

**EXAMINATION OF THE INSTITUTIONAL FRAMEWORK FOR COMBATING
TRAFFICKING IN PERSONS IN NIGERIA***

Abstract

Trafficking in human beings, especially in minors and young women, for the purpose of sexual exploitation has become an issue of major global concern. This is more so for Nigeria because of the rapid growth of incidents of trafficking in the country in recent years. The Nigerian Government in expression of its commitment to prevent and suppress trafficking in human beings has set up a number of institutions including the National Agency for the Prohibition of Trafficking in Persons and other Related Matters (NAPTIP) pursuant to the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015.¹ This is in realization that State can only realise the full benefits of its legal regime and policies if there are adequate institutional mechanisms for their enforcement. Thus there is need for not just a legal regime but an efficient and effective Institutional frameworks and policies that not only work to dismantle trafficking networks and help survivors rebuild their lives, but also address the underlying forces that encourage trafficking. It is however doubtful whether Nigeria has such a framework.

Keywords: Trafficking, Institutional Framework, Combating, Nigeria

1. Introduction

Prior to 2003, there was no dedicated anti-trafficking in persons legislation in Nigeria. The then wife of the Vice President, Federal Republic of Nigeria, Mrs. Titi Abubakar, was responsible for setting up a committee which included persons drawn from relevant bodies to draft an anti – trafficking bill. The bill was the first private bill presented to and passed into law by the National Assembly. The then President of the Federal Republic of Nigeria, Chief Olusegun Obasanjo assented to it on 14th July 2003. The Bill gave birth to Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003.² Section 1 (1) of the Act established a multi-dimensional crime fighting Agency known as the National Agency for Prohibition of Traffic in Persons and Other Related Matters (NAPTIP). The law was subsequently amended by Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act, 2005 to give practical translation to some of the enforcement powers of the Agency. The amendment empowered NAPTIP to focus strictly on human trafficking related matters and enabled it to carry out its mandate maximally and increase penalty for offenders. Over the years, several requests were presented to the National Assembly by the Agency urging it to look into the Act as amended with its various lapses and impediments. These lapses have over the years truncated the legal and overall efforts of NAPTIP in adequately convicting offenders of human trafficking. For example several provisions in the 2003 law were not consistent with the requirements of the Trafficking in Persons Protocol, Supplementing the United Nations Convention against Transnational Organised Crime, (Palermo Convention), 2000. Also the 2003 Act excluded punishment of offenders for conspiracy and did not prescribe adequate and stiff penalty for offenders in trafficking generally. Thus, in 2015, a new Act was passed.

The passage of the 2015 Act encompasses well drafted provisions which capture languages and terms of the trafficking protocol, as well as criminalized almost all the elements contained in the definition of trafficking in person's protocol. This re-enacted Act also corrected various mistakes in the wordings, sentences, contradictory provisions, and the duplication of the penal sections contained within the 2003 Act. However, the 2015 Act did not capture some Penal and Criminal Codes crimes such as rape, defilement and smuggling of migrants which are already under the purview of the Nigeria Police and Nigeria Immigration Services respectively. Other inclusions on the re-enacted Act was the punishment of offenders for conspiracy which was earlier excluded from the 2003 Anti-Trafficking Act and also, all the penal sections were grouped together for easier comprehension and reading . The pre 2003 and the 2003 legal framework on trafficking were basically sanction-oriented, no attention was paid to prevention and protection measures. Usually, such procured or exploited persons were treated as criminals themselves and subject to deportation allegedly for the commission of the acts of illegal entry, falsification of travel documents and prostitution when arrested

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¹ Act No. 4 of 2015.

² LFN Cap T16, 2004.

in other countries. Victims suffered twice, first in the hands of their traffickers and exploiters and secondly in the hands of the state and society that failed to recognize them for what they really are. Women repatriated from Italy were further humiliated by subjecting them to compulsory detention, HIV tests and public scrutiny in violation of their rights to human dignity and privacy.³ These issues, among other things are what the 2015 Act seeks to check through a strong institutional framework.

