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CHILD RIGHTS ACT 2003 AND THE PROTECTION OF CHILDREN AGAINST TRAFFICKING

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Abstract

Human trafficking is a horrendous criminal activity with unfathomable dimensions. Whether for children or adults, it is a gross violation of human rights. It is a modern form of slavery and indeed deprives the trafficked of their human rights, particularly fundamental freedom. Every country in the world is faced with this challenge of human trafficking, though the scale may be higher in some countries than in others. All efforts at the international, regional, and national levels have not been so fruitful. Unfortunately, women and children are the most trafficked, and they suffer all forms of exploitation, including sexual exploitation, child labour, street hawking, domestic service, and street begging, among others. This article examines this global menace of child trafficking, particularly in Nigeria, and the protection accorded such children under the Nigerian Child Rights Act 2003, which is a Nigerian legislation enacted to tackle issues dealing specifically and comprehensively with child rights, such as child trafficking. The doctrinal method is adopted, and information is obtained from primary and secondary sources. The article found that despite the efforts made in Nigeria, which include the elaborate provisions in the CRA to protect the child and to tackle this teething problem, child trafficking, whether offline or online, is still very rife and constitutes a severe problem in Nigeria, just as in other parts of the globe. It also found that the CRA, which has various implementation challenges, has done little or nothing to bring about positive change in that direction. However, the article concludes that efforts must first be made to ensure that all the States in Nigeria adopt the CRA, while those that have adopted the Act should bring traffickers to book based on the provisions of the Act.

Keywords: Child, Child Rights, Child Trafficking, Child Rights Act, Protection, Traffickers

1. Introduction

Human trafficking is not new all over the world. It has become a severe problem and a global challenge. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational and Organized Crime Convention (TOC

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Trafficking Protocol)¹ defines trafficking in persons to mean ‘the recruitment, transportation, transfer, harbouring or receipt of persons, employing 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.’ Again, section 13² of the Trafficking in Persons (Prohibition) Act in Nigeria criminalizes human trafficking and related abuses. Thus, in this section, it is an offense if any person recruits, transports, transfers, harbours or receives another person employing threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or position of vulnerability; or giving or receiving payments or benefits to achieve the consent of a person having control of another person, for the purpose of exploitation of that person.

There is international trafficking of human beings for various forms of exploitation. According to Akinpelu and others, ‘Human trafficking is seen as an illegal trade in human beings for the purposes of commercial sexual exploitation or forced labour, which represents a modern-day form of slavery.’³ They also described it as the fastest-growing criminal industry in the world and tied with the illegal arms industry as the second largest, after the drug trade.⁴ A Director-General of the International Organization on Migration (IOM) noted that ‘human trafficking global network rakes in between \$35 billion and \$40 billion annually, effectively making it the third biggest global crime after drugs and guns trafficking. It remains, however, a deadly and inhumane business that regards human beings as mere commodities.’⁵ At the global level, the International Labour Organization’s (ILO) estimation shows that there could be as many as 12.3 million people in forced labour, bonded labour, and commercial sexual servitude worldwide at any given time.⁶

Unfortunately, human trafficking in Nigeria seems to be the severest⁷ in Sub-Saharan Africa.⁸ In fact, Nigeria has been described as one of the leading African

¹Nigeria became a signatory on 13 December 13 2000.

² Trafficking in Persons and Prohibition Enforcement and Administration Act, Cap T23 Laws of the Federation of Nigeria (LFN) 2004 originally passed in 2003 and amended in 2005 and 2015.

³ Ibrahim L Akinpelu, Solomon A Ojo, Olusegun S Adegoke, Rahman Opeyemi, ‘The Security Implications of Child Trafficking in Nigeria: The Interventions of NAPTIP’ (2021) *International Journal of Research and Innovation in Social Science*, vol V Issue XII, 216.

⁴ Ibid.

⁵ Ambassador William Lacy Swing, *Thisday Newspaper* 25 April 2013.

