming issue in Nigeria. Child trafficking leads to various child rights abuses, and it is also a mean for acquiring child labourers. It is therefore evident that such practice cannot be tolerated both morally and legally. It is well acknowledged that the legal pluralism in the Nigerian legal system permits the cohabitation of the inherited English legal system, some traditional rules, and religious rules. The environment legal pluralism has often created ambiguity regarding human rights in general and child rights in particular. Hence this paper examines the role of culture and traditions in the perpetuation of child trafficking in Nigeria. The paper shows that in the Nigerian context, there are conflicting views on the issue. The paper also evaluates the efficacy of legal and institutional frameworks available in addressing the problem. The research methodology relied upon is predominantly textual analysis. It is necessary to proceed from an interdisciplinary approach in order to address the various questions sufficiently. The paper concludes that conflicting views must lead to a paradigm shift in approaches to the phenomenon of child trafficking to ensure and secure a system where children's human rights are well protected.

## Keywords

Child Trafficking, Cultural Perspectives, Traditions, Nigerian Society, Legal Perspectives

## 1. Introduction

It is well acknowledged that child trafficking is an endemic and troubling prob-

lem in Nigerian society (Adesina, 2014).<sup>1</sup> This article aims to critically analyse the problem of child trafficking in the cultural and legal context of Nigeria. Until recently, the issue of child trafficking was debated in the broad context of human trafficking.<sup>2</sup> However, the increasing number of young children trafficked across Nigeria and abroad was the indication that traffickers are shifting their preference to children.<sup>3</sup> This new trend in the practice of trafficking in persons has made the issue a focus of national and international attention. Hence child trafficking became the main topic in child protection and child rights debate. No matter whether the debate about the predicaments of the child in Nigerian society relates to abuses, child cruelty, child labour or child trafficking, the concordant view is that the child should get the utmost protection from society as a whole. Traditional and religious communities, custodians of customary, traditional, religious values,<sup>4</sup> and government authorities have to find common grounds for the best interest of the child in a society where legal pluralism exists. The protection of the child in the context of human trafficking in Nigeria requires that conflicting cultural and traditional considerations with modern views on the status of the child in Nigerian society are adequately addressed. Hence this paper aims to examine the contextual approach to child protection in Nigeria. The paper further focuses on the mutation of perceptions from the traditional settings to the modern legal context. The paper also examines the different approaches to child abuses in divers Nigerian traditions.

The conflicting views between traditional settings and modern Nigeria, where the rule of law should prevail are impeding factors to effective implementation and enforcement of child protection instruments. In this paper, it is argued that new paradigms must emerge from conflicting views so that Nigeria can overcome the existing challenges. In a complex cultural environment, Nigerian authorities needed to adopt an adequate legal approach to the issue of human trafficking. Therefore, the Trafficking Law Enforcement and Administration Act was enacted in 2003. At the same time, the National Agency for the Prohibition of Trafficking In Person (NAPTIP) was established. The Act and its relevant

<sup>1</sup>Adesina, O. S. (2014). Modern Day Slavery: Poverty and Child Trafficking in Nigeria. *African Identities*, 12, 165-180.

<sup>2</sup>The practice of child trafficking has existed long before the adoption of most of the human rights instruments that refer to child trafficking as well as the instruments related to trafficking in persons. The question of the human rights itself became a major concern for humanity after World War 2. As a result the Universal Declaration of Human Rights was adopted in 1948. However, it has taken quite some time to make child rights a priority. It is now effective that existing legal instruments related to human trafficking have special provisions about child trafficking.

<sup>3</sup>The shift of preference for children does not mean that trafficker do not use adults anymore. Indeed the increasing demand for child labourer for domestic works, farm works, and prostitution has led traffickers to turn to more young children. The whole dynamic rests upon the fact that children are less likely to claim and defend the basic rights. In societies such as Nigeria it is rare for a child to challenge an adult.

<sup>4</sup>The custodians of traditional and religious values are designated leaders who look after traditional or religious precepts in the community. In Nigerian society many traditional or religious communities are very conservative hence they make sure that their traditional setting and religious precepts are perpetuated. Of course at certain point this creates conflicts between the modern institutions and traditional and religious settings.

Agency were regarded as the adequate response to combat human trafficking in general and child trafficking in particular. Hence this paper analyses the actions the NAPTIP and evaluates the efficacy of the Trafficking Law Enforcement and Administration Act 2003.

## 2. The Perception of the Child in the Nigerian Society

### 2.1. Cultural and Traditional Approaches

The Nigerian society is a composition of diverse traditions and customs. The perception of childhood among the tribes in northern Nigeria is not the same as those of the east, west or the south. Various customary settings underpin such diversity. From the outset, it appears that defining who is a child in diverse cultural settings remains a challenge. This is acknowledged by Aderinto in his analysis of childhood in the Nigerian colonial era. He writes that “Childhood was both a social and historical construction in colonial Nigeria”. If a child was defined in accordance with the culture of each ethnic group in the pre-colonial era, colonialism imposed unitary and inconsistent criteria for differentiating between a child and young person or adult (Aderinto, 2012). Moreover, Aderinto observes that children as “innocent” and “vulnerable” elements that needed to be “governed” by the will of adults was probably influenced by Yoruba culture of child-rearing and “communal” parenting, which endorsed corporal punishment and strict discipline as the best means of ensuring that children grow up to be responsible members of the society.<sup>5</sup> Hence punishment and discipline were traditionally conceived as core components of formal and informal education and training.

Most significantly, the traditional Nigerian perception of the child places them at the bottom of the social hierarchy, with obedience and respect for adults being paramount. The traditional Yoruba family structure privileges seniority, with junior members of society expected to provide services in a submissive and deferent manner. Indeed traditional social stratification within southern Nigeria accords children the lowest social status (Secker, 2013).

The debate about the status and place of the child in society has also been an important issue in western societies. Again the occurrence of such a situation in the western world was indeed based on cultural perceptions. As Hart and Pavlovic (1991) note, historically, the conceptualization and treatment of children has moved the child from being considered basically a nonentity or miniature adult to being a special class of human being; and from property to partial person status (Hart & Pavlovic, 1991).

