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UNTOC and Nigerian Legal Frameworks: Way Forward to Strengthen Transnational Responses to Human Trafficking

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Abstract

The study examined transnational cooperation in addressing human trafficking in Nigeria and the implementation of the United Nations Convention against Transnational Organized Crime (UNTOC). Human trafficking in Nigeria involves forced child labor, domestic servitude, sexual exploitation and coercive adult labor, affecting both internal and cross-border populations. Legal frameworks, including the 1999 Constitution, the Child Rights Act 2003 and the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, establish protection for victims and penalties for offenders. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) coordinates enforcement, victim support and international collaboration, yet operational limitations, corruption and uneven coordination reduce effectiveness. UNTOC provides mechanisms for mutual legal assistance, extradition, joint investigations and information sharing, offering pathways for cross-border enforcement. Nigerian engagement with international partners has improved intelligence exchange and investigative capacity, though delays and institutional fragmentation allow traffickers to exploit legal gaps. The study reviewed statutory instruments, institutional reports and enforcement practices to assess the effectiveness of national and international anti-trafficking measures. Findings indicated that gaps remain in funding, personnel training, victim rehabilitation and harmonization of domestic laws with UNTOC provisions. The researchers recommended the need to strengthen inter-agency coordination, expand resources for NAPTIP, harmonize legislation and enhance survivor support programs. These measures will reduce trafficking risks, improve prosecution of offenders and support victim recovery.

Keywords: Human trafficking, UNTOC, Transnational cooperation, Nigeria, NAPTIP, Victim protection, Cross-border enforcement.

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Introduction

Human trafficking has emerged as a critical concern for nations worldwide, involving the recruitment, transportation and exploitation of individuals through coercion, deception, or abuse of power. In Nigeria, the phenomenon affects men, women and children in both internal and external contexts, challenging the capacity of national institutions to provide protection and enforcement. Traditional perceptions that trafficking primarily involves the movement of women for sexual purposes no longer capture the full scope of the problem. Contemporary evidence shows that children are denied the privileges of childhood, women face sexual exploitation and men encounter forced labor in domestic and international settings.[1] Measuring the prevalence of trafficking remains difficult due to its covert nature, the mobility of victims and variations in legal definitions. International legal frameworks provide definitions and standards for addressing trafficking. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted in 2003, specifies that trafficking involves recruitment, transportation, transfer, harboring, or receipt of persons through coercive means for purposes of exploitation.[2] Exploitation includes forced labor, sexual exploitation, servitude and organ removal.

Nigerian obligations under international law are reinforced by ratification of instruments such as the Universal Declaration of Human Rights (1948), the Convention on the Rights of the Child (1989), the ILO Forced Labour Convention (1930) and the ECOWAS Plan of Action Against Trafficking (2001).[3] These instruments provide a foundation for the development of national legislation to prevent trafficking, prosecute offenders and protect victims. The Nigerian legal framework combines constitutional, statutory and international measures. The 1999 Constitution of the Federal Republic of Nigeria guarantees protection against slavery, forced labor and violations of personal liberty.[4] Section 17 outlines the principles of equality, social welfare and human dignity, with a specific mandate to prevent exploitation and protect vulnerable groups, including children and the aged. The Child Rights Act (CRA) 2003 extends these protections, criminalizing abuse, torture and forced labor of individuals under 18 years and establishing the parameters for child welfare interventions.[5] The Trafficking in Persons (Prohibition) Enforcement and Administration Act (TIPPEA) 2015 operationalizes anti-trafficking measures, covering recruitment, transportation and exploitation of all age groups and providing provisions for victim protection and cooperation with foreign authorities.[6] These laws collectively create multiple layers of protection, though enforcement gaps remain, particularly concerning adult victims and evolving trafficker strategies.[7]

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[1] S K Kigbu and Y B Hassan, 'Legal Framework for Combating Human Trafficking' (2015) 38 *Journal of Law, Policy and Globalization* 205-220.

[2] United Nations Office on Drugs and Crime, 'Implementation of the UNTOC Review Mechanism' (2020), available at https://www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/home.html.

[3] B Ayodele, S A Akinleye and A A Muhammad, 'Implementation of ECOWAS Plan of Action Against Trafficking in Persons (2018-2022) in Nigeria: An Appraisal' (2024) 5(3) *Indiana Journal of Humanities and Social Sciences* 23-31.

[4] Constitution of the Federal Republic of Nigeria (CFRN 1999), Cap. C23, *ss* 34, 4.

[5] *Child Rights Act* (CRA 2003). Cap. C50, Laws of the Federation of Nigeria.

[6] Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 (TIPPEA 2015), *ss* 1, 13.

[7] D Arinze-Umobi, C Nwogu and O Ojobor, 'Offences Created in the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015' (2021) 2(1) *Law and Social Justice Review* 132-138. C Nwabachili and C Iloka, 'Trafficking of Women and Children vis-à-vis the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015' (2023) 5(1) *COOU Journal of Private and Public Law* 184-196.