⁶ Trafficking in Persons (TIP) Report, 2009, 8.

⁷ Rabiuni Sani Shatsari, ‘The Trafficking in Women and Children in Nigeria: An Analysis of the New Anti- Trafficking Legislation and its Application’ (2010) *Jurnal Undang-Undang Dan Masyarakat* 92.

⁸ Ibid.

countries in human trafficking with cross-border and internal trafficking.⁹ It is more pathetic and also common knowledge that most victims of trafficking in Nigeria are women and children: boys and girls, but more of girls, usually poor and uneducated. According to Kofi Annan, these people were denied 'the right to live in dignity, free from fear or want.'¹⁰ Thus, the case of child trafficking, which is a subset of human trafficking, was aptly described as the most severe human rights violation involving the under-aged in the world today.¹¹

This paper, therefore, analyses the global menace of child trafficking, particularly in Nigeria, and the protection accorded such children under the Nigeria Child Rights Act 2003 to determine the effect and adequacy of the Act in protecting trafficked children.

2. Who is a Child?

The United Nations Convention on the Rights of the Child (CRC) defines a child as '... any human being below the age of 18 years, unless under the law applicable to the child, majority is attained earlier.'¹² However, different laws in Nigeria answer the question, who a child is, differently, and for various purposes. This may, at times, bring contradiction when it comes to application. If one is not an adult who is expected to be able to confront and solve fundamental problems directly without the supervision of another, he/she is a child. Under customary law in Nigeria, an author notes that the informal system of social control renders the determination of childhood by age almost ineffective, and age is not generally a symbol of capacity in the customary setting.¹³ In the case of *Labinjoh v Abake*,¹⁴ it was held that a person ceases to be a child on the attainment of puberty under customary law. It seems that what mattered here was the child's physical development and not the child's psychological development.¹⁵

Under the Criminal Code, section 30, any male child below the age of seven is not criminally responsible for any act or omission, and a child below the age of 12 years is presumed to be incapable of having carnal knowledge.¹⁶ The Penal Code provides that if a person above seven years old commits an offense, he will

⁹ AD Abiona, 'An Appraisal of the Nigerian Child's Right Against Human Trafficking' Long Essay submitted to Faculty of Law, University of Ibadan, 2015.

¹⁰ Kofi A Annan, Secretary-General Foreword To The United Nations Convention Against Transnational Organised Crime and The Protocols Thereto (Un/Undoc, New York/Vienna. 2004) iii.

¹¹ Akinpelu and ors (n 1).

¹² The UN Convention on the Rights of the Child (1989)

¹³ MA Ajanwachuku, 'A Legal Analysis of the Nebulous Concept of Childhood in Nigeria' (2016) 7(2) *Beijing Law Review* 122-126.

¹⁴ (1924) 5 NLR 33.

¹⁵ MA Ajanwachuku (n13).

¹⁶ LFN 2010 Cap C38, s 30. This is only applicable in the Southern States of Nigeria.

be criminally liable to trial and conviction under the code.¹⁷ Also, section 59(2) of the Labour Act¹⁸ provides that a person under the age of 14 years cannot be employed or allowed to work in any industrial undertaking. Unfortunately, the Nigerian Constitution describes a person of full age as a person who is 18 years and above.¹⁹ This means that this definition will not apply to a married woman whose adulthood is determined by marriage.²⁰ Consequently, a 13-year-old girl, for example, who is married, is considered to be of full age.²¹ Unfortunately, this lends support to child marriage, which is common in Northern Nigeria and has been condemned by many authors.²² In *Maimuna Abdulmumini v FRN, Katsina State and the Nigerian Prison Service*,²³ the ECOWAS Community Court of Justice held that a Child's right under section 5(3) of the ACRWC, which expressly prohibits death sentence for crimes committed by children, is violated by death sentence even if she was married.

