

**OFFENCES CREATED IN THE TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION ACT 2015 TOWARDS THE FIGHT AGAINST HUMAN TRAFFICKING IN NIGERIA\***

**Abstract**

*Trafficking of humans, especially of children and women into exploitative sexual and commercial labour, has attracted local, national and international concern from persons of different strata. This is against the backdrop of the fact that trafficking of women and children has a number of far-reaching socio-economic, health and political consequences. The Nigerian Government has expressed its commitment to prevent and suppress trafficking in human beings through a number of laws and policies including the enactment, in 2015, of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015.<sup>1</sup> It is however doubtful whether the 2015 Act and other legal regimes and policies put in place to curb the menace of human trafficking have provided the convenient or adequate platform needed to undertake that onerous task for several reasons.*

**Keywords:** Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015, Fight Against, Role of, Nigeria

**1. Introduction**

Human trafficking is as old as human existence and civilisation. It dates back to the time of old kingdoms where captivities of conquered empires were taken from their homes into slavery and compelled to serve kings and princes of foreign kingdoms.<sup>2</sup> It is the third largest criminal activity in the world after arms and drug trafficking.<sup>3</sup> The phenomenon of the trafficking of humans, especially of children and women into exploitative sexual and commercial labour, has attracted local, national and international attention from world leaders, academics, the mass media, advocacy groups, the clergy and humanity in general.<sup>4</sup> This is against the backdrop of the fact that the trafficking of women has a number of far-reaching socio-economic, health and political consequences.<sup>5</sup> There has been a rising trend of human trafficking in Nigeria as globalization continued to expand.<sup>6</sup> In fact, in recent past Nigeria has witnessed a significant increase in forced migration and human trafficking more than ever before to overseas countries<sup>7</sup>. Lederer<sup>8</sup> postulated before the 106<sup>th</sup> United States Congress on June 28, 1999 as follows;

More than 154 countries currently have legislation that at least minimally target the prosecution of traffickers by prohibiting the procurement of women or children for the purposes of prostitution and forced labour (sic). Most of these laws were drafted between 1912 and 1960 to address earlier waves of trafficking. However, these laws are poorly, if ever, enforced. In fact, we found that the prostitution laws are enforced, but the procurement laws are ignored. They're rarely invoked. So that the women and children end up in jail and the traffickers go free.<sup>9</sup>

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\*By **Carol ARINZE-UMOBI, LLB, LLM, PhD, PGDE, BL**, Professor of Law, Faculty of Law, Nnamdi Azikiwe University, P.M.B. 5025, Awka, Anambra State, Nigeria;

\***Kenn Chinemelu NWOGU, BSc, MSc, LLB, LLM, PhD, BL**, Professor of Law, Faculty of Law, Nnamdi Azikiwe University, P.M.B. 5025, Awka, Anambra State, Nigeria; and

\***L. O. OJOBOR, LLB, LLM, BL, PhD Candidate**, Faculty of Law, Nnamdi Azikiwe University, P.M.B. 5025, Awka, Anambra State, Nigeria. +2348035987024; livinestone33@gmail.com

<sup>1</sup> Act No. 4 of 2015.

<sup>2</sup>EA Bandele, 'Human Trafficking: A Variant of the Historic Slave Trade in Contemporary Nigeria' (2016) *International Journal of Arts and Humanities (IJAH)* Vol. 5(3), pp. 255-262.

<sup>3</sup>T Olujuwon. 'Combating Trafficking in Person: A Case Study of Nigeria' (2008) *European Journal of Scientific Research* Vol.24 No.1, pp.23-32 <<http://www.eurojournals.com/ejsr.htm>> accessed 10/10/2020.

<sup>4</sup>L Akor, 'Trafficking of Women in Nigeria: Causes, Consequences and the way Forward' (2011) *Corvinus Journal of Sociology and Social Policy* Vol.2 2, pp. 89-110.

<sup>5</sup>E Alemika & IO Ifeakandu, 'An Examination of the Elements of Transportation, Enslavement and Exploitation in Trafficking in Human Beings under International and Nigeria Anti-Trafficking Laws' (2019) *Beijing Law Review*, 10, pp. 1116-1135 <<https://doi.org/10.4236/blr.2019.104060>> accessed on 10/10/2020

<sup>6</sup>RO Iyanda & N Nwogwugwu, 'Globalization and Rising Human Trafficking in Nigeria' (2016) *Kuwait Chapter of Arabian Journal of Business and Management Review* Vol. 5, No.6, pp. 17 - 31.