Trafficking in Nigeria manifests in several forms. Forced or exploitative child labor is common, often involving children in domestic work, industrial settings, or street vending due to poverty or lack of parental supervision. The CRA prohibits such labor and prescribes fines and imprisonment for violators, while the TIPPEA Act sets custodial sentences for employment that endangers children physical or psychological development.[8] Domestic servitude involves coercion of both children and adults into household labor, with similar penalties under TIPPEA and CRA. Adults, especially migrants, encounter exploitation in labor markets where limited regulation, discrimination and economic vulnerabilities exist, making them susceptible to involuntary servitude.[9] Sexual exploitation represents a significant dimension of trafficking, with Nigerian women and children subjected to prostitution and pornography. Laws prohibit procuring individuals for sexual purposes, with custodial penalties extending up to life imprisonment in cases involving minors.[10]

The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) serves as Nigerian principal enforcement body, established to investigate trafficking offenses, provide victim care and prosecute offenders.[11] NAPTIP engages in awareness campaigns, rehabilitation initiatives and cooperation with international organizations, including the UNODC and INTERPOL.[12] Despite these interventions, challenges remain. Cross-border coordination is inconsistent and delays in mutual legal assistance or extradition reduce the effectiveness of investigations.[13] Resource limitations constrain NAPTIP ability to expand rehabilitation programs, maintain surveillance equipment, or provide forensic support necessary for dismantling organized trafficking networks.[14] Instances of corruption within law enforcement and judicial delays undermine deterrence, allowing traffickers to exploit procedural gaps.[15]

Victim identification and protection also face limitations. Personnel handling survivors often lack specialized training and reintegration programs provide minimal economic or social support, increasing the risk of re-trafficking.[16] Legal and institutional fragmentation reduces enforcement capacity. Conflicting mandates between police, immigration and customs authorities create operational inefficiencies, while domestic legislation does not fully align with UNTOC provisions, leaving loopholes traffickers can exploit.[17] Consequently, traffickers can transfer victims across borders with reduced risk and victims frequently experience delayed justice and limited access to protective

[8] CRA, 2003, s. 28; TIPPEA, 2015, s. 23.
[9] TIPPEA (6) s. 22.
[10] CRA, 2003 (n5), ss. 30-31; TIPPEA, 2015 (n6), ss. 15-16.
[11] Federal Republic of Nigeria (FRN, 2003). *Trafficking in persons (Prohibition) enforcement and administration Act.*
[12] F Akinmoladun and B Ojo, *Collaboration and Challenges in Nigeria Anti-Trafficking Response: A Review of NAPTIP Operations* (2018).
[13] K H Manurung and H Prasetyo, 'Peran Mutual Legal Assistance dalam Memerangi Kejahatan Transnasional Penangkapan Ikan Secara Ilegal di Indonesia' (2024) 1(July) *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 93-99. K J Mahadewi, 'Human Trafficking, Kejahatan Transnasional dalam Perspektif Prinsip Nasional Aktif di Indonesia' (2023) 12(1) *Fundamental: Jurnal Ilmiah Hukum* 244-260.
[14] J Maitland, 'Long-Term Victim Rehabilitation: Challenges in Nigerian Anti-Trafficking Programs' (2016).
[15] KPK RI, 'Kinerja KPK 2020-2024' (2024), available at https://www.kpk.go.id/id/ruang-informasi/berita/kinerja-kpk-2020-2024-tangani-2730-perkara-korupsi-lima-sektor-jadi-fokus-utama. Akinmoladun (n12).
[16] A Alfian, 'Upaya Perlindungan Huku terhadap Korban Tindak Pidana Perdagangan Orang: Legal Protection Against Crime Victims of Human Trading' (2015) 9(3) *Fiat Justisia Jurnal Ilmu Hukum* 331-339.
[17] Badan Pembinaan Hukum Nasional, 'Laporan Kinerja Badan Pembinaan Hukum Nasional' (2019), available at https://bphn.go.id/data/documents/buku_dphn_final_2019_watermark_rev.pdf

services. The United Nations Convention against Transnational Organized Crime (UNTOC) and its protocols provide mechanisms for states to cooperate in addressing trafficking. UNTOC obliges member states to enact criminal laws against organized crime, corruption and money laundering while maintaining flexibility to accommodate domestic legal systems.[18]

The convention includes provisions for extradition, mutual legal assistance, joint investigation teams, special investigative techniques and information sharing among competent authorities. The Trafficking Protocol under UNTOC emphasizes victim protection, assistance and reintegration, encouraging states to implement support programs and legal processes for survivors.[19] Migrant smuggling, a related offense, is also addressed to prevent abuse during cross-border movements.[20] Nigerian ratification of UNTOC and engagement with international partners reflects recognition that trafficking networks exploit gaps in national systems. Implementation of UNTOC-based approaches in Nigeria has been uneven. Challenges include inconsistencies in domestic law, limited technical capacity, inadequate funding and insufficient cross-border cooperation.[21] Traffickers exploit these weaknesses, moving victims through multiple jurisdictions and prosecutions often face delays or dismissal due to gaps in evidence collection. Despite progress in training personnel, establishing victim rehabilitation programs and participating in joint operations, Nigeria continues to experience increases in child abduction, domestic servitude and sexual exploitation.[22]

The convergence of domestic law, international instruments and institutional efforts demonstrates the multi-layered structure of anti-trafficking measures in Nigeria. Constitutional provisions establish the principles of dignity and freedom; statutory laws operationalize protective mechanisms and international instruments such as UNTOC provide frameworks for cross-border cooperation. This combination seeks to limit impunity and enhance victim protection, though persistent enforcement gaps, resource constraints and institutional challenges continue to hinder full effectiveness. This study aims to examine the role of transnational collaboration under the UNTOC framework in strengthening Nigerian anti-trafficking response.

Theoretical Framework on Human Trafficking

1. Organized Crime Theory

Organized Crime Theory propounded by Cressey (1969),[23]explains the operation of networks that carry out illegal activities spanning multiple countries. These networks conduct trafficking and other illicit trades through coordinated structures, exploiting weak

[18]A Haider, U Yousaf, N H Shah and W Azeem, 'UNTOC Role in Combating Transnational Organized Crime: An International Response' (2024) 3(8) *Pakistan Journal of Law, Analysis and Wisdom* 178-188.

