

Dynamics of Trafficking in Nigerian Women and Globalization

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Abstract

Trafficking in Nigerian Women appears not to be combative. The present globalization trends seem to fuel the unwholesome trade. The fact that every negative practice is foisted on women leaves a bitter taste and memory. It constantly props the question- when shall women especially Nigerian women be liberated? This question begs for immediate answers. Trafficking in any person erodes the fundamental rights of such a person as to dignity of the human person and right to liberty. The necessity to curb the menace and prevalence of trafficking in Nigerian women is a hands – on task of the government and the governed including the trafficked. Thus in the main, the purpose of the writers of this article is to examine the currency of trafficking in Nigerian women as to the: meaning, extent and effects of Trafficking in Nigerian Women. The strategies for solution will be suggested.

Key words: Trafficking, Nigerian Women, Dynamics, Globalization

1.1 Introduction:

Trafficking in persons has existed in various forms since time immemorial, taking different contexts in its exhibition. Currently, the Nigerian experience bears on trafficking in women which includes girls for the absolute purpose of making money one way or the other. The reason for targeting women will be discussed in this article. However, it is probably not farfetched from the public knowledge of low state of women under native customs and global concept of patriarchy, taking into cognizance the commodification or chattelization of women as captured in the United States of America Supreme Court decision in **Bradwell v Illinois**²³² where a great Jurist Lord Bradley opined that:

...The civil law, as well as nature herself, has always recognize a wide difference in respective spheres and destinies of man and woman. Man should be woman's protector and defender. The constitution of the family organization which is founded in the divine ordinance as well as in the nature of things indicates the domestic sphere as that which belongs to the domain of womanhood.... To the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of the husband ...while classifying women's character as timid which made them unfit for many occupations that were held by men....²³³

This low opinion of women was buttressed in the Nigerian case of **Akinnubi v Akinnubi**²³⁴ where the Supreme Court of Nigeria reiterated that "it is the custom of most traditions in Nigeria that a widow is also a chattel (part of her deceased husband's property) to be inherited by her deceased husband's male relatives".

It must be noted that that judgment of the Supreme Court (SC) of Nigeria was given despite the provision in the Constitution of Federal Republic of Nigeria (CFRN), 1979²³⁵ viz; that:

"everybody is equal before the law... Right to dignity of the human person and freedom from slavery and forms of servitude and torture... right to liberty²³⁶ ...all forms of discrimination whether as to origin, sex, birth class..²³⁷."

²³² [1873] US 130, (16 wall) 141-142, 211., Ed.442

²³³ Justices Swayne & Field, concurred in that judgment. It must be noted that Bradley J, displayed at most patriarchy tenacity and worsened it by invoking and relying divine ordinance to uphold an arbitrary denial of right to gainful employment and admission to the Illinois Bar for reason of sexism. The statement is a misogynist rhetoric.

²³⁴ [1989] 1 NWLR (pt 97) p. 254 or [1989] 1SCNJ p. 148

²³⁵ Reference also to Section 34 of the CFRN on right to dignity of the human person (freedom from slavery)

²³⁶ Section 34 of CFRN 1999

²³⁷ Section 42 CFRN 1999.

Definitely this decision ought to be reviewed and a more positive pronouncement made by the Nigerian Supreme Court in this 21st Century. The Writers posit that such judicial pronouncement informs a most inhuman treatment meted to women, which in turn sustains obnoxious customs and crimes against womanhood.

On record it is indicated that about 600,000 to 800,000 persons are trafficked annually across international borders of which approximately 80% are women and up to 50% of the women are minors and the vast majority of the trafficked under 18 years are girls²³⁸ while male minors account for only 2%. The United Nations estimates put the figure of the trafficked to about 4 million persons annually, both internationally and internally.²³⁹ It is also worthy of note that Nigeria remains a country of origin, transit and destination of trafficked persons. The stability in trafficking is grounded on unemployment, lack of skills, demand for cheap labour²⁴⁰ and globalised commercial sex industry as an integrate form of modernization²⁴¹

1.2 Expounding Dynamics

Dynamics rubs off effects of force of nature and relates to activities which can be prescribed or modified as a driving force²⁴² characterized by flexibility and adaptability for a better – positioning and repositioning²⁴³. It has been opined as change producing effects... in any situation or space of existence. It relates to relationships of power between the people ...²⁴⁴.

1.3 Understanding Trafficking

Trafficking defies a clear definition. However an attempt will be made to define Trafficking albeit with some modifications to term and using available instruments. The United Nations (UN)²⁴⁵ 2000 Palermo Protocol defined trafficking in person to mean:

- a. The recruitment, transportation, transfer, harbouring or receipt of person, 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 of the giving or receiving of payments or benefits too achieve the consent of a person having control over another person, for the purpose of exploitation. Where exploitation shall include at a minimum, the exploitation of the prostitution of others or forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- b. The consent of a victim of trafficking in person to the intended exploitation set forth in the sub-paragraph (a) of this article shall be irrelevant where any of the means set forth in the sub-paragraph (a) has been used.
- c. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered trafficking in person even if this does not involve any of the means set-forth in the sub-paragraph (a) of this article
- d. Child shall mean any person under eighteen years of age.²⁴⁶

By this definition of trafficking in persons, it is obvious that probably men are also trafficked but the emphasis on this article is on trafficking in women, especially Nigerian Women.

