A CRITICAL EXAMINATION OF THE TRAFFICKING IN PERSONS (PROHIBITION & ENFORCEMENT) ADMINISTRATION ACT, 2015 (TIPEA) AND THE 2021 DATA ANALYSIS REPORT BY NAPTIP

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ABSTRACT

Nigeria is known to be a major player in the cross-border trafficking crime, a point of transition through which persons are trafficked into and from to other countries and/or a passage route to other syndicates. Its feeble socio-political structures, weak enforcement institutions and porous immigration borders all accounts for the rise in human trafficking yearly. The re-enactment of the Trafficking in Persons (Prohibition & Enforcement) Administration Act, 2015 (TIPEA) and establishment of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) was meant to enhance prevention, prohibition, prosecution and finally eradication of human trafficking, but the obvious is diametrical. The shortfalls in the NAPTIP's attempt at achieving its objective are all laid bare in its reports, specifically the 2021 Data analysis report examined herein. Employing doctrinal approach, this paper evaluated the TIPEA and the reports of the NAPTIP which reflects its institutional travail in combating trafficking, in determining the adequacy of the legal and institutional framework and how well it has achieved its set objectives. Nevertheless, the provisions of TIPEA, which is a prototype of the International Trafficking Protocol is an improvement from the former NAPTIP Act 2003, have been found to be deficit, and inadequate and NAPTIP inconsistent in the implementation of the Act in preventing and prosecuting TIP and the rehabilitation of victims of TIP as revealed in the report. This paper emphasizes the need to for NAPTIP to conscientiusly promote public awareness and strenghten partnership with other law enforcement bodies and community stakeholders in this war as well as adopt a right-based approach in the treatment of victims and witnesses of TIP.

Key words: Human Trafficking; Trafficking-in-Person, TIPEA, NAPTIP

1.0 INTRODUCTION:

Human Trafficking, also called Trafficking in Persons (TIP) is a global menace that existed in time immemorial when slavery was legally accepted and widespread across cultures and continents.[1] The era of slave-trading and capturing of persons as spoils of war were all forms of human trafficking.[2] The Portugal in the 16th century, engaged in the capture and enslavement of people, a practice that continued until Britain outlawed slavery in 1807, followed by the United States in 1820.[3] Today TIP is referred to as a modern-day slavery[4] depicting slavery achieved through the instrument of force, violence, deception, undue influence(etc) where mostly children and women are recruited and transported for domestic servitude, child soldiering, sex exploitation, sported for forced labour on commercial plantations, mining, excavation and construction sites, for drug trafficking, used as machinery for crimes and forced military recruitment.[5] It involves illegal trading of human beings for economic and commercial gains.[6]

TIP has emerged as a response to severe economic hardships, with impoverished individuals often falling prey to traffickers promises of better financial opportunities.[7] The desire for improved living conditions, lack of education, family instability, corruption, gender inequality, demand for cheap labor in informal sectors and the growth in the sex industry, driven by hope for a better life all account for reason why victims are swayed by the false promises of traffickers to migrate from economically disadvantaged areas to more prosperous

[1] Becky Giovagnoni and Amber Van Schooneveld, 'The History of Human Trafficking' (2022) https://theexodusroad.com/history-of-human-trafficking/ (accessed 31 February 2025)
[2] ibid
[3] ibid
[4] United Nations Office On Drugs And Crime Vienna, 'An Introduction to Human Trafficking:Vulnerability, Impact and Action' (2008) *United Nations Global Initiative to Fight Human Trafficking*, pg. 60, www.ungift.org. (accessed 24 March 2025)
[5] The International Movement Against All Forms Of Discrimination And Racism; 'Human Trafficking in Nigeria' (2015) (Briefing paper for the Special Rapporteur on trafficking in persons, especially in women and children) https://imadr.org/wordpress/wp-content/uploads/2016/01/IMADR-Briefing-Paper_Human-Trafficking-in-Nigeria_5.11.2015.pdf (accessed 24 March 2025)
[6] I.M Ibrahim & I.I. Omoregbe, 'Human Trafficking In Nigeria: Causes, Efforts by Nigeria Government And The Way Forward' (2020) *Nigerian Journal of Social Studies*, (XXIII) (1), pg 129
[7] Footnote 3, pg 131

ones.[8] Weak political systems further facilitates trafficking by allowing easy movement of victims across borders without proper oversight.[9]

Nigeria plays a significant role in global human trafficking as a source, destination, and transit point.[10] A concerned number of Nigerian women are trafficked to countries like Italy, Spain, and Germany for sexual exploitation upon deception that they would be employed as nurses or nannies.[11]Additionally, children are trafficked for labor and exploitation to neighboring countries such as Cameroon and Gabon.[12] Trafficking routes often involve movement from regions in Nigeria to other countries in West Africa and eventually to Europe and the Middle East. Young boys and women have also been reported trafficked under false pretenses, such as promises of sports careers.[13] In the recent case of ***Federal Republic of Nigeria v Fatima Joy Odiri Joseph***[14] the defendant recruited the victims, an underaged girl of 14 and a 24year old girl for prostitution in Burkina Faso. The court held the defendant guilty, not only guilty of trafficking in persons for prostitution but also trafficking of underage girls. The court stated that the defendant has exhibited a goblin mode of behavior, and was to given punishment that will serve as a deterrent to others engaged in this line of work and will also reform her. She was sentenced to 3years imprisonment with hardlabour under Section 16 of the TIPEA Act, 2015.

Nigeria faces significant issues with *internal* human trafficking as children are often forced into domestic work, mining, farming, and various forms of labor, including begging and sexual exploitation.[15] and women forced into prostitution[16] within its borders. Children under 18 are moved from rural areas to cities like Lagos and Kano, sometimes with family consent

[8]Tom Ellis, James Okpala, 'Making Sense Of The Relationship Between Trafficking In Persons, Human Smuggling, And Organised Crime: The Case of Nigeria' *(*2011) *The Police Journal* (84) pg 13-34 DOI: 10.1358/pojo.2011.84.1.507

[9] Footnote 3, pg 2

[10] K.O.N. Onu, 'Examination of The Legal Regime for Combatting Trafficking in Persons in Nigeria' (2022) *Journal of Law Science* (4) (3) Pg 105. https://iocscience.org/ejournal/index.php/JLS (accessed 24 March 2025)

[11] Footnote 4

[12] B. Olateru-Olagbegi and A. Ikpeme*;* 'Review of legislation and policies in Nigeria on Human Trafficking and Forced Labour' (2006) *International Labour Organization,* https://www.ilo.org/publications/review-legislation-and-policies-nigeria-human-trafficking-forced-labour (last accessed 24 March 2025)

[13] Tom Ellis, op cit

[14] Charge No: NICN/BEN/4C/2022

[15] Footnote 7

[16] Footnote 2

or through abduction.[17] These children endure severe abuse, maltreatment, and undernourishment. Child begging is especially common in Northern Nigeria, where many children are sent to Almajiri schools that require them to beg for support.[18] In addition, children from internally displaced persons (IDP) camps are at risk of sexual exploitation, and recruitment as child soldiers.[19] In the case of ***Attorney General of the Federation v. Magnus Iheanacho***[20] the defendant was convicted of TIP section 13 (1) of the TIPEA on a three count charge of having unlawful carnal knowledge, procuring under false pretence for the purpose of having carnal connection and employing an under age girl of 12 years old as a domestic help.