<sup>7</sup>UM Usman *et al*, 'Forced Migration and Human Trafficking: Religion and Community Perspective in Nigeria' (2019) *International Journal Academic Research Business and Social Sciences*, 9(3), 1071-1079 at 1073..

<sup>8</sup> Former Director of 'The Protection Project' at Johns Hopkins University School of Advanced International Studies

<sup>9</sup>L Lederer, on 'International Terrorism, Non-proliferation and Human Rights of the House Committee on International Relations' held on 25 June, 2003 cited in the statement of Mohamed Y Mattar, S.J.D. Co-Director, The Protection

The Nigerian Government has expressed its commitment to prevent and suppress trafficking in human beings through a number of laws and policies targeted at checking the incidents of trafficking including the enactment, in 2015, of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015. It is however doubtful whether the 2015 Act and other legal regimes and policies put in place to curb the menace of human trafficking have provided the convenient or adequate platform needed to undertake that onerous task

## 2. Overview of the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015

The fight against trafficking in human being was predicated on the provisions of the Criminal Code and the Penal Code in Southern and Northern Nigeria respectively, until promulgation of Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 as amended in the year 2005. Because of the inadequacy of the 2003 Act as amended in 2005, the Trafficking in Persons (Prohibition) Enforcement and Administration Act<sup>10</sup> was enacted in 2015. The Act has eighty three sections and two schedules. The Act, just like the 2003 Act, created the National Agency for the Prohibition of Traffic in Person (NAPTIP).<sup>11</sup> This agency took over the functions of the special taskforce in human trafficking and was vested with the responsibilities to among other functions, enforce laws against trafficking in persons, and to take charge and coordinate the rehabilitation and counselling of trafficked persons; and other related matters.<sup>12</sup> The Agency is under the supervision of the Attorney General of the Federation<sup>13</sup> who has the power to make guidelines and directives to the Agency which the Agency shall abide by.<sup>14</sup> The AGF has the power to make rules and regulations for the forfeiture of assets under Act to the Victims of Trafficking Trust Fund,<sup>15</sup> and for the administration of such funds.<sup>16</sup> The Act created six special departments for the Agency,<sup>17</sup> to wit:

- (a) Investigation and Monitoring Department;
- (b) Legal and Prosecution Department;
- (c) Public Enlightenment Department;
- (d) Counseling and Rehabilitation Department;
- (e) Research and Programme Development Department; and
- (f) Training and Manpower Development.

The Act further makes provision under section 11(1)(g) for the creation of more departments as the need may arise. Under the power vested in the agency by the above section, the Agency created the Finance and Account department which handles the finance of the Agency; and Administration Department which coordinates the activities of all the departments.<sup>18</sup>

## 3. Offences Created by the 2015 Act

The 2015 Act retained all the offences created by the original and amended Act and went further to create additional offences like child labour and running of brothels.<sup>19</sup> Section 82 of the 2015 Act defines trafficking or traffic in-person in the following words:

Trafficking or traffic in persons' means the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or, use of force or other forms of coercion , abduction, fraud, deception, the abuse of power of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in forced or bonded

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Project at Johns Hopkins University School of Advanced International Studies before the Sub-committee (2006) <<https://www.hathitrust.org/usdocs-registr...>> Accessed October 14, 2015

<sup>10</sup> Act No. 4 of 2015.

<sup>11</sup> S. 2.

<sup>12</sup>S. 10. See also SK Kigbu & YB Hassan, 'Legal Framework for Combating Human Trafficking In Nigeria: The Journey So Far' (2015) *Journal of Law, Policy and Globalization*, Vol. 38. 2015, pp 205-220.

<sup>13</sup> *Serah Ekundayo Ezekiel v Attorney General of the Federation* (2017) LPELR-41908(SC)

<sup>14</sup> Ss. 75 & 76.

<sup>15</sup> S. 57(40)

<sup>16</sup> S. 67(3)

<sup>17</sup> Section 11.

<sup>18</sup>KON Onu & OA Kolawole, *op cit.* further see the NAPTIP website <[https://www.naptip.gov.ng/?page\\_id=140](https://www.naptip.gov.ng/?page_id=140)> accessed On 10/09/2019.

