Infringement on fundamental human rights through human trafficking

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ABSTRACT

Human trafficking has been described as the receipt of persons through fraudulent means or deceptive means, transportation of individuals, recruitment, harboring or transfer of persons based on falsehood. Oftentimes men and women or under aged children are usually victims of this inhumane activity. Some Nigerians (male or female) have had to be trafficked outside Nigeria under the pretense that they are going to have a better life. This infringement on their fundamental human rights has led to the loss of life and identity. As victims are smuggled out of the country with a promise of greener pasture oversees or in neighboring African countries. Nigeria and Libya were considered in the study, as trafficking and smuggling are prevalent in prevalent in these countries. The objectives of this study are to ascertain if there are adequate policies on ground to help in sustaining the fight against human trafficking, and why the government has not been able to eradicate the menace from the society. Hence the Nigerian government engages in diplomatic relations with other countries to return persons to the country (like in the case of Libya), through the established relevant agencies such as the National Agency for the Prohibition of Trafficking in Person (NAPTIP). The study adopted the secondary data generation approach. It advocated for a more rigorous approach in order to sustain relevant policies, if any, and strengthen the fight against trafficking of persons.

Keywords: Human trafficking, sustainable policies, governmental agencies, human rights abuse

INTRODUCTION

The crime associated with human trafficking involves coercion, force, fraud and smuggling. Kidnapping and sham marriages have also become part of the whole process, which brings about irresponsibility, most especially among the male folks. According to Omoregh (2008) he posits that “a responsible man is a man who takes his duties, obligations, promises seriously and does everything possible to fulfill them promptly and efficiently”. Unfortunately, those who found themselves being trafficked, are often promised fantastic jobs, and in the process manipulated into swearing oath. Traffickers control their victims to submission to their will through manipulation and adoption of different tactics, as victim are forced to engage in negative vices like prostitution, domestic labour and other unwholesome practices. Arezo (2020) asserted that, “Nigeria is a source, transit and destination country for human trafficking”. He added that “Internal trafficking is the most prevalent form, accounting for 75% of cases in the country, as regional victims of traffickers in Nigeria are generally from Togo, Benin or Burkina Faso, in terms of transportation of individuals, recruitment, harboring or transfer of persons based on falsehood. Oftentimes men and women or under aged children are usually victims of this inhumane activity. Some Nigerians (male or female) have had to be trafficked outside Nigeria under the pretense that they are going to have a better life. This infringement on their fundamental human rights has led to the loss of life and identity. As victims are smuggled out of the country with a promise of greener pasture oversees or in neighboring African countries. Nigeria and Libya were considered in the study, as trafficking and smuggling are prevalent in prevalent in these countries. The objectives of this study are to ascertain if there are adequate policies on ground to help in sustaining the fight against human trafficking, and why the government has not been able to eradicate the menace from the society. Hence the Nigerian government engages in diplomatic relations with other countries to return persons to the country (like in the case of Libya), through the established relevant agencies such as the National Agency for the Prohibition of Trafficking in Person (NAPTIP). The study adopted the secondary data generation approach. It advocated for a more rigorous approach in order to sustain relevant policies, if any, and strengthen the fight against trafficking of persons.

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1. INTRODUCTION

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which has also led to the mixing of various forms of trafficking. The lack of entrepreneurial skills, capital shortage, non-investment practices, inadequate productivity measures, insufficient savings; inefficiency, and unfavourable terms in trade, has forced people into all sorts of criminal and negative vices. For instance, women who find themselves in these positions are often times exploited sexually in Nigeria. Organ harvesting cases have also been reported in most African countries including Libya, for sales in some other countries like Malaysia and Singapore countries.