The Child Rights Act 2003,²⁴ the most comprehensive legislation on children's rights in Nigeria, and the African Charter on the Rights and Welfare of the Child define a child as a person below the age of 18 years. The CRA is expected to reconcile the differences regarding a child's age by various statutes. Because Nigeria is a federal state, the Child Rights Act 2003 only applies to Abuja. The 36 states in Nigeria have to domesticate the Act and enact it for its applicability. Many states seem to have adopted the CRA into their state laws, thereby bringing the application of the Act into force in those states. However, in this article, a child refers to a person below the age of 18 years, as stipulated in the CRA. It is equally so stipulated in other legislation, charters, and protocols which deal with human trafficking.²⁵

3. Child Trafficking

Child trafficking is a form of human trafficking. The Trafficking in Persons Protocol defines it as the 'recruitment, transportation, transfer, harbouring and/ or receipt' of a child for the purpose of slavery, forced labour and exploitation.²⁶

¹⁷ Section 50(a) of the Penal Code, Laws of Northern Nigeria, 1963. Thus, it is only applicable in the Northern States.

¹⁸ LFN 2010, Cap L1.

¹⁹ Constitution of the Federal Republic of Nigeria, 1999 (1999 Constitution), s 29(1).

²⁰ Ibe O Ifeakandu, 'Child Trafficking and Rights Violation; Examination of Child Protection under International and Nigeria Legal Provisions' (2019) 10 (4) *Beijing Law Review* 1078-1099.

²¹ 1999 Constitution, s 29 (4)(b).

²² For example, see KO Fayokun, 'Legality of Child in Nigeria and Inhibition Against Realisation of Education Rights'. (2015) 5 *US-China Education Review* 460-470; Ifeakandu (n 20).

²³ Ruling No ECW/CCI/Jud/14/14.

²⁴ LFN 2010 Cap C50, s 277.

²⁵ For example, the ACRWC.

²⁶ UN Charter art 3(c).

There must be recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation. Children are trafficked and moved both within and outside Nigeria. Thus, there is internal and cross-border trafficking of children. Nigeria has been said to be a source, transit and destination country, where children are usually recruited and transported to countries in Africa, Europe, Asia and the Americas, among others.²⁷ It also provides a destination for children trafficked from Benin Republic, Togo, Mali and some other African Countries.²⁸ Children that are trafficked can be moved by an individual or a group of people.²⁹ At the end of it all, the children find themselves in exploitative situations, and this exploitation can take various forms, for example, dirty and dangerous work for little or no pay, with inadequate rest time, and often with some force or violence,³⁰ sexual assault among others. They are trafficked by: road transportation or bush path: This is very dangerous, and as an author noted, ‘two years ago, they used to come to Europe by aeroplane, now they come by land, by foot, and by car, going through deserts and various countries to Morocco, through Gibraltar they arrive in Spain and then by train they get to Italy or other European countries’³¹, sea: here, the traffickers use boats and canoes to cross oceans and seas. This happens under deplorable conditions where the children get little to no care. Here the traffickers take great risk travelling with the trafficked children and at times they get caught, yet they are not deterred.

In fact, the number of children trafficked each year in Nigeria cannot be estimated as accurate data in this wise remains a mirage. On 21 February 2023, four women were caught in Rivers State for kidnapping and trafficking a four-year-old boy to Aba, Abia State. In the same State, another suspect was nabbed for trafficking a 15-year-old girl to Lagos for prostitution after she had earlier trafficked two 16-year-old girls.³² Different organizations have come up with different estimates as to the number of trafficked children. ILO, for example, estimates that 20% of about 40 million people trafficked are children,³³ while the United Nations Office on Drugs and Crimes (UNODC) estimates that 30% of

²⁷ Ifeakandu (n 20).

²⁸ Ibid.

²⁹ ILO, UNICEF & UN.GIFT, Training Manual on Fight Trafficking in Children for Labour, Sexual and other Forms of Exploitation Textbook.

³⁰ Ibid.

³¹ Omotere Adunola, *Child Trafficking in Nigeria: Causes, Effects and Remedies* (Ogun State: Ego Booster Books, 2011)16.