Formal and informal reports of kidnapping and maiming for the purpose of organ harvesting is also prevalent in interiors, thick forest and unknown hidden places.[21] These organ harvested are either sold to hospitals for transplant, or exported to other countries or used for ritual purposes.[22] Recently, the NAPTIP is reported to have arraigned before the High Court of the FCT, an Abuja based Medical practitioner, Dr. Christopher Otabor and 3 others for alleged organ (Kidney) harvesting.[23] Also lies the notorious case of Ike Ekweremadu, a Nigeria politician, who was found guilty of an organ trafficking plot upon bringing a young man of 21 year old to UK from Lagos to donate his kidney to Ike's dying daughter. The young man, oblivious of the procedures and consequences, was being threatened to corporate with the procedure before it came the attention of law enforcement agencies. While it is lawful to donate a kidney in UK, it becomes criminal if there is a reward of money or other material advantage.[24]

TIP is not peculiar to Nigeria as more countries have been detected to engage in cross-border human trafficking than ever before, putting more people at risk.[25] TIP is recognized as an international organized crime, affecting various societies and limiting individuals' freedoms.[26]

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[17] EASO Nigeria, 'Trafficking in Human Beings: Country of Origin Information Report', (2021), *European Asylum Support Office*, doi: 10.2847/777951 (accessed 24 March 2025)
[18] ibid
[19] ibid
[20] SUIT NO: NICN/ABJ/162/2013
[21] Emphasis mine
[22] ibid
[23] News extracted from https://naptip.gov.ng/naptip-arraigns-a-prominent-abuja-based-medical-practitioner-for-alleged-organ-harvesting/ (Reported on the 18th March 2024) (accessed on 24 May 2025)
[24] Information extracted from https://www.bbc.com/news/uk-england-london-65013545(accessed on 24 May 2025)
[25]United Nations Office on Drugs and Crime, 'Global Report on TrAfficking In Persons 2024', https://www.unodc.org/unodc/data-and-analysis/glotip.html (accessed 31, February 2025)
[26] ibid

It is difficult to quantify the number of TIP victims around the world, however it has been reported that African victims are the highest in number to be trafficked to different destination in world.[27] While examining the concept of trafficking and available legal frameworks on TIP, the aim of this paper is to review the legal framework regulating TIP in Nigeria, focusing on the TIPEA 2015 Act and to evaluate the 2021 NAPTIP report as it relates to its institutional efforts in this combat.

1.1 CONCEPTUAL CLARIFICATION OF TIP/HUMAN TRAFFICKING

There is no one acceptable definition of the concept Human Trafficking or TIP, as several writers have attempted to define the term within the scope of their understanding. TIP has been defined as 'the illegal and immoral buying and selling of human beings as commodities to meet global demands for commercial sexual slavery or forced labour.'[28] The United Nations Office on Drugs and Crime (UNODC) *defines human trafficking as the act of gathering, moving, receiving, or keeping human beings by threat, force, coercion, or deception, for exploitative purposes.*[29] The United Nations Protocol to Prevent, Suppress and Punish trafficking in especially women and children (Trafficking Protocol)[30] provides that "Trafficking in persons" shall mean *the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, or the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.* Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.[31] The definition of the Trafficking protocol has been adopted by the Nigerian Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015.

The crime of TIP is generally committed by persons regarded as Traffickers, which includes persons who aid and abet, facilitate or acquiesce the act of TIP. A Trafficker can be anybody,

[27] Footnote 7
[28] Okeshola F.B. and Adenugba A 'Human Trafficking: A Modern Day Slavery in Nigeria' American (2018) *International Journal of Contemporary Research (*8)(2) pg 40-44
[29] United Nations Office On Drugs and Crime Vienna, *op cit*
[30] Article 3 (a)
[31] Section 82 TIPEA

they may include members of organized crime groups, terrorist organizations, gangs and warlords, business owners, foreign nationals, indigenous persons or someone well known such as members of one's family, your neighbour, a colleague or even a friend etc. The end goal of traffickers is usually to buy and sell, import and export human persons, either within a national territory or across international territories, where they are subjected to several inhuman exploitation. The trafficked victims are held in bondage against their will; their right to personal liberty and dignity are ripped off and they become a shadow of themselves, controlled absolutely by someone else' whims.

Traffickers often use methods such as threats, coercion, deception, and fraud or abuse of power to recruit vulnerable individuals, who are mostly economically and physically vulnerable and give consent without fully understanding the implications of their consent. Victims may be coerced or induced into participation wherein the trafficker get the victim's consent and gain control over them. Sometimes such influence could be as result of the victim paying a debt and invariably subjected to involuntary servitude. For a trafficker to be convicted, there must be proof of recruitment and transport of victims achieved through coercive tactics, with the aim of exploitation for commercial gain.[32] The issue of consent given by the victim is inconsequential, as consent obtained by the means of threat or force or deception is no consent and invalid.[33]

The trafficking process involves multiple players, each fulfilling distinct roles from recruitment to transportation and exploitation[34]. All individuals involved in facilitating trafficking, including those who assist traffickers in evading the law.[35] In the case of international trafficking, the transportation occurs when the victim's entry into another country is complete; and exploitation is achieved when the victim is forced into sex work, forced servitude, organ removal, and other criminal activities.[36] New trends in trafficking in persons (TIP) now allow for exploitation to happen from within homes, aided by the internet, which removes physical boundaries. Ex-amples are Sextortion, Child-on-line exploitation etc. Sextortion, where individuals are threatened with the release of private images unless they provide sexual favors or money, is significant as victims often face stigma and shame that

[32] Overview of Trafficking in Persons (TIP) (2024) https://ims.natip.gov.ng (accessed 26 March 2025)
[33] Section 13(5) TIPEA, Article 3, para (b) Trafficking protocol
[34] Sectuin 25 TIPEA
[35] Section 26, 27 TIPEA
[36] NAPTIP, (2023) *Standard Reporting Handbook on Trafficking in Persons in Nigeria for Journalists*, pg 4

prevent them from reporting the abuse.[37] Other trends include baby theft or selling babies from hospitals, trafficking of young girls for forced reproduction, orphanage trafficking, and cyber-fraud schemes that lure victims through fake job offers.[38] More disheartening is that sale of new babies by their supposed mother. In the recent case of ***Federal Republic Of Nigeria v Okafor Ebere And 2ors***[39]the 3rd defendant got pregnant for one Obasi Chukwuebuka and conspired with the 1st and 2nd defendants to sell the baby for N250,000.00 to one Mama Emeka who is at large. The 3rd defendant again got pregnant the second time and sold the baby to the same Mama Emeka for N300,000.00. The court held that it is unfortunate that a woman gave birth for the sole purpose of selling off the children as mere chattels. This is a serious crime against humanity which cannot be condoned by the Law. On this premise, the defendants were sentenced to one year imprisonment with hard labour and a fine of N200,000.00k.