In addition, trafficked persons experience multiple forms of trafficking, most times during their journey, as they are further taken advantage off by new traffickers as they are sometimes further kidnapped, extorted, forced into labour detention camps, sexual exploitation and slavery, so as to happen. This happens because of relationships or bound that existed between traffickers and those that engage in the operation of detention camps, along the routes. Exploitation of the people for profit making has become one of the cardinal points of most African counties, regardless of political, economic and social structure. The US Immigration and Custom Enforcement (2015), reported that, “about 600,000 to 800,000 victims are trafficked globally per year, the majority of whom are women and children”. While in 2022 the Directorate of Humanitarian Services (DHS), “developed implementation plans tailored at incorporating a victim-centered approach into all relevant policies and programs, to assist 765 human trafficking victims, grant immigration protection services to more than 22,500 victims and their families; and also made 3,655 trafficking-related arrests” (DHS, 2023). Meanwhile in Nigeria, Ovorie (2022), reported that “almost 1.4 million individuals were living in modern slavery in Nigeria in 2018, according to an estimate by the Walk Free Foundation, an international human rights group that publishes a global slavery index”. The researchers opined that, “chronic poverty is a cruel kind of hell, and one cannot understand how cruel that hell is merely by gazing upon poverty as an object, as migrants suffer the most”. Asylum most times are not granted to migrants as they face the risk of abuse, exploitation and violation of their fundamental human rights. They are also denied access to basic services including medication and adequate shelter. People’s ideas are championed by economic and perhaps social environment. The study recon that, “policy solutions, that are likely to reduce trafficking and smuggling, need to be multifaceted in other to, address variety of contributing factors simultaneously in the environment”.

2. HUMAN TRAFFICKING IN THE ENVIRONMENT

Trafficking in humans has negative consequences on human lives as it victimizes them in all areas. These individuals must be free from unnecessary interference in life, juxtaposed by the large, authoritarian, patrimonial, personal, repressive and corrupt African states, as civil society becomes weaker. The primary focus of this study is on the individual or aggregate of individuals, their values, and beliefs, human right abuse, and human trafficking, which unfortunately infringes on their fundamental human right. The interjection of colonialism into Africa traditional society brought in a lot of new social exchanges and dislocations that became platforms for associational activities. In spite of the transition to democratic rule in most African countries. Often too majority of the poor people engage in crime and violence. These are used to drive people to criminal acts, to another” young women, in particular, becomes vulnerable to sexual exploitation, due to limited job opportunities in their immediate environment. Stages of trafficking involves sexual and psychological violation leading to deprivation, torture and forceful use of dangerous substance(s), Ovorie (2022), observed that, “the International Organization for Migration estimates that 80% of the young Nigerian women who arrive in Italy are likely forced into prostitution as sex traffickers” (2018). Osemeke (2016) agreed that, “a political system is composed of several structures with specific objective and functions to perform, a process for its attainment and the effect of its performance, is necessary”. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP), reported that, “in 2019, 345 people (135 forced labours and 209 sex trafficking) as well as 321 potential victims and 636 potential trafficking victims were reported in the previous reporting periods” (NAPTIP, 2021). It also reported that, “about 21,000 Nigeria women and girls have been trafficked to Italy since 2015 with 80% being likely victims of human trafficking”. Meanwhile studies have clearly shown that, “among child victims, boys are more frequently detected than girls in most cases”. This is connected to exploitations in Nigeria and Libya, while more women are trafficked in comparison to men, in the cases of adult trafficking. Omorogbe (2008) quoting Bentham as he said that “man is by nature a pleasure seeking and that, “pleasure and pain are the two guides of all human actions. Nature, he says has placed mankind under the governance of two sovereign masters, pain and pleasure”. Thus, Oaikhena and Osemeke (2016) agreed that, “a political system is composed of several structures with specific objective and functions to perform, a process for its attainment and the effect of its performance, is necessary”. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP), reported that, “in 2019, 345 people (135 forced labours and 209 sex trafficking) as well as 321 potential victims and 636 potential trafficking victims were reported in the previous reporting periods” (NAPTIP, 2021). It also reported that, “about 21,000 Nigeria women and girls have been trafficked to Italy since 2015 with 80% being likely victims of human trafficking”.