### 2.2. Conflicting Views

Indeed a child was defined in accordance with the culture of each tribe in pre-colonial Nigeria, but this perception is still prevalent today. Attempts from

<sup>5</sup>ibid.

the colonial power to impose unitary criteria for defining a child appear to have a little effect among, mainly, indigenous communities. Throughout the colonial period, the definition of a child was contested despite an attempt by the British to impose a rigid dichotomy between a “child” and “young” person.<sup>6</sup>

Long after the colonial era, Nigeria remains confronted with the divergence of perceptions in regards to who a child is. The cultural and traditional perceptions become a hindering factor to Nigeria’s endeavour to become a complete modern society. The conflicting views transpire in the perceptions often expressed by intellectuals such as Soyinka (1963), Agbiboa (2013) and other observers of the African societies in general and the Nigerian society in particular. The typology of the traditional child and that of the modern child is a determining element in the permanent choice of the traditional and modern Nigeria. Kalu (1982) writes that the traditional family imbues in the child the necessary characteristics of his cultural heritage: the values, norms, modes of performing specific activities requirements, obligation, beliefs, and status of roles, customs and festivals. The child is present in the family unit when the unit involved in such cultural experiences in the village. Even when he or she is not allowed to participate, he is near enough to learn what is going on and why. The modern child is increasingly either at school or living in a remote urban centre, when most of these experiences that will provide him or her with the essence of his cultural heritage take place. The distinction between the traditional Nigerian child and the modern Nigerian child shows not only the sharp contrast in perceptions but also the definition of who is a child according to indigenous communities and modern Nigeria.

The modern Nigerian child is essentially an urban-orientated child faced with enormous challenges of a complex world. Contemporary Nigerian childhood is caught within the currents of massive social changes. In a country in a traditional culture, but aspiring towards considerable industrialisation, a host of problems is likely to emerge in connection with the effective provision for childhood.<sup>7</sup> It worth noting that the situation of the child caught in the middle of traditional and modern debates became more complex. Ebigbo (2003) notes that “the multi-dimensional, social and political structure conjoined with the impact of industrialisation, cultural conflict, unemployment, the lack of education and urban drift, have produced in their challenge unique problems with regard to children in Nigeria”.

### 2.3. The Need for New Paradigms in Perceiving the Child

This section examines the necessity to adopt new approaches in an irreversible trend towards modernism and globalisation in regard to the legal context of child protection. Kalu, asserting the observations of the World Bank in 1980, notes that a society’s expectations of the child are expressed in terms of his or her development as a quality human resource material for the technological im-

<sup>6</sup>ibid.

<sup>7</sup>ibid at 161, 167.

provement of the society (Ebigbo, 2003). According to him, this expectation rests on a rather weak premise because the institutions which should socialise the child towards this reality, especially the family and schools, are handicapped in various ways (Ebigbo, 2003). Indeed these institutions are not in the position of assuming their responsibilities effectively either because they lack the necessary resources or because the society as a whole has created factors that limit their endeavours.

This observation embodies the orientation espoused by Nigeria as a modern nation. The expected change is towards providing Nigeria with citizens fit to face the challenges of modernisation and towards economic development. Therefore the country's focus on creating a safe and sound environment for childhood can be understood. However, the idea that the expectation rest upon weak premises is rather categorical. It should be understood that while Nigeria expects to embrace full development, the urgent need to strengthen the families remains a priority among other issues.

### 3. Approaches to Child Abuse

#### 3.1. Cultural and Religious Influences

The perception of the child in a specific cultural context is critical in the debate about adopting a universal definition of the concept of childhood. While certain attitudes towards children are not regarded as abuses in most indigenous societies, the law prohibits these very attitudes. The cultural endorsement could underpin the enduring nature of child abuses in many Nigerian traditional societies by almost every member of the community.

Lachman (1996) considers that child protection is overshadowed by political and economic problems, the lack of resources, the enormity of the phenomenon, and the lack of research culture and research experience. One of the difficulties in defining child abuse in the African context is that cultural attitudes towards abuse vary a great deal. Often the distinction between abuse and discipline is blurred (Lachman, 1996).

The conception that a child can better contribute to the community in his adult life strengthens the use of practices deemed by traditional communities the unchallengeable way of teaching social virtues. Noteworthy child abuse in its various forms exists in both rural and urban areas. Wilson-Oyelaran (1989) observes that physical abuse and exploitative child labour are two common forms of child abuse in Nigeria. He notes that exploitative child labour exists in both the formal and informal sectors where children work as hairdressers, beggars' assistants, hawkers, and as factory and agricultural workers under conditions characterized by long hours, hazardous environment, and meagre remuneration (Wilson-Oyelaran, 1989).

Okeahialam (1984) observes that there is an impression that child abuse does not occur in traditional African society. He considers that such a view rests upon the sociological perception of the extended family that embodies security, pro-

tection, love and care to the child within the cultural environment. Indeed the social advantages of this system tend to minimise the effects of some traditional practices which are abusive to children.

Okeahialam (1984) goes further to emphasise the fact that there are traditional child-rearing practices related to discipline and treatment of childhood diseases which inflict physical and emotional trauma on the child. Examples include severe corporal punishment for minor offences and scalding of the feet as a method of controlling convulsions. In Nigeria, various forms of child abuse have been observed in paediatric practice. Many of these are related to the culture and tradition of the rural society.

Ebigbo (2003) observes the practice of child abuse does exist in different regions of Nigeria for example among the states of the West the belief in witchcraft and in syncretic churches and their prophets, who is believed to have the gift of vision, is so strong that there have been reports of prophets roasting the fingers of children, who may be a bit delinquent, accusing them of being witches. Ebigbo further notes that child battering is very rampant in the Eastern States, and children especially exposed to such beatings are the domestic help. Ebigbo further observes that the tradition of placing a child into the home of a relative is for the sole purpose of letting the child be properly trained and also for the child to enjoy good prospects from the friend or relation in exchange for the child's labour. Unfortunately this has deteriorated into the exploitation of house help who are the first to wake up in the house and the last to go to bed.

Cultural influence in raising children *per se* should not have been regarded as a threat to the children's welfare if negative impacts were not visible in the developmental and emotional status of the children. Unfortunately, children suffer the worst type of corporal punishment in the name of cultural values. Moreover, cultural and religious beliefs are have gravely deteriorated the welfare of the child in Nigerian society. On the specific question of religion and culture, Akhilomen (2006) observes that the religious and cultural theory that explains child abuse is from other perspectives. He argues s that many cultures and religions consider severe physical punishment as necessary for maintaining discipline, transmitting educational, cultural, moral, and religious ideas, pleasing gods and for expelling evil spirits. The phenomenon of child witch is widespread in traditional Nigerian communities.