<sup>19</sup> *Ibid.* See also, s. 2 of TIPLEA Act 2015.

labour, or in slavery-like conditions, the removal of organs or generally for exploitative purposes.

Commenting on the above definition, Kigbu and Hassan<sup>20</sup> opine that the definition of trafficking as contained in Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons with special regards to Women and Children (Palermo Protocol) which Nigeria is a party to is more encompassing than the definition contained in the 2015 Act.<sup>21</sup> Secondly, it must be observed that the 2015 Act, like its predecessor, failed to apportion responsibility to the trafficker in its definition like the Protocol did in situations where a person is trafficked by a means other than recruitment, transportation, purchase, receipt, or harbour.<sup>22</sup> However, section 13(6) of the Act provides that the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered trafficking in persons even if this does not involve any of the means set forth in the definition of trafficking in persons in this Act. It is submitted that this proviso does not cure the above deficiency, being that it only protects children<sup>23</sup> but fails to capture young adults (like secondary school leavers, tertiary institutions students and unemployed or underemployed graduates) who are highly vulnerable also.<sup>24</sup>

The Act's definition is also mute on the irrelevance of the victims' consent in circumstances where the identified means of trafficking have been established to be used in the process, a situation that the Article 3(a) of the Protocol provided for.<sup>25</sup> The 2015's definition of trafficking takes cognizance of the fact that the victim may be recruited, transported, purchased, sold, received, harboured, deceived, coerced, debt bonded and defrauded, unlike the predecessor that failed to take into account that these actions may be achieved not only by means of deception, coercion or debt bondage, but also by means of fraud and more importantly by means of the abuse of one's power over someone else or of a victim's position of vulnerability commonly found among poverty stricken families, and those caught in the cross-fire of armed conflict.<sup>26</sup> The definition captured the fact that a person may be trafficked partly or solely for organ(s) harvesting and ritual killings that are very common in Nigeria.<sup>27</sup> This definition also took cognizance of the fact that the giving or receiving of payments of benefits to achieve the consent of a person having control over another person, for the purpose of exploration which is the most common method of recruitment of children for exploitation in Nigeria.<sup>28</sup>

Section 13(1) generally prohibits all forms of human trafficking in Nigeria. Any person who recruits, transports, transfers, harbours or receives another person using fraud, force, abuse of authority, deception, payment or receiving of money for the exploitation of that person commits an offence is liable on conviction to a term of not less than two years imprisonment and a fine not less than Two Hundred and Fifty Thousand naira Only. It appears that this offence is limited to the trafficking of persons within Nigeria. In the case of *AGF v Affiong Okon*<sup>29</sup> the abused procured seven children for street begging and forced laboured. He pleaded guilty to the charge was convicted and sentenced to two years imprisonment. Section 13(4) makes culpable any person whether within or outside Nigeria that does or omits to do; threatens; induces by fraud; acts by proxy; aides or abets, assists or facilitates the commission of any offence under Act, and such a person upon conviction shall be liable to a term of imprisonment for not less than 5 years and a fine not less than One Million Naira. Section 13(5) makes the consent of the victim of trafficking as defined under Act immaterial in the determination of the guilt of a suspected offender under the Act.

The other offences provided for under the Act include:

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<sup>20</sup>SK Kigbu & YB Hassan (2015) 'Legal Framework for Combating Human Trafficking In Nigeria: The Journey So Far' *Journal of Law, Policy and Globalization*. Vol. 38. 2015. Pp 205-220.

<sup>21</sup>See also SO Idehen, MO Edeko & OJ basohan, 'Child and Human Trafficking in Nigeria (2013) *International Journal of Gender and Development Issues* 1(1): 119-133.

<sup>22</sup> *Ibid.*

<sup>23</sup> The Act defined a child to be a person below the age of 18. See section 82.

<sup>24</sup> KON Onu & OA Kolawole, *op cit.*

<sup>25</sup> *Ibid.*

<sup>26</sup> Kigbu & Hassan, *op cit.*

<sup>27</sup>L Igwe, 'Ritual Killing and Pseudoscience in Nigeria' available at: <<http://www.sicop.org/sb/2004-06/nigeria.html>> accessed on 03/10/2020.

<sup>28</sup> *Ibid.*

<sup>29</sup>Unreported. Charge No. 0/26c/2005 (High Court of Anambra State, Onitsha judicial Division). Judgment was delivered on 13/02/2006).

