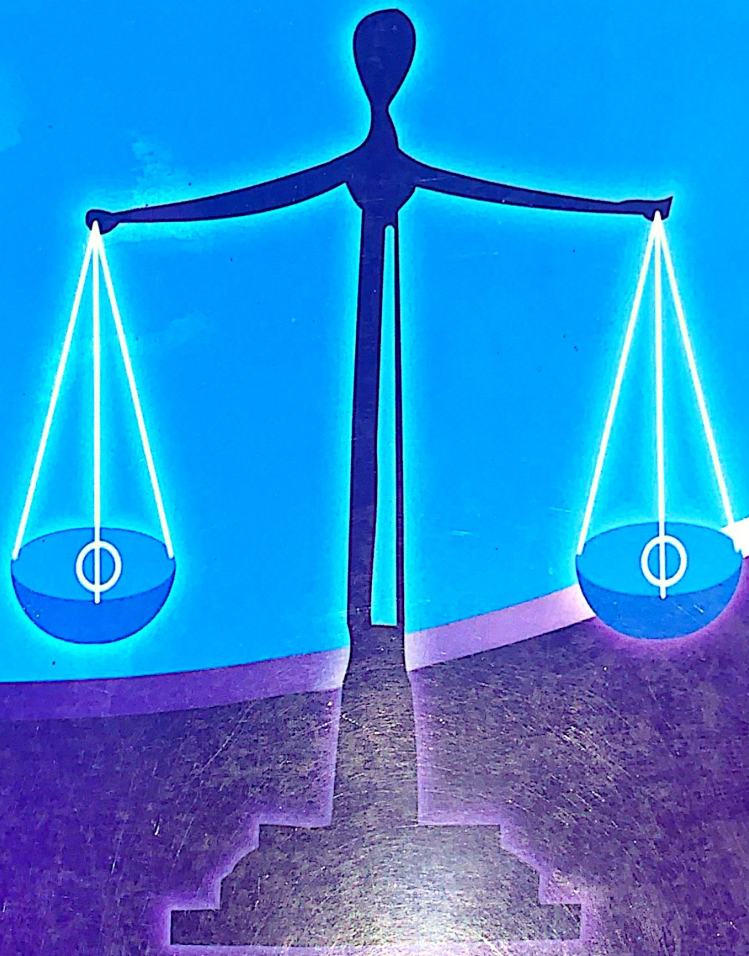
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EDITORIAL NOTE

Finally our back log issues of our esteem Journal have arrived. The last issue was Vol. 5, 2013. We are happy to introduce to you the latest Editions – 3 in 1:
Vol. 6, 2014
Vol. 7, 2015 and
Vol. 8, 2016.

The Journal is published in response to the need to fill the gap created by scarcity of relevant and qualitative published text books and law materials for the use of law students, staff and the general public. Secondly, because Public law is all embracing, there is need to contribute and sustain the continuity of scholarly journal that addresses contemporary issues of academic, legal and of public interest in the society.

We wish to thank our assessors for their commitment to the thorough review of the various articles of this edition. We are also grateful to our numerous financial supporters that made this issue a reality.

The Editorial Board is desirous of continuing the bi-annual publication of the Journal- March and September respectively. Therefore, submission of well researched articles in diverse areas is highly welcome from our numerous contributors. Articles should be prepared in Microsoft Word Format, doubled-spacing on A4 paper and addressed to

The Editor, *Journal of Public Law and Constitutional Practice* Faculty of Law, University of Jos

Contact: publawjournal@gmail.com

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1. The Journal of Public Law and Constitutional Practice is a publication devoted to contemporary issues of relevance to the legal, academic and commercial community. It is published two times in a year and circulates within and outside Nigeria.

2. The Editorial Board welcomes the submission of articles which examines current legal problems and issues by setting them within their general legal, economic or political context. Contributors will focus their research into larger issues of law, economics and politics as well as illuminate the actual experiences of lawyers resolving practical problems of developing legal devices or techniques.

3. Except in special circumstances, The Editorial Board will not consider articles already published or to be published elsewhere. Authors are asked to confirm if their manuscripts are being or not being published.

4. Articles should be clearly printed on A4 paper and accompanied by a soft copy saved in an electronic device or sent as mail attachment. Volume should be between fifteen and twenty (15-20) pages; double line spacing, Book Roman font style, size 12 for body text and ten (10) for footnotes. Title and author of articles should be clearly indicated with email address and phone number with abstract of not more than 200 words.

5. All materials for the journal must be in English. In special circumstance, articles written in a foreign language will be considered for translation and publication. Such articles when submitted to the editorial Board must be accompanied by synopsis in English.

6. ~~All citations should be from the Oxford citation for Legal Authorities (OXCOLA)~~

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COMBATING TRAFFICKING IN PERSONS: GLOBAL RESPONSES VIZ A VIZ THE NIGERIA EXPERIMENTS UNDER NAPTIP ACT, 2003.