1.4 Expounding Women

Ordinarily, the term ‘women’ simply refers to female sex of all classes. It means persons of the female gender including girls²⁴⁷.

1.5 Globalisation X-rayed

²³⁸ U.S.A. State Department Report, Trafficking in persons 2005

²³⁹ USAID; ‘Women as chattel; The Emerging Global Market in Trafficking’ in Gender Matters Quarterly No.1 1999.

²⁴⁰ Jean, D’Cunha ‘Expert Meeting on Trafficking in women and Girls, Glen core, New York 2002.

²⁴¹ Lorraine Corner ‘A Gender Perspective to Combat Trafficking Strategic paper on an Integrated Approach to livelihood options for women & Girls’ Seminar on promoting Gender Equality to Combact Trafficking in women and children, Bangkok, 2002.

²⁴² Brooks, The chambers Dictionary 10th Ed. Allied Publisher. Prt Ltd. India. 2008 p.468.

²⁴³ O.V.C. Ikpeze, Gender Dynamics of Inheritance Rights in Nigeria (Folmech Printing & Pub. Co. Ltd, Onitsha 2009) p.5

²⁴⁴ Microsoft Encarta Dictionary. <https://en.wikipedia.org/?title=Encarta2003> - 2009

²⁴⁵ United Nations (UN) protocol to prevent, suppress and punish Trafficking in persons, Especially women and children supplanting the Convention Against transnational organised crime (200)

²⁴⁶ O.V.C. Ikpeze, ‘Human Rights and Human trafficking in the 21st Century: Nigeria in Focus (in a book in honour of justice Paul AC Obidigwe: Selected judgments & Contributing Essays. Edited by Chijioko Nwankwo; Papyrus Publishers)Lagos, 2011 p.411-412

²⁴⁷ Article, 1 (k) of the Protocol to the African Charter on Human and People Rights on the women in Africa (Maputo Protocol) of July 2003 but came into force 25th Nov. 2005.

Refers to whatever that has global effect or becomes adapted on a global scale. What operates at international level.²⁴⁸ It is the opposition or opinion that puts on a worldwide perspective issues above local or national interests. No doubt globalization has been playing and will continue to play great roles in diverse economic empowerment of people including women. Where economic presupposes being financially sound and of commercial prosperity.²⁴⁹ It must be noted that globalization is truly a multifaceted phenomenon with implications that encompass not just the economic issue but also the social, cultural, political and geographical issues²⁵⁰ Globalization furthers the international nature and effect of trafficking in women as much as for financial soundness and profiteering in a “Commerce”, this commerce being ‘trading in women’ A writer opines in his book²⁵¹ quote “There is no escaping the all pervading influence of economic globalisation. We are all caught up in it now. Tony Blair²⁵² was quoted to have said in 1998 that globalisation is irreversible and irresistible” This is probably true of Trafficking and its effects, especially in Nigeria

2.1 Causes of Trafficking in Nigeria Women

Already posited is the fact that trafficking is multifaceted, adopting different dimensions in operation. Same is for the causes or reasons for trafficking.

The causes will be divided into two: the push and pull factors

2.1.1 The Push Factors

This is otherwise known as the supply factors. It has global resonance which varies in local emphasis and scale²⁵³. Such push factors are as hereunder stated:

2.1.1.1 Poverty

This is the boon of trafficking in women in Nigeria, for the reason that per capita GNP is put at US \$280 (280 US dollars). Nigeria is classified as a poor country and women generally are acknowledged as the poorest class. This is further buttressed by lack of legitimate means of livelihood, for the reason that women are meant to be in the kitchen as opined by Lord Bradley in **Bradwell v Illinois** supra.

2.1.1.2 Upturned Cultural Care

Previously the extended family system encouraged the concept of care for one another. It meant that a child may be taken care of by extended family members anywhere. Now the get rich quick syndrome has made relations (uncles and aunties) to seize the opportunity to turn their dependants to articles of commerce thus trafficking. This is very true particularly with reference to people in the rural areas. At times it starts as rural to urban movement, then urban to international movement in the guise of better lots to the trafficked. Meanwhile, the supposed caring uncles and aunties get more money. Meanwhile, the direct parents and relatives would not care to ask necessary questions. will not care or ask necessary questions. This appears to be the commonest form of trafficking in Nigerian women.

2.1.1.3 Lack of Information

Research and reports have shown that most women and girls trafficked were and still are ignorant of the ‘jobs’ awaiting them wherever they are transferred or transported as demonstrated in this quote:

...in Nigeria showed that most of the women and girls trafficked to Italy were in fact shocked by the nature of the job they had to

²⁴⁸ I. Brooks Chambers Dictionary Chambers Haarap publishers, India, 2007 p.633.

²⁴⁹ O.V.C. Ikepeze, et al, Globalization and Nigeria Women’s Economic Rights in Lessons in Human Rights Vol. 1. No. 1 July –December, 2006 p. 38

²⁵⁰ R.T. Kudrie, Three Types of Globalization Communications, Market and Drugs in: Raimo. (Ed) Globalization and Global Governance, (Iahlam) Rowman Littlefield, 1999)11

²⁵¹ G. Buckman ‘Globalization Tame itar Scraplt University Press Lts. Dhaka Benkok, 2004, p.3’

²⁵² Ibid p.5

²⁵³ B. Olatero – Olagbagi et al Human trafficking I Nigeria: Root Causes and Recommendations (UNESCO Intersectorial programme- Poverty Eradication) (eds) Caroline Bacque et al.