3. EFFORTS TOWARDS FIGHT AGAINST HUMAN TRAFFICKING

It is understandable that the federal government and its agencies in Nigeria, has not been able to successfully meet the demands for its minimum standard of the eradication of human trafficking, but she is significantly trying to do so, which means there’re daunting challenges towards fighting human trafficking, perhaps associated with lack of political will or corruption. Zimako (2009), remarked that, “one element of bribery and corruption is that they have been able to evade the anti-corruption laws” (2009). However, reports had indicated that the government had no doubt tried its best to curb human trafficking which has yielded some form of results. Meanwhile, the impact of the COVID-19 pandemic reduced the trafficking capacity of traffickers, as most nations boarder were in accessible. This led to the inability of traffickers to easily carryout their nefarious trade effectively. Though, government officials/agencies have increased collaboration with foreign governments to deal with the menace of human trafficking and organized crime. Some persons found guilty of human trafficking are prosecuted through the various agencies in Nigeria and abroad. It is of note that, “the Trafficking in Persons Law Enforcement and Administration Act (TIPLEAA), as amended in 2015, criminalized sex trafficking and labor trafficking and prescribed a minimum penalty of two years’ imprisonment and a fine of 100,000 Naira ($260) for sex trafficking as well as 500,000 Naira ($1,300) for labor trafficking. The minimum penalty for sex trafficking was increased to seven years’ imprisonment and a fine of 1 million Naira ($2,600) if the case involved a child victim”. This action provides for social and political equality of citizens in order to reduce the series of abuses and dehumanization of humans. It
further helps to mold desirable character which invariably ensures that, the government pursues the interest of a greater number of victims. Thus, these actions are sufficiently stringent with regard to sex trafficking, associated charges, and the second punishment ascribed to kidnapping. Oaikhena (2021) posit that, "there is the need for enhanced policies towards humanitarian governance, by enhancing the African Union leadership role and mandate through provision of strategic approaches and guidelines for African Union led efforts in conformity with its shared values, norms and standards for humanitarian actions on the continents". The lack of documentation of trafficked children for exploitation in most Europe, West Africa countries, and Sahelian-Nigerian (two hundred and three) cases of human trafficking were reported and noted. NAPTIP continues to lead the Federal Government’s efforts to combat the menace of trafficking in persons and exploitation. Smith (2020), observed that, “officials from the Nigerian Immigration Service (NIS), Nigerian Police Force (NPF), Labour Inspectorate, Economic and Financial Crimes Commission (EFCC), as well as, the Nigerian Financial Intelligence Unit (NFIU), in coordination with prosecutors and the judiciary, all had responsibilities in supporting the country’s criminal justice response system to deal with human trafficking, as the government struggles with political scandal, it also faced a potent new political force”.

4. TWO CATEGORIES OF HUMAN TRAFFICKING

4.1 LABOUR TRAFFICKING

Labour trafficking represents a form of modern-day slavery. Victims are forced into services through the use of force and coercion. Traffickers adopt various strategies including threat and violence to force victims to work against their will. However, according to the US Department of Justice (2022), it observed that - the Trafficking Victims Protection Act of 2000, defined labor trafficking as, “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery.”

4.2 SEX TRAFFICKING

Sex trafficking according to Robert Moossy (2008) is “a particularly degrading form of human trafficking, defined generally as recruiting, enticing, harboring, transporting, providing or obtaining either: (a) an adult for commercial sex by force, fraud or coercion, or (b) a juvenile for commercial sex, regardless of the age.” Toumasis (2023), observed that, “women are particularly vulnerable group, since they become victims of emotional bullying and sexual harassment”. These dehumanizing situations have led NAPTIP to report that “human trafficking in Nigeria dates back to the 15th century when the Europeans Colonists started the Trans-Atlantic Slave Trade in the country”. It further stated that, “in 199, 203 (two hundred and three) cases of human trafficking were reported and investigated by NAPTIP in Nigeria”. Meanwhile, fighting human trafficking in Libya is inconsistent compared to Nigeria. The US department of State (2021) reported that “lack of institutional capacity, as well as lack of Libyan law enforcement, customs, and military personnel, especially along its borders, hindered authorities’ efforts to combat human trafficking crimes”. It added that “Libyan law criminalized some forms of sex trafficking but did not criminalize labour trafficking”. More so the report, on Articles 420, 419, and 418 of the penal code “criminalized some forms of sex trafficking involving women and prescribed penalties of up to 10 years imprisonment and a fine between 100 and 500 Libyan dinars ($75-$375), which were sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape.”