2. Institutional Framework for Combating Trafficking

NAPTIP

The National Agency for the Prohibition of Trafficking in Persons and other Related Matters (NAPTIP) is the statutory agency specifically created to combat trafficking. It cooperates with antihuman trafficking units of the police and immigration services as well as with other concerned ministries, international organizations and NGOs.

NAPTIP was first established in 2004 pursuant to the Anti-Trafficking Act, 2003. The 2015 Anti-Trafficking Act also provides for the said organization and it is mandated, among other things, to:

- (a) enforce and administer the provisions of this Act ; (b) co-ordinate and enforce all other Laws on Trafficking in
- (b) Persons and related offences;
- (c) adopt effective measures for the prevention and eradication of trafficking in persons and related offences ;
- (d) establish co-ordinated preventive, regulatory and investigatory machinery geared towards the eradication of trafficking in persons ;
- (e) investigate all cases of trafficking in persons including forced labour, child labour, forced prostitution, exploitative labour and other forms of exploitation, slavery and slavery-like activities, bonded labour, removal of organs, illegal smuggling of migrants, sale and purchase of persons ;
- (f) encourage and facilitate the availability and participation of persons who voluntarily, consent to assist in investigations or proceedings relating to trafficking in persons and related offences ;
- (g) enhance the effectiveness of Law Enforcement agents and other partners in the suppression of trafficking in persons ;
- (h) create public enlightenment and awareness through seminars, workshops, publications, radio and television programmes and other means aimed at educating the public on the dangers of trafficking in persons ;
- (i) establish and maintain communications to facilitate rapid exchange of information concerning offences under this Act;
- (j) conduct research and strengthen effective legal means of international co-operation in suppressing trafficking in persons;
- (k) implement all bilateral and multilateral treaties and conventions on trafficking in persons adopted by Nigeria;
- (l) strengthen co-operation and conduct joint operations with relevant Law Enforcement and Security Agencies, International Authorities and other relevant partners in the Eradication of Trafficking in Persons;
- (m) co-ordinate, supervise and control
 - (i) the protection, assistance and rehabilitation of trafficked persons; and
 - (ii) all functions and activities relating to investigation and prosecution of all offences connected with or relating to trafficking persons;
- (n) adopt measures to identify, trace, freeze, confiscate or seize proceeds, property, funds or other assets derived from trafficking in persons or related offences.
- (o) conduct research on factors responsible for internal and external trafficking in persons and initiate programmes and strategies aimed at the prevention and elimination of the problem;
- (p) facilitate rapid exchange of scientific and technical information concerning or relating to trafficking in persons;
- (q) collabourate with Government bodies both within and outside Nigeria whose functions are similar to those of the Agency in the area of the

³CEE Okojie *et al*, 'Trafficking of Nigerian Girls to Italy' (2003) Report of Field Survey in Nigeria in Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo, UNODC, p. 80 <<https://www.corteidh.or.cr/tablas/23515.pdf>> accessed on 11/10/2020.

- (i) movement of proceeds or properties derived from trafficking in persons and other related offences.
- (ii) identities, location and activities of persons suspected of being involved in trafficking in persons and other related offences; and
- (iii) exchange of personnel and other experts.
- (r) establish and maintain a system for monitoring trans-border activities relating to trafficking in persons in order to identify suspicious movements and persons involved;
- (s) deal with matters connected with the extradition and deportation of persons involved in trafficking in persons and other mutual legal assistance between Nigeria and any other country in Trafficking in persons, subject to the supervision of the Minister;
- (t) initiate, develop and improve special training programmes for personnel of the Agency and relevant Law Enforcement Agents charged with the responsibility of detecting offences created under this Act; and
- (u) carry out such other activities as are necessary for the efficient discharge of the functions conferred on it under this Act.⁴