(Policy Paper Poverty Series No. 14.2 (E) Paris 2006. Also in World Bank Report 2003, available at p.14 http://www.worldbank.org/annual_report/2003/download-report.html

perform there...This ignorance is indeed the catalyst for the escalation of human trafficking in Nigeria²⁵⁴

Traffickers promise their victims lucrative job opportunities in cities²⁵⁵

There is no doubt that one of the greatest factors of trafficking is lack of education, which affects women the more than men. Other factors include customs that subject the females to second class citizens. This idea is best captured by Theresa Hayter in her book²⁵⁶ where she stated that:

Poverty in the world economy is related to deprivation ...

Due to unequal and worst of earth's resources based on patriarchy introduced by men into the social structure locally, regionally and globally.

2.1.1.4 Peer Pressure

This is best illustrated by the desire to enjoy the good things of life in cities like others. This desire, especially among the girls, often lands them in being trafficked. Related to this analogy is also the spirit of adventure and independence, especially travelling away from home.

2.1.1.5 Weak Legal Framework

Wherever there are no laws or weak laws evil thrives unabated. Where the law exists but the enforcement procedure is weak, it amounts to weak or no law. It is obvious that the law enforcement mechanisms in Nigeria is poor and ought to be addressed. UNICEF report showed that some trafficked persons often alleged that:

Some Nigerian officials collude with traffickers by assisting them with forged documents and then facilitate their movement across borders²⁵⁷ whether by road, sea ports or airports. Notable is the fact that law enforcement agents are often reluctant to investigate violent crimes, especially those against women and children who usually are unable to pay cost of investigations or give bribes.

Thus perpetrators of human trafficking not only go unpunished in Nigeria but are aided to accomplish and sustain the crime ...

More so, most migration policies or laws tend to be very restrictive on women, thereby giving men the audacity to exploit women. This stems from the patriarchal concept that women are created to be protected by men. Unfortunately, this concept gives impetus for laws in most countries, Nigeria inclusive, to be male-oriented and less protective of women.

2.1.1.6 Restrictive Migration Policies

There is no gainsaying the fact that often times when laws are restrictive, human beings tend to break such laws. Economic hardship experienced by many in Nigeria, especially women, encourages migration to greener pastures. It is proposed that migration laws ought to be open and relaxed so that anybody can officially go through the due process instead of going through intermediaries who turn out to be ardent traffickers.

2.2 The Pull Factors

Known as demand factors, they remain the under current that sustains trafficking in Nigerian women. In fact if there is no demand there will definitely not be any supply. It has been stated that trafficking in human beings is the

²⁵⁴ The Transnational AIDs/STI Prevention Among Migrant Prostitutes in Europe Project (TEMPEP) stated in 1993-organize –co-ordinate, facilitate and carry out studies of countries in the activities related to the implementation of HIV/STI prevention among migrant sex workers in Europe in 2003

²⁵⁵ Zachariah, Yakubu, *The Almajiri Lunch, and Disguised Forms of Human Trafficking in Northern Nigeria* p.3-8

²⁵⁶ *Creation of World Poverty in the World Economic.* (Bristol, Photobook, 1981) p. 19

²⁵⁷ *The situation Assessment and Analysis Report* (2001 p. 234-235)

‘underside of globalisation’ as globalisation has created powerful market demand for cheap labour especially in areas of agriculture, domestic service, food processing, sex-work and construction²⁵⁸

2.2.1 High Profitability

The yield in trafficking equals that of illegal drug trade. It has been stated that the traffickers especially the female conduits – called pimps can make such profits.²⁵⁹ These pimps are necessary allies for the reason that they occupy position of trust amongst their fellow women thus can access the uninformed easily for this international crime.

2.2.2 Lack of Education

Under education or lack of education is usually due to poverty. It is a truism that in the traditional family setting, males will be preferably sent to school while the females are asked to wait. It puts females in a position of unskilled persons as well as uninformed. This furthers the vulnerability of the females to crimes such as trafficking. If the females are empowered by education, they can access jobs where and when available. They will be able to understand and adapt to any environment they find themselves. The fraudulent stance of the traffickers will be easily detected by the victims or would be victims.

2.2.3 Women’s Perceived Suitability

Women are perceived to be more suitable for work in informal sectors such as farm work, cheap labour in factories, new model in the entertainment world, and especially in areas of sex work, pornography etc.

2.2.4 Lack of Legal Framework for Redress by Victims of Trafficking.

This is worsened by some victims of trafficking being prosecuted. This practice has since 2007 changed in the United Kingdom as the demonstrated in *R v. O*²⁶⁰ and *R v LM*²⁶¹ It ought to be changed in Nigeria as well.

2.2.5 General devaluation of women

The notion of commodification of women is global. This is one of the primary reasons for sustenance of trafficking in women in Nigeria. Some countries go to the extent of criminalisation of some victims of trafficking²⁶²

3.1 Types of Trafficking

Types of trafficking include gender based, age based and work based. Trafficking can be further classified as internal or external.