To some extent, the phenomenon has reached some urban areas in recent years. The stigmatisation of children as witches has resulted in the indescribable types of child abuses in Nigeria. Secker (2013) observes that:

Over the past decade, children have been increasingly falling victim to allegations of witchcraft. The stigmatisation of children as witches and resultant child rights abuse.

The crucial issue arising regarding the debate about child abuse is the necessity to recognise a particular act as child abuse. The occurrence of child abuse among most traditional African communities is frequent, and a phenomenon

like child labour is a common form of child abuse but is never regarded as such by those who practise it. The phenomenon of child labour has become a matter of serious concern for Nigerian authorities. However, the nature of the practice and its long presence among traditional communities render all effort for eradication almost impossible. [Togunde and Carter \(2009\)](#) write that:

The causes of child labor have historical, economic, and cultural underpinnings. The emergence of child labor can be traced to the pre-colonial epoch, especially in African societies. In general, African cultures have regarded child labor as preparation for a child's future occupation, particularly with farming.

### 3.2. Conflicting Approaches

Indeed the inappropriate nature of abuses occurring in various Nigerian communities will inevitably create a conflict of perceptions given the fact that Nigeria as every country, aspires to complete law and order in a modern environment. The indigenous communities have always put forward strong justification for their practices and never admit such practices as child abuse. In that respect, the conflicting views remain strong between the two main currents. [Hart et al. \(2004\)](#) argue that violence against children, a highly vulnerable group, can be understood as predicated on all the factors mentioned here. Moreover, they note that the beating, demeaning, or raping of a child are certainly examples of a response to human needs (e.g., for power, securing identity, satisfying a human drive, protection from embarrassment or loss of status) gone wrong.

The justification of corporal punishment by most tribes in Nigeria rests upon the idea that the child subjected to such punishment will be well prepared for his/her adult life and will have a positive contribution to the whole community. This approach derives from the norm "spare the rod and spoil the child". However, the result often being a negative impact on the child's developmental and emotional aspects, is unlikely to regard most traditional approaches like the right ones. Indeed these are what can be categorised as cultural constructions. Most African societies established practices and customs that cannot be morally justified, yet they strongly rely on them, and most of them remain taboos that cannot be transgressed ([Dimka & Dein, 2013](#); [Makama, 2013](#)).

[Ayokunle et al. \(2013\)](#) emphasise that most factors that are pertinent to human development cannot be separated from the proper upbringing of children in our global society.

Moreover, they note that each culture has an adaptive parenting method and a set of ancient customs that are put in place to maximise positive cultural ideas of the people. They conclude that the relationship between the child's discipline and socio-cultural factors, and the child's upbringing through parenting style and socio-cultural factors are efficient. Where these ideas are implemented in their strict sense, they could be regarded as the ideal that should be sought after in any society. Unfortunately, while most Nigerian traditional communities

premise their child upbringing practices on such ideal, the sharp contrast in practice ascertain the distorted nature of their approaches.

### **3.3. The Need for New Paradigms in the Religious and Cultural Context**

As social concerns for child abuse and neglect increase, there is the likelihood that the government or other agencies will seek appropriate avenues for intervention. It is evident that without a solid theoretical understanding of the problem backed by empirical support, such intervention is likely to be haphazard (Wilson-Oyelaran, 1989). The urgency of the matter requires a new approach to tackling the issue. The primary question in this context is: “what should be the best approach to adopt in addressing child abuses in the Nigerian context”?

The setting of an effective child protection system is aimed at eliminating all forms of child abuses in society. Equally, the preservation of some cultural and traditional values is essential for the common aspiration that is social stability. However, distorted cultural and traditional views often threaten the common aspiration. Hence, in Nigeria, the authorities have the responsibility to convince communities of the need to abandon practices that hinder modernisation and development. The occurrence of a new paradigm for Nigeria, therefore, rests upon the authority, NGOs and other agencies’ actions towards a Nigerian society without child abuses in general and child abuses “legitimised” by culture and customs in particular. In such a perspective, the law could be one aspect of dealing with the problem. However, the complex nature of cultural settings and the necessity to maintain a peaceful social climate require a certain level of ingenuity from all actors involved in bringing about the much-needed change.

The new paradigm can occur, in a context where perceptions are sharply divergent if the party on the wrong side is made to perceive the destructive and counterproductive effects of his endeavours. Indeed in the Nigerian context, the authorities have the responsibility of persuading traditional communities to banish adverse practices on children. Therefore, they should put in place the resources and appropriate strategies to create a safer environment for all. As noted hereinbefore, legislation could not be the sole answer to the phenomenon. Several strategies can be devised in order to convince a conservative of the anti-social and anti-existentialist nature of their practices.

## **4. Approaches to Child Protection**

### **4.1. Traditional Perceptions**

The traditional settings also have their perception of child protection. The child needs to be protected for his/her vital role in the functioning of the community. Children’s participation in house chores and rural activities such as farming, cattle herding, is deemed paramount (Awogbade, 1983). Hence, in most traditional African societies, parents not only find the necessity to have several children, but they also make sure they are well protected for the vital role their offspring can



play in the community.

Most remarkably, this though, is viewed as the underlying motive of various traditional African communities' propensity for polygamous marriage. Indeed the size of the family is determining the size of the yields in farming activities. [Igben \(1988\)](#) observes that one of the most important factors conditioning the level of production and productivity on peasant farms are the composition and size of the farming family. Although such practice was frequent in colonial Nigeria as emphasised by Igben, most traditional communities still resort to it.

It must be noted that traditional Nigerian communities have a specific understanding of child protection. The purpose of protecting a child could be regarded as universal because the child, as a human being, needs to be protected. However, every community has its understanding of how to protect the child. In West Africa in general and in Nigeria in particular, the emphasis is placed on child fostering because a child who lives outside of his or her immediate family will learn a series of wisdom ([Renne, 2003](#)). Indeed if the child is living with the mother, what he or she will learn there is different from what they would learn under another person. According to ([Serra, 2009](#)), child fostering is ubiquitous, especially in West Africa, and represents the most visible aspect of the wider phenomenon of extended family involvement in all aspects of child-rearing. Indeed customary fosterage is common in West Africa in general and Nigeria in particular. When children are placed in the care of family members in the context of customary fosterage, it cannot be regarded as unlawful, because no federal laws prohibit the practice. Moreover, in the context legal pluralism in of Nigeria, some customary practices are tolerated, which is paradoxical and prone to confusion. At the same time, the prospect of abandoning legal pluralism in Nigeria is unrealistic in the foreseeable future it is high time a mechanism is put in place to dissipate frequent clashes of systems often resulting in social distortions ([Bolaji, 2013](#)).