According to section 6 of the 2015 Anti-Trafficking Act, the agency also has the powers to among other things;

- (a) Investigate whether any person, body or entity has committed an offence under this Act or the offence of trafficking under any other law;
- (b) Enter into any premises, property or conveyance for the purpose of conducting searches in furtherance under this Act or under any other law;
- (c) Arrest, detain and prosecute offenders under this Act or any other law on trafficking in persons in Nigeria.
- (d) Trace, seize, detain or retain the custody, for the purpose of investigation and prosecution, of any property which the Agency reasonably believes to have been involved in or used in the commission of offences under this Act or any other law;
- (e) Seal up premises upon reasonable suspicion of such premises being involved with or used in connection with offences under this Act; and
- (f) Seek and receive information from any person, authority, corporation or company without hindrance in respect of the enforcement of any of the.⁵

To enable the agency in the effective discharge of its statutory function, the agency has established four regional offices in Lagos, Uyo, Benin and Kano.⁶ It also instituted a National Investigation Task Force (NITF) consisting of the Nigerian Police, Immigration and the Directorate of State Services to effectively monitor, investigate and respond to distress requests of victims and their families.⁷ NITF has set up small units in eleven States of the Federation with the worst trafficking problems. The task force members were trained on the provisions of the anti- trafficking law, care of victims, Interpol standards, corruption and human rights issues.⁸ The agency has also made progress in assisting trafficked persons. They have provided shelter or referral to entities offering protection and assistance to several victims. Working with the International Organization for Migration, the agency opened two shelters for victims in July 2004, and established a 24- hour hotline for victims and those desiring to provide information. NAPTIP is at the forefront of a national committee that has, with support from the ILO, drafted a National Plan of Action against Trafficking.

The Nigeria Police

The Police occupies a unique position in the administration of criminal justice and the maintenance of civil order.⁹ The Nigeria Police (NP) is designated by Section 194 of the Constitution as the national police with exclusive jurisdiction throughout the country. The NP performs conventional police functions and is responsible for internal security generally, for supporting the correctional facilities, Immigration and

⁴ S. 5 of the 2015 Anti-Trafficking Act.

⁵ S 6

⁶B Olateru-Olagbegi & A Ikpeme, 'Review of Legislations and Policy in Nigeria on Human Trafficking and Forced Labour' in ILO Action Programme against Human Trafficking and Child Labour in West Africa (2006) <http://www.ilo.org/sapfl/Informationresources/ILOPublications/WMCS/2010/04_05_10/040510_nigeria.html> accessed 01/09/2021.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Police Act Cap 359 L.F.N. 2004 S. 4.

Customs services as well as NAPTIP and for performing military duties within or outside Nigeria as directed. The mandate of the police concerning human trafficking includes investigating, apprehending and prosecuting traffickers as well as enlightenment of the public about the phenomenon. The NP, which had been handling the problem of human trafficking before the establishment of NAPTIP in 2004, established specialized Anti-Human Trafficking Units (AHTU) at its headquarters and Juvenile Welfare Centres in twelve States of the Federation.¹⁰ In the past, the AHTU has handled 120 cases of human trafficking, virtually all the victims being women or girls below the age of twelve years.¹¹ The police usually assists in receiving deported victims on their arrival in Nigeria, after which they are screened and documented. Victims are also provided temporary shelter, although such facilities are limited. The constraints encountered by the police in carrying out its mandate in this area include the complicity of parents and guardians in the trafficking of their minor children; unavailability of trained psychologists within the force, the difficulty in getting people to testify as witnesses due to fear of reprisals, lack of funds and corruption. While not holding brief for the police, the reason for this corruption is not farfetched. They are poorly funded, poorly trained, poorly remunerated in comparison with the gravity of their responsibility. It is a pity that a single bonus given to a Super Eagle player for scoring in a football tournament is by far greater than the entire annual salary of a police corporal. Their living quarters are one of the worst any human being can live in.