3.1.1 Internal Trafficking

This is located in the province of rural to urban migration, especially for domestic servanthip. It also includes urban to urban movement for same purposes or in preparation for external trafficking.

3.1.2 External Trafficking

It refers to trans border trafficking. The victims are transported outside Nigeria by road, sea or air either to their final destinations or interim onward movement.

3.2.1 Internal Routing

This is by rural – urban or urban to urban migration (the city movement) the trafficked here engage basically in domestic chares (services or sales)

²⁵⁸ Taran et al, getting at the Root; stopping Exploitation of Migrant-workers by organized Crime, A paper presented at International symposium on the UN Convention Against

²⁵⁹ Pimps can make 5 to 20 times as much from women as what they paid for her according to Katerina Levchenko (1999) Combat of Trafficking in women and forced prostitution. Ukraine Country Report. Vienna: ludering Boltzmann Institute of Human Rights.

²⁶⁰ EWCA Crim. 2835 at para 26

²⁶¹ [2011] 1 Cr. App. Rep 135

²⁶² P. Chandrain, ‘Human Trafficking Handbook; Recognizing Trafficking and Modern-Day Slavery in the UK (London, Butterworth’s, Lexis Nexis, 2011) p.412

3.2 Routes of Trafficking in Nigeria

Usually the trafficked are either internally moved or externally moved.

With little money exchanging hands, the traffickers move their victims usually from Nigeria through Cote'Ivoire, Cameroon, Gabon, Guinea, Niger, Mali, Republic of Benin to European countries such as Italy Belgium, Spain, United Kingdom (UK), Germany, Netherlands. They are also moved to North Africa, the Middle East (Saudi Arabia, Kuwait) especially by flights through the Aminu Kano International Airport Kano, Nigeria. These routes are as shown in Figure1 which is the map produced by the government regulatory agency NAPTIP.

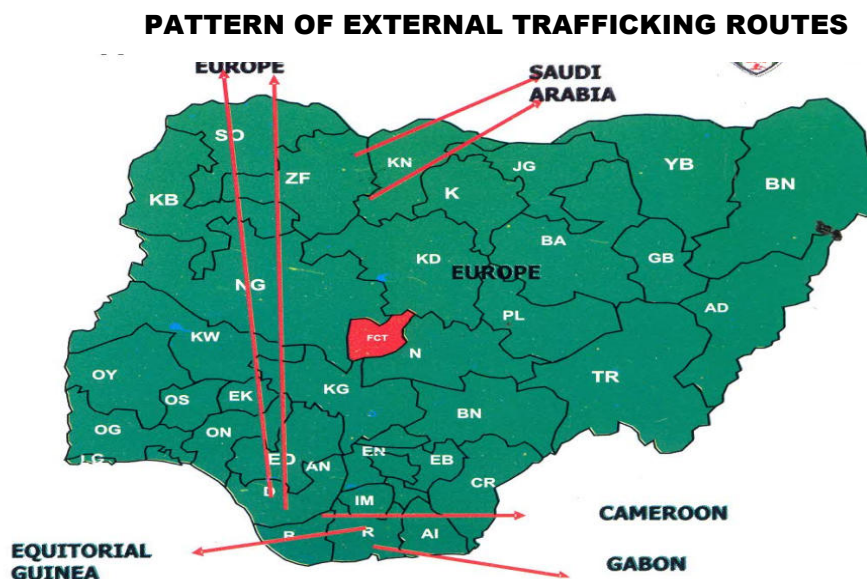


Figure 1.²⁶³

3.2.1 Need to Expose Traffickers

To curb trafficking especially in Nigerian women, there is urgent need to imbibe concept of exposure of the traffickers. This will act as a deterrent to those planning to embark on this organised international crime. The shame aspect will put relations on alert whereby any inclination to such acts will be resisted by members of families who will wish to preserve the integrity of their family names. Recently, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) as a Federal Government of Nigeria Agency seems to have adapted to a prompt and intensified reporting system by naming the traffickers, securing better sentencing and publishing their names openly. For example one convict, Nneka Ebelechukwu got a 30 year prison sentence in October, 2014 for sending young girls on foreign trips for sex work.

Again NAPTIP reported prosecuting 220 accused traffickers since inception out of which 46 convictions were secured in 2013.²⁶⁴

3.3 Sustenance of Trafficking

Trafficking in Nigerian women is sustained because of weak laws and lack of will to enforce the protection of the rights of the victims of trafficking. This is buttressed by the funny and unbelievable judgments of Courts particularly the NAPTIP case where three human traffickers of a seventeen (17) young girls were sentenced to only two years

²⁶³ Culled from NAPTIP Pattern of External Trafficking on fact sheet4: Trends in Human Trafficking in Nigeria pdf <http://www.naptip.gov.ng/docs/factsheet0001.accessed> 10th June, 2015

²⁶⁴ Jely –Agba, the Executive Secretary of NAPTIP stating “No safe Haven for Human Traffickers”

imprisonment.²⁶⁵ This can only aid trafficking not deter it. It will also discourage citizens from assisting government law enforcement agencies. In the final analysis poverty and squalor²⁶⁶ sustains trafficking in women. More so, the traffickers are well organised and syndicated. It is a closely knit organisation whose members can kill to cover their tracks. They appear difficult to infiltrate and penetrate or even above the law.