2.0 LEGAL FRAMEWORK REGULATING TIP IN NIGERIA

The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015, is the main law governing the prevention, protection, and prosecution related to trafficking in persons (TIP) in Nigeria. However, prior laws, including the 1999 Constitution, also address the issue of TIP by emphasizing the welfare and security of citizens.

2.1 The 1999 Constitution of the Federal Republic of Nigeria

Being the grundnorm of the Nigeria legal system, the Constitution provides that the primary purpose of the Nigerian government is the security and welfare of the people[40]; to realize this duty, the constitution provides for the protection of every Nigerian from human trafficking under Section 35 and 34 which upholds respectively the right to personal liberty and right to dignity of every human person, thus no person shall be subjected to torture or to inhuman or degrading treatment; slavery or servitude; or be required to perform forced or compulsory labour. The African Charter on Human and Peoples' Rights which has been domesticated in Nigeria, also reinforces these rights

2.2 The Criminal Code

[37] Ibid, pg 6
[38] Footnote 29
[39] Charge No: NICN/BEN/3C/2022
[40] Section 14, 1999 Constitution of the Federal Republic of Nigeria (as amended)

The Nigerian Criminal Code does not explicitly define TIP but includes related offenses that could encompass TIP elements. It specifies that procuring a girl or woman through threats or deception for sexual purposes is a misdemeanor punishable by two years in prison.[41] More serious offenses, classified as felonies, include kidnapping,[42] unlawfully confining individuals,[43] and coercing them into unlawful acts through threats, stalking, inducement or undue pressure;[44] Aiding or influencing the movements of people for prostitution leads to imprisonment for two years.[45] Related crimes include trading or transferring individuals for slavery or servitude. A pledge, security, or pawn for debt is considered slave dealing and result to 14 years of imprisonment.[46] The Criminal Code penalties for human trafficking offenses are inadequate, as many are classified as misdemeanors with sentences of only 2-7 years. The Act fails to comprehensively address all acts related to human trafficking and lacks provisions for the care and support of victims.

2.3 The Penal Code (PC)

The Penal Code in Northern Nigeria recognizes human trafficking as a criminal offense, categorizing it as a felony with harsher penalties compared to the Criminal Code. Convictions related to the prostitution of women and minors can result in up to 10 years in prison and a fine[47], while slavery carries a penalty of 14 years.[48] The Penal Code's shortfall is apparent as it only prohibits the trafficking of women into Nigeria but not from it, and imposes a minimal one-year penalty for forced labor under Section 270. It also makes exceptions for trafficking children (below 14 years for male and below 16 years for females) into prostitution,[49] requiring guardian consent as grounds for exemption from culpability, thus by implication, a person is only culpable where such enticement, deceit or inducement is done without the consent of the guardian.This provision contradicts international standards that disregard consent with regards to children.[50] Guardian's consent should not lessen the severity of the crime, rather both the perpetrator and the guardian should be criminally accountable.[51]

[41] Sec 223, 224 Criminal Code Act and 275Penal Code
[42] Section 364 Criminal Code Act
[43] Section 365Criminal Code Act
[44] Section 366Criminal Code Act
[45] Section 225 Criminal Code Act
[46] Section 369, Criminal Code
[47] Section 275, 276 Penal Code
[48] Section 279 Penal Code
[49] Section 279, Penal Code
[50] Section 13(5) TIPEA
[51] Cases abound of young girls from Northern Nigeria who were lured away with the consent of their parents and guardians ostensibly to perform the Holy Pilgrimage in Saudi Arabia, only to be trafficked for sexual

2.4 The Child Rights Act 2003

The Child's Rights Act (CRA) aims to combat TIP by establishing a strong legal framework to protect children from harm. The CRA asserts that every child has a right to survival, development,[52] and dignity,[53]thus prohibiting any form of physical, mental, or emotional abuse, including neglect, maltreatment, and sexual abuse, regardless of who is responsible; whether the parent, legal guardian, school authority or any other person.[54] It clarifies that traffickers cannot escape liability based on guardian consent and prohibits children's involvement in criminal activities;[55] the unlawful removal of a child from the custody or protection of his parents or guardian,[56] child marriage,[57] exploitative labor,[58] and selling or hiring children for various unlawful purposes such as hawking or begging for alms or as slaves, for prostitution or pornographic performances or for the production or trafficking of illegal drugs etc, will amount to an offence.[59].The Act imposes severe penalties for sexual intercourse with minors, regardless of consent or the offender's belief about the child's age, making such offenses punishable by life imprisonment;[60] perhaps all forms of sexual abuse and exploitation of a child is offensive and attracts terms of punishment.[61]It also forbids the recruitment of children into the Armed Forces.[62] The impact of child trafficking and exploitation significantly leads to psychological trauma, aggression, and potential criminal behavior among affected children,[63] who are often targeted for economic gain by caregivers. The CRA enforces strict penalties, with imprisonment terms starting at five years for those who violate the rights of children.The issue of child abduction in Nigeria, particularly in the Northeastern region, has been significantly impacted by the actions of the Boko Haram sect

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purposes. According to the Nigerian Immigration Services, from March 2002 to April 2004, the Saudi Arabian authorities deported 9,952 women and 1,231 underage unaccompanied children. Investigations revealed that majority of the women deported from Saudi Arabia are from: Kano, Borno, Adamawa, Yobe, Nassarawa, Plateau, Niger, Kebbi, Kwara, Sokoto, Katsina, Zamfara, Jigawa, Gombe, Bauchi and Taraba states." (information extracted from Bisi Olateru-Olagbegi and Anne Ikpeme; 'Review of legislation and policies in Nigeria on Human Trafficking and Forced Labour' (2006) *International Labour Organization*. *Op cit*)