The Nigeria Immigration Service

The Nigeria Immigration Service (NIS) works with NAPTIP and other law enforcement agencies in the prevention of human trafficking. The Service is concerned with the issuing of travel documents and controlling the country's borders. In 2003, the immigration service created anti-trafficking units to help tackle the problem of trafficking in women and children, following the increasing number of cases of human trafficking involving Nigerians. The first three such units were established in Edo, Kano and Ogun States as these have been identified as sources/routes for trafficking. The Italian government provided some technical aid, including vehicles, equipment and materials to assist NIS in the human trafficking control programme. Several cases have been investigated since the creation of the units but they are not working at full capacity. The following were highlighted as the various constraints affecting the services of NIS:

- (a) Inadequate sensitisation of relevant officers on the end results of trafficking;
- (b) Lack of capacity to detect victims and barons;
- (c) Inadequate training in the treatment of victims and barons;
- (d) Inadequate training in the detection of forged documents;
- (e) Inadequate data collection, improper documentation and lack of logistics (i.e. communication equipment, cameras, etc);
- (f) Victims do not report their exploiters to the police;
- (g) Lack of technical expertise due to inadequate training of field personnel;
- (h) Constraints in inter-agency relations between Police and the Immigration Service. The need to train officers to detect and apprehend traffickers/barons with the support of the police was also pointed out.¹²

The Judiciary/Regular Courts

This is the third arm of the government that is vested with the power to adjudicate on all matters between persons or between government or authority and any other person in Nigeria, and to all actions and proceeding relating thereto for the determination of any matter relating to the civil rights and obligation of the person.¹³ However, it is not possible to administer justice and effectively enforce human right under the condition in which the Nigeria Judiciary has found herself. Factors militating against the effective enforcement of these rights are various, and include military intervention,¹⁴ inadequate funding, lack of equipment and scanty libraries for the courts, lack of independence and the attitude of the executive towards proceedings and judgment of courts. The fact of the judiciary being an independent and equal participant in the governance of this country is more of fiction than reality. This is more so as the judges are appointed by the executive. Thus, there is uniformity of opinion that lack of independence is the greatest factor militating against the proper administration of justice by Nigerian Courts.

¹⁰ B Olateru-Olagbegi & A Ikpeme, *op cit*.

¹¹ *Ibid*.

¹² UNODC Report of the international workshop of the task forces on the programme of action against trafficking in young women and minors from Nigeria into Italy for the purpose of sexual exploitation 14-16 May 2003

¹³ S. 6(6) (b) of 1999 Constitution

¹⁴ *Chief Dennis Osadebe v The A G (Bendel State)* (1991) 1 NWLR (pt. 595) to 596; *Nwosu v Imo State Environmental Sanitation Authority* (1990) 2 NWLR (pt. 135) 688

The Legal Profession

It is indisputable that lawyers have special roles to play in the administration of criminal justice. It is the lawyer who sees and advises the other agencies and even the perpetrators of the acts of trafficking. Besides protecting the individual rights and the maintenance of law and order through the application and interpretation of the law, the lawyer is also imbued with enormous but honourable responsibility to ensure and assure that in all circumstances, there is a state of social equilibrium in which case he acts as a minister in the temple of justice.¹⁵ Thus Ezeala has observed as follows; ‘By training, the responsibility of ensuring the continued state of social tranquility and decorum has been entrusted upon the lawyer.... He prosecutes the fraudulent citizen not necessarily to punish him but to set up a deterrence, correction, reformation, prevention or restraint’.¹⁶ For the lawyer to be able to discharge the above functions properly, he must not only be equipped with a good grounding in general and professional education but also be properly oriented and sensitized for criminal proceedings.¹⁷ However, it is a pity that it is an inevitable characteristic of the profession to tend towards conservatism. Circumscribed by precedent, lawyers are in fact more definitely the servant of tradition than any other class in the community. It must be observed that the acts of trafficking necessarily affects the human right of the victims; hence lawyers who help in the prosecution of persons suspected to have committed the offence of trafficking are involved in the protection of human right. Thus, the Abuja conference dealing with the role of lawyers in the protection of human rights recommended, *inter alia*, as follows:

That the sensitivity and horizon of lawyer in relations to human rights should be widened through the broadening of the professional training and education to include courses in sociology, economics, political science etc with a view to making them understand how the socio-economic and political organization of the society determine and affect the law and human right enforcement.¹⁸

3. Jurisdiction and Prosecution of Offences under the 2015 Anti-Trafficking Act

The Act empowered NAPTIP through its Legal and prosecution department¹⁹ to prosecute suspected offenders under the Act; extradite suspects; provide legal advice to other departments and other incidental legal matters.²⁰ By this, the agency can freely initiate actions against suspected offenders without dependence on other agencies or authorities. However, the prosecuting powers of the agency are without prejudice to the overriding powers of the Attorney General of the Federation or States to take over or discontinue a criminal proceeding as the case may be.²¹ NAPTIP usually initiates criminal cases with the name 'Attorney General of the Federation' as the complainant. This practice was challenged in the case of *Serah Ekundayo Ezekiel v Attorney General of the Federation*²² where the appellant complained that the officer of the Agency that signed the amended charge in the case did not sign on behalf of the Attorney General of Federation; and since the agency is a separate body that has perpetual succession, and power to sue and be sued in its corporate name, with no statutory provision making it a department in Attorney General's office. The agency could not initiate the charge in its name but on behalf of the Attorney General. The Supreme Court resolved the issue by holding ‘...that for the purposes of investigation and prosecution of matters, law officers of the Agency are... under the control and general supervision of the Attorney General and can, in the circumstance, sign processes and charges for and on behalf of the Attorney General of the Federation.’²³

The jurisdiction to try all the offences created under the Act is vested on the High Court.²⁴ The Act defines the High Court to mean the Federal High Court, the High Court of a State, or the High Court of the Federal

¹⁵JO Ezeala, *Challenging Illegality and Impropriety – the Duty of a Lawyer Every Where*, A public lecture delivered to law students of University of Benin on 6th June, 2004.

¹⁶*Ibid*

¹⁷N Agu, “Constitutional and Human Right Proceedings in Continuing Legal Education Association (Nigeria)” (Lagos: Lecture Note No. 4 Emperor (Nig.) Press, Lagos, 1994) p. 43

¹⁸ N Agu, *op cit.*.

¹⁹ Section 11(1)(b).

²⁰ See Section 12(2).

²¹Ss. 174 and 211, Constitution Federal Republic of Nigeria 1999 (as Amended). See also *Onyuike v The People of Lagos State & Ors* (2013) LPELR- 24809; *State v Ilori* (1983) I SCNLR 94; *Emekayi v COP* (2004) 4 NWLR (Pt. 862) 158; *Controller Nigerian Prison Service v Adekanye* (2002) 15 NWLR (Pt. 790) 318; *Fawehinmi v Akilu* (1987) 4 NWLR (Pt. 67) 797; *The Queen v Minister of Lands and Survey* (1963) All NLR 564

²² (2017) LPELR-41908(SC)

²³ *Ibid* 10-11

²⁴ Section 36(1)

Capital Territory.²⁵ This means that a suspected offender can be arraigned in any of these courts in the state where the trafficking took place. The trafficker may also be prosecuted in another state if some part(s) of the trafficking took place in such a state.²⁶ Nigerians and foreigners outside foreign countries that have violated the provisions of the Act may be repatriated to Nigeria for trial through a request made by the Attorney General of the Federation based on an order of the Court, where extradition treaty exists between Nigeria and such a country.²⁷