## 4.2. Conflicting Views

The perception of child protection in a traditional setting differs from what is seen in modern societies. Children are protected not because they are an instrument but because it is inherent to their quality as human beings. This line of reasoning triggers the debate about human rights. The conflicting views lie in the very fact that often and obviously in traditional communities, children are seen as object whereas in modern and urban settings children are regarded as a subject of rights irrelevant of their origin their social condition or family background.

In the debate about child protection, the idea of who is a good parent is often underscored. According to [Serra \(2009\)](#), the idea about being a good parent not only includes providing sufficient food, clothing, schooling and emotional support but also stress the importance of knowing about modern conventions of health and diet. In that perspective, biological parents are said to be able to strike

the best balance in terms of discipline and affection in child-rearing. Although the traditional approach to child protection is purposed to make the child a valued member of the community, some practices in the established system of child protection are often detrimental to the child's welfare.

## 5. The Need for an Effective Protection of Children in Nigeria

There is a need to protect the child irrelevant of what is perceived by traditional settings, cultural or customary values and the constraint of development. Hill and Tisdall (1997) rightly put that the welfare approach to children particularly recognises their need for special protection, their differences from adults in terms of culpability and rationality, the primacy (if not paramountcy) of their welfare. Indeed the approach is based on meeting children's needs. Moreover, Aliyu (2006) notes, because children have peculiar physical and mental development needs, they must receive legal protection and security, freedom and dignity.

Ezekwonna (2005) argues that the traditional African not be egoists, they had the interest of the community at heart because they knew that individual needed the community and that the community for them to achieve their aspirations. On that question, Whiting (1963) previously stated that the rationale for child protection not only derives from the consideration that the child must receive the training in the proper patterns of behaviour but also he must fully contribute in his adulthood to the life of the community. As Ezekwonna observes, among African, conscience is a very familiar concept because, for African, individual conscience works in tandem with the community conscience. This fact is a testimonial of traditional communities' clear understanding of their endeavours regarding child-rearing.

The guarantee for better protection within the community increases when the child abides by the prescribed rules. In that respect, Amadi (1982) writes that respect for elders in Nigeria is of high importance, and a child who fails to observe such cardinal article of the code of behaviour is not likely to turn out well. He further notes that in the first place, the child's parents will practically disown him and in the second place the children of the elders to whom the child shows disrespect will make life extremely difficult for him.

Hill and Tisdall (1997) write that the concept of child protection has become synonymous with the responses by official agencies to suspected and identified intra-familial abuse. This dominant idea underpins the actions of the federal and local authorities in devising strategies for better protection of children in Nigeria as most abuses occur within the family environment. However, the important issue of the effectiveness of the authorities' actions in regard to child protection in every part of the country. The state cannot solely rely on meetings and talks when it comes to child protection; it must make things different. Beckett (2007) writes that it is easy to fall into the trap of thinking that, simply by discussing with a child or agreeing that he/she should be the subject of child protection

plan, we have somehow helped or protected he/her, but this is an illusion, related to the phenomenon of groupthink. The importance of child protection in society led [Townsend \(2009\)](#) to assert that child protection must become a central issue in governments' development plan.

This argument is pertinent in that significant change, and great improvement occurred when the Western government put their weight in child protection debate. [Lesnik-Oberstein \(1998\)](#) notes that children and childhood have in many ways, become one of the central concerns of our time in terms of political and public policy and the media in Western culture. Child protection can be exercised in every aspect of child social and economic life. However, it appears that the moral and religious aspects of child protection are the only elements that are often considered by the parents and the authorities. [Gbadamosi \(2010\)](#) writes that ethical questions often enter the discussion of advertising to children as there is a crucial argument that marketers are only interested in economic motives when sponsoring advertising messages.

As a result, a considerable level of regulation is available to marketers operating in the Nigerian marketing environment on how to practise socially responsible marketing in respect of advertising to children in Nigeria [Gbadamosi \(2010\)](#). The reasoning behind an emphasis placed on advertising is that there is an ostensible willingness of Nigerian authorities to put in place child protection structures. However, advertising is not characterised as an underpinning factor to child abuse, a reference to the authorities' action in this domain evidenced their capability to undertake ambitious actions towards child protection in the domain of various abuses.

The debate on child protection in Nigeria cannot exclude the general topic of social protection because the former can be better guaranteed if the latter is adequately dealt with by the state and other agencies. [Umukoro \(2013\)](#) observes that poverty is a pervasive problem in Nigeria. Several reports indicate that the problem has been persistent despite economic growth in the country. However, Nigeria is a middle-income country, it has the highest level of stunting in sub-Saharan Africa, and the third-highest in the world, with 41 per cent of all children under five classified as stunted and 23 per cent as severely stunted. The emphasis on social security by scholars and international agencies has influenced the Nigerian government to include social protection in the Vision 20: 2020 program. The objective of this program for social protection is to increase productivity and income, reduce poverty and vulnerability by diminishing people's exposure to risk and enhancing their capacity to protect themselves against hazards and loss of income ([Umukoro, 2013](#)).

## **6. Legal and Institutional Environment for Combating Child Trafficking in Nigeria**

### **6.1. The Federal Institutional and Legal Approaches to the Issue**

Child trafficking is criminal activity punished by law. The punishment apparatus

in Nigeria exists and functions in an institutional and legal environment which embodies the laws prohibiting and punishing the crime and the enforcement agencies. The analysis of child trafficking in the legal and institutional context of Nigeria focus on the fact that it is a criminal activity like any other activities deemed criminal. Hence it is sanctioned by the full force of the law in Nigeria. This section presents child trafficking as a criminal activity which places all offenders under the full force of relevant laws when they are caught. At the federal level, the Nigerian Constitution<sup>8</sup> provides for the issue of human trafficking, which is against the freedom and dignity of human beings, according to Section 34, which guarantees the right to dignity and prohibits slavery, servitude and forced labour.<sup>9</sup>

Kigbu & Hassan (2015) observes that based on the Constitution, child labour and other child abuses are prohibited. This constitutional principle transpires in most of the state's anti-trafficking laws.