[19]Alfian, (n16).

[20]T Baird, 'Defining Human Smuggling in Migration Research: An Appraisal and Critique' (2016) RSCAS Research Paper No 30.

[21]K H Manurung and H Prasetyo, 'Peran Mutual Legal Assistance dalam Memerangi Kejahatan Transnasional Penangkapan Ikan Secara Ilegal di Indonesia' (2024) 1(July) *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 93-99. K J Mahadewi, 'Human Trafficking, Kejahatan Transnasional dalam Perspektif Prinsip Nasional Aktif di Indonesia' (2023) 12(1) *Fundamental: Jurnal Ilmiah Hukum* 244-260. J Maitland, 'Long-Term Victim Rehabilitation: Challenges in Nigerian Anti-Trafficking Programs' (2016).

[22]National Agency for the Prohibition of Trafficking in Persons, 'NAPTIP Annual Report' (2021), available at https://naptip.gov.ng/download/naptip-2021-annual-report/

[23]D R Cressey, *Theft of the Nation: The Structure and Operations of Organized Crime in America* (Harper & Row 1969).

legal systems and differences in enforcement across states.[24] Transnational organized crime (TOC) involves activities that move beyond national borders, such as human trafficking, drug smuggling, money laundering and arms trafficking, often motivated by financial gain, political influence, or social factors.[25] Early attempts by Europol and Interpol to quantify organized crime groups failed due to their fluid organization and absence of common identification methods, leading to a focus on criminal activity patterns rather than group enumeration. In Nigeria, human trafficking networks operate as large cartels, using sophisticated methods to avoid law enforcement detection. These groups exploit legal gaps and poor judicial enforcement, creating conditions where traffickers perceive themselves as above the law. In Southeast Asia, similar patterns have emerged, with organized crime networks leveraging weak institutional oversight for drug and human trafficking. UNTOC provisions encourage sharing intelligence on trends in organized crime, supporting national authorities in identifying, investigating and disrupting trafficking networks.[26] Organized Crime Theory clarifies how criminal enterprises maintain continuity, adapt to enforcement challenges and sustain transnational operations, making coordinated national and international responses necessary to limit their reach and effectiveness. This theory is relevant as it explains how trafficking networks in Nigeria operate across borders, guiding the analysis of their structure, coordination and methods

2. Criminal Law Theory

Criminal Law Theory propounded by Bentham (1789),[27]frames trafficking as a legal violation subject to prosecution based on defined principles of liability and enforcement. The Nigerian Trafficking in Persons (Prohibition) Enforcement and Administration Act (TIPPEA) 2015 criminalizes recruitment, transportation, or harbouring of persons through coercion, fraud, or abuse of authority for exploitation.[28] Internationally, the Palermo Protocol defines trafficking similarly, including recruitment, transfer, or receipt of persons by force, fraud, or exploitation for sexual, labor, or other purposes.[29] Criminal Law Theory emphasizes the exercise of jurisdiction and the capacity to prosecute offenses that cross borders. Universal jurisdiction allows states to pursue perpetrators of crimes committed elsewhere, while transnational cooperation ensures law enforcement across borders.[30] Nigerian anti-trafficking enforcement faces challenges such as low investigation and conviction rates; for example, in 2018, only 19% of reported cases were fully investigated, with 50 convictions achieved.[31] Legal frameworks like the US Trafficking Victims Protection Act (2000) classify trafficking into sex and labor

[24]J Albanese, *Organized Crime in Our Times* (6th edn, Routledge 2014).
[25]S O Erring, 'Trans-Border Crimes and Its Socio-Economic Impact on Developing Economies' (2011) 2(2) *Journal of Sociology and Anthropology* 78-82.
[26]L Shelley, *Human Trafficking: A Global Perspective* (Cambridge University Press 2010).
[27]J Bentham, *An Introduction to the Principles of Morals and Legislation* (Oxford University Press 1789).
[28]G U Kwangyang, 'A Study on the Adequacy of the Legal Framework Against Child Trafficking in Nigeria' (2016).
[29]Trafficking Victims Protection Act 2000 (as reauthorized 2003, 2005, 2008, 2013, 2017, 2018).
[30]C Fournet, 'International Criminal Law Review: Editorial' (2008) 8(3) *International Criminal Law Review* 389-390. I Rustam, K R Sabilla, K Rizki and H N Estriani, 'Kejahatan Lintas Negara Perdagangan Orang: Studi Kasus Pekerja Migran Asal Nusa Tenggara Barat' (2022) 7(1) *Indonesian Perspective* 102-107.
[31]National Agency for the Prohibition of Trafficking in Persons, 'NAPTIP Celebrates World Day Against Trafficking in Persons 2021 in Edo State' (2021), available at https://naptip.gov.ng/naptip-celebrates-world-dayagainst-trafficking-in-persons-2021-in-edo-state/

categories, guiding prosecutions.[32] Criminal Law Theory supports mechanisms for investigation, evidence sharing and extradition, which are necessary to hold offenders accountable despite national boundaries and complex criminal networks.[33] This theory informs the study by highlighting legal principles, prosecution mechanisms and enforcement frameworks essential for addressing human trafficking offenses

3. International Cooperation Theory

International Cooperation Theory by Keohane (1984),[34] addresses the need for collaboration among states to manage cross-border crime effectively. UNTOC Article 27 encourages states to establish channels for secure information exchange, joint investigations and sharing operational methods used by traffickers.[35] The Trafficking Protocol (Article 10) obliges authorities to exchange information on victims, perpetrators and travel documents, supporting investigations (UN, 2000). Human trafficking often involves migration routes where actors operate both as smugglers and traffickers, generating secondary exploitation. Cooperation enhances the ability of authorities to track offenders, gather evidence and harmonize legal measures.[36] In Nigeria, NAPTIP collaborates with international entities such as the UNODC and IOM to strengthen prosecution, protection and preventive initiatives.[37] Cross-border collaboration also addresses the limits of national jurisdiction, as Article 4(2) of UNTOC prohibits unilateral law enforcement in another state.[38] Information sharing, extradition agreements and coordinated investigations reduce the operational space for traffickers and align national responses to transnational threats.[39] International Cooperation Theory positions collaboration not as an auxiliary function but as the mechanism through which transnational crimes can be traced, investigated and prosecuted effectively. This theory underpins the research by emphasizing the role of cross-border collaboration, information exchange and joint investigations in combating transnational trafficking.