³² Blessing Afolabi ‘Children Suffer Increasing Abuse as Parents Disregard Law Enforcing Child Rights’ *Punch* (5 March 2023) <<https://punchng.com/children-suffer-increasing-abuse-as-parents-disregard-law-enforcing-childs-rights>> accessed 15 November 2023.

³³ International Labour Organisation (ILO), *Understanding the Drivers of Rural Vulnerability: Employment Working Paper No 124* (2017) 7-15

trafficking victims are children.³⁴ Though such contradictions are problematic when it comes to providing effective measures to combat it, it still points out the fact that a significant number of helpless children are still trafficked.

They are trafficked for domestic servitude, particularly the girls, wherein they suffer extreme harm as they are exposed to all forms of exploitation and violence, be it sexual, physical, or psychological abuse. Trafficking could be for agriculture, manufacturing, cleaning and other forms of forced labour.³⁵ According to UNICEF, several millions of Nigerian children are forced into exploitative labour, such as domestic labour, begging, farm labour and prostitution every year.³⁶ Ifeakandu also noted that several children are used as slaves and, in some cases, maltreated or even killed, having been branded witches.³⁷

It is noteworthy that traffickers have kept pace with technology and have become adept at using the internet for their trafficking operations.³⁸ According to UNODC, 'Technology is not only for sexual exploitation but also to coerce victims into crime and forced labour, and to advertise the selling of kidneys harvested from victims they have trafficked.'³⁹ It is unfortunate that Nigeria is not just a source but also a transit and destination for trafficked children.

4. Causes of Child Trafficking

Several factors cause child trafficking. These include:

- i. Poverty and homelessness: This is one of the significant causes of child trafficking. Here, the traffickers prey on vulnerable children; that is to say, they prey on children who come from dysfunctional homes, children abandoned with no parental care, or children who come from impoverished families.⁴⁰ These children cannot take care of themselves, nor do their parents have the financial means to look after them; some do not even have parents. Their difficult circumstances make them easy targets for the traffickers.
- ii. Large family size: Here, parents who cannot cope with their many children fall prey to traffickers who deceive them and promise a better

³⁴ Ifeakandu (n 20).

³⁵ UNODC, *Global Report on Trafficking in Persons 2020* (United Nations publication, Sales No E20 IV 3), 11-12.

³⁶ UNICEF, *Child Rights Toolkit: Integrating Child Rights in Development Cooperation* cited in Ifeakandu (n 13).

³⁷ Ibe O Ifeakandu, 'The Denial of Sustainable Energy as a violation of Child's Rights' in Y Omoregbe and A Odor (eds) *Ending Africa's Energy Deficit and the Law: Achieving Sustainable Energy for All in Africa* (Oxford: Oxford University Press) 215-233.

³⁸ Ibid 15.

³⁹ Ibid.

⁴⁰ UNODC (n 35).

- life for the trafficked children. The question is: wherein lies the children's rights as provided by the CRA, such as the rights to freedom, to belong and have identity, to education, and others? They are all denied them. This calls for serious efforts at the protection of the Nigerian child.
- iii. Greed and Profit: Traffickers are greedy and make huge profits out of this illegal business. It is easy to trap children and their labour is very cheap whilst a lot of profit is made from the trade. As the children give labour and services, have their organs harvested, are subjected to sexual exploitation, forced marriages and used for other purposes, the traffickers take all the money and these trafficked children, if given at all, are given pittance barely enough to sustain them.
 - iv. Lack of access to Education and Ignorance: these trafficked children are mostly uneducated or not well educated and stand to be easily deceived. This equally applies to parents with big families who unknowingly give their children to traffickers in the hope of a better life for themselves and their children.
 - v. Unemployment: If the children are uneducated, employment is difficult, making them vulnerable and some even homeless. Again, this equally applies to their parents. When the parents are uneducated, they may be unemployed, which in turn leads to their inability to take care of their children. They are then forced to give the children away in hopes of a better life for the children.
 - vi. Gender: Girls are more trafficked than boys for the sex trade. However, boys are equally in the sex trade and are also trafficked for forced manual labor, forced criminal activities, begging, and becoming child soldiers.
 - v. Security Challenges in Nigeria: The security challenges in the country expose children to trafficking. Child trafficking is enormous in areas such as the Northern parts of Nigeria, e.g., Plateau State, due to severe insecurity and violent clashes. Here, lives and properties are destroyed daily, rendering most inhabitants poor, thereby exposing children to trafficking. These children are abducted by armed groups and are forced into marriages, forced labour, child soldiers, and other exploitative purposes. In the conflict area of Plateau State, e.g., Jos, it was reported that NAPTIP found the menace to be a humongous one and recorded 85 cases with 146 victims from March 2021 to date.⁴¹ Stakeholders were reported to have complained about traffickers disguising themselves as missionaries who had come to help children from the ongoing crisis in the state but ended up exploiting and trafficking them.⁴² Fake orphanages were found, and children were rescued.⁴³ The consequences of child