[52] Section 4, Child's Rights Act, 2003

[53] Section 11, Child's Rights Act

[54] Section 11(a-d) Child's Rights Act

[55] Section 26 Child's Rights Act

[56] Section 27 Child's Rights Act

[57] Section 21-23 Child's Rights Act

[58] Section 28 Child's Rights Act

[59] Section 30 Child's Rights Act

[60] Section 31 Child's Rights Act

[61] Section 32 and 33 Child's Rights Act

[62] Section 34 Child's Rights Act

[63]Unicef Press release; "FAST FACTS: Violence against children widespread, affecting millions globally" (reported on 4th November 2024) https://www.unicef.org/fast-facts-violence-against-children-widespread-affecting-millions-globally (last visited on 4 April 2025)

since 2013, notably the abduction of the Chibok girls. Children in this area have faced relentless attacks[64] without government protection, resulting in the exploitation of many female victims who are forced to become young mothers. Additionally, there has been a rise in online child sexual abuse, where abusers utilize chat rooms and social media to groom children, request explicit images, and coerce them into creating sexually explicit content.[65]

2.5 Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015

The TIPEA was enacted to combat human trafficking and protect its victims.[66] The TIPEA seems to be a conglomerate of the legislations earlier mentioned. The Act re-enacts offences relating to TIP which includes the importation and exportation, buying and selling, procurement, recruitment, detaining, abuse and use of persons (including children) for sexual exploitation;[67] for the production pornographic performances or to be harboured in a brothel for sexual exploitation;[68]or to procure or recruit person for use in armed conflicts.[69] for organ harvesting[70] for forced labour,[71]under aged children as domestic worker,[72] as slaves[73] etc.

2.6 Judicial Precedence in Trafficking cases

Section 36 of the TIPEA confers jurisdiction on the High Courts to try offences relating to human trafficking and to adopt all legitimate measures necessary avoid unnecessary delays and abuse in the conduct of proceedings.[74] While **Section 254C(1)(I) of the 1999 Constitution** (as amended) also confers jurisdiction on the National Industrial to try matters connected with or related to child labour, child abuse, human trafficking or any matter connected therewith. The court's adjudicatory role also extends towards granting warrant for search, arrest and seizure of property owned by traffickers[75] and employing necessary measures from victims and witness protection[76] and compensation.[77] Cases as well as judicial

[64] Unicef Press release; "More than 1,000 children in northeastern Nigeria abducted by BokoHaram since 2013" (reported on 13th April 2018) https://www.unicef.org/press-releases/more-than-1000-children-northeastern-nigeria-abducted-boko-haram- since-2013 (last visited on 4 April 2025)
[65] UNICEF Child Protection Team, "Ending Online Child Sexual Exploitation and Abuse: Lessons learned and promising practices in low- and middle-income countries" (2021) www.unicef.org (last visited on 4 April 2025)
[66] Section 1 of TIPEA
[67] Section 14, 15, 16 TIPEA
[68] Section 17 TIPEA
[69] Section 19 TIPEA
[70] Section 20 TIPEA
[71] Section 22 TIPEA
[72] Section 23 TIPEA
[73] Section 24, 25 TIPEA
[74] Section 37, TIPEA
[75] Section 43, TIPEA
[76] Section 47, TIPEA
[77] Section 65-70, TIPEA

pronouncement and convictions of human traffickers in Nigeria are few and mostly unreported. However, the court in several cases have secured convictions of traffickers in a bid to deter more offenders in like business to desist from trafficking. In ***Federal Republic of Nigeria v Luky Ogudu***[78] and ***Federal Republic of Nigeria v Ameze Ogieriakhi***[79] the courts noted that the offences committed were serious bane in our society and needs to be discouraged to serve as a serious warning to others.

2.7 International Instruments on Trafficking in Person

International conventions aimed at combating slavery and human trafficking have been largely ineffective since the League of Nations. The 1949 United Nations Convention on the Suppression of the Traffic in Persons has only been ratified by 66 countries, including Nigeria since 1960.[80] Nigeria is a signatory to many treaties, conventions containing provisions for combating TIP and the protection of victims of trafficking.[81] More prominent are the Palermo Convention (also known as the United Nation Convention against Transnational Organized Crime (2000) and the Trafficking Protocol (The United Nations Protocol to Prevent, Suppress and Punish trafficking in especially women and children). which led to the enactment of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act in 2003, amended in 2015, and the establishment of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). These instruments have been instrumental in influencing global efforts in combating TIP; while the Palermo is framed towards combating transnational organized crime, the Protocol is geared towards preventing and punishing trafficking nationally and across borders especially as against women and children. Nigeria's adoption of these conventionan protocol is a commitment to the universal cause against trafficking. The instruments serves as guides to state parties on workable measures needed to employ to address the root casues of trafficking, protection of victims and promoting of corperation among nations in this quest.

3.0 A CRITICAL EXAMINATION OF THE TIPEA(2015)

[78] CHARGE NO: NICN/BEN/2C/2022
[79] CHARGE NO: NICN/BEN/1C/2022
[80] Footnote 27
[81] They include United Nations Slavery Convention 1927; the Convention for the suppression of trafficking in Persons and of the Exploitation of the Prostitution of Others (1949); the ILO Forced Labour Convention, 1930; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Elimination of all forms of Racial Discrimination (1965); the UN General Assembly Declaration on Violence against Women (1993); the UN Convention on the Protection of the Rights of All Migrant Workers and Their Families(1990); the ILO Conventions 97 and 143 on Migrant Workers and 181 on Private Employment Agencies etc

Thought the TIPEA Act is designed to create a comprehensive legal framework for the prohibition, prevention, detection, prosecution, and punishment of traffickers, as well as the protection of victims,[82] its implementation remains inadequate in Nigeria. The TIPEA established NAPTIP to enforce anti-trafficking measures and investigate cases, and represents an improvement in the previous NAPTIP Act of 2003, which lacked provisions for organ removal.

The central objective of the TIPEA is to punish perpetrators however, the penalties especially for sexual exploitation of minors, are viewed as insufficient, thus the need for stern penalties to deter future perpetrators of like offences. The punishment imposed under the Child rights Act should be adopted, which is between 14 years to life imprisonment, because the magnitude of damage done to children who undergo such abuse may live with them for life. The children may become damaged adults who becomes less of themselves because of the trauma they faced while being abducted and abused. The punishment must equate the damage done to the future of these children. In the case of ***Federal Republic of Nigeria v. Ogieriakhi Joyce Amenze***[83] the court was of the opinion that the penalty for the offence committed and admitted by the defendant is not less than 7 years imprisonment with an option of fine of N1million (One Million Naira) under Section 18(1) of the TIPEA Act 2015, yet the court sentenced the defendant to a total of six months in the Federal Correctional Facility and a fine of N1million (One Million Naira). Moreover, the sentence given by the court in ***Attorney General of the Federation v. Magnus Iheanacho***[84] was also inadequate for a 12 year old victim who was bruised, brutalized, hurt and abused mentally and physically as a result of the sexual assaulton her by the defendant; the offence committed by the victim carried 10years jail term on each count charged but the court only sentenced him to two year imprisonment. It is still incomprehensible how this kind of sentencing will achieve deterrence.