UNTOC Transnational Approaches to Combat Human Trafficking

The United Nations Convention against Transnational Organized Crime (UNTOC), adopted in 2000, provides legal mechanisms for States to address criminal activities that extend beyond national borders. The convention covers offenses including human trafficking, migrant smuggling, drug trafficking, money laundering and corruption.[40] UNTOC establishes minimum standards for criminalization, international cooperation and victim protection. Its

[32]International Organization for Migration, 'Nigeria: Trafficking in Persons (TiP) Report' (2020), available at https://nigeria.iom.int/sites/default/files/publication/2020.03.17%20IOM%20Nigeria%20TiP%20Report%20-%20ENG.pdf.

[33]A Haider, 'Beyond Borders and Bars: Exploring the Transformative Influence of the UN Convention Against Transnational Organized Crime' (2023) 2 *PJLAW*. A Muhammad, A Affan and A Rahmah, 'Evolusi Hukum Pidana dalam Konteks Globalisasi: Tinjauan Literatur' (2024) 5(2) *Jurnal Hukum Ius Publicum* 121-135.

[34]R O Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton University Press 1984).

[35]Trafficking Victims Protection Act 2000 (as reauthorized 2003, 2005, 2008, 2013, 2017, 2018).

[36]M C Bassiouni, *International Extradition: United States Law and Practice* (6th edn, Oxford University Press 2014).

[37]Haider (n18).

[38] United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime* (2000) art 4(2).

[39] A Burhanuddin, 'Perdagangan Manusia (Human Trafficking) Transnasional sebagai Ancaman Keamanan Maritim di Selat Malaka' (2023) 1(4) *Journal Ilmu Hukum dan Sosial* 101-112.

[40]A P Arindrayani and S Anabarja, 'Kejahatan Terorganisir Transnasional: Penyelundupan Manusia dalam Jaringan Snakeheads Cina' (2024) 8(2) *Intermestic: Journal of International Studies* 449-473.

adoption reflects the recognition that organized crime networks exploit gaps in domestic legal systems and that national responses alone are often insufficient.[41] UNTOC defines organized crime as any act conducted by a structured group for material or financial gain. It obliges States to enact criminal laws against involvement in organized crime, money laundering and corruption. The convention does not prescribe specific procedures, allowing each State to implement provisions according to its legal and administrative context.[42] This flexibility permits alignment with domestic systems while establishing obligations for international collaboration.

Extradition and mutual legal assistance form the foundation of UNTOC cooperation measures. Article 16 addresses extradition for offenses covered by the convention, including serious crimes committed by organized groups. Extradition may proceed under existing treaties or directly under UNTOC provisions. Article 18 obliges States to provide the broadest mutual legal assistance in investigations, prosecutions and judicial proceedings related to covered offenses. Assistance includes obtaining evidence, tracking proceeds of crime and sharing intelligence on offender networks. Article 19 permits the establishment of joint investigation teams through specific agreements or ad hoc arrangements, while Article 20 authorizes special investigative techniques, including electronic surveillance and controlled deliveries. Article 26 allows the use of undercover operations and informants. Article 27 encourages States to create or enhance communication channels among competent authorities to facilitate the exchange of operational information, coordinate inquiries and analyze offender behavior.[43]Migrant smuggling is addressed under UNTOC as the illegal transportation of persons across borders, often exposing them to abuse or exploitation. States are expected to implement legal frameworks to prevent smuggling, investigate offenders and protect victims.[44] Information exchange assists authorities in monitoring organized crime networks that exploit migration routes. Cooperation enables law enforcement agencies to detect smuggling patterns and prosecute responsible groups even when operations extend into multiple jurisdictions.

Human trafficking is a key concern under UNTOC. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted in 2003, provides specific measures for identifying and prosecuting trafficking offenses. Trafficking involves recruitment, transportation, transfer, harboring, or receipt of individuals through force, coercion, fraud, or abuse of power for the purpose of exploitation.[45] Exploitation includes forced labor, sexual exploitation, servitude and organ removal. The cross-border nature of trafficking presents challenges in jurisdiction, evidence collection and prosecution. Victims are often recruited in one country, transported through another and exploited in a third. National authorities frequently lack the jurisdiction or capacity to investigate offenses that originate abroad, allowing trafficking networks to operate with reduced risk.[46]UNTOC facilitates coordinated responses to trafficking and other organized crimes. States share intelligence, monitor suspect movements and conduct joint investigations to disrupt criminal

[41]P Feronica, 'Peran United Nations Office on Drugs and Crime dalam Menangani Kasus Perdagangan Manusia Menurut Hukum Internasional' (2024) 13(5) *Jurnal Fakultas Hukum UNSRAT* 1-11.
[42]Haider (n18).
[43] United Nations (n 38).
[44]Baird (n20).
[45]United Nations Office on Drugs and Crime, 'Implementation of the UNTOC Review Mechanism' (2020), available at https://www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/home.html.
[46]Anti-Trafficking Alliance, 'Beyond Borders: Trafficking in the Context of Migrant Labour and Worker Rights' (2017), available at http://www.gaatw.org.publication.report.pdf.

networks.[47] Law enforcement agencies can consolidate information on operations, financial transactions and patterns of exploitation. Extradition ensures that offenders cannot evade justice by moving between jurisdictions.[48] These mechanisms support prosecutions and enhance the ability of States to dismantle transnational networks.