Moreover, Nigeria adopted the Trafficking Law Enforcement and Administration Act in 2003, which was amended in 2005, then repealed in 2015. In the same vein Nigeria signed a bilateral agreement with Benin on the Prevention, Control and Supervision of Trafficking, Especially Women and Children in 2005. Earlier in 1984, Nigeria signed a Quadripartite Agreement on Information Sharing and Monitoring of Trafficking Routes, with Benin, Togo, and Ghana. With the same West African neighbours, Nigeria signed in 1996 a Quadripartite Treaty on Cross-border Crime. In terms of offsetting workable institutional frameworks, the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) in 2003 was established by Nigeria. For a better grip on the issue, a National Action Plan was put in place in 2008.

In the institutional context, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) was established in 2003. Section 1 (1) of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 provides that "(1) There is established a body to be known as the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (in this Act referred to as 'the Agency')"<sup>10</sup> From the outset, the NAPTIP increased its efforts to raise national and public awareness. The Public Enlightenment Unit within NAPTIP has the mission of reaching out to a nationwide audience in order to make the population aware of the gravity of trafficking, especially in women and children. NAPTIP has put in place various strategies to achieve its goal of reaching remote areas of the country where the problem disaggregates communities; for example, it has organised sporting events such as an annual race against human trafficking in Edo, Benue and Kogi states. In order to be more efficient in tackling cross-border trafficking, NAPTIP works with immigration services to monitor traffickers' movements and to identify the strategies

<sup>8</sup>Constitution of the Federal Republic of Nigeria 1999. Document available at <http://www.icnl.org/research/library/files/Nigeria/constitution2.pdf>, accessed 30 November 2019.

<sup>9</sup>Sections 34 (1) (a) (b) and (c), respectively, prohibit torture and inhuman or degrading treatment, slavery, servitude and forced labour.

<sup>10</sup>Section 1 (1) Trafficking in Persons (Prohibition) Law Enforcement and Administration Act,

they employ to avoid enforcement efforts. For the protection of their fundamental rights, the Trafficking in Persons Law Enforcement and Administration Act 2015 provides for the protection, treatment and non-discriminatory practices for victims. Notably, the law specifies that no trafficking victim should be detained for any offence committed as a result of being trafficked. Although the Trafficking Law Enforcement and Administration Act, 2015 is considered to be the exclusive Human trafficking law in Nigeria, other laws play a significant role in the protection of the child. For instance, the Child Rights Act 2003 is in general related to the rights of the child in Nigeria, but some provisions are related to the protection of the child.

The Nigerian Labour Act 1990 applies to all workers and all employers, except the armed forces, the police, prisons and intelligence agencies. It is worth noting that Section 73 of the Labour Act, in line with Section 31 (1) (c) of the Nigerian Constitution, prohibits forced or compulsory labour. Articles 49 and 59 of the Labour Act set for employment and apprenticeships the minimum age at 12 years, except for light agricultural or domestic work performed for the family. Articles 59 and 61 prohibit children of less than 12 years from lifting or carrying any load likely to inhibit physical development, and they establish a minimum age of 15 years for industrial work and maritime employment. Article 60 prohibits work underground, on machines, at night, more than four consecutive hours or more than eight hours a day for children less than 16 years. Articles 59 and 65 of the Labour Act also prohibit children less than 18 years from entering into any employment that is dangerous or immoral, although this does not apply to domestic service. However, the Nigerian Labour Act 1990 has not been enacted to tackle human trafficking, the provision safeguard children who may be engaged in work as a result of being trafficked internally.

## **6.2. Institutional and Legal Approaches to the Issue at States Level**

Some of the 37 states composing the Federal Republic of Nigeria have been very proactive in addressing the issue of human trafficking in general and child trafficking in particular. The approach adopted by most states appears more proactive, in that they have chosen to combat the related phenomenon of child labour within their administrative territories. As indicated elsewhere, child trafficking is only a process toward a final point, namely that of child exploitation. In their endeavour to combat child trafficking, states opted to make the end goal of child trafficking non-existent. Where there is no demand for child labourers in areas such as domestic work, agricultural, street begging, prostitution and other activities, it became evident that children will not be trafficked. Hence, the approach adopted by some Nigerian States seeks to tackle the phenomenon of child trafficking efficiently.

In line with the various legislations in force, Ogun State and Oyo State have adopted an action plan to eliminate child labour. The “Ogun State Action Plan for the Elimination of Child Labour in Nigeria” will span over three years, from

2014 to 2017. Based on the international, regional and sub-regional treaties ratified by the Federal Republic of Nigeria, Ogun State has improved its management of the issues of child trafficking and child labour. For example, the Child Rights Act 2003, passed by the Nigerian National Assembly, was passed into law in Ogun State in 2006, and it is known as the Child Rights Law 2006 (CRL 2006).<sup>11</sup> In the same vein, Oyo State adopted the Action Plan for the Elimination of Child Labour in 2014.

The action plan promulgated by Oyo State also spans over three years, from 2014 to 2017, and like Ogun State, Oyo passed the Child Rights Act 2003 into law in 2006, known as the Child Right Law 2006 (CRL 2006). Oyo State entirely relies on existing legal and institutional frameworks set by the Federal Republic of Nigeria to conduct its plan of action concerning the elimination of child labour and child trafficking.<sup>12</sup> However, in May 2014 it established a state steering committee on child labour (SSC) which decided to adopt the National Action Plan for implementation at the state level.<sup>13</sup>

Another prominent Nigerian State, Edo State, has endeavoured to address the issue of trafficking, especially of women and children, by focusing on one aspect of the object of the practice within Nigeria and abroad. It is recognised that the incidence of trafficking in Edo State for prostitution is considerably high and in the light of the problem the State House Assembly had to pass a law amending the criminal code. Passed in 2000, it extends the reach of the law to criminalise accomplices such as family members, religious leaders and anyone who facilitates the trafficking of women and children. However, although the approach adopted by Edo State aims at combating trafficking in women and children, it places more emphasis on prostitution.<sup>14</sup>

Section 222 (a) extends the ambit of the offence of causing or encouraging the seduction or prostitution of a girl to cover every female person in place of only “girls under the age of 13 years”. The sentence increases from 2 years to imprisonment for seven years or to a fine of N50,000 (\$385).