The various changes in international laws towards dealing with human trafficking has also led to the free flow of sex trafficking of victims as sex trafficking requires transnational movement. The act criminalizing sex trafficking has also been found out to be coercive and fraudulently induced. According to Abdel-Rahim (2023), he observed that, “in the sixties of the twentieth century, as Europe entered the postmodern era, the feminist movement turned on its first principles to another direction in philosophical publishing. Up to the present, a new stage of the movement’s life crystallized within the so-called currents of contemporary feminism, which raised the slogan of complete symmetry between men and women, and integrating them into one gender under the concept of gender, which became a philosophical current expressing the principles of the movement intellectually and practically”.

5. MOBILITY OF VICTIMS TOWARDS EUROPE BY TRAFFICKERS

Traffickers have opted to change direction in the area of mobility, this is so because North Africa, Sahel and the Mediterranean have over the last few years becomes a bit difficult to access easily as a result of security and political changes hindering trafficking of victims, as they are sometimes abandoned. This has led to the emergence of homeless, powerless, and impoverished class of workers who sought alternative employment and conducive atmosphere in Europe countries. Meanwhile majority of these victims from Nigerians live in Europe countries. Due to the failure of falling back into poverty is quite high, where effective social protection mechanism does not exist. Many of them are primarily trafficked for a desire to escape from poverty, to get a better life elsewhere. As such female and children are said to be the primary target. Often traffickers, targets those who seem to be in difficult situation and are marginalized. Undocumented migrant report says that “people who are in desperate need of employment are vulnerable, particularly trafficked for forced labor in order to secured employment, which constitute trafficking after the traffickers uses violence, deception or even blackmail”. According to Louise (2004), “human trafficking and smugglers into Europe have grown since the 1980s”. He reiterates “European policy makers have made great efforts to restrict illegal immigration”. Some of the European boundaries like, “the Mediterranean coast are largely guarded, and the long borders of many Eastern European countries share with the former Soviet Union is notorious for its often corrupt, by border patrol personnel” (Human Right Watch, 2002). EUROPOL (2021) also reported that “between 8 and 12 November 2001, it supported large-scale international action against trafficking in human beings. 29 countries, led by Austria and Romania, took part in the action days, which were coordinated by Europol and Frontex. The activities saw more than 14,000 law enforcement officers take part in the action days, which were coordinated by Europol and Frontex.” The activities saw more than 14,000 law enforcement officers targeting trafficking routes on roads and at airports. This resulted in 212 arrests and the identification of a further 89 trafficking suspects.

6. RESCUE EFFORTS AND OATH TAKING

According to Presly (2021), writing for BBC News, she reported that, “every year thousands of women are trafficked to European cities and put to work, having sex with men”. She recounted the escape of Jewell (not real name), a young lady from Nigerian, who had expected that she was going to become a carer (a paid helper) not knowing she was going to be trafficked for sexual exploitation but managed to escape from her supposed employers in Denmark. Presly reported that, ”the lady had caught a flight from Nigeria thinking she was going to work with old people in Europe but ended up as a sex worker”. Perhaps she allowed her air mystery to turn into a reputation of deceit. Rahmani and Nojoumian (2023) argued that “numerous factors contribute to the immigration of Iranians to the West, however, the first wave of immigration came with the Islamic Revolution in Iran in 1979, which resulted in the mass migration of many Iranian families who decided to leave the country and continue their life elsewhere”.