***Exportation of Persons out of Nigeria and Importation of Persons into Nigeria*<sup>30</sup>**

This offence is to the effect that a person who imports into Nigeria<sup>31</sup> or exports out of Nigeria to any other country<sup>32</sup> another person knowing or having reason to know, that the person will be forced or induced into prostitution or other forms of sexual exploitation in Nigeria or the country he/she is exported to respectively commits an offence punishable upon conviction with a term of 5 years imprisonment and a fine not less than One Million Naira. This section is commendable for not being limited in age or sex of the victim. It is observed that a similar provision under the repealed 2005 Amendment Act agreed on the punishment of life imprisonment,<sup>33</sup> one wonders why the punishment was reduced in the new Act even in the face of a high level of human trafficking in Nigeria.

***Procurement of any person for sexual exploitation*<sup>34</sup>**

By virtue of section 15(a) any person who by the use of 'deception, coercion, debt bondage or any means induces any person under the age of eighteen years to go from one place to another to do any act with the intent that such person may be, or knowing that it is likely that the person will be forced or seduced into illicit intercourse with another person' commits an offence is liable upon conviction to imprisonment for five years and a fine of ₦500, 000.00.<sup>35</sup> The ingredients of the offence as set out in Section 15(a) as held the trial court and confirmed by the Court of Appeal in the case of *Bassey v AGF*<sup>36</sup> are as follows:

- (a) the person induced must be under the age of eighteen years
- (b) what is used for the inducement must be deception, debt bondage or any means whatsoever
- (c) the inducement must be for the person to go from one place to another
- (d) the purpose of going from one place to another must be for the person induced to be forced or seduced into illicit intercourse with another person.
- (e) The illicit intercourse may take place between the person induced and the person making the inducement or between the person induced and another person.

It is submitted that this provision is laudable, however, it is narrow in scope, being that it is limited to persons (victims) below the age of eighteen years and as such it failed to capture young adults and the aged who are also highly vulnerable due to current hash economic state of the country. Secondly, the use of the term 'another person' to describe persons/things that the victim may be forced or seduced into illicit intercourse with, limits the scope of the offence and may provide a leeway to criminals who may force victims to have sex with animals or machines. Section 15(b) of the Act created the offence of harbouring, keeping or detaining for the offence created under Section 15(a). However, section 15(b) is broader than section (a) in the description of the offence as it did not mention any age bracket for the victim, and it also included animals in the list of the culprits, but failed to add sex machines and dolls.

***Procurement or recruitment of person under eighteen years for prostitution or other forms of sexual exploitation*<sup>37</sup>**

Section 16(1) of the 2015 Act provides that;

Any person who procures or recruits any person under the age of 18 years to be subjected to prostitution or other forms of sexual exploitation with himself, any person or persons, either in Nigeria or anywhere else, commits an offence and is liable on conviction to imprisonment for a term of not less than seven years and a fine of not less than ₦1, 000,000.00.

This offence is aimed at cracking down the procurement or recruitment of persons below the age of eighteen for prostitution or other forms of sexual exploitation both within and outside Nigeria. We submit that limiting the scope of victims under this section to persons below the age of eighteen years is very narrow.<sup>38</sup>

<sup>30</sup> S. 14

<sup>31</sup> S. 14(a)

<sup>32</sup> S. 14(b)

<sup>33</sup> S. 11 of TIPLEA 2005. See also *AGF v Sarah* Unreported. Charge No: B/15c/2004 (High Court of Edo State, Benin Judicial Division). Judgment was delivered on 19/11/2004).

<sup>34</sup> The punishment upon conviction is imprisonment for a term of 10years without an option of fine. See Section 15

<sup>35</sup> Section 15 (b)

<sup>36</sup> (2015) LPELR-40425(CA). See also *Raji v FRN* (2019) LPELR-47182(CA)

<sup>37</sup> S. 16. See also *Oloye v A-G Federation* (2019) LPELR-46738(CA)

<sup>38</sup> *Folorunso v FRN* (2019) LPELR-46463(CA)

***Procurement or recruitment of persons under the age of eighteen years for pornography or brothel*<sup>39</sup>**

Section 17(1)(a) prohibits the procurement, use or offer of any person below the age of eighteen years for the production of pornography or pornographic performances; whereas section 17(1)(b) prohibits the harbouring of any person below the age of eighteen years in a brothel. For the two offences, the punishment on conviction is imprisonment for a term of not less than seven years and a fine of not less than ₦1,000,000.00 (One Million Naira). Where an offender under subsection 1 above also administered or stupefied his/her victim with drugs, then, he/she will earn additional one year imprisonment.<sup>40</sup> In *AGF v Esther Asuquo & 2 others*,<sup>41</sup> the accused persons procured and offered their three under-aged victims for prostitution and being harboured in a brothel. The accused were convicted and sentenced to five years imprisonment without an option of fine.