Besides, there are inconsistencies in the TIPEA regarding punishment terms for traffickers, particularly concerning minimum sentences.The **Section 13(2)(4)**, which imposes a minimum punishment of 2 years and 5 years, respectively, for those who aid trafficking is in contrasts with Sections 14-28 which describe trafficking acts more comprehensively and impose higher

[82] Sec 1 of TIPLEA
[83] SUIT NO: NICN/BEN/1C/2021
[84] SUIT NO: NICN/ABJ/162/2013

penalties. It is recommended that Section 13 should be removed or merged with Sections 14-28 to ensure consistent terms of punishment for trafficking violations.

The TIPEA aims not only to prosecute traffickers but also to prevent human trafficking. It established NAPTIP to implement effective preventive measures and raise public awareness about trafficking through education and campaigns.[85] This duty is to be executed by the *Investigation and Monitoring Department* who are to be responsible for the prevention and detection of trafficking offences,[86] as well as *the Public Enlightenment Department* who should raise awareness, campaigns, seminars and workshops, over the radio and television educating the public on the dangers of trafficking in person.[87] They also meant to develop educational programmes for young persons to address issues on gender discrimination, gender inequality and respect for the dignity and integrity of persons and issues on trafficking.[88] NAPTIP has also been enjoined to use the Media platform to promote awareness and educate the public on the dangers of TIP and possible ways avoid them.[89]

It is observed that the provisions of this section 5(c) and (d) has not been fully realized or sufficiently executed as many young Nigerians are not aware of this menace and the tactics of traffickers. While NAPTIP's activity on prevention is unpopular and unknown to many Nigerians, alleged campaigns over radio and television are invisible and unheard. In February 2024, NAPTIP reportedly launched a project tagged STEAP- "School Anti-Trafficking Education and Advocacy Project"[90] designated to enrich the knowledge of students on human trafficking and other form of abuses so as to reduce their vulnerability and build their confidence.[91] Few reports of NAPTIP's seminars and workshops are carried out as a reactive measure, after some communities have been dealt with by traffickers. It was after the abduction of the Chibok girls and several other school students in the North East that NAPTIP was observed to be active in its public awareness campaign in that region.

[85] Sec 5(c) and (d) TIPEA
[86] Section 12 (1)(a) TIPEA
[87] Section 12 (3)(a) TIPEA
[88] Section 12(3)(b) TIPEA
[89] "Freedom Project by CNN" and "Aljazeera's Slavery: A 21st Century Evil campaign" are examples of media campaign against trafficking. (information extracted from NAPTIP, Standard Reporting Handbook on Trafficking in Persons in Nigeria for Journalists (2023) (last visited on 4 April 2025)
[90] "NAPTIP, NAPTIP, ICMPD Unveil STEAP Project to Tackle Human Trafficking in Nigeria" (reported on 7 February 2024) https://naptip.gov.ng/naptip-icmpd-unveil-steap-project-to-tackle-human-trafficking-in-nigeria/ (last accessed on 4 April 2025). The flagship project launch took place in Government Secondary School, Gwarimpa, Abuja, and funded by the kingdom of Netherlands.
[91] Ibid.

The responsibility of addressing the underlying causes of trafficking, such as poverty, underdevelopment, unemployment, lack of equal opportunities and discrimination in all its forms, and improve the social and economic conditions of groups at risk, as provided in its TIPEA **Section 12 (3)(b)(iii)**, seem to be unclear as such a huge task is not meant for NAPTIP. The provision seems to be more of a political and redundant statement than a responsibility for NAPTIP. It is submitted that this provision seem politically motivated and should potentially be removed as it is the duty of the whole government to address such issues as poverty, under development and the likes, not that of NAPTIP.[92]

The TIPEA also seeks to address issues regarding the protection of victims and witnesses. Victims experiences impacts physical and psychological trauma, stress disorder, depression and anxiety, which may not allow them live normal lives hence the need for empathy, care, counseling, support, rehabilitation, and reintegration back into society.[93] The TIPEA under **Section 5(m)** states NAPTIP's priority duty to coordinate, supervize, control the protection, assistance and rehabilitation of trafficked persons. In achieving this the *Counselling and Rehabilitation Department* is vested with the responsibility of counselling, rehabilitation, social reintegration and education of trafficked person as well as promote the welfare of victims, supporting, advising and helping to gain access to legal aid services.[94] **Section 64** provides that victims should be not subjected to discriminatory treatment[95] and be granted a temporary transit shelters to prevent stigmatization, loss of livelihood, low self-esteem, and even suicide[96] and to help in the rehabilitation process.

So far, Nigeria has about 10 rehabilitation shelters for housing rescued victims of TIP, with a minimum of 6 weeks stay and any person needing to stay longer periods are relocated to NGOs maintained shelters.[97] The shelters are to provide feeding, clothing, medical care, counselling, physical exercises and basic educational courses for the victims.[98] An objective evaluation reveals that these rehabilitation shelters which provides a minimum of 6 weeks stay for these victims to recuperate does not state in clear terms what the rehabilitation programmee entails for the victims. The programmes are not spelt out, hence one cannot say

[92] Emphasis mine
[93] Fatima Waziri-Azi, "National Guide For The Establishment And Management Of Sexual Assault Referral Centres In Nigeria' (2023) https://safeheaven-foundation.org/wp-content/uploads/2024/09/SARC-Handbook-New.pdf (visited on 4th April 2025)
[94] Section 12(4) TIPEA
[95] Section 61(a) TIPEA
[96] Footnote 9
[97] Data generated from: https://naptip.gov.ng/counselling-and-rehabilitation-department/(visited on 4th April 2025)
[98] Section 61(a, i) TIPEA

for sure if they are truly rehabilitated. Perhaps, the victims may not be able to get over the traumatic experiences within 6 weeks and may be are drawn back into the criminal acts they were once engaged in.