ADIMULA, RUTH ABIOLA[1]

ABSTRACT

Trafficking in persons is a significant transnational crime which exploits vulnerable victims. As increasing numbers of people move across borders in search of economic opportunities, traffickers make use of such opportunities to exploit individuals with empty promises of a better life. The Paper examined the business of human trafficking across the seven continents of the globe and the response of government in each country to curtail the crime. The study finds that human trafficking is an identified crime globally and that each national government is fighting same in their own way, including through legal and humanitarian supports. The study offers recommendation among others that national government should improve investigation and preventive measures, collate trafficking laws in a statute book, increase funding to train necessary stakeholders on identifying, managing and offering assistance to victims of human trafficking, and that convicted human trafficker should be sentenced to prison on jail terms to serve as punitive measure.

Key words: Global, NAPTIP, Response, Trafficking in Persons/Human Trafficking,

INTRODUCTION

Trafficking in human being for sexual exploitation and forced unpaid labour constitutes a growing international criminal enterprise of epidemic proportions[2]. Trafficking in person is a significant transnational crime which exploits vulnerable victims. As increasing numbers of people move across borders in search of economic opportunities, traffickers make use of such opportunities to exploit individuals with empty promises of a better life[3]. Victims are typically deceived or coerced into providing sexual services, forced labour or have their organs removed[4]. Trafficking of men, women and children occurs in almost every country for almost every type of labor imaginable. Girls and women are trafficked into forced prostitution, domestic servitude, or sweatshops; trafficked children are forced to beg; men are trafficked for construction work, begging and agricultural labor[5]. Some trafficked persons enter a country legally on worker visas for domestic, "entertainment," computer, and agricultural work, and others enter illegally. Some work in legal occupations such as domestic, factory or construction work, while others toil in illegal industries such as sex work or begging (which is illegal in some countries[6]).

Each society across the globe is fighting the illicit trade in their ways, depending on the level and way of practicing it in the respective society. The truth is that, no matter how refined the practice, trafficking in persons exhibits that, some people are suppressing the bright future of others, especially children, to enhance their own present financial and material gain.

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[1] LL.B, BL, LL.M, Ph.D (Peace and Development Studies); Lecturer, Centre for Peace and Strategic Studies, University of Ilorin, Nigeria; adimulabiola@gmail.com

[2] Introductory statement of Business Crime Session of International Bar Association (IBA) Conference, Chicago, September, 2006

[3] Singapore Government (2016). Ministry of Manpower. Retrieved on March 14, 2016 from http://www.mom.gov.sg/trafficking-in-persons

[4] Singapore Government (2016). Ministry of Manpower. Retrieved on March 14, 2016 from http://www.mom.gov.sg/trafficking-in-persons on March 14, 2016

[5] *Melanie Orhant, moderator of Stop-Traffic Listserve; in Reproductive Health and Rights- Reaching the hardly reached, page 1. Retrieved on March 14, 2016 from https://www.path.org/publications/files/RHR-Article-1.pdf*

[6] *Melanie Orhant, moderator of Stop-Traffic Listserve; in Reproductive Health and Rights- Reaching the hardly reached, page 1. Retrieved on March 14, 2016 from https://www.path.org/publications/files/RHR-Article-1.pdf*

Trafficking means illegal trade in goods or something, such as drugs, human beings or weapons. The UN Protocol to Prevent, Suppress and Punish Trafficking in persons especially Women and Children 2000 define trafficking as[7]:

> *....the recruitment, transportation, transfer harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation...*

Often, the initial transfer from country of origin to country of destination is done willingly. Usually the individual has a different view of what lies at the other end: a loving husband or a $1,000 a week job. They do not however get what they bargained for. Trafficking may be a form of exploitation which is not significantly different to exploitation that occurs internally within the country of origin. The coercion factor, particularly at the beginning of the exploitation, however may be quite minimal and arise once the individual is in situ. Where they suddenly find out they are basically indentured labour and powerless to complain (for fear of deportation (removal). Whereas uplifting people from villages and transferring them to slave-like situations within Third World countries, the transfer of such workers or ''exploited' persons into First World countries becomes a problem for the First World country not only because of the misuse of the immigration entry processes, but also because of what the exploitation then represents on the new territory, an internal affront to the developed nation's sense of fair play and concepts of human rights[8]. Arguably, whilst poverty continues, people will be willing either internally or internationally to subject themselves (or their family members) to exploitive circumstances.

GLOBAL RESPONSES

The following discussion will focus primarily on immigration policy responses in some selected jurisdictions, discussing at least a country in each of the seven (7) continents of the world, viz: Africa, Antarctica, Asia, Australia, Europe, North America, and South America; though of course, responses within law enforcement and the investigation of organized human trafficking is substantial and varied[9]. Trafficking in persons is a truly global phenomenon: between 2010 and 2012, victims from at least 153 countries were detected in 124 countries worldwide[10]. A great majority of the victims detected are females, although men and boys are also trafficked in significant numbers. Women and girls are not only trafficked for sexual exploitation, but also for forced labour and for other purposes. The percentage of children among victims is increasing and children now comprise nearly one third of all detected trafficking victims in the world[11].

Many countries have recently passed legislation criminalizing trafficking in persons as a specific offence. However, definitions of human trafficking vary, as does the capacity to identify offenders and victims. The overall criminal justice response to trafficking in persons, which has historically been very weak, has not improved[12].