Most trafficked victims are often times, the eldest child or eldest daughter of the family, who are made to bear a heavy burden of catering for their families. It is said it is the need to enhance policies towards the causes. Families with the female gender encourages their daughters to travel to Europe countries, in order to escape from poverty, and live in a world of happiness. According Omoregbe (2008) he observed that, there is at least one thing which everybody without exception wants and is relentlessly
Looking for, that is “happiness”. There is nobody who does not want happiness or fulfillment, for it is part of human nature to seek happiness. A lot of people confuse wealth for happiness hence its acquisition becomes a do or die affair. Meanwhile, there have been some level of awareness associated with trafficking in Nigeria, there has made some efforts to turn to rural communities were most families have less access to information. Some of the victims are made to take oath and engage in religious rituals. Millet-­Barrett (2019) observed that, “oath is a formal pledge that is expressed while invoking a divine witness to the person’s intention with regards to future action or conduct”. Oaths represent certain strong claims about past actions or create future obligations.

According to Millet-Barrett quoting Siddahrth Kara, Director of the Program for the Institute for Human Security and Development, and Kenyan School of Government (2012), she wrote on quote that “I have stepped into darkness many times, but none so dark as Nigeria. To research slavery is to face the raw and unrestrained bestiary of man. Those beasts are most fiercely unleashed in the dens of sex slavery, and Nigeria is the most unleashed of them all. Other countries may have more victims and other networks may be more sophisticated, but Nigeria took everything I had experienced about sex trafficking and cast it into an inscrutable abyss”.

In addition, Millet-Barrett quoted Mbiti (2015) that, “a highly successful method to control and silence victims is the use of a ritual called “juju oath” ceremony, which is one practice within a set of customs and beliefs in African Traditional Religion (ATR)”. This could be the reason why Omorogbe, quoting Baron Holbach, said that, “man is completely under the control of nature which brought him into existence without his consent and has marked out for him how he will live”. Omorogbe also said that “the threat of action is a much more powerful means of control and action than that of the action”. Meanwhile, Premier times (2021), reported that “the National Agency for Prohibition of Trafficking in Persons (NAPTIP), Benin Zonal Command in Nigeria, had rescued about 96 victims of humans trafficked in the zone”. The commander of the zone, Chidiebere Oruruo-­Ifudu, which comprises Edo and Delta states in Nigeria, made this disclosure during an interview. According to the coordinator, “the agency, had intensified its operations, especially vigilance in the zone, because many innocent youths are usually gullible and susceptible to the antics of human traffickers, who would come into the states during the yuletide and lure victims with promises of greener pastures and better life abroad, most especially the under aged”. In addition, premier times also reported that “the Enugu Zonal Commander of NAPTIP, in Nigeria, Nneka Ajie, said that during the celebration of the 2021 World Day Against Human Trafficking, victims, who were mostly children, were exposed to sexual exploitation, child labour, violence and baby harvesting, amongst other crimes”. These includes the use of children as child soldiers to fight during conflict situation in Africa.

The 2014 edition of the Global Report revealed that “trafficking of children in conflict areas such as the Central African Republic and the Democratic Republic of the Congo has increased”. It reported that “138 trafficking issues were noticed in post­-conflict countries, such as Rwanda, where the Committee on the Rights of the Child reported that armed groups operating in the Eastern part of the Democratic Republic of the Congo recruited Rwandan children, including refugee children, for use as child soldiers”. While the Global Report on Trafficking of Persons (2022), reported that “the International Labour Organization (ILO) and the Walk Free Foundation in partnership with the International Organization for Migration (IOM), released global estimate of modern slavery in September, 2022 that, at least approximately 27.6 million people were in forced labor”.