Witness protection is also very paramount to attain effective prosecution of TIP cases. **Section 46** provides for the protection of witness identity and information given in all its proceedings.[99] Where witness protection is not guaranteed there may not be adequate evidence to secure a conviction hence traffickers will gain unmerited freedom and continue to perpetrate the crime.[100] However, reports abound that Nigeria lacks effectual witness protection programme for those willing to testify against their traffickers. The Transit shelters, either of the NAPTIP or NGOSs, provided for witnesses and victims who intend to join forces with law enforcement are not well protected against traffickers who tried to look for returnee victims to intimidate them.[101] Adequacy of the protection of witnesses and victims must extend beyond the shores of the court room; making them anonymous may not be sufficient to protect them from physical harm wielded by traffickers. Protection needs to be extended to physical security and possible relocation from known residence as a guarantee to encourage their involvement in the prosecution process. Most victims and witnesses are hidden, fearful and hesitant to come forward thus making the investigation and prosecution of traffickers difficult.[102]

Moreover, the establishment of Victims of Trafficking Trust Fund under **Section 67 and 68 TIPEA** was for the funding of NAPTIP activities necessary for the prosecution of traffickers, protection of witnesses, compensation, humanitarian support and rehabilitative care for victims. Sources of this funds amongst others are from forfeited assets of convicted Traffickers. The reality of what the trust fund is used for in Nigeria has never been revealed as there are no existing data on compensations and restitution extended to victims, rather unjustified reports are given on victims compensation with no proof, fact or data to back it up. Informal testimonies from victims reveals that they are neglected, not given proper protection howbeit compensation and adequate support to help them get integrated into the society. Oputa JSC, in the case of ***Josiah v State,***[103] emphasized that justice is not a one way traffick; it is for the accused, the society and the victim. Punishment for the accused is not

[99] Section 47, TIPEA
[100] EASO Nigeria, op cit)
[101] ibid
[102] ibid
[103] (1985) 1 NWLR (PT 125) Pg 601

sufficient justice for the victim; justice for the victim involves giving some comfort, compensation and rehabilitation in order to pacify his sufferings.[104] This, in other words, reveal that either the Agency is under funded or that funds meant for victims compensation are misappropriated or it may not have recorded successes of seized assets to their credit.

Section 38 of the TIPEA provides for the funding of the Agency for the execution of this activity. The sources of this funds are budgetary allocation approved by the National Assembly, grants from local, state or national government, grants from international organization as well as charges and fees collected by the Agency. The NAPTIP funds are meant to meet the demands of prosecution, victims protection, rehabilitation and re-integration, provision of transit shelters, running its programmes and care for the victims, as well as education and public awareness. However, the agency's performance has been constrained by limited funding hence its poor institutional performance.[105]

The TIPEA's goal of untilizing the Trust Fund to pay compensation, restitution and damages to trafficked persons and to fund victim support services,[106] invaraibly converts such privilege to a right under **Section 65;** the right to be compensated and to recover economic, physical and psychological damages. One obvious challenge here is that most victims of trafficking are not aware of their right to compensation and restitution or the legal process involved, hence they do not access the compensation available for them. The Agency/ Prosecutor do not in fact pursue the victim's interest, neither do they take these compensation as a priority which would have served as a motivation for victims to testify in court. The transit shelter, where victims are meant to go through some rehabilitation programme and education also do not inform the victims of these rights and benefits accrued to them, which is in violation of **Section 63** which charges the counselors the obligation to counsel and inform the victims their legal rights in the language they understand. This only reveals the poor manner at which victims of traffickers are managed and treated in Nigeria.

In other to encourage witness cooperation with prosecution, the TIPEA provides under **Section 36(3)** that the punishment for convicted offenders may be reviewed downward on the consideration that they facilitate the arrest and identification of other accused persons.

[104] Nwanja S.I, Comparative review of Compensation for thr Victims of Crime Under Nigerian and United State Criminal Justice System (2024) *NAUJILJ* 15 (2) pg 154
[105] Suaibi Shittue Isyaku, 'Institutional Framework for Combating Human Trafficking in Nigeria: An Assessment of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP)2015-2023', (2024) *South East Journal of Political Science (*10)(1), pg 118-127
[106] Section 67(4) TIPEA

However, laudable this provision may be it empowers the court with judicial discretion which may lead to inconsistency, personal bias, lack of transparency and undue influence. There should be no room for such discretion in issues of trafficking, rather investigative methods should improved from the traditional means to full fledged forensics and intelligent gathering through collaboration with other agencies which are more reliable means of criminal investigation. Where Traffickers are given room for reviewed punishment the aim of deterrence and reform may not be achieved.

The use of force has been an issue of debate in Law enforcement. While a reasonable degree of force is required to enable law enforcement achieve arrest and detainment where necessary, execcessive use of force has been frowned at as the constitution still presumes the accused innocent until proven guilty, thus protecting their right to life and dignity even at the point of arrest. **Section 44(5) of the TIPEA**, however, allows an officer of the Agency to use force that could result to the death of any person perceived to be resisting arrest. How reasonable can we say this force is? Where the alleged trafficker is actually a victim, it would amount to an action in futility, an injustice and the deprivation of the victims' right to life. It is recommended that this provision should be expunged and the officers of the Agencies be trained on how to carryout effective arrest with minimal causalities.

In a bid to strengthen its fight against TIP, the TIPEA under **Section 5** empowers NAPTIP to form strings of collaboration with other law enforcement agencies, such as the Nigeria Police Force, the National Intelligence Agency, the Nigeria Immigration Service, Directorate of the State Security Services etc, and international authorities (such as the National Crime Agency (NCA), British Border Force (BBF), Netherlands National Police (KLPD) and other relevant partners in combating TIP. Reports abound on various NAPTIP collaboration with several NGOs and international authorities who partner with the agency through funding, research training, tracking and investigation of trafficking cases etc.[107] Such collaboration would fortify joint efforts in investigation and prosecution; exchange of intelligent information, training and re-training of NAPTIP agents so that they could learn best global practices; train its caregivers and prosecutors to foster human right approach and humanitarian perspectives in managing of victims of TIP etc. The NAPTIP 2021 Data Analysis gives a full outline of about 24 Agencies that collaborate with NAPTIP to rescue victims of trafficking, yet the impact of this collaborations are not felt in Nigeria as the percentage of trafficking is on the rise yearly with no clear cut solution to this menace. Except for Security Agencies in

[107] Footnote 11

Neighbouring countries, there are no reports on collaboration with Agencies over the Middle East, where a large percentage of trafficked victims are shipped for every form of exploitation. Besides, NAPTIP in its 22 years of existence have only recorded for the first time, in March 2024, the extradition of a high-profile human trafficker to Italy to serve a 13year jail term.[108] Also its first mutual legal assistance between Nigeria and Belguim saw the conviction of another trafficker for sexual exploitation in October 2023 and a second conviction based mutual collaboration between Nigeria and Spain was achieved in January 2024.[109] The low rate on extradition of traffickers to foreign jurisdiction or into Nigeria accounts for the low collaboration network Nigeria has with foreign nations.

As beautifully drafted the TIPEA is, the practical enforcement and implementation of the rules of law provided in the Act is still a major challenge in Nigeria. Effective implementation of the law would translate into increase in security but this is not the situation in Nigeria. The level of insecurity and unrest has not depreciated thus every-man is left to fight for himself and God for us all. Behind NAPTIP's successes and assurance of a safe haven, its 2021 report reveals inconsistencies, weakness and unreliability in its actions. There is no accurate data to prove the validity of its activities as it relate to the total number of trafficked cases tried, number of convictions attained in the past few years, the total number of victims that have been rehabilitated and how NAPTIP has drastically eradicated TIP. The surge of trafficking, abduction, missing children's case, sexual offences, cross-border crimes and insecurity in the country still remains alarming as one would realize that having a beautifully couched law in not the end goal of combating crime but the actual eradication of it.