Moreover, Section 223 treats the procurement of a woman or a girl for prostitution as a felony—as opposed to the initial categorisation as a misdemeanour—and increases the punishment from two years’ to 14 years’ imprisonment.<sup>15</sup>

Additionally, Section 223 (a), brought in as a new section, that making it an offence the material or financial assistance to girls and women to enable them to

<sup>11</sup>See Ogun State Action Plan, available at [https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis\\_ababa/---ilo-abuja/documents/publication/wcms\\_303401.pdf](https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/---ilo-abuja/documents/publication/wcms_303401.pdf), accessed 7 October 2019.

<sup>12</sup>See Oyo State Action Plan available at [https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis\\_ababa/---ilo-abuja/documents/publication/wcms\\_302555.pdf](https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/---ilo-abuja/documents/publication/wcms_302555.pdf), accessed 7 October 2019.

<sup>13</sup>ibid.

<sup>14</sup>See ILO, “Review of Legislation and Policies in Nigeria on Human Trafficking and Forced Labour: Action Programme against Trafficking and Forced Labour in West Africa”, available at [https://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_083149/lang--en/index.htm](https://www.ilo.org/global/topics/forced-labour/publications/WCMS_083149/lang--en/index.htm), accessed 2 November 2019.

<sup>15</sup>ibid.

outside Nigeria to become prostitutes. The punishment is for such offence. It is also an offence, punishable by for ten years imprisonment or a fine of N500,000 (\$3846), or both.<sup>16</sup>

The section sets out punishments for those who aid and abet overseas travel for potential prostitutes, but it does not address trafficking directly. Section 223 (a) (2) introduces a compulsory medical examination to determine sexually transmitted diseases (STDs) for those deported from foreign countries. Moreover, Section 223 (b) makes it an offence for any female person to offer herself knowingly for prostitution or any immoral activity within or outside Nigeria, which is punishable by two years' imprisonment or a fine of N20,000 (\$154). The law makes prostitution a criminal offence. It neglects the right of an adult to offer sexual services voluntarily, especially in a country where it is legal if that is her choice.<sup>17</sup>

Section 223 (c) makes it an offence, punishable by two years' imprisonment or a fine of N10,000 (\$77), for any man who patronises any woman in an act that can be considered prostitution. Section 223 (d) creates an offence punishable by two years' imprisonment or a fine of N10,000 (\$77), or both. For any woman who entices a male with gratification to have carnal knowledge of her. It should be agreed that a common weakness in all these sections is the fact that fines can replace the prescribed terms of imprisonment, and it is therefore at the discretion of the presiding judge to impose any of these penal measures. Indeed, this reduces the weight of the offences and the deterrent value of the sanctions imposed. This state of affairs leads one to conclude that the law addresses trafficking indirectly and does not specifically address those who engage in the trafficking of children and young women abroad for other forms of labour besides sexual exploitation.<sup>18</sup>

## 7. The Issue of Law Implementation and Enforcement in Nigeria

### 7.1. Implementation Mechanisms

Implementation of international legal frameworks has often been a complex issue for most countries, especially developing countries. Their infrastructures and the cultural environment appear to be among the reasons for the reluctance to domesticate some instruments (Cho & Vadlamannati, 2012). Human rights violations in general and child rights violation, in particular, has often been branded unconceivable attitudes hence severely punishable by law. However, this approach remains in theory. The International Labour Organisation (ILO) observes that "While most States condemn forced labour and the worst forms of child labour, national laws often lag behind international commitments. Following the adoption of the Palermo Protocol, States enacted new anti-trafficking laws or sought to bring their laws in line with international standards. In many countries, however, legislation does not yet cover all forms of trafficking, e.g. la-

<sup>16</sup>ibid.

<sup>17</sup>ibid.

<sup>18</sup>ibid at p. 19.

bour trafficking as compared to sex trafficking, or excludes certain groups of people as potential victims. Furthermore, while many States have now criminalised human trafficking, they are more reluctant to improve the legal status of likely and actual victims. Only a few countries allow identified victims to seek permanent resident status in the country of destination.”<sup>19</sup>

In a bid to display a much better image at the international, regional and national levels, the Nigerian Federal Government promulgated a flagship law exclusively related to trafficking in persons and established an Agency. This move is, however, made in addition to the existing legal instruments that provide for trafficking in some of their Articles or sections. The Agency is deemed to have a grip on the issue nationwide in order to achieve the ultimate goal of eradicating not only child trafficking but also trafficking in adults. The extent of the problem in the country has forced the federal government to take measures considered to be a tough approach. The Trafficking (Prohibition) Law Enforcement Administration Act 2003, known as the “NAPTIP Act”, set up a special agency in 2004, called the National Agency for the Prohibition of Trafficking (NAPTIP), to oversee matters relating to human trafficking and related matters. The 2003 Act was regarded as a national legal framework developed to combat the enduring phenomenon of human trafficking. It was later amended in 2005.<sup>20</sup>

In terms of implementing international legal instruments, Nigeria has endeavoured to comply efficiently and to present a good record of treaty ratification at the international, regional and sub-regional levels. For example, the NAPTIP Act is regarded as the simple domestication of the Palermo protocol. Hence, Section 64 of the Act, which incorporates the universally accepted definition contained in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, albeit with some minor changes, provides that: “Trafficking includes all acts and attempted acts involved in the recruitment, transportation within or across Nigerian borders, purchase, sale, transfer, receipt or harbouring of a person involving the use of deception, coercion or debt bondage to place or hold the person, whether for or not in involuntary servitude (domestic, sexual or reproductive), in forced or bonded labour, or in slavery-like conditions.”<sup>21</sup>

<sup>19</sup>See ILO, “ILO Action against Trafficking in Human Beings”. Available [https://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_090356/lang-en/index.htm](https://www.ilo.org/global/topics/forced-labour/publications/WCMS_090356/lang-en/index.htm), accessed 15 September 2019.

<sup>20</sup>See Trafficking in Persons (Prohibition) Law Enforcement and Administration (amendment) Act, 2005 available at <http://www.protectionproject.org/wp-content/uploads/2010/09/Nigeria-TIP-Amendment-Act-2005.pdf>, accessed 10 November 2019.

<sup>21</sup>Section 64 The Trafficking (prohibition) Law Enforcement Administration Act 2003. In the new 2015 Act The definition of trafficking is provided under Section 82 as follow: trafficking or traffic in persons means the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power 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 or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in forced or bonded labour, or in slavery-like conditions, the removal of organs or generally for exploitative purposes.