4.1 Available Legal Framework

No doubt there are International, National and Local (State) laws on human trafficking. The Writers intend to expound, in a nut shell, the laws in accordance with the three sub-headings.

From the outset, the writers posited that trafficking is not of the 21st century by the reason that it has existed from time immemorial, and can be likened as a form of slave trade. Furthermore, the United Nations (UN) contended human trafficking by it 1950.²⁶⁷

4.2 The International Laws on Trafficking

There are numerous international legal instruments (Laws) on trafficking in persons and other acts tantamount to slave trade, slavery and servitude. Every civilized society together with its citizens ought to pursue the tenets of the international Laws with great sense of dexterity and responsibility. To state but a few:

1. The International Convention for the Suppression of the Traffic in Women and Children-30th September, 1921.
2. The International Convention on the Suppression of the Traffic in Women of Full age-11th October, 1933.
3. The UN Convention on the Abolition of Slavery, Slave trading and Institutions and Practices similar to Slavery – 1956.
4. The UN Convention on Elimination of All Forms of Discriminating Against Women (CEDAW)- 1979 especially Articles 3,4(2)(g) which provides that States parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudice, customary and all other practices which are based on the idea of inferiority or the superiority of either of the sexes ..
5. The UN Convention on the Rights of the Child (CRC) 1989 to take appropriate and effective measures to prosecute the perpetration of such trafficking and protect those women
6. The ILO Convention No. 182 for the Elimination of the Worst Forms of Child Labour, 1999.
7. Optional Protocol to the (CRC) on the Sale of Children, child-prostitution and child pornography, 2000.
8. UN Convention Against Transnational Organised Crime 2000.
9. Supplementary Trafficking Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) 2003
10. The Rome Statute of International Criminal Court(ICC) 2002

4.3 Regional Laws

The seriousness of trafficking can be seen in varied interests cutting across every divide and creed. Despite the International or global provisions, as it where, the regions proceeded to enact legal frame-works for the suppression or prevention of trafficking in persons, especially women and children. Such Laws are as follows:

1. The African Charter on Human and Peoples' Right (ACHPR) 1981
2. The African Charter on the Rights and Welfare of the Child 1990.
3. Protocol to the African Charter on Human and Peoples' Rights and the Rights of Women 2003²⁶⁸

4.4 The Nigerian Laws on Trafficking

The Writers agree that there seems to be adequacy of laws on trafficking but the problems had been implementation and lack of will to prosecute and adequately punish Traffickers (offenders) of this heinous syndicated international crime. Often referred to as crime against humanity, the national Laws are as follows:

²⁶⁵ Read at <http://www.ecpat.net/EL/Resource> newsclippings.asp.zid=747, judgment of Federal High Court, Sokoto of 2/6/2010.

²⁶⁶ The 2005 World Report state that many Nigerians (above 60%) live on below one US dollar per day.

²⁶⁷ Which came into force in 1951. It stemmed from the Universal Declaration of Human Rights (UDHR) 1948

²⁶⁸ O.V.C. Ikpeze 'Human Rights and Human Trafficking in the 21st Century; Nigeria in Focus. In: Justice P AC Obidigwe- Selected Judgments & Contributing Essay (Ed. Chijioke Nwankwo) Papyrus Publishers, Lagos, Nigeria 2011. p 405-425

1. The Trafficking in Persons (prohibition) Law Enforcement and Administration Act No. 24 of 2003 as amended in 2005. This Act prescribes punishment for offenders and makes provision for creation of a special agency to control trafficking in persons, thus NAPTIP
2. The Child Rights Act 2003 which deals extensively with child trafficking
3. The Criminal Code²⁶⁹ and the Penal Code.²⁷⁰ The two laws criminalises trafficking, however these two laws did not quite go far enough, for example the penal Code²⁷¹ provides as follows:

Whoever imports, exports, removes buys, sells, disposes, traffics or deals in any person as a slave or accepts, receives or detains any person against his will, or any person as a slave shall be punished with imprisonment for a term which may extend to fourteen (14) years and shall be liable to a fine.

This liability to a fine is actually what trivialises the prosecution of traffickers.

4. The labour Act Cap L14 of the Federation of Nigeria (LFN) 2004²⁷²

4.5 Nigeria States Laws on Trafficking

Some States of the Federation of Nigeria have enacted their own laws. However, such Laws are subject to the National law and are co-ordinated by NAPTIP²⁷³ such State laws are exemplified thus:

Enugu State HIV/AIDS Anti-Discriminating and Protection Law, 2007. In section 7.1 provides specifically on child trafficking as follows:

Other existing laws protecting the rights of children and minors notwithstanding, no person or groups of persons in

Enugu State shall engage in, abet, aid, encourage or facilitate child trafficking, prostitution, sexual exploitation; abuse or other such acts or practices that exposes children from and /or resident in Enugu State to the risk of HIV infection

While Edo state sought and amended some of the provisions in her Criminal Code Cap 48 Laws of Bendel State 1976 as Applicable to Edo State. It is now known as Criminal Code (Amendment) Law No. 13 of 2000.²⁷⁴

Particular attention is had to Section 223 which provides that:

...by deleting the words “is guilty of a demeanor

Is liable to imprisonment for two years”

.... and substituting with the words “is guilty of an offence and Shall be liable on conviction to imprisonment for fourteen (14) years”.