⁴¹ 'Child Trafficking in Plateau Conflict Areas' <<https://asknigeria.com/child-trafficking-in-plateau-conflict-areas/>> accessed 20 November 2023.

⁴² Ibid.

⁴³ Ibid.

trafficking are enormous. They could be long-term, such as depression, suicidal tendencies, low self-esteem, aggressive behaviour, self-isolation, poor health, pregnancies and abortions, and STIs, among others. Short-term consequences may include constant exhaustion, fatigue, injuries from hard labour, and insomnia.

5. Some Major International, Regional, and National instruments Useful in Combating Child Trafficking

There are international legal instruments that are relevant to the issue of trafficking. Some are either trafficking-specific or affect trafficking indirectly. However, their failure to stamp out the scourge is the most noticeable thing about them.⁴⁴

The most important international instrument to combat trafficking is the Palermo Protocol, a supplement to the UN Convention against Transnational Organized Crime (2000). According to article 5 of the Protocol, States must criminalize trafficking, attempted trafficking, and many other intentional participation or community organizations in a trafficking scheme.⁴⁵ These cover the cases of children. Thus, the international came up with the CRC in 1989, and later, the African Charter on the Rights and Welfare of the Child (ACRWC) in 1990. These international instruments make the protection of children their priority. Section 35 of the Convention on the Rights of the Child and Section 29 of the African Charter on the Rights and Welfare of the Child compel state parties to take all necessary measures, including legislation, to prevent child sale, abduction, and trafficking.

Nigeria passed the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015 (as amended). This Act provides a solid legal framework that should be effective in combating child trafficking for sexual purposes. Unfortunately, it has made only marginal progress in the fight against child trafficking and, indeed, human trafficking generally, especially concerning prosecution. Even though Government agencies such as the National Agency for the Prevention of Trafficking in Persons (NAPTIP) established by this Act developed several mechanisms to address the issue of trafficking in persons, the illegal business has continued unabated.

6. Specific Child Rights Act Provisions Protecting the Child against Trafficking

All Nigerian children are entitled and should enjoy all the rights provided in the CRA and the relevant Child Rights Laws. Such rights include the right to

⁴⁴ Rance Khooshie Lal Panjabi, 'Born Free Yet Everywhere in Chains' (2008) 37 *Denv J Int'l L & Pol'y* 1.

⁴⁵ United Nations, *International Instruments Concerning Trafficking in Persons*, OHCHR Research and Right to Development Division, Rule of Law, Equality and Non-Discrimination Branch.