4.0 A REVIEW OF THE 2021 DATA ANALYSIS REPORT BY NAPTIP

The 2021 Data Analysis report by NAPTIP (National Agency for the Prohibition of Trafficking in Persons)[110] provides a comprehensive statistical overview of human trafficking

[108] Information extracted from website, NAPTIP Celebrates 2024, https://naptip.gov.ng/
[109] ibid
[110] 2021 Data Analysis report by NAPTIP (National Agency for the Prohibition of Trafficking in Persons) <https://naptip.gov.ng/wp-content/uploads/2022/06/2021-data-analysis.pdf> accessed 6 April 2025

cases, legal prosecutions, counseling, and rehabilitation efforts in Nigeria. This Report reveals notable limitations in depth, quantitative and qualitative insights, and actionable policy recommendations.

The 2021 NAPTIP Data Analysis Report adopts a quantitative approach, detailing cases reported, investigated, prosecuted, and victims rescued. It covers: Investigation & Monitoring (1,112 cases)[111]; Prosecution & Convictions (254 cases charged, 22 convictions)[112] and Counseling & Rehabilitation (1,470 victims rescued)[113]. Some identified strength of this report is that, in terms of comprehensive data, the disaggregation by gender, age, and state of origin of the crime highlights regional hotspots.[114] It has clear categorization of offenses (e.g., child abuse, forced labor, sexual exploitation)[115] which aligns with global trafficking frameworks like the UN Trafficking Protocol.

However, one major gap identified in the report is the qualitative limitations and under reporting as it lacks details of victim narratives or socio-economic backgrounds limits which should give an understanding of root causes of trafficking. It only provided numbers but lacks narratives on victims' backgrounds, recruitment methods, or socio-economic drivers. It also didn't give data on traffickers' networks (e.g., familial ties, transnational syndicates). Though the Report lists states with high trafficking (Benue, Akwa Ibom) but does not give baseline evaluations of high-risk zones in those states. Expected Improvement in further report are that reports could map trafficking routes (e.g., Benin-Nigeria-Libya) and correlate with poverty indices. The report further reveals the following:

4.1 Investigation and Monitoring: Trends in Reported Cases

The report documents a total of 1,112 cases reported to NAPTIP in 2021, with 'foreign travel promoting prostitution' accounting for the highest proportion (20.1%), followed by 'procurement of persons for sexual exploitation' (14.7%) and 'buying or selling of human beings' (11.7%).[116] Child abuse constituted 11.2% of reported cases, underscoring its prevalence within Nigerian society.[117] It also reveals gender disparities where 80% of rescued victims were female[118], reflecting gendered vulnerabilities linked to patriarchal norms and

[111] Ibid, pg 2-5
[112] Ibid, pg 6-8
[113] Ibid, pg 9-14
[114] Ibid, pg 10-12
[115] Ibid, pg 9-10
[116] 2021 Data Analysis report by NAPTIP, op cit pg 9
[117] ibid
[118] Ibid

economic marginalization; child trafficking report where 52.3% of victims were minors (0–17 years)[119], underscores failures in child protection laws such as the Child Rights Act 2003; and Transnational Trafficking with over 291 victims trafficked abroad (Libya, UAE)[120], revealing gaps in border control and bilateral agreements. It is observed that many other offenses, such as forced marriage and illegal adoption, had minimal reporting of (0.1%), raising questions about underreporting or societal normalization of these practices.[121] This suggests that cultural factors may inhibit victims from seeking legal recourse. Again, gender dynamics is at play where the report highlights gender disparities in victimization, with women disproportionately affected in cases like sexual exploitation and forced labor.[122] This reflects systemic vulnerabilities tied to gender inequality.

4.2. Arrests and Prosecution: Effectiveness of Legal Enforcement

NAPTIP arrested 779 suspected traffickers in 2021, with males constituting 57% of those apprehended.[123] However, only 36 cases were charged to court out of 254 received for prosecution—a mere 14% prosecution rate. Convictions were secured in just 22 cases[124] out of 254 cases charged, indicating systemic legal bottlenecks. It is critically observed that, the Low Prosecution Rates shows the disparity between arrests and prosecutions indicating systemic challenges in evidence gathering, judicial processes, or inter-agency collaboration. For instance, offenses such as child abuse had 18 cases received but none charged to court.[125] Also, gender representation is critically observed where women comprised a significant portion of traffickers in certain cases—such as buying or selling human beings for any purpose[126]—highlighting the complex roles individuals play in perpetuating trafficking networks. Then there is the issue of judicial efficiency as the report lacks detailed explanations for low conviction rates or case dismissals, which could inform policy improvements.

4.3. Counseling and Rehabilitation: Victim Support Mechanisms

[119] Ibid, pg 10. The Child trafficking case with the highest frequency is Child Abuse with a total number of 313 comprising of 98 Males and 215 Females.
[120] Ibid, pg 12. Out of 291, 239 were trafficked to Libya, followed by 20 to United Arab Emirate. 10 were trafficked to Algeria while 6 were trafficked to Burkina Faso.Mali Cyprus and Cambodia has the least number of trafficked victim with a total number of One (1) victim each etc
[121] Ibid, pg 10
[122] Ibid, pg 10
[123] Ibid, pg 4
[124] ibid
[125] 2021 Data Analysis report by NAPTIP, op cit pg 6
[126] Ibid, pg 4

In 2021, NAPTIP rescued 1,470 victims, with females constituting 86% of the total.[127] Child abuse victims accounted for the highest number (313), followed by victims trafficked for foreign travel promoting prostitution (288).[128] Critical observation include issues of age and gender vulnerabilities: The predominance of female victims across categories highlights systemic gender-based vulnerabilities exacerbated by poverty and societal norms. Also geographical distribution, where the report identifies state-level disparities in rescued victims but does not analyze why certain regions experience higher rates of trafficking. Also, the issue of rehabilitation programs, while the report mentions counseling efforts, it does not evaluate their effectiveness or long-term outcomes for reintegrating victims into society.

4.4 Policy Gaps and Recommendations

The report identifies offenses such as forced marriage, illegal adoption, and recruitment for organ harvesting but notes minimal reporting or enforcement actions against these crimes.[129]This suggests gaps in public awareness or enforcement mechanisms and **le**gislative weaknesses, as some offenses may lack robust legal definitions or enforcement protocols. Thus, indicating a need for targeted awareness campaigns that educate citizens about their rights under family law and international collaboration in that strengthening partnerships with global organizations could enhance Nigeria's capacity to combat cross-border trafficking.

4.5. Gender Dynamics Across Trafficking Networks

The report reveals nuanced gender roles among traffickers and victims. For example: Female traffickers were disproportionately involved in offenses like buying/selling human beings.