The Act empowers the trial Judges to reduce the sentences of a person convicted under the Act who facilitated the arrest of other accused persons or their sponsors.²⁸ The High Court can in addition to the sentence passed on a convicted person under the Act order that any property, asset, or fund used in facilitating the commission of the offence or a proceed of such venture be forfeited to the Victims of Trafficking Trust Fund.²⁹ The passport of a convict under this Act shall be forfeited to the Federal Republic of Nigeria and same handed over to the Nigerian Immigration Service for necessary action, and same shall not be returned to the convict except on the order of the President while exercising his power to grant pardon under the Constitution.³⁰ The court also has the jurisdiction to order for interim attachment of proceeds or assets of persons accused of commission of any offence created under the Act to the Victims of Trafficking Trust Fund, where there exists a *prima facie* case against such an accused person and the proceeds or assets were acquired through the commission of an offence created under Act.³¹ The procedure for the seizure of property was well spelt out under the Act.³² Where a person has been convicted under the Act such interim attachment above shall be made final,³³ and where such a convict has assets in a foreign country which are proceeds of an offence for which the convict was convicted in Nigeria, subject to any treaty or arrangement between Nigeria and such a foreign country, such asset shall be forfeited to the Victims of Trafficking Trust Fund.³⁴ A victim may institute a civil action against his/her traffickers for compensation, damages, and restitution.³⁵ The legal system also generally permits the institution of civil proceedings claim recovery of lost wages, compensation for unpaid work, and restitution and damage claims for human rights abuses. However, the Court in making an award to the victim shall take into account the award made by the court in the criminal trial. It is however submitted that the High Court does not have exclusive jurisdiction in this regard. It is the position of this study that the high court will have jurisdiction when the action is predicated in tort while the National Industrial Court will have jurisdiction where the action relates to recovery of lost wages and compensation for unpaid work.

4. Victims' Rights, Welfare and Protection

Nations usually consider victims of trafficking as a threat to their national security, being that they have been exposed to international criminal syndicates.³⁶ The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons with special regards to Women and Children (Palermo Protocol)³⁷ recognized the need for state parties to recognize and develop legal framework protection of victims of trafficking and their

²⁵ S 82

²⁶*Ephraim v FRN* (2012) LPELR-22363; *Nyame v FFRN* (2010) CLR 3(b); *Ibori & Anor v FRN* (2008) LPELR-8370; *Njovens v The State* (1973) NSCC 257. There is no gainsaying that criminal offences committed outside Nigeria cannot be tried by any court in Nigeria, except a part of the elements of the offence happened within Nigeria. See *Matharadon & Ors v Ahu* (1995) 8 N.W.L.R. (Pt. 412) 225; *Commissioner of Police v Oludeko* (1970) P.L.R. 409; *R v Osoba* (1960) 1 All N.L.R. 1. It must however be observed that section 61 of the Trafficking in Person (Prohibition) Law Enforcement and Administration Act 2003 provides as follows that where an offence under the said 2003 Act is committed in any place outside Nigeria by any citizen or person granted permanent residence in Nigeria, he may be dealt with in respect of such offences as if it was committed t any place within Nigeria. This provision did not find it way into the 2015 Act.

²⁷Sections 70. It is important to note that Nigeria must reciprocate such gestures under section 69. The Act also provides for the procedure for the exchange of information and intelligence between Nigeria and a foreign country. See sections 69-74

²⁸ S. 36(3)

²⁹ S. 36(3)

³⁰ S. 48

³¹ S. 55. This also includes money in the bank. See section 60

³² Ss. 52-54

³³ Ss. 56 and 49

³⁴ S. 50

³⁵ S. 65(3)

³⁶T Obokata, 'Trafficking of Human Beings as a Human Rights Violation: Obligations and Accountability of States', in *Trafficking of Human Beings from a Human Rights Perspective Towards a Holistic Approach*, (Boston: Martins Nijhoff Publishers, 2006) p. 153.