protection from exploitation, the right to family life, to education, protection from sexual violence, and even the rights enjoyed by every human being.⁴⁶ Trafficking of children seriously violates these rights. Thus, the Act made elaborate provisions against trafficking and other related offenses such as sexual exploitation, child abuse, and child labour, among others.⁴⁷ The National Assembly of the Federal Republic of Nigeria enacted the Child Rights Act in 2003 to domesticate the Convention on the Rights of the Child.⁴⁸ It is the most essential and copious legislation that provides and protects the rights of every child. However, the Act is limited in application to the Federal Capital Territory due to the federalism practiced in Nigeria. The 36 States in Nigeria must ratify and domesticate the Act for its applicability in the States. So far, more than 30 States have domesticated the CRA that provides guardrails for Children in the State. The Act provides four baskets of rights for the children. The third of these baskets of rights is provided in Sections 1-52 for the protection of the child, which includes protection from child labour, child trafficking, ritual killing, sexual, physical, and emotional abuses, and neglect⁴⁹, among others. By this Act, a child's best interest shall be paramount in all actions concerning a child.

Section 11(a) and (b) of the CRA specifically provides against child trafficking as follows:

Every child is entitled to respect for the dignity of his person, and accordingly, no child shall be subjected to torture, inhuman or degrading treatment or punishment; held in slavery or servitude. No child shall be subjected to any forced or exploitative labour; employed as a domestic help outside his home or family environment.

Other provisions of the Act related to child trafficking include section 27(1) which prohibits the removal of a child from the custody of his or her parents, guardian, or a person having lawful care or charge of the child. Yet, it is a well-known fact that children are trafficked with or without the consent of those family members in whose custody they are. Section 28 provides that no child shall be subjected to any forced or exploitative labour; employed as domestic help outside his home or family environment. Indeed, section 28 (1)(a) (b) (c) and (d) of the CRA prohibits children from doing dangerous and immoral work, but it excludes domestic service from the list. That means that children employed by family members should not perform work that will damage their physical and

⁴⁶ See articles 1 and 4 of the Universal Declaration of Human Rights (1948).

⁴⁷ See generally sections 15, 19, 21, 25, 27, 28, 30 of the CRA.

⁴⁸ D Ogunniyi, 'The Challenge of Domesticating Children's Rights Treaties in Nigeria and Alternative Legal Avenues for Protecting Children' (2018) 62 (3) *Journal of African Law* 447-470.

⁴⁹ Wilson O Diriwari, 'Efficacy of the Legal Frameworks for Child Protection in Nigeria' being a Thesis submitted for the Degree of Doctor of Philosophy from Brunel University London, 177.

mental health.⁵⁰ For example, a family member engaging a child in light work of an agricultural, horticultural, or domestic nature is not deemed as the child being subjected to exploitative or hard labour. The question is, how and where do we draw the line? Well, if along the line, the child suffers any form of abuse in the process of employment in the hands of the family member, it will fall under exploitative and forced labour.⁵¹ Any person who contravenes the provisions of this section commits an offence and is liable to 5 years imprisonment or fine of between N50,000.00 or both or, depending on the offenders. Body corporates shall be liable to a fine of N250, 000.00.⁵²

Section 30 deals with the prohibition of buying, selling, hiring, or otherwise dealing in children for hawking or begging for alms or prostitution, etc. By Section 30 (2) (b) and (3), it is an offense punishable with a term of ten years imprisonment upon conviction for any person to use a child as a slave or for practices similar to slavery such as sale or trafficking of the child, debt bondage or serfdom and forced, compulsory labour.

Other related offenses, as provided by the CRA, are as provided below.

Section 25 deals with the exposure of children to the use, production, and trafficking of narcotic drugs, the punishment of which is life imprisonment.

Section 26 prohibits the use of children in other criminal activities. An offender here is liable to 14 years imprisonment.

Section 27 prohibits the abduction, removal, and transfer of children from the lawful custody or protection of their parents or guardians. This attracts between 10 and 20 years of imprisonment.

Section 29 provides for the application of the provisions relating to young persons in sections 59-63 of the Labour Act, 1971 to children.

Section 31 prohibits unlawful sexual intercourse with a child, the punishment of which is life imprisonment.

Section 32 also prohibits other forms of sexual abuse and exploitation. They are punishable by 14 years imprisonment.

Section 33 shows that other forms of exploitation prejudicial to the welfare of a child are prohibited, the punishment of which is a fine of N500,000.00 (US\$3794) or five years imprisonment, or both.

