

## **Protection of Victims of Transnational /Cross Borders Crimes with emphasis on Trafficking in Persons, Human Smuggling and Prostitution\***

### **Abstract**

The concept of international security has evolved from protection of State's sovereignty and territorial integrity from external military threat to protections of threats emanating from non-state forces. The perpetrators have taken advantage of the changes in technology and globalization and they do not commit their acts in one jurisdiction. A major characteristic of this threat is that it transcends across geographical boundaries and cannot be solved by jurisdictional authority and hence requires international operation. The world peace is threatened by transnational crimes. Transnational crimes are criminal activities which operate across borders and boundaries. There are many activities that can be characterized as transnational organized crime, including drug trafficking, smuggling of migrants, human trafficking, money-laundering, trafficking in firearms, counterfeit goods, wildlife and cultural property, and even some aspects of cybercrime. Trafficking in persons is not a modern phenomenon, though the term is a contemporary one. Throughout human history, vulnerable people have been treated as commodities-exploited for the benefit of others. One of the most obvious historical examples is slavery. Whenever societies tolerate the exploitation of free or cheap labour, trafficking in persons emerge in one form or another. The 2018 UNODC Global Report on Trafficking in Persons noted that most of the detected victims of trafficking are identified in their countries of citizenship, that is, in their own country<sup>1</sup>. The category of victims may include irregular migrants who have left their home countries in search of a better life, others who travel without appropriate travel and identification documents, visas or work permits and might not speak the language of the host country. These factors that may increase their risk of exploitation. Many flee out of poverty, war and armed conflict, political oppression, natural disasters or poor education and lack of employment opportunities. It is important to note in particular the high vulnerability of refugees and people living in conflict-affected areas, where the need to flee war and persecution may be exploited by traffickers to lure them into exploitation. This paper examines the protection of victims of transnational crimes/cross border crimes focusing on trafficking in persons, human smuggling, prostitution. It also highlighted the laws in this regard or in place to wards protection of the victims.

### **0.1 Introduction:**

Transnational crimes are crimes of international character. They extend beyond the territorial borders of states and are highly organized. They are coordinated by the perpetrators who are linked in form of network between countries usually the source/origin, transit and destination. The crimes are interconnected and occur as a chain for example transfer for employment leading to forced labour or prostitution eventually ending up being trafficked. The transnational crimes are cloaked in secrecy and have been aided by the globalised nature of the world characterized by sophisticated e-technology and other devices. Prosecuting offenders and perpetrators of transnational crimes is usually very difficult and the victim's reluctance to assist the prosecution of offenders is also worrisome but they must be protected.

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<sup>1</sup>United Nation Drug and crime

## 0.2 Explanation of Concepts:

### a. Transnational Organized Crime

Transnational organized crime is a criminal network or activities that operates across borders, exploiting vulnerable people and undermining global security. Criminal networks engage in a wide range of illicit activities, including money laundering, the illegal trade in firearms, and trafficking in humans, organs, drugs, natural resources and wildlife. Transnational organized crime doesn't just steal money; it steals futures, corrupt communities, and destroy lives. The term "transnational" highlights the fact that these criminal networks operate across borders and geographies. They are active in all countries—rich and poor, North and South, developed and developing. They illegally move people, goods, and money across borders, whether smuggling drugs from one country to another, trafficking people across continents, or laundering money through offshore accounts. While the activities of transnational organized crime take many forms, the consequences are often the same: weakened governance, corruption, lawlessness, violence, and ultimately death and destruction. For an offense to be transnational in nature, the following elements are present: (a) It is committed in more than one State; (b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State; (c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or (d) It is committed in one State but has substantial effects in another State.<sup>2</sup>

### b. Human trafficking

Human trafficking is a grave violation of human rights, a form of modern-day slavery. Traffickers prey on vulnerable populations, such as those living in poverty, experiencing conflict or displacement, or lacking social support networks. Women and girls were mostly trafficked for sexual exploitation. While girls are overwhelmingly subjected to sexual exploitation, boys are increasingly forced into labour. Traffickers now operate in the digital world, using technology to entrap victims at every step. Children are particularly vulnerable, often targeted on social media platforms where they believe they are safe.<sup>3</sup> Organized crime groups can supply weapons and ammunition to armed groups and governments facing sanctions. Both organized crime groups and non-State armed groups may directly engage in firearms trafficking to secure their own arms and generate revenue, says UNODC.<sup>4</sup> Trafficking in persons involves the recruitment, transportation, harboring and/or control of the movement of persons for the purpose of exploitation, typically for sexual exploitation or forced labour. Victims are required to provide (or offer to provide) their services or labour as a result of conduct that, in all the circumstances, could reasonably be expected to cause the victim to fear for their own safety or for the safety of someone known to them, if they refuse to provide that service or labour. Victims suffer physical, sexual and/or emotional abuse and often live and work in horrific conditions.

### c. Drug trafficking

In recent years, global drug use has increased, making it one of the most lucrative businesses for transnational organized crime groups. Today, illicit drug markets continue to expand their reach, fueled by the growing cocaine supply, drug sales on social media platforms, and the dangerous spread of synthetic drugs. Synthetic drugs are cheap and easy to manufacture anywhere in the world.