The convention also promotes the development of national institutions and policies. Some States have established specialized law enforcement units, adopted new legislation and provided training to personnel involved in criminal investigations and prosecutions.[49] International partnerships have emerged to facilitate experience sharing, joint operations and coordination of prosecutions. These measures improve the capacity of States to respond to organized crime activities that exceed national boundaries. Technical assistance provided through UNTOC supports the implementation of electronic surveillance, controlled deliveries and other investigative methods. Victim protection is incorporated within UNTOC and its protocols. The Trafficking Protocol emphasizes the identification, assistance and reintegration of victims of trafficking and other crimes. States are encouraged to create mechanisms for victim support, including social services, legal assistance and programs to facilitate participation in investigations or prosecutions.[50] Countries with limited resources face challenges in fully operationalizing these measures, creating gaps between legal obligations and practical outcomes.

Implementation challenges vary among States due to differences in legal systems, political priorities and institutional capacities.[51] Some countries struggle with coordination between law enforcement, prosecution and judicial institutions. Obtaining evidence from foreign jurisdictions may be difficult, particularly in regions with weak enforcement mechanisms. Despite these challenges, UNTOC provides tools that reduce opportunities for impunity and create formal pathways for cooperation. Joint investigations, mutual legal assistance and extradition provide means to pursue organized crime groups beyond the limits of domestic law. UNTOC has influenced policy development in member States. Countries have developed strategies, enacted legislation and trained personnel to enhance responses to organized crime. International cooperation has enabled authorities to trace financial flows, identify criminal operations and apprehend offenders.[52] By linking domestic measures with cross-border coordination, UNTOC creates a foundation for addressing trafficking, smuggling and other transnational crimes. The convention allows States to exchange information, track offenders and coordinate law enforcement operations while maintaining flexibility in procedural implementation.

The adoption of UNTOC and its protocols reflects the need for cooperative mechanisms in criminal justice. By setting minimum standards for criminalization, extradition, legal assistance and victim protection, UNTOC reduces legal loopholes exploited by organized crime networks. Ratifying States commit to enforcing criminal provisions, collaborating with other States and enhancing institutional capacities. These obligations limit the ability of offenders to evade justice and support the prosecution of transnational criminal

[47]Haider (n 37).
[48]A Haider, 'Beyond Borders and Bars: Exploring the Transformative Influence of the UN Convention Against Transnational Organized Crime' (2023) 2 *PJLAW*.
[49]J Van Dijk, 'Mafia Markers: Assessing Organized Crime and Its Impact upon Societies' (2007) 10 *Trends in Organized Crime* 39-56.
[50]Alfian, (n16).
[51]R Fitriah and H Yusuf, 'Indonesia Implications of International Law on Handling of Money' (2024) 1(9) *Jurnal Intelek Insan Cendikia* 5340-5356.
[52]Haider (n18). Feronica (n41).

activities.[53] UNTOC has redefined the approach to organized crime by establishing legal obligations for States to cooperate in investigations, prosecutions and preventive measures. Its framework links national criminal laws with procedures for international collaboration. Member States exchange information, coordinate investigations and provide extradition for offenses committed beyond their borders. The Trafficking Protocol offers additional protection for vulnerable individuals, emphasizing assistance, recovery and participation in justice processes. These measures reduce the operational freedom of organized crime networks and facilitate a consistent response to trafficking and related offenses in multiple jurisdictions.

The Nigerian Approaches to Combat Human Trafficking

The Constitution of the Federal Republic of Nigeria (CFRN), 1999, establishes protections against slavery, forced or compulsory labour, sexual exploitation and restrictions on personal liberty.[54] Section 17 provides that the social order of the state is founded on freedom, equality and justice. Every citizen is entitled to equality of rights, obligations and opportunities before the law, the sanctity of the human person is recognized and human dignity is to be maintained and enhanced.[55] Section 17(3)(f) mandates the prevention of exploitation and requires the state to protect children, young persons and the aged from abuse. Section 34 of the CFRN safeguards human dignity by prohibiting torture, inhuman or degrading treatment, slavery, servitude and forced or compulsory labour.[56] Section 42 emphasizes the right to freedom from discrimination (CFRN, 1999, s 42(2)) and the Constitution is supreme, rendering inconsistent laws void to the extent of the inconsistency.[57] Its provisions are binding on all persons and authorities in Nigeria.[58]

The Child Rights Act (CRA) 2003 extends these protections to children by applying Chapter IV of the CFRN to the Act.[59] Section 11 of the CRA grants every child the right to respect for human dignity, prohibiting physical, mental, or emotional injury; abuse or neglect; torture or degrading treatment; attacks on honor or reputation; and slavery or servitude.[60] The CRA defines a child as a person under 18 years of age (CRA, 2003, s 277) and provides that no child shall be separated from their parents against their will, except when necessary for education, welfare, or judicial determinations in the child best interest.[61] The Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 (TIPPEA Act 2015), establishes the primary legal framework for preventing, detecting, prosecuting and punishing human trafficking. Its objectives include protecting victims and promoting cooperation at national and international levels.[62] Section 13 prohibits all acts of human trafficking, states that consent of the victim is irrelevant where prohibited means are applied (s 13(5)) and provides that trafficking of a child constitutes