Section 34 prohibits the recruitment of children into any of the branches of the armed forces of the Federal Republic of Nigeria (no punishment is prescribed). The fact that the provision does not prescribe any form of punishment for violating section 34 weakens the protection of children against forcible

⁵⁰ CRA s 28 (b).

⁵¹ See n 46.

⁵² See CRA s 28 (4) and (5).

recruitment into the army. Consequently, the CRA should be amended to stipulate severe punishment provisions.

Thus, the CRA covers those circumstances very well, normally exploited by traffickers in order to carry out their wicked acts and achieve their goals. It thereby outlaws child trafficking and imposes punishments on offenders.

7. Online Trafficking Against Children

Children are generally very vulnerable, and their vulnerability make them easy targets for traffickers who have now resorted to the internet for their recruitment. There is therefore no gainsaying the fact that the internet has revolutionized the way such children are recruited.⁵³ Thus, traffickers have increasingly resorted to the social media and online platforms to recruit children for trafficking. The ‘National Human Trafficking Hotline’ reported the internet as the top recruitment location for all forms of trafficking.⁵⁴ The popular online platforms often used by the traffickers include, Instagram, Facebook, Snapchat, WhatsApp, Kik, among others.

Traffickers employ the following tactics to ‘hunt’ these children: building ‘true friendship’ to gain control over them, using chat rooms, online fan communities to initiate contact, creating fake profiles pretending to be someone the child knows, exploiting the vulnerable child’s self-esteem, emotionally draining the child, engaging in flirty conversations leading to exchange of explicit content, employing coercion, threats and intimidation tactics, introducing children to online community where children are already involved and are exploited, and coerced into engaging in sexual activities, and accepting offline meeting for such activities⁵⁵, among others.

A very disturbing aspect of the online activities by child traffickers, is that their success partly stems from the fact that there is absence of control or monitoring by most parents and guardians, of their children’s activities online, and also most have no idea that trafficking and exploitation of children go on online, while some others are illiterates and have zero knowledge about the internet. Such parents therefore fail in their ‘parental responsibility’ to their children as prescribed by the law. At the end, the traffickers also take advantage of this failure by parents, who face obvious challenges with respect to technology and online activities, establish contact with the children and go on to recruit them without detection. Thus, responsibility to combat all forms of child trafficking, including online trafficking, fall, not only on the Federal and State governments,

⁵³ Human Trafficking Front (2020, July 14), ‘The Use of the Internet to Recruit Children by Traffickers’ Available <<https://humantrafficking.front.org/the-use-of-the-internet-to-recruit-children-by-traffickers>> accessed 10 October 2023.

⁵⁴ Polaris (2020), ‘Analysis of 2020 National Human Trafficking Hotline Data (Polaris Project)’ <<https://polarisproject.org-statistics/2020-us-national-humantrafficking>> accessed 10 October 2023.

⁵⁵ Human Trafficking Front (n 53).

NGOs, etc, but also on parents and guardians. Therefore, the need for combined efforts of the government, law enforcement, judiciary, teachers, parents, health professionals and other relevant bodies, to help protect children and their rights with respect to the digital environment, cannot be over-emphasised.

8. Challenges of Implementing the Child Rights Protection Measures under the CRA

One of the challenges is the non-domestication of the Child Rights Act by some states in Nigeria. So far, 34 out of the 36 states in the country seem to have adopted the Act as a state law. This is partly due to ethnic and cultural values obtained in such places. For example, child marriage still takes place in some states and even genital mutilation is also ongoing.

Again, using the instrumentality of the law as the only way of protecting the child from trafficking is insufficient. Thus, the law is equivalent to a toothless bulldog as it has only done little to curb the menace. There is, therefore, a need for enlightenment as prevention is better than cure. This is necessary to equip the family, community, state, and international community responsible for protecting the child.

Lack of enforcement of the laws and implementation-related difficulties may not always be due to cultural and traditional factors, as some people may assert, but also in-action arising out of the lack of political will by the authorities to act.