***Foreign travel which promotes prostitution or sexual exploitation*<sup>42</sup>**

Section 18 provides that any person, who organizes, facilitates or promotes foreign travels which promote prostitution or other forms of exploitation of any person or encourages such activity, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and a fine of not less than ₦1,000,000.00 (One Million Naira). It is germane to note that the age, sex or consent of the victim in this offence is immaterial. The important thing is that the accused organizes, facilitates, or promotes foreign travels 'which promote prostitution or other forms of exploitation of any person or encourages such activity'.<sup>43</sup>

***Procurement or recruitment of persons for use in armed conflicts*<sup>44</sup>**

Section 19 provides that 'any person who traffics any person for the purpose of forced or compulsory recruitment for use in armed conflict, commits an offence and is liable on conviction to imprisonment for a term of not less than seven years and a fine of not less than ₦1,000,000.00 (One Million Naira).' In establishing this offence, the age and sex of the victim of this offence are immaterial. However, we submit that a vital ingredient of this offence is 'the purpose of *forced or compulsory* recruitment for use in armed conflict'; this may make it very difficult for the prosecution to prove.<sup>45</sup>

***Procurement or recruitment of a person for organ harvesting*<sup>46</sup>**

Section 20(1) deals with the trafficking of persons generally to harvest the organ or organs of such a person. It provides that;

any person who-

(a) through force, deception, threat, debt bondage or any form of coercion- (i) abuses a position of power or situation of dominance or authority arising from a given circumstance ; or (ii) abuses a vulnerable situation ; or (b) through the giving or receiving of payments or benefits in order to induce or obtain the consent of a person directly or through another person who has control over him; enlists, transports, delivers, accommodates or takes in another person for the purpose of removing the person's organs, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and a fine of not less than ₦5,000,000.00.

It is also an offence under the Act for any person to procure or offer another person, assist, or be involved in any way in the removal of human organs, or in the buying or selling of same.<sup>47</sup> Section 20(3) deals with the prohibition of the enlistment, transportation, delivery, accommodation, or taking in a person under the age

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<sup>39</sup> S 17

<sup>40</sup> S 17(2)

<sup>41</sup>Reported in MT Ladan, 'Combating Trafficking Of Children And Women Under International And Nigerian Legal Regimes' A Paper Presented At A Training Workshop On United Nations System And Programme Organised By The Nigerian Institute Of Advanced Legal Studies, Lagos, between 5-8 of December 2011.

<sup>42</sup> Section 18. See also *Oloye v A-G Federation* (2019) LPELR-46738(CA)

<sup>43</sup>*AGF v Constance Omoruyi* Unreported. Charge No: B/31c/2004 (High Court of Edo State, Benin Judicial Division). Judgment was delivered on 22/9/2006; *AGF v Felicia Okafor* Unreported. Charge No: A/12c/06 (High Court of Anambra State, Awka Judicial Division). Judgment was delivered on 23/5/2007)

<sup>44</sup> S 19.

<sup>45</sup>See KNO Onu, 'An Appraisal of the EU-ACP Cotonou Partnership Agreement' (2018) *The Gravitas Review of Business & Property Law* Vol. 9 No. 3; 133-153, at 147; BZ Peterside, 'A Threat to National Security: The Case of Boko Haram in Nigeria' (2014) 3:4 *Academic Journal of Interdisciplinary Studies*. Pp. 283-290 p.286 <<http://www.Doi:10.5901/ajis.2014.v3n4p283>> accessed 10/09/2020.

<sup>46</sup> S. 20.

<sup>47</sup> S. 20(1)

of eighteen years to remove the person's organs by another person. The difference between the offence created under section 20(1) and section 20(3) is that the victim under the later must be below the age of eighteen years, and there is no burden on the prosecution to establish any or some of the following, to wit: force, deceit, coercion, debt bondage, abuse of vulnerable situation, payment of money for the organ harvesting as required under the earlier.