[53] D Jubaidi and K Khoirunnisa, 'The Adaptation of Criminal Law in Addressing Transnational Organized Crime: Implementation of UNTOC at the National Level' (2024) 6(2) *Journal of International Studies on Energy Affairs* 124-143.
[54] CFRN, 1999 (n4).
Ibid s 17(1).
[55] ibid, s 17(2)(a)-(b).
[56] ibid s 34(a)- (c).
[57] ibid, s 1(3).
[58] ibid, s 1(1).
[59] CRA, (n5), s 3.
[60] ibid, s 11(a)- (d).
[61] ibid, s 14(a)- (b).
[62] TIPPEA (n6), s 1(a)-(c).

an offense regardless of the means employed.[63] The Act addresses the exploitation of individuals of all ages but includes specific provisions for children.

Scholarly critique has identified limitations in the TIPPEA Act 2015. Research points out that its scope largely focuses on persons under 18, leaving adults and other vulnerable groups exposed to exploitation.[64] They argue that definitions of trafficking offenses remain unclear, increasing potential for legal ambiguity. Researchers call for updates to reflect changes in trafficker strategies and recommend stricter sanctions for offenses, including the removal of fines as alternatives for sex trafficking crimes.[65] The authors acknowledge practical challenges in applying custodial-only sentences due to the cost of prison administration, a concern.[66]Nigeria has ratified multiple international instruments against human trafficking, including the Universal Declaration of Human Rights (UN, 1948), the Convention on the Rights of the Child (UN, 1989), the Forced Labour Convention (ILO, 1930), the ECOWAS Declaration and Plan of Action Against Trafficking in Persons (ECOWAS, 2001), the Optional Protocol to the Convention on the Rights of the Child on Sale of Children, Child Prostitution and Child Pornography (UN, 2002) and the Memorandum of Understanding with the Republic of Benin (2003). These ratifications bind Nigeria to the prevention of trafficking and protection of victims through national legislation.

Victims are trafficked in Nigeria and across borders for domestic servitude, forced labour, prostitution and bonded labour. Many are women and children, although adult males are also vulnerable.[67] Children from neighboring countries, including Benin and Togo, are brought into Nigeria for domestic servitude and other exploitative labour. NAPTIP reported increases in child abduction across the country in 2022.[68] Recruitment often involves deception, coercion, or removal from parental care in violation of the CRA.[69] TIPPEA and CRA provisions work together to provide protection, prosecution mechanisms and a legal basis for victim care. The combined constitutional, statutory and international instruments create a layered legal framework that prohibits trafficking, protects victims and criminalizes exploitative practices. The CFRN enshrines basic human rights, the CRA secures child-specific protections and the TIPPEA Act operationalizes national anti-trafficking measures. Gaps in enforcement and legal clarity remain areas of concern, particularly regarding adult victims and the evolving tactics of traffickers.[70]

[63] Ibid, s 13(6).

[64]D Arinze-Umobi, C Nwogu and O Ojobor, 'Offences Created in the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015' (2021) 2(1) *Law and Social Justice Review* 132-138.

[65]C Nwabachili and C Iloka, 'Trafficking of Women and Children vis-à-vis the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015' (2023) 5(1) *COOU Journal of Private and Public Law* 184-196.

[66]G A Oladele and O A Orifowomo, 'Legal and Institutional Framework for Combating Trafficking in Persons in Nigeria' (2017) 5 *Africa Nazarene University Law Journal* 49.

[67]National Agency for the Prohibition of Trafficking in Persons, 'NAPTIP Annual Report' (2021), available at https://naptip.gov.ng/download/naptip-2021-annual-report/

[68]National Agency for the Prohibition of Trafficking in Persons, 'National Action Plan on Human Trafficking in Nigeria: 2022-2026' (2022), available at https://naptip.gov.ng/uploads/national_action_plan_2022-2026.pdf

[69] CRA (n5), s 14.

[70]D Arinze-Umobi, C Nwogu and O Ojobor, 'Offences Created in the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015' (2021) 2(1) *Law and Social Justice Review* 132-138.C Nwabachili and C Iloka, 'Trafficking of Women and Children vis-à-vis the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015' (2023) 5(1) *COOU Journal of Private and Public Law* 184-196.

Human Trafficking Trends in Nigeria

The primary forms of human trafficking in Nigeria areas follows:

1. **Forced or Exploitative Child Labour**

Children in Nigeria are sometimes compelled to perform menial jobs due to the absence of parental support or financial pressures. Both the Child Rights Act (CRA, 2003) and the Trafficking in Persons (Prohibition) Enforcement and Administration Act (TIPPEA, 2015) prohibit forced or exploitative child labour.[71] Under section 28(1)(a) of the CRA 2003, it is an offence for a child to be subjected to forced labour and section 28(2) prohibits children from working in industrial undertakings. Violating these provisions can result in a fine not exceeding 50,000-naira, imprisonment of up to five years, or both.[72] If the offence is committed by a corporation, officers such as directors or managers may be held jointly liable and the fine can be up to 250,000 naira.[73]

These penalties are low relative to the cross-border nature of trafficking. For individual offenders, the fine could be as low as 10,000 or 20,000 naira, while corporations face a fixed 250,000 naira fine. Adjusted for currency, this amounts to roughly $50 for individuals and $250 for corporations. Such sums are unlikely to discourage traffickers. Recommendations include raising individual fines to at least 500,000 naira and applying a minimum five-year imprisonment or fines for corporate officers, with a 10 million naira minimum fine and potential seizure of corporate assets.[74]The TIPPEA Act (2015) further prohibits the recruitment or employment of children in work that harms their physical, social, or psychological development. Convicted offenders face imprisonment between two and seven years, without the option of a fine.[75] Additional penalties apply when children are denied compensation or are harmed, including terms of two to three years' imprisonment.[76] Section 29 of the CRA 2003 applies labour law provisions to children, reinforcing protection against forced or exploitative labour.[77]