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[7] David Ryken, Paper on People Trafficking: Workers and Families Legal Responses in New Zealand and Internationally; at International Bar Association (IBA) conference, Chicago, 2006, page 3.
[8] Ibid
[9] David Ryken supra on page 8
[10] United Nations Office on Drug and Crime; Global report on trafficking in persons (2015). Retrieved on March 14, 2016 from http://www.state.gov/documents/organization/245365.pdf
[11] Ibid
[12] Ibid

USA

The United States has become a primary destination for human trafficking, with victims found in small farming communities, in urban brothels, and in the homes of diplomats and executives in exclusive and affluent neighbourhoods[13]. Following President Obama's March 2012 call to strengthen federal efforts to combat human trafficking, the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF) brought together leaders from government, the private sector, advocates, survivors, communities of faith, civil society, law enforcement, and academia to strengthen the nation's collective efforts to combat human trafficking[14]. In implementing this ambitious agenda, the Obama Administration has focused on four priority areas: rule of law, victim services, procurement and supply chains, and public awareness and outreach[15]. At least 16 anti-human trafficking task forces made up of federal, state, and local law enforcement were funded; high-impact human trafficking investigations and prosecutions; partnering with relevant law enforcement agencies and NGOs to ensure trafficking victims are provided with comprehensive services[16].

Prior to this time, the Bush administration has undertaken an aggressive campaign to fight human trafficking while also passing legislation to protect and restore victims. Much of the challenge in combating trafficking rests in training local law enforcement to recognize the signs of trafficking in their communities and to identify trafficking victims accurately.

Focusing on its responses to labour trafficking, the US has of course been much in the media over the years in the struggle to respond to the problem of undocumented mainly Hispanic labour. The central focus in law enforcement in the US is the Trafficking Victims Protection Act (TVPA) enacted in October 2000. The US response to the trafficking problem is however far more sophisticated and well-developed than in many other countries. Victims of trafficking in the US have an opportunity to receive a specially created T-visa, but they are required to assist in the investigation or prosecution of acts of trafficking; sometimes, the U.S government allows close family members entry in order to insulate witnesses who fear retribution back home. Important too is the work carried out by NGOs in relation to the empowerment of the victims of trafficking and inter-country cooperation in prevention and prosecution[17].

The US also clearly leads the world in the struggle to monitor and report on the phenomenon through the annual Trafficking in Persons (TIP) report produced by the specially designated Trafficking Office[18].

UNITED KINGDOM

The United Kingdom (UK) is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labour, including domestic servitude[19]. Most foreign trafficking victims come from Africa, Asia, and Eastern Europe. The government reported a large increase in the number of identified potential victims from the UK and Eastern Europe in 2014. Albania, Nigeria,

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[13] David Ryken (supra)

[14] The WHITE HOUSE President Barack Obama; FACT SHEET: President's Interagency Task Force to Monitor and Combat Trafficking in Persons; retrieved on March 13, 2016 from https://www.whitehouse.gov/the-press-office/2016/01/05/fact-sheet-presidents-interagency-task-force-monitor-and-combat

[15] The WHITE HOUSE President Barack Obama; FACT SHEET: President's Interagency Task Force to Monitor and Combat Trafficking in Persons; retrieved on March 13, 2016 from https://www.whitehouse.gov/the-press-office/2016/01/05/fact-sheet-presidents-interagency-task-force-monitor-and-combat

[16] Ibid

[17] David Ryken (supra)

[18] Ibid

[19] U.S Department of State Diplomacy in Action: Office to Monitor and Combat Trafficking in Persons, 2015 Trafficking in Persons Report. Retrieved on March 15, 2016 from: http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243558.htm

Vietnam, Romania, and Slovakia were the top countries of origin for potential victims identified in 2015[20]. UK men continue to be subjected to forced labour within the UK and in other countries in Europe. UK children are subjected to sex trafficking within the country. Officials identified two potential transgender sex trafficking victims in 2014[21]. UK and foreign adults and children are forced into criminal behaviour, including drug production and sale and theft. Migrant workers in the UK are subjected to forced labour in agriculture, construction, food processing, factories, domestic service, nail salons, food services, car washes, and on fishing boats[22]. Children in the care system and unaccompanied migrant children are vulnerable to trafficking. Foreign domestic workers in diplomatic households are particularly vulnerable to trafficking and abuse[23].

In response to the above situation, in May 2009, a group of nine UK-based organisations established The Anti-Trafficking Monitoring Group (ATMG) to monitor the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings to pursue the knowledge about the manifestation of trafficking and current trends, an effective criminal justice response, and especially for planning for the future[24]. It was found that there is a disproportionally low number of convictions for trafficking compared to the increasing number of potential trafficked persons[25]. The reasons for this are multiple, including trafficking not being made a priority in policing plans; the data collection gives a confused and potentially misleading picture where different statistics are presented by different departments, leading to confusion over the number of perpetrators actually brought to justice for trafficking; also, the current legislation does not articulate protection rights for trafficked persons as required by the Convention[26].

In 2014, the government issued its first modern slavery strategy, reviewed and made recommendations to improve its victim identification mechanism, and launched a pilot program to strengthen protections for child trafficking victims. The government prosecuted and convicted an increased number of traffickers, appointed an anti-slavery commissioner to coordinate anti-trafficking efforts, and passed the Modern Slavery Act in March 2015[27].