Section 223A. By inserting after Section 223 the following new section 223A. Any person who

- (a) Sponsors a girl or women by giving her any financial, physical or material assistance to enable her travel out of Nigeria for the purpose of becoming a prostitute or to carry put any immoral act.
- (b) Administer any act on a woman or girl or performs any fetish ritual in order to enable her to travel out of Nigeria for the purpose of becoming a prostitute or have unlawful carnal knowledge with any person is guilty of an offence and is liable on conviction to imprisonment for ten years or to a fine of five hundred thousand naira or both²⁷⁵

²⁶⁹ 1904 = the Criminal Code applicable in Southern, Nigeria

²⁷⁰ 1960 – the Penal Code applicable in Northern Nigeria.

²⁷¹ Penal code Sec7(1)

²⁷² Previously labour Law 1971 and later Cap 198 LFN 1990 now Cap LI LFN 2004

²⁷³ Note that it was the Criminal Code (law) of Bendel which is now applicable to Edo state that was amended due to the exegeses of current happenings of trafficking in women.

²⁷⁴ Criminal Code (Amendment) Law No. 13 of 2000.

²⁷⁵ J. N. Ezeilo Human Rights Documents Relevant to women and Children’s Rights in Nigeria. Eddy ASAE Nigeria press, Lagos 2008 pp. 790-791

5.1 Effects of Trafficking in Nigerian Women

The effects are global, for it goes beyond the shores of Nigeria. Trafficking negatives not just the traffickers the country Nigeria. It affects the interested parties emotionally, socially and economically.

5.2 On the Nation

It creates insecurity thereby erodes the Country's security apparatuses.

It causes economic drain by transporting able bodied women and girls out of the country.

It also results in uncontrollable expansion of the commercial sex industry²⁷⁶ and increases health risks due to sexual engagements that could result in HIV/AIDs pervading the nation.

This will definitely yield to a sick and poorer work force. This is against the saying that a healthy nation is a wealthy nation. Socially it creates stigmatisation as the commerce does not make anybody proud especially when caught in the crime of trafficking as well as being known as HIV/AIDs endemic country. A nation notorious for trafficking is emotionally sullen and psychologically eroded.

5.3 The Trafficked

Otherwise referred to as the victims of trafficking are the ones that really undergo the harrowing experience. It is stated that the excitement to travel abroad often disappears as it dawns on them the kind of jobs they have been engaged to do, and there is no means of going back. Even their travel documents seized and are unavailable to them. They are traumatised, physically, emotionally, psychologically and economically. For most times during the period of trafficking, no income is earned by the victims personally. That leaves them in more wretched situations that they were previously. The bondage aspect drains them emotionally. Definitely their rights to dignity liberty and freedom of association and movement are grossly infringed.

5.4 The Traffickers

Is it possible that the traffickers are only positively affected? No. This is for the reason that they spend money, one way or the other, thus losing the evil money. At times things may actually go wrong in the process of procurement, transportation, harbouring etc which will result in loss of money. The risk of being caught, tried and convicted drains them psychologically and emotionally. They bear the shame and erosion of integrity once caught. This is why they will do anything to avoid being exposed even when caught, particularly the highly placed in the society.

5.5 The Families of the Victims

For the innocent members of any victim's family, it can have the effects of absolute loss especially when death occurs.

In fact, for those who played any role, they experience a state of guilt which may result in being haunted. Though at times they see only the positive effect of increased income (money) and improved financial status. The family involved suffers stigmatisation once the business comes to the public domain especially where victims are repatriated.

6.1 Conclusion

The Writers hereby conclude that Trafficking is a global menace and an organised crime of international magnitude. Trafficking in Nigerian women is sustained by poverty, ignorance and greed. For trafficking in Nigerian women to be suppressed, all hands must be on deck. Critical and sustained sensitization and advocacy programmes must be put in place. There ought to be a will-driven national action plan. There must be improved formal education and informal skill acquisition for the populace, especially the girl child. Creation of employment opportunities is paramount to creating wealth and a good life for citizens, thereby shunning unplanned travel and being trafficked to other climes.

²⁷⁶ Kathleen Fitzgibbon, *Modern Day Slavery? The Scope of Trafficking in Persons in Africa*, *Africa Security Review*, Vol. 12 No. 1 2003

because of dire necessity. Proactive internationally coordinated collaborations are necessary to track the traffickers down and bring them to book. Suppression of trafficking is a hands on project by all and sundry at international, regional, sub-regional and national levels.

6.2 Recommendations

The Writers intend to make a few recommendations cutting across all classes of the Nigerian citizenry.

6.2.1 The Federal Government

1. Need for Awareness-raising. Must fully engage and create avenues for advocacy and for sensitisation programmes, using especially the electronic, print and social media.
2. Engage in abolition of laws that encourage treating women as property or chattels in all parts of the federation thus abolishing any custom or archaic custom which creates the impression that women are money spinning machines.
3. Collaborate with International Agencies to track and try offenders, also needed is the domestication of necessary treaties like CEDAW. Government should also ensure adequate and adequate punishment as a deterrent. Payment of fines as the only punishment for convicted traffickers trivialises the issue and can never be an acceptable option.
4. Create conducive environment for research, data collection and documentation. This will aid statistical information on the state of human trafficking in Nigeria as well as the best way forward to curbing the menace of trafficking.
5. Guarantee the setting up of Agencies against trafficking in all the States of the Federation, as trafficking occurs in every State.
6. Constant Monitoring and Evaluation (M&E) and utilisation of collected information.