2. **Involuntary Domestic Servitude**

Domestic servitude occurs when individuals, including children, are coerced into household work. Section 23 of TIPPEA (2015) forbids the employment of children under 12 as domestic workers, with a penalty of six months to seven years' imprisonment.[78] Additional sentences apply when children are denied compensation or suffer bodily harm.[79]The CRA 2003 extends protection to all children, prohibiting employment as domestic help outside their family environment.[80] Convictions carry the same penalties as those for forced child labour, including fines up to 500,000 naira or imprisonment for up to five years.[81]

[71] TIPPEA, 2015 (n6).
[72] CRA, 2003, s. 28(3).
[73]ibid, s. 28(4).
[74] CRA, 2003, s. 272.
[75] TIPPEA, 2015, s. 23(1)(b).
[76]ibid, s. 23(2).
[77] CRA, 2003, s. 29; B Ezinma, 'Child Labour: Dilemma of Nigerian Government' *Saturday Independent* (11 September 2010) 11.
[78] TIPPEA, 2015, s. 23(1)(a).
[79]ibid, s. 23(2).
[80] CRA, 2003, s. 28(1)(e).
[81]ibid, s. 33.

3. Exploitative Adult Labour

Adults, particularly immigrants, are vulnerable to exploitation due to unemployment, discrimination and weak enforcement of labour laws. Under TIPPEA (2015), anyone who recruits, transports, or hires individuals for forced labour within or outside Nigeria faces imprisonment of at least five years and a fine of at least one million naira.[82] Forced child labour, domestic servitude and exploitative adult labour collectively constitute labour trafficking, defined under the U.S. Trafficking Victims Protection Act (TVPA, 2000) as recruitment or obtaining of individuals for labour through force, fraud, or coercion for involuntary servitude, debt bondage, or slavery.[83]

4. Prostitution and Sex Work

Prostitution accounts for a major portion of human trafficking. Women migrate in search of employment but are often constrained by strict regulations, leaving them with few options other than prostitution. Some choose this work voluntarily, while others are coerced. Nigerian laws criminalize procuring children or adults for sexual exploitation. Section 15 of TIPPEA (2015) forbids keeping, detaining, or harbouring individuals for sexual exploitation, with penalties of five years' imprisonment and a fine of 500,000 naira.[84] Section 16 prohibits procuring children for sexual exploitation.[85]The CRA 2003 prohibits procuring children for prostitution, pornography, or pornographic performance, with violations carrying ten years' imprisonment.[86] Sexual intercourse with a child, regardless of perceived age or consent, constitutes rape and carries a life sentence.[87]

Nigerian Anti-Trafficking Laws Under UNTOC Transnational Approaches

Nigerian response to human trafficking reflects commitments drawn from the United Nations Convention against Transnational Organized Crime (UNTOC) and its Trafficking Protocol. These commitments are visible in constitutional guarantees, statutory provisions and participation in international agreements. The Constitution of the Federal Republic of Nigeria 1999 (CFRN) prohibits slavery, servitude and forced labour while affirming dignity and equality before the law.[88] These provisions align with UNTOC expectations on criminalization of exploitative practices and protection of victims. The Child Rights Act 2003 (CRA) extends these protections to persons under eighteen, reinforcing safeguards against abuse, forced labour and separation from parental care.[89] The Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 (TIPPEA) provides detailed offences, penalties and enforcement measures directed at trafficking activities.[90]

UNTOC places emphasis on criminalization, cooperation between states and victim protection. Nigerian legislation reflects these elements. TIPPEA criminalizes recruitment, transportation and harbouring of persons for exploitation and removes reliance on victim consent where coercion or deception exists.[91] Child trafficking is

[82] TIPPEA, 2015, s. 22.
[83] Trafficking Victims Protection Act (TVPA, 2000); 22 U.S.C. 7102(3), 2000.
[84] TIPPEA, 2015, s. 15(b).
[85]ibid s. 16(1).
[86] CRA, 2003, s. 30(3).
[87]ibid, s. 31.
[88] CFRN, 1999, ss. 34, 42.
[89] CRA, 2003, ss. 3, 11, 14.
[90] TIPPEA, 2015, s. 13.
[91]ibid, s. 13(5).

treated as an offence irrespective of the method used.[92] These provisions correspond with the Trafficking Protocol definition of trafficking and its focus on exploitation such as forced labour, sexual exploitation and servitude.[93] Penalties under TIPPEA include terms of imprisonment and fines for labour trafficking, sexual exploitation and related offences, indicating compliance with UNTOC requirements for effective sanctions. Cooperation with other states, a central feature of UNTOC, is reflected in Nigerian ratification of international instruments and regional agreements. Instruments such as the Universal Declaration of Human Rights (UN, 1948), the Convention on the Rights of the Child (UN, 1989) and the ECOWAS Declaration and Plan of Action Against Trafficking in Persons (ECOWAS, 2001) bind Nigeria to shared standards on prevention and protection. Bilateral arrangements such as the Memorandum of Understanding with the Republic of Benin (2003), support joint efforts in addressing cross-border trafficking. These measures correspond with UNTOC provisions on extradition, mutual legal assistance and information exchange.[94] Through such cooperation, authorities are able to monitor trafficking routes, share intelligence and pursue offenders who operate in more than one jurisdiction.