CANADA

Human trafficking is a global problem and Canada is not immune to it. Canada has been identified as both a transit and a destination point for human trafficking. Canada is also a source of trafficked persons and has experienced cases of domestic trafficking within its borders. Due to the hidden nature of the crime, most human trafficking activities are undetected or unreported[28]. The Canadian government identified that human trafficking is a serious violation of human rights which must be addressed[29].

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20 Ibid

21 Ibid

22 Ibid

23 Ibid

24 Rachel Annison (2013). In the Dock: Examining the UK's Criminal Justice Response to Trafficking. The Anti Trafficking Monitoring Group; retrieved on March 14, 2016 from http://www.antislavery.org/includes/documents/cm_docs/2013/i/inthedock_final_small_file.pdf

25 Ibid

26 Ibid

27 U.S Department of State Diplomacy in Action: Office to Monitor and Combat Trafficking in Persons, 2015 Trafficking in Persons Report. Retrieved on March 14, 2016 from: http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243558.htm

28 British Columbia; Human Trafficking in B. C. Retrieved on March 15, 2016 from http://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/human-trafficking

29 Ibid

In response to this, the Office to Combat Trafficking in Persons (OCTIP) was established and it develops and coordinates British Columbia's strategy to combat human trafficking. OCTIP places the rights of trafficked persons at the centre of its work[30]. In collaboration with other provincial ministries, federal departments, municipal governments, law enforcement agencies and community organizations, OCTIP aims to prevent human trafficking and coordinate services for trafficked persons in British Columbia[31]. It also supports police and Crown counsel with the prosecution of human trafficking cases. In June of 2011, OCTIP launched a training program to certify first responders to identify, protect, and assist victims of human trafficking in the province[32] It also offer immediate support and referrals for trafficked persons.

Also, The *Immigration and Refugee Protection Act* (IRPA) was put in place. This law applies when a person is trafficked into Canada from another country, it allows visas to enable trafficking victims to remain in Canada on a temporary basis. In Canada, human trafficking is a crime and if convicted it is punishable by up to 14 years in prison. Benefitting from it is punishable by up to 10 years in prison and facilitating it is punishable by up to five years in prison[33].

FRANCE

France is a destination, transit, and a limited source country for men, women, and children subjected to trafficking in persons, specifically forced labour and sex trafficking. Foreign victims from Eastern Europe, West Africa, and Asia, as well as North Africa and South America, are subjected to sex trafficking and forced labour[34]. Sex trafficking networks controlled by Bulgarians, Nigerians, Romanians, Chinese, and French citizens force women into prostitution through debt bondage, physical force, and psychological coercion, including the invocation of voodoo[35]. Students and isolated foreign minors are also increasingly exploited for sexual purposes. The Government of France estimates the majority of the 20,000 people in France's commercial sex trade, about 90 percent of whom are foreigners, are likely trafficking victims[36]. Roma and other unaccompanied minors in France continue to be vulnerable to forced begging and forced theft. Women and children continue to be subjected to domestic servitude mostly in cases where families exploit relatives brought from Africa to work in their households[37].

To regulate the influx of human trafficking to France, the government revised its anti-trafficking law and continued to protect a large number of victims[38]; however, the government's efforts to combat labour trafficking were much weaker than those undertaken for sex trafficking. Robust cooperation with external law enforcement organizations continued as demonstrated by the breakup of numerous sex trafficking and forced begging networks. The government also increased cooperation with destination countries for child sex tourism by French nationals[39].

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[30] Ibid

[31] Ibid

[32] *"Launch of First Anti-Human Trafficking On-line Training Program for Service Providers in British Columbia". Sys-Con Media. June 22, 2011. Retrieved September 16, 2012.*

[33] British Columbia; Human Trafficking in B. C. Retrieved on March 14, 2016 from http://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/human-trafficking

[34] U. S. Department of State: Diplomacy in Action. Trafficking in persons 2015 Report: Country Narratives; France. Retrieved on March 14, 2016 from: http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243439.htm

[35] U. S. Department of State: Diplomacy in Action. Trafficking in persons 2014 Report: Country Narratives; France. Retrievedon March 13, 2016 from: http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226724.htm

[36] Ibid

[37] ibid

[38] Ibid

[39] Ibid

NETHERLAND

The Netherlands is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor[40]. During 2008, most female victims were exploited in forced prostitution, and the majority of identified sex trafficking victims were from the Netherlands. Within the Netherlands, victims are trafficked by so called "pimp boys" or "lover boys"—men who seduce vulnerable young women and girls and force them into prostitution[41].

Males were trafficked into commercial sexual exploitation as well as forced labor in the catering, cleaning, agriculture and construction sectors. The main countries of origin for male victims were China, India, Nigeria, Sierra Leone, and the Netherlands[42].

In response, the Dutch government sustained strong anti-sex trafficking law enforcement efforts, sustained protections provided to female trafficking victims, and improved services available to male trafficking victims[43]. It also expanded prevention activities, including a program targeted at raising trafficking awareness among clients of the sex trade. In 2004, Dutch Courts convicted 136 traffickers[44]. There is also a registration and then permit system for the victims of trafficking (B-9 temporary residence status)[45]. The Dutch, as they often do, appear to be leading the world by also providing funded training and reintegration programs to help trafficking victims find employment[46].