## 7.2. Enforcing Trafficking Laws

Law enforcement is the activity of making certain that the laws of an area are obeyed. It is intended to discover, deter, rehabilitate, or punish people who violate the rules and norms governing a society. Indeed Law Enforcement requires direct involvement in patrols, surveillance to dissuade and discover criminal activities. It also involves those who investigate crimes or apprehend offenders. Although entities such as courts and prisons are involved in law enforcement, traditionally, the task is devolved to the police. The increasing criminal activities and the emergence of a new type of crimes have led most governments to create various enforcement agencies. Of course, their work is carried out in partnership with the police, but they are usually specialised in dealing with the specific issue for which they have been established. This is the case of The National Agency for the Prohibition of Trafficking in Person (NAPTIP) in Nigeria. The advent of NAPTIP evidences the alarming nature of human trafficking and other related matters in Nigeria.

Such a serious crime in a highly populated country could have overwhelmed the National Police Force (NPF). Also, the trafficking activities being not only an internal activity but also across-border criminal activity, the customs and immigration services at Nigerian borders would have lost focus on other criminal activities thereby putting national security at risk. After devising the adequate legal framework to combat human trafficking and establish NATPTIP the expectation from the new Agency was very high in terms of efficiently combating human trafficking in general and child trafficking in particular. The function of the Agency, however, is determined under Section 4 of the Act.<sup>22</sup> The enforcement mechanisms for NAPTIP are therefore determined under this section. General enforcement mechanisms include the working mechanisms of the Nigeria Police Force (NPF), the Nigeria Customs Service (NCS) as well as the Nigeria Immigration Service. At some stages, the court services play a significant role.

## 7.3. Significant Achievements through Law Enforcement

Although various challenges substantially hamper the work of for enforcement agencies in Nigeria, some significant results have been achieved in terms of prosecutions. In regard to the efficiency of the enforcement process in Nigeria, the 2013 trafficking report, issued by the US Department of State, indicates that the Government of Nigeria demonstrated modest progress during the year. An

<sup>22</sup>Section (4) of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 provides that the Agency shall be responsible for a) the enforcement and the due administration of this Act; b) the co-ordination of all laws on traffic in persons and related offences and the enforcement of those laws; c) adoption of measures to increase the effectiveness of eradication of traffic in persons; d) the facilitation or encouragement of the presence or availability of persons, including persons in custody, who consent to assist in investigations or participate in proceedings relating to traffic in persons and related offence; e) enhancing the effectiveness of law enforcement agents to suppress traffic in persons; f) establishing, maintaining and securing communication to facilitate the rapid exchange of information concerning offences, conduct research and improving international co-operation in the suppression of traffic in persons by road, sea and air.

amendment to the anti-trafficking law was introduced in 2011 by NAPTIP. The law gives more authority to prosecutors and restricts the ability of judges to offer fines instead of prison sentences. The modification was awaiting approval by the National Assembly at the end of the reporting period. The government reported that NAPTIP had initiated 117 trafficking investigations, commenced at least 17 prosecutions and achieved 25 convictions during the period covered by the report.<sup>23</sup> The report also indicates that another 143 prosecutions remained pending at the end of 2012. However, a decrease in the number of investigations from the previous reporting period's 279 investigations was noticeable. The decrease was not seen as worrying because the report assumed that was most likely because law enforcement officers are better trained to deal with trafficking in persons and related matters.<sup>24</sup>

Prosecution for trafficking was effective in *Attorney General of the Federation Toyin Ogbemor*. From the fact of the case, it emerges that "On 22 October 2005 the accused deceitfully induced four victims to go abroad. He promised them good jobs, such as working in a saloon and selling herbs. The accused, in her statement to NAPTIP (National Agency for Prohibition of Traffic in Persons), admitted that she had known that the girls had been going to be used for prostitution in Libya. Before the accused departed with the girls, she took them before a native doctor to take an oath of allegiance. Nigerian Immigration Officers arrested the accused as she was about to traffic many girls through the border to Libya". The trafficker was found guilty on four counts of deceitfully inducing a person to go from any place. Under Section 19 (b) of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003. Two years imprisonment and a fine of NGN 50,000 (approximately USD 310) was handed to the accused. In substance, the court held that imprisonment as punishment was to reform the accused and make her fit for fit for future roles in society.<sup>25</sup>

Several prosecutions regarding human trafficking in Nigeria were concerned with child trafficking. For instance, in *Attorney General of the Federation and Chioma Ogbonna*, the court dealt with the abduction of a child for the purpose of trafficking. It transpires from the case that "The accused allegedly kidnapped the daughter of the man she was living with and attempted to sell her to someone for a sum of money. There was no proof that this deal was concluded". However, the defendant was found guilty on six counts of kidnapping under Section 19 (1) (a) & (d) of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003. In the light of the increasing activities in human trafficking in Nigeria and given the grievous nature of the offence, the

<sup>23</sup>See U.S. Department of State at <https://2009-2017.state.gov/j/tip/rls/tiprpt/countries/2013//index.htm>, accessed 10 November 2019.

<sup>24</sup>ibid.

<sup>25</sup>See *Attorney General of the Federation and Toyin Ogbemor* [NCT/140/06] High Court of Justice (7 April 2008). Available at [https://sherloc.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/nga/2008/attorney\\_general\\_of\\_the\\_federation\\_and\\_toyin\\_ogbebor.html](https://sherloc.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/nga/2008/attorney_general_of_the_federation_and_toyin_ogbebor.html), accessed 15 November 2019.

court noted that the punishment should be inflicted in a way that it serves a deterrent to others. Consequently, the accused was sentenced to two years of imprisonment.<sup>26</sup>

#### 7.4. Challenges to Law Enforcement

The constraints encountered by the police forces in carrying out its mandate in this area include the complicity of parents and guardians in the trafficking of their minor children and the need for trained psychologists within the force. Some victims do not view themselves as having been exploited; indeed, they prefer to consider their situation as one of empowerment, as they had the opportunity to earn. As stated before, it is difficult to get people to testify as witnesses due to fear of reprisals, but the biggest challenge that the police face, however, is a lack of funds.<sup>27</sup> Challenges to the effective enforcement mandate recognised by the Immigration Service involve the inadequate training of relevant officers on the results of trafficking, the lack of capacity to detect victims and traffickers, inadequate training in the treatment of victims and traffickers and constraints in inter-agency relations between the police and the Immigration Service.<sup>28</sup>