***Prohibition of buying or selling of human beings for any purpose*<sup>48</sup>**

Section 21 provides that 'any person who buys, sells, hires, lets or otherwise obtains the possession or disposal of any person with intent, knowing it to be likely or having reasons to know that such a person will be subjected to exploitation, commits an offence and is liable on conviction to imprisonment for a term of not less than five years and a fine of not less than ₦2, 000,000.00 (Two Million Naira).' This provision is a laudable one as it promotes the dignity of the human person, being that man is not a commodity that can be sold or purchased. It is also more elaborate than its predecessor under the repealed Act that limited the victims to only persons below the age of eighteen years. However, the pegging of the purpose for the buying, selling, hire or let of person to be exploitation will turn out to be a herculean task for the prosecuting authorities, because, it will be very difficult to prove this purpose, and it is a material ingredient in establishing this offence.

Exploitation is defined under the Act to wit; 'includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, deprivation of the offspring of any person, forced labour or services or practices similar to slavery, servitude or the removal of organs';<sup>49</sup> it, therefore, connotes that any purpose for buying and selling of a human being other than the ones listed above cannot ground a charge under this section. Secondly, a prosecuting authority, on the other hand, must establish any of them before it can secure a conviction under this section.<sup>50</sup>

***Forced labour*<sup>51</sup>**

Section 22 provides that 'any person who (a) requires, recruits, transports, harbours, receives or hires out a person to be used for forced labour within or outside Nigeria; or (b) permits any place or premises to be used for the purpose of forced labour, commits an offence and is liable on conviction to imprisonment for a term of not less than five years and a fine, not less than ₦1, 000,000.00 (One Million Naira).'<sup>52</sup>

***Employment of a child as a domestic worker and inflicting grievous harm*<sup>53</sup>**

Section 23(1)(a) provides that 'any person who-(a) employs, requires, recruits, transports, harbours, receives or hires out a child under the age of twelve years as a domestic worker, commits an offence and is liable on conviction to imprisonment for a minimum term of six months and not exceeding seven years.' However, the Act also outlaws the employment, requirement, transportation, harbouring, or letting out of 'a child to do any work that is exploitative, injurious, or hazardous to the physical, social and psychological development of the child.'<sup>54</sup> The punishment for this offence upon conviction is a term of imprisonment for a minimum term of two years but not exceeding seven years without an option of fine.<sup>55</sup>

***Trafficking in slaves*<sup>56</sup>**

This Act makes unlawful the act of recruiting, importing, exporting, transferring, transporting, buying, selling, disposing, or trafficking in any way a person as a slave or accepting, receiving, detaining or harbouring a person as a slave by any person.<sup>57</sup> Section 25 deals generally with slave dealing and it attracts the punishment on conviction to imprisonment for a term of not less than seven years and a fine, not less than ₦2,000,000 (Two Million Naira).

<sup>48</sup> S. 21

<sup>49</sup> S 82

<sup>50</sup> *Alfred v State* (2017) LPELR-42612(CA). See also *Nwokocha v State* (2019) LPELR-47075(CA).

<sup>51</sup> S 22

<sup>52</sup> *AGF v Ekundayo Oduyemi & anor Unreported*. Charge No: PLD/J22/05 (High Court of Plateau State, Jos Judicial Division). Judgment was delivered on 28/5/2009) ; *Raji v FRN* (2019) LPELR-47182(CA)

<sup>53</sup> S 23

<sup>54</sup> S 23(1) (a)

<sup>55</sup> *Ibid.*

<sup>56</sup> S 24

<sup>57</sup> *Ibid.* The punishment upon conviction is imprisonment for a term of not less than 7 years and a fine of not less than N2, 000,000'00.