The National Agency for the Prohibition of Trafficking in Persons (NAPTIP)responses also indicate alignment with UNTOC obligations reflecting efforts to strengthen enforcement, investigation and victim support. Reports of increased child abduction and cross-border trafficking activities have led to intensified monitoring and rescue operations.[95] Victim protection measures such as shelter, legal assistance and reintegration support, consistent with the Trafficking Protocol focus on victim care.[96]Despite these measures, scholarly analysis indicates that TIPPEA places stronger emphasis on children, while adult victims receive less attention in practice.[97] This creates uneven protection, especially in cases involving adult labour exploitation or migration-related trafficking. Ambiguities in statutory definitions also affect prosecution, as unclear wording may lead to inconsistent interpretation by courts.[98]

Penalties under some legal provisions raise further concerns. The Child Rights Act prescribes fines that are relatively low when compared with the financial gains associated with trafficking activities. Fines ranging from 10,000 to 50,000 naira for individuals and 250,000 naira for corporations, do not reflect the scale of transnational trafficking operations.[99] Such penalties may fail to deter offenders, particularly where trafficking networks generate higher profits. While TIPPEA introduces stricter custodial sentences, debates continue regarding the balance between imprisonment and financial penalties, as

[92]ibid s. 13(6).
[93]United Nations Office on Drugs and Crime, 'Implementation of the UNTOC Review Mechanism' (2020), available at https://www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/home.html
[94] United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime* (2000).
[95]National Agency for the Prohibition of Trafficking in Persons, 'National Action Plan on Human Trafficking in Nigeria: 2022-2026' (2022), available at https://naptip.gov.ng/uploads/national_action_plan_2022-2026.pdf
[96]Alfian, (n16).
[97]D Arinze-Umobi, C Nwogu and O Ojobor, 'Offences Created in the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015' (2021) 2(1) *Law and Social Justice Review* 132-138.
[98]C Nwabachili and C Iloka, 'Trafficking of Women and Children vis-à-vis the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015' (2023) 5(1) *COOU Journal of Private and Public Law* 184-196
[99] CRA, 2003, s. 28.

well as the cost of maintaining offenders in correctional facilities.[100]Challenges also arise in coordination among enforcement bodies. UNTOC encourages cooperation through joint investigations, intelligence sharing and mutual legal assistance. In practice, coordination between law enforcement agencies, prosecutors and judicial authorities may be inconsistent. Difficulties in obtaining evidence from foreign jurisdictions hinder prosecutions, especially when trafficking routes extend through multiple countries. These issues reflect broader constraints identified in UNTOC implementation, were differences in legal systems and enforcement capacity affect outcomes.[101]

Cross-border trafficking patterns in Nigeria show the need for stronger cooperation. Victims are moved between countries such as Benin and Togo for domestic servitude and labour exploitation.[102] Recruitment often involves deception or removal from parental care, contrary to protections in the CRA.[103] While existing agreements provide a basis for collaboration, effective enforcement depends on sustained communication and shared resources among participating states. Legal provisions support assistance and reintegration, yet resource constraints affect the availability of services.

Conclusion

Human trafficking in Nigeria continues to involve multiple forms of exploitation, including forced child labor, domestic servitude, sexual exploitation and coercive adult labor. Despite the establishment of the National Agency for the Prohibition of Trafficking in Persons and the adoption of the Trafficking in Persons (Prohibition) Enforcement and Administration Act, the persistence of trafficking demonstrates gaps in enforcement, resource allocation and institutional coordination. Legal instruments such as the Child Rights Act and the Nigerian Constitution provide protection for vulnerable populations, yet practical implementation remains constrained by corruption, judicial delays and inadequate training of personnel. The United Nations Convention against Transnational Organized Crime offers mechanisms for international cooperation, including mutual legal assistance, extradition and joint investigations, which Nigeria has incorporated into its anti-trafficking efforts. Coordination with international partners has improved cross-border enforcement, but uneven collaboration and delays in intelligence sharing allow traffickers to exploit legal and operational gaps. Resource limitations further restrict NAPTIP capacity to provide long-term rehabilitation for survivors or to investigate complex trafficking networks. The convergence of domestic laws, international agreements and institutional interventions forms the basis for Nigerian response to trafficking. Strengthening these elements requires sustained commitment to funding, personnel training, legal harmonization and international collaboration. This study assessed the extent to which UNTOC-based transnational cooperation can enhance Nigerian capacity to combat human trafficking effectively.

Recommendations

Based on the findings of the study, the following recommendations were made:

1. The Nigerian government and NAPTIP should strengthen coordination with international partners to improve cross-border investigations and prosecutions.

[100]G A Oladele and O A Orifowomo, 'Legal and Institutional Framework for Combating Trafficking in Persons in Nigeria' (2017) 5 *Africa Nazarene University Law Journal* 49.
[101]Fitriah (n51).
[102]National Agency for the Prohibition of Trafficking in Persons, 'NAPTIP Celebrates World Day Against Trafficking in Persons 2021 in Edo State' (2021), available at https://naptip.gov.ng/naptip-celebrates-world-dayagainst-trafficking-in-persons-2021-in-edo-state/
[103] CRA, 2003, s. 14.

2. The Federal Government, in collaboration with NAPTIP, should increase funding and provide modern equipment and training to enhance the agency operational capacity.
3. The National Assembly and relevant law enforcement agencies should harmonize domestic laws with international protocols to close legal gaps exploited by traffickers.
4. NAPTIP, together with state governments and civil society organizations, should expand victim rehabilitation programs with long-term economic and social support to prevent re-trafficking.