GERMANY

Germany is a source, transit, and destination country for women, children, and men subjected to sex trafficking and forced labor. Approximately 89 percent of identified victims of sex trafficking in Germany originate from European countries, including 25 percent from Bulgaria, 26 percent from Romania, and 20 percent from within Germany[47]. Non-European victims originate in Nigeria, other parts of Africa, Asia, and the Western Hemisphere. The majority of sex trafficking victims have been exploited in bars, brothels, and apartments; approximately 30 percent of identified sex trafficking victims report that they initially agreed to engage in prostitution. Approximately 17 percent of the identified trafficking victims are children. In some regions of Germany, sex trafficking victims are generally between 17 and 35 years old and sold between traffickers to maximize profit. Young German women are frequently recruited into sex trafficking through the "lover boy" method, in which recruiters pose as romantic partners and then force girls into prostitution. Nigerian victims of trafficking are often coerced into prostitution through spiritual rituals.

The German government response was introduction of major changes in the Criminal Code and Code of Criminal Procedure in Germany over the past decade. Human trafficking offences have been adapted to the broad definition of the Palermo Protocol, and the position of the victim in criminal proceedings has been improved by the additional possibilities offered by the prosecution procedure that permits victims to

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[40] Human Trafficking & Modern-day Slavery. Retrieved on March 14, 2016 from: http://gvnet.com/humantrafficking/Netherlands.htm

[41] Human Trafficking & Modern-day Slavery. Retrieved on March 14, 2016 from: http://gvnet.com/humantrafficking/Netherlands.htm

[42] U.S. State Dept Trafficking in Persons Report, June, 2009

[43] U. S. Department of State: Diplomacy in Action. Trafficking in persons 2015 Report: Country Narratives; Germany. Retrieved on March 14, 2016 from: http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243501.htm

[44] David Ryken (supra)

[45] Ibid

[46] Ibid

[47] U. S. Department of State: Diplomacy in Action. Trafficking in persons 2015 Report: Country Narratives; Germany. Retrieved on March 14, 2016 from:http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243443.htm

participate through counsel in the main proceedings on nearly equal footing with the public prosecutor and the defense and the witness assistant[48].

Almost 40 specialised non-governmental counseling centres have been created throughout Germany to provide advice and assistance to those affected and supports them during criminal proceedings and in asserting their rights. Courts convicted 137 traffickers in 2004. Since August 2005 there have been dozens of labour trafficking prosecutions that the previous law would not have allowed. Trafficked victims access counseling centres and are provided with shelter, legal counsel and interpreters. Witnesses are entitled to financial support for basic living and basic health care.

SINGAPORE

Singapore is a destination country for men, women, and girls from other Asian countries subjected to sex trafficking and forced labour, and a transit country for Cambodian and Filipino men subjected to forced labour on fishing vessels that stop at ports in Singapore[49]. Many of the more than 1.35 million foreign workers that comprise more than one-third of Singapore's total labour force are vulnerable to trafficking[50]; most victims migrate willingly for work in the construction, domestic service, performing arts, manufacturing, or service industries or in the sex trade. Foreign women sometimes enter Singapore with the intention of engaging in prostitution, but upon arrival are subjected to forced prostitution under the threat of serious harm, including financial harm, or other forms of coercion[51]. There are cases of child sex trafficking, involving both boys and girls, in Singapore, and cases of Singaporean men engaging in child sex tourism in other countries[52].

Victims face a lot of challenges, passport confiscation remains a widespread and largely accepted practice[53]; research released by the government found six out of 10 foreign work permit holders were not in possession of their passports and work permits[54]. Some employers in Singapore rely on repatriation companies to seize, confine, and escort foreign workers to the airport for departure from Singapore, including through the use of assaults, threats, and coercion, to prevent them from complaining about abuses to authorities[55].

The Government of Singapore have adopted several means to respond to the situation. The Singapore Inter-Agency Taskforce on Trafficking in Persons was established in 2010 to combat trafficking in persons (TIP) in Singapore[56]. The aim of the taskforce is to implement holistic, coordinated strategies to combat TIP more effectively. In March 2012, the government launched National Plan of Action which was meant to serve as a roadmap to guide the taskforce in building its capabilities to deal with TIP in Singapore through the "4 Ps" strategy of: Prevention, Prosecution, Protection and Partnership[57].

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[48] Petra Follmar-Otto & Heike Rabe (2009). Human Trafficking in Germany; Strengthening Victim's Human Rights. Germany Institute for Human Rights. Retrieved on March 13, 2016 from: http://www.stiftung-evz.de/fileadmin/user_upload/EVZ_Uploads/Publikationen/Englisch/study_human_trafficking_in_germany.pdf

[49] U. S. Department of State: Diplomacy in Action. Trafficking in persons 2015 Report: Country Narratives; Singapore. Retrieved on March 14, 2016 from: http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243526.htm

[50] Ibid

[51] Ibid

[52] Ibid

[53] Ibid

[54] Ibid

[55] Ibid

[56] Singapore Government (2016). Ministry of Manpower. Retrieved on 13 March, 2016 from http://www.mom.gov.sg/trafficking-in-persons

[57] Ibid

In March, 2015, the government passed its first anti-trafficking law, which prohibits all forms of human trafficking[58]. Authorities identified 33 victims and initiated 11 prosecutions in four cases, but did not convict any traffickers; while the government obtained its first conviction of a Singaporean national for the facilitation of child sex tourism abroad[59].