6.2.2 The Legislature

The Writers recommend that the legislators must be constantly duty conscious so as to make necessary legislations as and when due, especially in with reference to domestication of treaties. Of paramount importance is the immediate domestication of CEDAW as well as making Chapter II of the Nigerian Constitution justiceable. With such enactments in place, every arm of government will be on alert. Moreso, government is bound to plan better as it must be more accountable to the people. No doubt the economy will grow and poverty will surely be reduced, leading to satisfaction and positive wealth acquisition.

2. The legislature must also effectively carry out its oversight functions to ensure that agencies of government carry out their constitutional duties.
3. The legislature must make positive laws towards rehabilitation of victims by legislating on shelter homes in each of the six (6) geo-political zones of Nigeria.

6.2.3 The Judiciary

1. To be proactive in practical terms. It should ensure speedy trials as obviously the trials have been very slow, leading to injustice.
2. To ensure proper sentencing after conviction.

6.2.4 The Non-Governmental Organisations (NGOs)

1. To educate the citizenry – by advocacy and sensitisation programmes.
2. Monitor and report trafficking situations as openness is a means of deterrence.

6.2.5 The Media People

This group of people have the onerous task of finding out and informing Nigerians on the status of trafficking, manner of trafficking, where possible name and shame the traffickers. Exposure limits evil, while also achieving deterrence or suppression in trafficking in Nigerian women.

6.2.6 The Citizenry

1. Duty to report any unwholesome or clandestine movement to the appropriate quarters.
2. Assist victims to resist traffickers by joining in the advocacy and sensitisation programmes.
3. Lend hands were necessary
4. Avoid stigmatisation of victims especially those who end up with HIV/AIDs.
5. Testify when called upon especially in Court proceedings to assist the Court in expeditious dispensation of justice knowing that justice is to the trafficked, the trafficker and, in fact, the world at large.

NOTES

- 1 [1873] US 130, (16 wall) 141-142, 211., Ed.442
- 2 Justices Swayne & Field, concurred in that judgment. It must be noted that Bradley J, displayed atmost patriarchy tenancy and worsened it by invoking and relying divine ordiance to uphold an arbitrary denial of right to gainful employment and admission to the Illinois Bar for reason of sexism. The statement is a misogynist rhetoric's.
- 2 [1989] 1 NWLR (pt 97) p. 254 or [1989] 1SCNJ p. 148
- 3 Reference also to Section 34 of the CFRN on right to dignity of the human person (freedom from slavery)
- 4 Section 34 of CFRN 1999
- 5 Section 42 CFRN 1999.
- 6 U.S A. state Department Report, Trafficking in persons 2005
- 7 USAID; 'Women as chattel; The Emerging Global Market in Trafficking' in Gender Matters Quarterly No.1 1999.
- 8 Jean, D'Cunha 'Expert Meeting on Trafficking in women and Girls, Glen core, New York 2002.
- 9 Lorraine Corner 'A Gender Perspective to Combat Trafficking Strategic paper on an Integrated Approach to livelihood options for women & Girls' Seminar on promoting Gender Equality to Combact Trafficking in women and children, Bangkok, 2002.
- 10 Brooks, The chambers Dictionary 10th Ed. Allied Publisher. Prt Ltd. India. 2008 p.468.
- 11 O.V.C. Ikpeze, Gender Dynamics of Inheritance Rights in Nigeria (Folmech printing & Pub. Co. Ltd, Onitsha 2009) p.5
- 12 Microsoft Encarta Dictionary. <https://en.wikipedia.org/?title=Encarta2003> - 2009
- 13 United Nations (UN) protocol to prevent, suppress and punish Trafficking in persons, Especially women and children supplanting the Convention Against transnational organised crime (200)
- 14 O.V.C. Ikpeze, 'Human Rights and Human trafficking in the 21st Century: Nigeria in Focus (in a book in honour of justice Paul AC Obidigwe: Selected judgments & Contributing Essays Edited by Chijioke Nwankwo; papym publishers)Lagos, 2011 p.411-412
- 15 Article, 1 (k) of the Protocol to the African Charter on Human and people Rights on the women in Africa (maputa protocol) of any 2003 but came into force 25th Nov. 2003.
- 16 I. Brooks Chambers Dictionary Chambers Haarap publishers, India, 2007 p.633.
- 17 O.V.C. Ikpeze, et al, Globalization and Nigeria Women's Economic Rights in Lessons in Human Rights Vol. 1. No. 1 July –December, 2006 p. 38
- 18 R.T. Kudrie, three types of Globalization Communications Market and Directed in Raimo .(ed) Globalization and global governance, (lahlam) Row man Little field, 1999
- 19 G. Buckman 'Globalization Tame itar Scraplt University Press Lts. Dhaka Benkok, 2004, p.3'
- 20 Ibid p.5
- 21 B. Olatero – Olagbagi et al Human trafficking I Nigeria: Root Causes and Recommendations (UNESCO Intersectorial programme- Poverty Eradication) (eds) Caroline Bacque et al. (Policy Paper Poverty Series No. 14.2 (E) Paris 2006. Also in World Bank Report 2003, available at p.14 http://www.worldbank.org/annual_report/2003/download-report.html