Other offences created under the Act include offences relating to fraudulent entry of persons into another country;<sup>58</sup> conspiracy where the offence is committed;<sup>59</sup> conspiracy where the offence was not committed;<sup>60</sup> escape or aiding and abetting the escape of any person in the lawful custody of the Agency or suspected to have committed an offence under the 2015 Act;<sup>61</sup> Where a person is convicted abroad for offences relating to trafficking in person;<sup>62</sup> Attempt to commit any of the offences under the Act;<sup>63</sup> Where evidence establishes an attempt to commit an offence or the Commission of the full offence;<sup>64</sup> An offence under this Act committed by body corporate on the instigation, connivance of or attributable to any neglect on the part of the Secretary of the body corporate, director or manager;<sup>65</sup> A body corporate convicted under this act;<sup>66</sup> A commercial carrier that knowingly carries any person in contravention of the Act;<sup>67</sup> Impersonation or assumption of character of an officer of the agency;<sup>68</sup> Tampering with evidence and witness;<sup>69</sup> where the offence is committed on the instigation of the Manager, Secretary, etc;<sup>70</sup> Any tour operators, travel agents or airline who violates the provision of section 35(1) and (2) commits an offence;<sup>71</sup> A conviction for any of the offences under the Act;<sup>72</sup> and Obstruction of the Agency authorized officers;<sup>73</sup> and Offences related to forfeiture orders.

#### **4. Conclusion**

In view of the foregoing exposition, this study finds that the Act expanded the definition of trafficking in person to include trafficking for organ harvesting and ritual killings that are common in Nigeria today. It also afforded immunity from prosecution to victims of trafficking for any offence committed because of being trafficked. However, the 2015 Act like its predecessor (the 2003 Act) is narrow in scope, being that it limited the victims of most of the offences created therein to persons (victims) below the age of eighteen years, and as such it failed to capture young adults (like secondary school leavers and tertiary institutions students and unemployed or underemployed graduates) and the aged who are also highly vulnerable to traffickers due to current hash economic state of the country. The definitions of some key offences like trafficking for use in armed conflicts, movement of persons in and out of Nigeria for trafficking purposes and others in the 2015 Act are also inchoate and can be evaded by a smart defence lawyer. It must be observed that the provisions of the 2015 anti-trafficking Act represents a radical improvement on the provisions of the 2003 Act as amended in 2005. This is predicated on the fact that the 2015 Act sought to criminalize various conducts which are not criminalized by the 2003 Act. It is submitted finally, that the pegging of the victims of most of the crimes created under the Act to persons below the age of eighteen is effective; reason being that in Nigeria of today that is ranked as the world poverty headquarters, most graduates and persons above the age of twenty are roaming the streets unemployed and are, as such vulnerable to the offences created above. We therefore, submit that in view of the realities of the present-day Nigeria, there is a need to amend the 2015 Act and the age limits expunged.

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<sup>58</sup>This attracts a punishment of imprisonment for a term of not less than 5 years without an option of a fine upon conviction. See Section 26.

<sup>59</sup> This attracts the full punishment of offence conspired and committed upon conviction. Section 27(a)

<sup>60</sup> This attracts the half punishment of offence conspired but not committed upon conviction. Section 27(b)

<sup>61</sup> This is punishable with a term of 5 years imprisonment upon conviction. Section 28

<sup>62</sup>This attracts a punishment of imprisonment not exceeding 1 year and forfeiture of assets to the federal government. Sections 51(1)(b) and 50

<sup>63</sup> This offence attracts upon conviction half the punishment for the offence. Section 29

<sup>64</sup>For attempt, the offender shall be liable to half the punishment for the offence. Section 30 (1). Where the full offence is established on a charge for an attempt, the offender shall not be acquitted but be punished as though he was charged with the main offence. Section 30(1).

<sup>65</sup>The officer shall be liable on conviction to the same punishment provided under this Act for individuals committing the offence. Section 31(1)

<sup>66</sup>Shall be liable to a fine of N10 million and the court may also order for the winding up of the company and forfeiture of its assets and properties to the Victims of Trafficking Trust Funds. Section 31(2)

<sup>67</sup> The punishment upon conviction is a fine not exceeding N10 million. Section 35

<sup>68</sup> The punishment on conviction is imprisonment for a term not exceeding 5 years without an option of fine. Section 33

<sup>69</sup>The punishment on conviction is imprisonment for a term not exceeding 5 years or to a fine not less than ₦250,000.00 or to both

<sup>70</sup> The punishment upon conviction is the same punishment for individual offenders. Section 31(2)

<sup>71</sup> Liable on conviction to a fine not exceeding N10, 000,000.00. Section 35

<sup>72</sup> The passport of the person convicted shall be forfeited to the Federal government of Nigeria. Section 48

<sup>73</sup> The punishment on conviction to imprisonment for a term not exceeding 5 years or to a fine of N50,000.00 or both. Section 32