COLOMBIA

An estimated 70,000 people fall victim to human trafficking in Colombia every year[60], Colombia has a longstanding problem with human trafficking and the United Nations reported in 2015 that practice is growing. Colombia is traditionally a common point of origin for women trafficked for prostitution in overseas markets, particularly Asia, Europe and the Middle East. However, there are signs that dynamic is changing. Colombian women and children are found in sex trafficking around the world, particularly in Latin America, the Caribbean, Asia, and Western Europe. The most common types of violations in Colombia include sexual exploitation, forced employment and slavery (often referred to as "modern-day slavery"[61]),

Groups at high risk for internal trafficking include internally displaced persons, Afro-Colombians, indigenous Colombians, Colombians with disabilities, and Colombians living in areas where armed criminal groups are active[62]. . In response therefore, the government of Colombia continued to undertake awareness campaigns and investigate and prosecute transnational trafficking cases[63]. Authorities increased the number of labor trafficking investigations and reported six convictions related to child recruitment by illegal armed groups in 2013, some of which may have involved forcible child recruitment[64]. The government offered victims of transnational trafficking repatriation and short-term emergency assistance and provided services to child victims of sex trafficking and of forcible recruitment by illegal armed groups[65].

AUSTRALIA

Australia is primarily a destination country for women subjected to forced prostitution and, to an increasing extent, for women and men subjected to forced labour. Child sex trafficking occurs with a small number of Australian citizens, primarily teenage girls, as well as foreign victims, exploited within the country[66]. Some women from Thailand, Malaysia, the Philippines, South Korea, China, and to a lesser extent India, Vietnam, Indonesia, Eastern Europe, and Africa migrate to Australia voluntarily intending to work legally or illegally in a number of sectors, including the sex trade[67]. Subsequent to their arrival, some of these women are coerced into prostitution. These foreign women and girls are sometimes held in captivity, subjected to physical and sexual violence and intimidation, manipulated through illegal drugs, and obliged to pay off unexpected or inflated debts to their traffickers[68]. There were reports of some

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[58] Ibid
[59] Ibid
[60] Charles Parkinson (2013). Insight Crime; Investigation and Analysis of Organized Crime. Retrieved on March 14, 2016from: http://www.insightcrime.org/news-briefs/report-reveals-extent-of-human-trafficking-in-colombia
[61] Ibid
[62] U.S. Department of State (Supra)
[63] U. S. Department of State: Diplomacy in Action. Trafficking in persons 2015 Report: Country Narratives; Colombia. Retrieved on March 14, 2016 from:http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243416.htm
[64] Ibid
[65] Ibid
[66] U. S. Department of State: Diplomacy in Action. Trafficking in persons 2015 Report: Country Narratives; Australia. Retrieved on March 14, 2016 from:http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243416.htm
http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243387.htm
[67] *Ibid*
[68] Ibid

victims of sex trafficking and some women who migrated to Australia for arranged marriages being subsequently subjected to domestic servitude[69].

The majority of identified victims were individuals on student visas in Australia. Many foreign students in the country spend significant sums in placement and academic fees. Some foreign students work in housekeeping, restaurants, and other service industries and are subject to a restriction of working a maximum of 20 hours per week under their visas[70]. Unscrupulous employers coerce students to work in excess of the terms of their visas, which makes them vulnerable to trafficking because of their fears of deportation for immigration violations.

The government in response enacted legislation that enhanced protections for witnesses in trafficking cases, such as through granting the ability to provide testimony by video, and it continued to identify and refer victims to the government-funded support program[71]. The government continued robust efforts to combat child sex tourism, including through prosecuting six cases and convicting three Australian nationals who committed this crime overseas. In 2009, in response to a recommendation of the Australian National Audit Office, the Australian Government agreed to undertake more systematic annual reporting of outcomes under a strategy to combat human trafficking and slavery[72]. In April 2014, Anti-Slavery Australia launched an e-learning tool, aimed at training frontline workers, community and social workers, lawyers, health care professionals, government workers, teachers and law enforcement. The course covers all forms of human trafficking and slavery, including servitude, forced labour, debt bondage, forced marriage and organ trafficking[73].

Between 2013 and 2014, The Australian Federal Police received 70 new referrals relating to human trafficking and slavery matters, taking the total to 469 since 2004. Of these 70 referrals, 60 were accepted for further investigation[74]. Almost 43 per cent of these investigations related to sexual exploitation, 35 per cent to other forms of labour exploitation and 17 per cent related to forced marriage[75].