Several contributing factors to human trafficking as well as child trafficking, are to be addressed. These show that there gaps between the law and policymaking process and the management of deeply rooted societal facts. It is observed that the ineffectiveness of societal norms and values weakened family nets, and ignorant parents are amongst other issues that are often undervalued by policy and lawmakers.<sup>29</sup>

When cooperation does not function properly due to the lack of extradition treaty between Nigeria and the Netherlands, the opportunity to prosecute an offender is missed by the criminal justice system. In *Attorney General of the Federation and Kingsley Edegbe* a case related to cross-border criminal activity involving human trafficking, the offender could not be extradited to face charges. From the fact of the case, it emerges that the Dutch government as part of Operation KOOLVIS uncovered a recurring pattern in the stories told by Nigerian girls in Dutch asylum centres. Mr. Edegbe was one of the suspected members of an international human trafficking syndicate. The Dutch Police authorities had successfully prosecuted three (3) other members of the human trafficking syn-

<sup>26</sup>See *Attorney General of the Federation v Chioma Ogbonna* [HU/41C/2005] High Court of Akwa, Ibom State of Nigeria (22 February 2006).

<sup>27</sup>See ILO, "Review of Legislation and Policies in Nigeria on Human Trafficking and Forced Labour: Action Programme Against Trafficking and Forced Labour in West Africa", available at [https://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_083149/lang--en/index.htm](https://www.ilo.org/global/topics/forced-labour/publications/WCMS_083149/lang--en/index.htm), accessed 2 November 2019.

<sup>28</sup>ibid.

<sup>29</sup>See Juliet Ume-Ezeoke, "Desk Review for the Programme of Action Against Trafficking in Minors and Young Women from Nigeria into Italy for the Purpose of Sexual Exploitation" Unicri/Unodc Project on Trafficking with Funding from Italian Government. Available at [http://www.unicri.it/topics/trafficking\\_exploitation/archive/women/nigeria\\_1/research/dr\\_nigeria\\_eng.pdf](http://www.unicri.it/topics/trafficking_exploitation/archive/women/nigeria_1/research/dr_nigeria_eng.pdf), accessed 20 November 2019.

dicate in the Netherlands who worked with Kingsley Edegbe as their partner in Nigeria. They are now serving various jail terms in Netherland ranging from seven to fifteen years. As a result of the successful prosecution of the members of the human trafficking syndicate in the Netherlands, the Government of the Netherland made a request to the Attorney General of the Federation and Minister of Justice for the extradition of Mr Kingsley Edegbe to face trial in Netherland for his involvement in human trafficking. The Judge ruled in the respondent's favour, stating that the application by the Netherlands was not made based on an extradition treaty between the two countries and that the signing and ratification of United Nations Convention against Transnational Crime (UNTOC) with its protocols by the Nigerian and Netherlands did not signify a treaty. The *Attorney General of the Federation and Kingsley Edegbe* is a case that should appeal to Nigeria and partner countries in combating human trafficking.<sup>30</sup>

The amendment to Trafficking Act, 2003 allows the 2005 Act to expand its scope from investigation to the prosecution of traffickers, and the seizure of properties. The penalties for labour trafficking increased to five years imprisonment and/or a \$670 fine. For the trafficking of children, the penalties increased from 5 years to ten years of imprisonment. From its exclusive role has an enforcement Agency NAPTIP engaged actively in actions other than investigation and prosecution.

The human trafficking activities, especially child trafficking, are more complex due to the socio-cultural environment of Nigeria; hence an enforcement agency should be exclusively focused on the issue justifying its establishment. Although these actions have been devolved to the Public Enlightenment Department, it could prove challenging to achieve the expected results. Actions should be left to NGOs and other structures separated from government bodies. Notwithstanding the tough nature of the 2005 law, the Nigerian authorities pushed for another amendment. This time, the 2005 version of the Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act has been repealed then Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015 was enacted. The 2015 version seeks to deal with the phenomenon of human trafficking once for all in Nigeria. Hence the minimum of seven years imprisonment or a minimum of fine for N1 million (\$3172.090) for offenders was imposed instead of the five years jail term of a fine of not less than N1 million (\$3172.090). Successive Amendment of the trafficking law and the reforms of the NAPTIP mechanisms reveal that human trafficking is a very challenging issue not only for the Government but also for law enforcement agencies. It is worth noting that the state of child trafficking in Nige-

<sup>30</sup>See *Attorney General of the Federation and Kingsley Edegbe* [FHC/AB]/CS/9072012] Federal High Court of Nigeria, Abuja Judicial Division (1 July 2014). See UNODC No: NGAx004. Available at

[https://sherloc.unodc.org/cld/case-law-doc/criminalgroupcrimetype/nga/2014/attorney\\_general\\_of\\_the\\_federation\\_and\\_kingsley\\_edegbe.html?lng=en&tmpl=htms](https://sherloc.unodc.org/cld/case-law-doc/criminalgroupcrimetype/nga/2014/attorney_general_of_the_federation_and_kingsley_edegbe.html?lng=en&tmpl=htms), accessed 17 November 2019.

ria after eleven years of creating the Public Enlightenment Department within NAPTIP and two amendments to the human trafficking law has not improved, the phenomenon is rampant.

In such a context, the issue of child trafficking remains a matter of urgency. It appears that the adoption of new strategies should be devised. The intensive activities of local NGOs and international NGOs involved in the combat against child trafficking have not put a halt to the criminal activity either. The further question can be raised about the sincerity some of the government officials in the narrative about eradicating child trafficking in Nigeria. The 2016 Trafficking in Persons Report of the US Department of State indicates that however, the Nigerian government is making significant efforts, it does not fully comply with trafficking standards. The report indicates that the issue of combating child trafficking became more complex because corruption is a generalised problem in Nigeria.<sup>31</sup>

## 8. Conclusion

This paper showed that the issue of child trafficking and child protection in Nigeria is very complex due to cultural, traditional, and religious perceptions about the child's place in society. Upon scouring the various Federal legal instruments, it can be asserted that Nigeria has robust legal frameworks in place to address the different aspects of the human trafficking activities in general and child trafficking in particular. In furthering the action undertaken by the Federal State, most of the 37 Nigerian States have committed to deal with child trafficking per their local or contextual circumstances. It should be agreed with Stanley (2007) that one of the main reasons that should motivate every society is the fact that the children and youth of today will play a central role in future. Hence Nigerian law and policymakers, as well as other stakeholders, must endeavour to create an effective law enforcement environment and eliminate child trafficking in Nigeria.

## Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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<sup>31</sup>ibid.

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