7. PROJECTING THE RIGHT IMAGE THROUGH RELEVANT POLICIES

The key strategies for policymakers to address the demand for illegal migration should be through education, prevention efforts, and prosecution of traffickers. Policies that are harmonized in nature, both within and across the countries, must be able to deter smugglers and traffickers who unfortunately take advantage of the permissive regulatory environment. Oaikhena and Osaghae (2014), wrote that, “the porous nature of borders, continue to engender cross­-border crime and instability in the sub-region of Africa, owing to the lack of an appropriate mechanism for monitoring movement and illegal activities across the borders”. De Lauri (2019) reported that “border control authorities that have been implemented with the mandate of maintaining state sovereignty over exclusive territorial spaces, through the regulations of who and what can move across state borders”. To this end, border control authorities are engaged in negative practices that ranges from violence, denial of movement, corruption, etc., through the deployment of physical force. Oaikhena (2023), noted that, “what is important is that they do help in directing one’s responses towards a stimulus, event or situation”.

The Federal Ministry of Defense in Nigeria, said publicly that, “its personnel had sexually exploited individuals, although it continued to deny soldiers recruited children, which impeded investigations of allegations from previous reports. NAPTIP had stated that, some officers found wanting were investigated and prosecuted over sex related issues”. In furtherance, it was alleged that, “in previous years Nigerians traveled to Togo for child sex tourism, unfortunately, the government did not also report efforts to address child sex tourism”. It was also reported that “The Maximum Likelihood Estimation (MLE), regulated private employment agencies and instituted a licensing requirement for labour recruiters, but the government did not report revoking any licenses for exploitative recruitment practices, during the reporting period”. As a result, reports were never made available by the government to reduce the demand for commercial sex. Of course, these less perturbed attitudinal displayed, affected the country’s image, as issues relating to curbing the trend was taken for granted. This was why Oaikhena wrote that, “the willingness of potential followers to comply with instruction is equally important”.

Limited resources available to the agencies, especially NAPTIP, has slowed down its effort towards the fight against trafficking operations measures in the country, though the agencies’ officers remained concentrated, as they keep exposing the identities of criminals who trafficked in many rural areas.

8. CONCLUSION

This study has revealed that most individuals and families who become victims of human trafficking often times refused to report such cases to the relevant security agencies, as a result they are taken advantage off. Abomination of human slavery, many years ago, seemed like a thing of the past, but unfortunately as revealed by the study. There seemed to be a repeat of history, as it is today that human slavery is once again becoming a terrible reality in our environment. The researchers further observed that “people are being trafficked and exploited all over the world through deception or deceptive means”. A huge number of individuals ranging from 2 million have been trafficked into forced labour worldwide, of these number, 600,000 to 800,000 are said to have been trafficked across borders each year and more than 12,000 children are said to be working as slaves on cocoa plantations in West Africa. It is impossible to reach a consensus on the true scale of the problems but, regardless of these figures, human trafficking is getting bigger by the day. The study reiterated that, “every number represents a human life are being destroyed, hence it is happening on every continent and in almost every country whether the place we live is a source destination or transit point for trafficking, no nation claim to be wholly unaffected by this crime”. The researchers observed that, human trafficking is a criminal industry which has attracted huge funding in billions of dollars for traffickers. It was also observed that, some establishment may be contribution to human trafficking unintentionally could be within their areas of operations and supply chains.

9. RECOMMENDATIONS

• The various governments in Africa should endeavour to eradicate human trafficking, through the strengthening and implementation of adequate policies. These efforts should include convicting traffickers and sanctioning perpetrators.
• Government officials found wanting or complacent should be prosecuted.
• There should be additional official collaboration with foreign agencies of governments in order to intensify efforts to curb international trafficking and increase investigations.
• Government should put measures in place to pay unscheduled visits to companies or industries that are suspected to engage in any form of trafficking. This could be done by checking Containers for export/import leaving the various ports in the country.
• National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and other security agencies, should enhance coordination, enforcement efforts, including investigations of illicit centers, exploiting women in forced surrogacy, and prosecuting suspects while respecting the rights of the accused.
• Increased technologies for surveillance in the various embassies within the continent to easily identify and provide assistance to victims.
• Organizations should develop policies alongside agencies of government to explicitly prohibit human trafficking. These policies should be communicated both internally and publicly.
• Organizations should play key roles towards the unethical practices and provide legal framework to stop human trafficking by reporting them to law enforcement agencies.

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