- 22 The Transnational AIDs/STI Prevention Among Migrant Prostitutes in Europe Project (TEMPEP) started in 1993 and organize –co-ordinate, facilitate and carry out in the participating countries the activities related to the implementation of HIV/STI prevention among migrant sex workers in Europe in 2003
- 23 Zachariah, Yakubu, The Almajiri Lurch, and Disguised Forms of Human Trafficking in North Nigeria p.3-8
- 24 P. Chandrain, ‘Human Trafficking Handbook; Recognizing Trafficking and Modern-Day Slavery in the UK (London, Butterworth’s, Lexis Nexis, 2011) p.412
- 25 Creation of World Poverty in the World Economic. (Bristol, Photobook, 1981) p. 19
- 26 The situation Assessment and Analysis Report (2001 p. 234-235)
- 27 Taran et al, Getting at the Root; stopping Exploitation of Migrant-workers by organized Crime, A paper presented at International symposium on the UN Convention Against
- 28 Pimps can make 5 to 20 times as much from women as what they paid for her according to Katerina Levchenko (1999) Combat of Trafficking in women and forced prostitution. Ukraine Country Report. Vienna: ludering Boltzmann Institute of Human Rights.
- 29 EWCA Crim. 2835 at para 26
- 30 [2011] 1 Cr. App. Rep 135
- 31 Culled from NAPTIP Pattern of External Trafficking on fact sheet4: Trends in Human Trafficking in Nigeria pdf <http://www.naptip.gov.ng/docs/factsheet0001.accessed> 10th June, 2015
- 32 Jely –Agba, the Executive Secretary of NAPTIP stating “No safe Haven for Human Traffickers”
- 33 Read at <http://www.ecpat.net/EL/Resource> newscippings.asp.zid=747, judgment of Federal High Court, Sokoto of 2/6/2010.
- 34 The 2005 world report state that many Nigerians (above 60%) live on below one US dollar per day.
- 35 Which came into force in 1951. It stemmed from the Universal Declaration of Human Rights (UDHR) 1948
- 36 O.V.C. Ikpeze ‘Human Rights and Human Trafficking in the 21st Century; Nigeria in Focus in justice and AC Obidigwe selected judgments & contribution Essay (Ed. Chijioke Nwankwo) papyrus publishers, Lagos, Nigeria 2011. Pg 415-46
- 37 1904 = the Criminal Code applicable in Southern, Nigeria
- 38 1960 – the Penal Cod applicable in Northern Nigeria.
- 39 Previously labour Law 1971 and later Cap 198 LFN 1990 now Cap LI LFN 2004
- 40 Note that it was the Criminal Code (law) of Bendel which is now applicable to Edo state that was amended due to the exegeses of current happenings of trafficking in women.
- 41 J. N. Ezeilo Human Rights Documents Relevant to women and Children’s Rights in Nigeria. Eddy ASAE Nigeria press, Lagos 2008 pp. 790-791.
- 42 Kathleen Fitzgibbon, Modern Day Slavery? The Scope Trafficking in Person in Africa, Africa Security Review, Vol. 12 No. 1 2003

References

- Brooks, The Chambers Dictionary 10th Ed. Allied Publisher. Prt Ltd. India. 2008 p.468
- Brooks I. Chambers Dictionary Chambers Haarap publishers, India, 2007 p.633.
- Buckman G. ‘Globalization Tame itar Scraplt University Press Lts. Dhaka Benkok, 2004,
- Chandrain, P. ‘Human Trafficking Handbook; Recognizing Trafficking and Modern-Day Slavery in the UK (London, Butterworth’s, Lexis Nexis, 2011) p.412
- D’Cunha, Jean ‘Expert Meeting on Trafficking in women and Girls, Glen core, New York 2002
- Ezeilo, J. N. Human Rights Documents Relevant to women and Children’s Rights in Nigeria. Eddy ASAE Nigeria press, Lagos 2008.
- Fitzgibbon, K. Modern Day Slavery? The Scope Trafficking in Person in Africa, Africa Security Review, Vol. 12 No. 1 2003
- Ikpeze, O.V.C, et al, Globalization and Nigeria Women’s Economic Rights in Lessons in Human Rights Vol. 1. No. 1 July –December, 2006
- Ikpeze, O.V.C. “Gender Dynamics of Inheritance Rights in Nigeria” Folmech printing & Pub. Co. Ltd, Onitsha 2009.

Ikpeze, O.V.C. 'Human Rights and Human Trafficking in the 21st Century; Nigeria in Focus in justice and AC Obidigwe selected judgments & contribution Essay (Ed. Chijioke Nwankwo) papyrus publishers, Lagos, Nigeria 2011.

Kudrie, R.T. 'Three types of Globalization Communications Market and Directed in Raimo .(ed) Globalization and global governance, lahlan Row man Little field, 1999.

Lorraine Corner 'A Gender Perspective to Combat Trafficking Strategic paper on an Integrated Approach to livelihood options for women & Girls' Seminar on promoting Gender Equality to Combact Trafficking in women and children, Bangkok, 2002.

Zachariah, Yakubu, The Almajiri Lurch, and Disguised Forms of Human Trafficking in North Nigeria

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