Lack of effectiveness of the law due to its non-implementation is in itself a serious challenge since as a result, the law has little or no impact in protecting these trafficked children.

9. Recommendations

The following recommendations are made:

- i. After 20 years of existence, the CRA needs an immediate and urgent review by the Legislature. The punishment sections, for example, should be reviewed and amended to suit the offenses, and some sections of the Act should be completely expunged. This will help close the gaps therein. Also, laws need to be enacted to protect children specially from online traffickers.
- ii. Efforts must first be made to ensure that all the States in Nigeria fully and wholly adopt the CRA, while all those that have adopted the Act should bring traffickers to book based on the provisions of this Act. The definition of a child by the State laws, for instance, should be under that in the CRA and, therefore, not be lower than 18 years as provided in some state laws. Some children may be saved from the hands of traffickers by a uniform provision in all States.
- iii. Despite the difficulties, implementation of the laws should be focused on, while the government and other stakeholders' political will to do so

- should be encouraged to follow through with enforcement and implementation.
- iv. The Government, through the Ministry of Women's Affairs and Social Development, can provide shelter and empowerment programs for the victims of child trafficking and improve and increase their access to other services.
 - v. Education for every child is essential and should be made compulsory to reduce illiteracy, which will, in turn, reduce the rate of child trafficking. With children kept busy in school, the risk of falling into the hands of evil traffickers is diminished. Again, educated parents would better understand and make better use of take-homes from sensitization and awareness-creating programs and training, thereby reducing successes recorded by traffickers.
 - vi. The government must make efforts to alleviate poverty to enable parents to cater to their children and completely shun traffickers. Who are more trafficked than children from poverty-stricken homes.
 - vii. NAPTIP, law enforcement agencies, CSOs, and other grassroots organisations should collaborate and synergize efforts for effective apprehension and prosecution of these heartless traffickers. There is a dire need to bring these traffickers to book. Their capacity must be strengthened by training and re-training.
 - viii. A list of apprehended traffickers should be published in newspapers and even on social media to deter others who perpetrate or plan to perpetrate the dastardly act.
 - ix. Massive and effective sensitization of members of the public, including law enforcement agencies, needs to be embarked upon by the government at all levels on the extent and challenges of child trafficking going on in the country, the consequences, and the rights available as provided by the CRA.
 - x. Careless and reckless parents should be prosecuted for failure in carrying out their parental duties as required by law. This will serve as a deterrent measure to others. Parents should empower themselves in modern technology to be able to guide their children towards a safer, more balanced and responsible use of technology in today's online/ digital world.

10. Conclusion

The CRA has responded positively to this thorny issue of child trafficking by appropriately making provisions with sanctions against child trafficking as well as other matters. This is despite the socio-cultural environment in which it operates. However, child trafficking is still rampant in Nigeria, made worse by online activities, and is thus far from being eradicated. Therefore, its impact has not been as significant as expected. Consequently, we need to try a more holistic approach that includes a more essential and more precise understanding of the

provisions of the CRA by all stakeholders and, in reality, making all child rights issues, especially trafficking, of paramount consideration, and such matters must be treated with the highest standards. Nations affected by child trafficking must, in all good sense, join hands to combat this menace. The fundamental truth is that in Nigeria, lack of awareness, no political will by the Government to implement the CRA, insincerity, corruption, lack of wholesome adoption by states, and the non-adoption of the Act by some states, among others, are all responsible for non-implementation of the relevant provisions of the CRA, thereby exposing Nigerian children to untold hardship, physically, mentally and otherwise, to trafficking.

Child trafficking should not in any way be tolerated in Nigeria, either advertently or inadvertently. Let us all rise and protect /save our children, our future leaders, and hope for tomorrow by showing zero tolerance for such a fatal and dastardly act of trafficking of Nigerian children. In that way, the efforts against child trafficking will definitely end up in eradicating the nightmare of many Nigerians.