NEW ZEALAND

New Zealand is destination country for human trafficking. Estimates of human trafficking in New Zealand are modest, with some reports of debt bondage and confiscation of document among women in prostitution[76]. New Zealand is a destination country for women who are trafficked from Malaysia, Hong Kong, People's Republic of China, and other countries in Asia for commercial sexual exploitation[77]. There have been no reports of foreign trafficking victims since 2001, although there is evidence of women from

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[69] Ibid

[70] Ibid

[71] U. S. Department of State: Diplomacy in Action. Trafficking in persons 2014 Report: Country Narratives; Australia. Retrieved on March 14, 2016 from: http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226672.htm

[72] Trafficking in Persons. The Australian Government Response (2014). The Sixth Report of the Interdepartmental on Human Trafficking and Slavery. Retrieved on March 14, 2016 from: https://www.ag.gov.au/crimeandcorruption/humantrafficking/documents/traffickinginpersons-theaustraliangovernmentresponse2013-2014.pdf

[73] Ibid

[74] Trafficking in persons: The Australian Government Response 1 July 2013 – 30 June 2014

[75] Trafficking in Persons. The Australian Government Response (2014). The Sixth Report of the Interdepartmental on Human Trafficking and Slavery. Retrieved on March 14, 2016 from: https://www.ag.gov.au/crimeandcorruption/humantrafficking/documents/traffickinginpersons-theaustraliangovernmentresponse2013-2014.pdf

[76] 2007 US Department of State Trafficking in Persons Report. Humantrafficking.org. A Web Resource for Combating Human Trafficking, New Zealand http://www.humantrafficking.org/countries/new_zealand.

[77] Humantrafficking.org. A Web Resource for Combating Human Trafficking, New Zealand (2006). Retrieved on March 14, 2016 from: http://www.humantrafficking.org/countries/new_zealand

Asia, the Czech Republic, and Brazil who were working illegally as prostitutes[78]. New Zealand has internal trafficking of women and children for commercial sexual exploitation[79]. The Prostitution Law Review Committee estimated that approximately 200 young persons under the age of 18 were working as prostitutes in 2004[80].

A range of responses over the last several years have included legislative reform, an action plan on trafficking in persons (early 2005) prosecutorial work and cooperation with NGOs providing victim support. In 2003 prostitution was decriminalized which may have also reduced sex-worker 'trafficking'. There has been no evidence of government officials who are complicit in human trafficking.

New Zealand uses many laws to prosecute traffickers. Part 5 of the 1961 Crimes Act criminalizes sex and labor trafficking. Other laws prohibit New Zealanders from child sex tourism and criminalize financial gain from commercial sexual exploitation of children. Penalties for commercial sexual exploitation are up to 20 years[81].

In addition, the New Zealand Government provides a short-term shelter, witness protection, medical services, and repatriation assistance to trafficking victims. The government funds programs in Indonesia and the Philippines to provide protection for victims of commercial sexual exploitation. The government adequately identifies trafficking victims; there have been no reports of victims who have been jailed, fined, or deported[82].

THE NIGERIA EXPERIMENT

The meaning of NAPTIP and Illicit Child Trade:

NAPTIP is National Agency for Prohibition of Traffic in Persons. The Law relating to this is National Agency for Prohibition of Traffic in Persons and other Related Matters Act, 2003. This Act apart from stating the establishment of the Agency and its operations also gives guidelines, monitoring and punishment to all persons at different levels involved in human trafficking.

In the Nigeria context, both Trafficking in persons and illicit child trade are interrelated and they both apply to human beings under 18 years of age i.e. children. NAPTIP Act and the Child Right Act, 2003 are the relevant Laws guiding these two transactions.

Nigeria ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in 2001. Based on this, the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act was passed in 2003 and the enforcement agency, the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), was created in the same year. The anti-trafficking law was amended in 2005 and the Senate passed a bill in March 2014 to give prosecutors more authority and restrict the ability of judges to fine traffickers in lieu of issuing prison sentences[83].

The Agency has partnered with other countries and international organisations such as the International Labour Organization and the UN Office on Drugs and Crime in its effort to curb trafficking in persons and

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[78] 2006 US Department of State Human Rights Report. Humantrafficking.org. A Web Resource for Combating Human Trafficking, New Zealand

[79] 2007 US Department of State Trafficking in Persons Report. Humantrafficking.org. A Web Resource for Combating Human Trafficking, New Zealand

[80] 2006 US Department of State Human Rights Report. A Web Resource for Combating Human Trafficking, New Zealand

[81] 2007 US Department of State Trafficking in Persons Report. Humantrafficking.org. A Web Resource for Combating Human Trafficking, New Zealand

[82] Ibid

[83] International Labour Organisation. Migrant; Labour Migration Branch (2015). Retrieved on March 15, 2016 from: http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=40

related human rights abuses. Since its establishment, NAPTIP has assisted over 7,500 victims of trafficking, convicted 218 traffickers and sensitised the public and stakeholders about the menace of human trafficking in Nigeria[84].

HUMAN TRAFFICKING IN NIGERIA

Nigeria is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Nigerian trafficking victims are recruited from rural and, to a lesser extent, urban areas within the country; women and girls for domestic servitude and sex trafficking, and boys for forced labor in street vending, domestic service, mining, stone quarrying, agriculture, and begging[85]. Young boys who attend Koranic schools, commonly known as Almajiri children, are often moved between Kano, Kaduna, and Sokoto and subjected to forced begging. Nigerian traffickers rely on threats of voodoo curses to control Nigerian victims and force them into situations of prostitution or labor[86].