³⁷Adopted by the General Assembly of the UN in its Resolution 55/25 of 15th November 2000 signed and ratified by Nigeria on the 13th of October 2000 and June 2001.

fundamental human right.³⁸ In line with the demands of the Protocol, the Act made elaborate provisions for victims' welfare, protection, and compensation. The Act mandates the Agency (NAPTIP) to ensure that victims of trafficking: are not discriminated upon on the ground of colour, race, ethnicity, sex, the status of being a trafficked person or for the fact that they have being involved in the sex industry;³⁹ has access to adequate health care and social services while in temporary residence.⁴⁰ has access to the embassy or consulate of his/her human country;⁴¹ is safely returned to his/her home if the person so wishes and when possible;⁴² is not denied access to temporary visas during the pendency of any action related to trafficking in person;⁴³ personal family history and identity are protected;⁴⁴ and his family are protected from intimidation and reprisal attacks from trafficking syndicates; facilities are maintained and rehabilitated.⁴⁵ Provided that the circumstance so justifies, a victim of trafficking is granted immunity from detention or prosecution for offences accruing from being a victim of trafficking, including non-possession of travel documents, use of fake travel, or other documents.⁴⁶ A victim of trafficking has the right to access information about his/her being trafficked.⁴⁷

The Act mandates the establishment by the Agency, transit shelters for a rescued victim of trafficking (particularly women and children) which shall be run as homes to facilitate their reintegration into the society through assistance, protection, and counselling.⁴⁸ The Act did not explain the rationale for the particularization of women and children for this awesome innovation. One may suggest that it is because this group is adjudged to be the most vulnerable, however, we submit that trafficking and effects of trafficking are not gender-sensitive, hence, this kind gesture should not be sectionalized. A trafficked person shall be entitled to compensation, restitution, and recovery for psychological, emotional, and economic damages which shall be assessed and paid from the assets forfeited by the convicted trafficker.⁴⁹ The Court may, in addition to other punishments meted out to a person convicted for an offence under Act, order the convict to pay compensation to the victim.⁵⁰ The Act established a victim of Trafficking Trust Fund⁵¹ to pay compensation and restitution to victims of trafficking and for the establishment and maintenance of victims' support services.⁵² The sources of funds for the Trust fund include appropriation from the Federal Government, forfeited assets of traffickers, and donations.⁵³ A Trust Fund Committee was also established to administer the fund.⁵⁴

5. Conclusion

In view of the foregoing exposition, this study finds that the 2015 Act expanded the powers of NAPTIP to include preventive and remedial measures. It also blazed the trail in victim welfare by creating the Victim Trust Fund and Victim Shelter Centre for the rehabilitation, restitution, and reintegration of victims of trafficking into the society managed by NAPTIP. It also afforded immunity from prosecution to victims of trafficking for any offence committed because of being trafficked. We, therefore, conclude by saying that although the 2015 Act is innovative, it is still bedevilled by some of the challenges faced by its predecessor. In this wise, we refer to the inability of the Act to provide NAPTIP with the requisite platform to tackle the root causes of trafficking which include among them poverty, unemployment and ignorance. The creation of a special court to tackle trafficking in person related matter will help in this regard.

³⁸ Article 2, 5 and 6 of the Protocol

³⁹ S. 61(1) (a and h).

⁴⁰ S. 61(1)(b)

⁴¹ S. 61(1)(c)

⁴² S. 61(1)(d)

⁴³ S. 61(1)(e)

⁴⁴ S. 61(1)(f and g)

⁴⁵ S. 61(1)(h)

⁴⁶ S 62

⁴⁷ S 63

⁴⁸ S 64

⁴⁹ S. 65(1)

⁵⁰ S. 65(2)

⁵¹ S. 67(1)

⁵² S. 67(4)

⁵³ S. 67(2)

⁵⁴ S. 68