Male traffickers dominated roles involving fraudulent entry of persons.[130] It os observed that there is a need to consider how socio-economic factors intersect with trafficking dynamics; policy interventions addressing gender-specific vulnerabilities tailored towards interventions that empower women economically while dismantling patriarchal norms.

4.6. Victim Demographics and Rehabilitation Efforts

[127] Ibid, pg 9
[128] Ibid, pg 9
[129] Ibid, pg 5
[130] 2021 Data Analysis report by NAPTIP, op cit, pg 4

The report provides valuable data on victim demographics, revealing that out of 1,470 victims rescued, 1,266 (86%) were females.[131] This stark gender disparity underscores the disproportionate impact of human trafficking on women and girls in Nigeria. Critical observations include, age distribution. The report shows that 47.8% of victims were between 18-27 years old, highlighting the vulnerability of young adults. However, the significant number of victims under 18 (52.3%) raises serious concerns about child trafficking and exploitation.[132] Also, geographical patterns where the state distribution of rescued victims reveals hotspots like Benue (12.3%), Akwa-ibom (6.7%), and Ogun (6.3%).[133] This data could inform targeted interventions and resource allocation for anti-trafficking efforts. Also, the report shows rehabilitation gaps. While the report mentions counseling services, it lacks detailed information on the nature, duration, and effectiveness of rehabilitation programs. This omission limits our understanding of victim reintegration outcomes.

4.7. International Dimensions of Trafficking

The report touches on external trafficking, noting that victims were rescued from various countries, with Burkina Faso (21.1%) and Mali (25.8%) being the most prominent[134]. Critical observations rest on how regional cooperation has been explored to combat trafficking. The high number of victims rescued from neighboring countries suggests a need for enhanced regional cooperation in combating trafficking networks. Also, a Root Cause Analysis should be performed where the report could benefit from an exploration of push factors driving Nigerian citizens to migrate under risky circumstances, such as economic constrain or conflict. Also, repatriation challenges, as the data on external trafficking raises questions about the repatriation process and international legal frameworks governing victim protection across borders.

4.8. Legal and Policy Implications

The low prosecution rates (only 39 cases charged to court out of 254 received)[135] and the limited number of convictions (22)[136] highlight significant challenges in the legal response to human trafficking. Critical Observations reveals procedural bottlenecks. The report fails to analyze reasons for the low prosecution rates, such as evidentiary challenges, witness

[131] Ibid, pg 9
[132] Ibid, pg 10
[133] Ibid, pg 10,11
[134] Ibid, pg 13
[135] 2021 Data Analysis report by NAPTIP, op cit, Pg 7
[136] ibid

protection issues, resource constraints in the judicial system, or lack of inter-agency coordination etc. The data on various offenses could inform potential amendments to existing anti-trafficking laws, ensuring they adequately address emerging trends. The referral of cases to other agencies (such as the Police, Ministry of Women Affairs) suggests a need for improved coordination mechanisms among government bodies.

4.9. Data Collection and Reporting Methodologies

While the report provides extensive quantitative data, there are areas where the methodology and data presentation could be enhanced. Critical Observations finds that longitudinal analysis should be explored where the 2021 report would benefit from year-on-year comparisons to identify trends and assess the impact of interventions over time.[137] Also, qualitative insights, incorporating case studies or qualitative data could provide deeper insights into the complexities of trafficking cases and victim experiences. And also, data visualization could be enhanced with the use of charts and graphs which could improve the accessibility and impact of the statistical information presented.

5.0 Conclusion & Recommendations

The 2021 NAPTIP Data analysis have revealed the existing gaps between having a tailored legal framework from an effective and workable institutional framework. The Report so far has revealed unique cases of intra-family exploitation, with cases like "abduction from guardianship" exposing familial complicity, challenging cultural norms of parental authority, abuse and exploitation of children and women and the weak institutional framework for curing this anomalies. We therefore make the following recommendations, which are in-exhaustive, as a way forward for the Nigeria Society in combating trafficking:

In combating trafficking NAPTIP should intensity its effort on prevention and not only prosecution. The Crime of TIP is not well known to a lot of young persons and children in Nigeria hence the need for intense public awareness in schools, jingles on radios and televisions and social media handles in increasing proportion. Public awareness programmes needs to executed so that young people and children will not only be aware of this menace but be taught ways of protecting themselves. It is not enough to enact laws and establish institutions, the government should make conscientious efforts to eradicate this crime. The NAPTIP should be vigorously involved in community sensitization, engaging local leaders to

[137] Emphasis by authors

identify and report trafficking hotspots. Arm the populace with emergency numbers through which law enforcement agencies can be contacted in case of suspected trafficking. Such numbers should be well-known and easy to remember, like the '911" code in the United States of America.

The need for improving NAPTIP's intelligent gathering mechanism on attempted trafficking. The Nigerian Security Agencies are not known for being proactive in crime prevention but re-active after a crime has been committed after the damage has been done, hence they fail many times in catching the right perpetrator who may be long gone from the crime scene. NAPTIP should have eyes in every town in Nigeria, increase its intelligent quotient in information gathering of syndicates' location and activities and optimize its collaboration with other agencies, community leaders, and local security agencies like AMOTEKUN. The need for Community Engagement is to leverage on traditional leaders for grassroots anti-trafficking education; along with the expansion of transnational partnerships to disrupt trafficking routes and improved regional cooperation with the strengthened ECOWAS protocols on cross-border trafficking.

There is need to improvement its prosecution process which will commence with judicial training on TIP laws. There is a need for training, re-training and sensitization of all government officials, all law enforcement personnel including customs and immigration, prosecutors, the Police Force, NAPTIP officials and other relevant officials on the prevention of TIP and related offences, especially on emerging trends and various ways of detection, investigation and prosecution. Integration of forensic investigative procedures is necessary to strengthen cases so as to achieve higher conviction rates due to better evidence handling.

Inconsistency in the legal framework should be eradicated so as to give room for smooth interpretation and application; however, the new trend of trafficking should be grafted into the TIPEA to enable thorough prosecution of TIP related offences. The Penal Code limitation of liability of traffickers on the grounds of guardian's consent must be expunged to give room for an all encompassing and equitable justice administration. We recommend that there should be legal harmonization of all regulations on this subject, aligning state-level Child Rights Laws with federal TIPPEA Act.

There should be Victim-Centered Justice, where planned witness protection will be fully implemented and the adoption civil remedies for restitution. To improve victims protection there is need to upgrade shelter standards and conscientious programmes geared towards

rehabilitation; economic empowerment of victims which includes vocational training and biometric registration which would assist in monitoring victims reintegration into the society and tracking to prevent re-trafficking and recividism. In addition to the recommendations made in this discussions, this paper recommends the allocation of adequate budgets to sustain NAP activities beyond 2025, especially as regards victim reintegration.