Nigerian women and children are taken from Nigeria to other West and Central African countries, as well as to South Africa, where they are exploited for the same purposes. Children from West African countries—primarily Benin, Ghana, and Togo—are forced to work in Nigeria, and many are subjected to hazardous labor in Nigeria's granite mines. Nigerian women and girls—primarily from Benin City in Edo State—are subjected to forced prostitution in Italy, while Nigerian women and girls from other states are subjected to forced prostitution in Spain, Scotland, the Netherlands, Germany, Turkey, Belgium, Denmark, Finland, France, Sweden, Switzerland, Norway, Ireland, Slovakia, the Czech Republic, Greece, and Russia. Nigerian women and children are also recruited and transported to destinations in North Africa, the Middle East, and Central Asia, where they are held captive in the sex trade or in forced labor[87]. Nigerian women are trafficked to Malaysia, where they are forced into prostitution and to work as drug mules for their traffickers. West African women travel through Nigeria to destinations in Europe and the Middle East, where they are subsequently subjected to forced prostitution.

In 2013, international observers reported that the terrorist organization, Boko Haram, had recruited and used child soldiers as young as 12-years-old, as well as abducted women and girls in the northern region of Nigeria, some of whom it later subjected to domestic servitude, forced labor, and sex slavery through forced marriages to its militants[88]. Observers also reported that children were used at checkpoints in Borno state by a citizen vigilante group.

The Government of Nigeria in response is demonstrating an increase in anti-trafficking law enforcement efforts by increasing the number of trafficking investigations, prosecutions and convictions and by providing extensive specialized anti-trafficking training to officials from various government ministries and agencies[89]. NAPTIP increased protection efforts by developing a formal referral mechanism for victim protection; increasing the capacity of its shelters; and identifying and providing services to a larger number of victims[90]. Despite these efforts, the government is yet to pass draft legislation that would restrict the ability of judges to offer fines in lieu of prison time during sentencing and, despite the growing number of Nigerian trafficking victims identified abroad, the government is yet to implement formal procedures for the return and reintegration of Nigerian victims[91].

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[84] Ibid
[85] U. S. department of State. Diplomacy in Action (2014), supra.
[86] Ibid
[87] Ibid
[88] Ibid
[89] Ibid
[90] Ibid
[91] Ibid

RECOMMENDATIONS

Bearing in mind the havoc experienced by trafficked persons, it is recommended that governments should encourage the adoption of victim-centered policies at the state and local levels that ensure victims, including children, are not punished for crimes committed as a direct result of being subjected to trafficking and to also support appropriate housing for child trafficking victims that ensures their physical and mental health and safety. Governments at all levels should also strengthen prevention efforts.

Identified jurisdiction like the United Kingdom should produce a unified law against human trafficking in the statute books, to make criminal justice actors identify the crime and prosecute traffickers and also make human trafficking a policing priority to compliment government's commitment to make the UK a hostile environment for traffickers. While New Zealand government is advised to expeditiously adopt and enact the National Plan of Action and to also pass and implement the draft anti-trafficking bill, which would amend the anti-trafficking law to give prosecutors more authority and restrict the ability of judges to offer fines in lieu of prison.

Governments that have human trafficking statute book like France, Singapore, Nigeria and Colombia are encouraged to greatly increase investigations, prosecutions, and convictions under the trafficking statute, ensuring convicted offenders are sentenced to jail terms; amplify training on and enforcement of labor trafficking laws; increase anti-trafficking training for prosecutors and judges and also, ensure that emphasis is placed on increasing the use of the trafficking statute, this will improve access to justice in relevant jurisdictions.

CONCLUSION

Trafficking in persons is no doubt a crime and a huge challenge that has been identified by governments across the globe and each authority is fighting it in her own way. Unfortunately victims in most cases are faced with double jeopardy of being trafficked and as well being treated as criminals in some jurisdictions. Trafficking in persons is becoming unpopular in the International Communities as each country is using every available legal means to contend and reduce the evil of the trade in their communities. Much headway has been made both internationally and in individual countries in the struggle to find a response to the problems of trafficking. Legislation and victim support has improved responses, primarily in the area of sex and child-sex trafficking, particularly over the last five years, but increasing in a number of destination countries in the last two years. Prosecutions are on the rise and support for victims is clearly becoming available although erratic. In a number of countries the support includes visa status, though often temporary. It will be interesting to note whether other countries will follow the US lead in allowing close family members entry in order to insulate witnesses who fear retribution back home. It is also suggested that governments should dedicate a budget for specialized trafficking victim protection and reintegration assistance, provide funding to all non-governmental shelters assisting potential victims; develop formal policies to ensure all potential victims receive robust protections regardless of whether their cases are fully substantiated or lead to prosecutions. Governments at all levels should enhance coordination among labor officials, police, prosecutors, and social workers to ensure cases are identified and referred for criminal investigation and victims are provided comprehensive and timely assistance; strengthen the interagency working group's ability to collect accurate data. Nigerian government is advised to take proactive measures to investigate and prosecute government officials suspected of trafficking-related corruption and complicity in trafficking offenses; fully integrate anti-trafficking responsibilities into the work of the Nigerian Police Force and the Ministry of Labor; develop a formal system to track the number of victims repatriated from abroad, and upon repatriation ensure they are aware of available protective services; and to also ensure that NAPTIP effectively interacts with and receives support from other government agencies that have a stake in addressing human trafficking.