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<sup>2</sup> Ibid

<sup>3</sup> <https://www.unodc.org/toc/en/crimes/organized-crime.html>, last accessed 21<sup>st</sup> March 2025 at 2.07pm

<sup>4</sup> 2000 UNTOC

#### **d. Crimes that affect the environment**

The trafficking of wildlife and natural resources hampers conservation efforts, damages ecosystems, and undermines our planet's capacity to mitigate climate change. In 2016, the UN Environment Programme and INTERPOL estimated that such environmental crimes generate profits between \$91 billion and \$259 billion annually, making it the fourth-largest transnational criminal activity after drugs, counterfeits, and human trafficking<sup>5</sup>. The trafficked plants and animals are used in a variety of ways—for food, medicine, as exotic pets, and “luxury” goods. Actual wildlife trafficking levels are far greater than the recorded seizures. Moreover, illegal mining, including that of minerals and metals, is increasingly conducted by organized criminal groups. Beyond the environmental damage, these operations fuel corruption and fund criminal networks. The profits often flow into the hands of armed groups, perpetuating cycles of violence and conflict.

#### **e. Cybercrime**

The digital age has exposed a great number of people to unprecedented connectivity, with over 60 per cent of the world's population now online<sup>6</sup>. However, this awareness has also brought with it a surge in cybercrime, impacting individuals, institutions, and countries globally. Cybercrime encompasses a wide range of offences, from online fraud and data theft to the exploitation of children. Perpetrators range from individual criminals to organized networks, all exploiting the anonymity and accessibility of the digital world. The methods used are constantly evolving, becoming more sophisticated and harder to detect. AI-enabled cyber operations are amplifying the threat. These attacks disrupt essential services like healthcare and banking, and erode public trust and safety.

#### **f. Smuggling of migrants**

The migrant smuggling trade, driven by the movement of people across international borders for financial gain, is a lucrative criminal enterprise. The demand for smuggling services is particularly pronounced among refugees fleeing conflict or persecution and desperate to reach safety<sup>7</sup>. Although the majority of smuggled migrants are young men, the vulnerability of unaccompanied and separated children is of particular concern, as they are at increased risk of exploitation and abuse. The perils of migrant smuggling are numerous with many migrants perishing due to drowning, accidents, harsh terrain, and extreme weather. Furthermore, systematic killings and other horrific crimes have been documented along smuggling routes, including violence, rape, theft, kidnapping, extortion, and human trafficking.

#### **g. Money laundering**

Money laundering—the process of concealing the origins of illegally obtained money, turning “dirty money” into “clean money”—is a global scourge that fuels corruption, undermines financial institutions, and facilitates a wide range of criminal activities. Criminals employ a variety of techniques to launder money, including smurfing, using offshore accounts, and investing in high-value assets like real estate and art. The transnational nature of money laundering allows criminals to exploit gaps in international cooperation and differing regulatory frameworks to move their illicit proceeds across borders. The rise of digital currencies, such as crypto currencies, online payment platforms, and complex financial

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<sup>5</sup> United Nation Environment Programme 2016 or A. U. Abonyi “Emerging Issues in International Humanitarian Law (Nnewi, Chemag Tech Ltd, 2022).

<sup>6</sup> Ibid

<sup>7</sup>United Nation, peace and security, <https://www.un.org/en/peace-and-security/transnational-crime>,lastaccessed29thApril2025at2.34pm

Department of International Law & Jurisprudence, Chukwuemeka Odumegwu Ojukwu University instruments, has created new challenges for law enforcement agencies struggling to keep pace with these evolving methods.

#### **h. Transnational organized crime and conflict**

The relationship between transnational organized crime and conflict is a vicious cycle. Crime fuels conflict, and conflict creates an environment where crime thrives. This destabilizing interplay undermines governments, erodes the rule of law, and weakens law enforcement, making conflict resolution even more challenging. Conflict zones become fertile ground for criminal activity. Environmental crimes also proliferate in these settings, where state control is weak and armed groups often exploit natural resources to fuel the conflict. Furthermore, conflict provides fertile ground for human trafficking. Armed groups exploit vulnerable populations for forced recruitment, sexual exploitation, and forced labour. They may traffic people to enhance their military capacity, including through the forcible recruitment of child soldiers. They may also traffic people to impose fear in the territories they control or for personal purposes such as sexual exploitation, buying brides, or forcing people into domestic labour. In 2020, approximately 12 per cent of detected trafficking victims came from conflict-affected countries. This convergence of crime and conflict poses a significant threat to peace, security, and human rights, demanding a comprehensive approach that addresses both the root causes of conflict and the criminal networks that exploit them.

#### **i. Transnational organized crime and terrorism**

Terrorists can benefit from organized crime as a significant source of financing and logistical support for their activities. As highlighted in the UN Global Counter-Terrorism Strategy, terrorist groups exploit criminal activities such as arms trafficking, human trafficking, drug trafficking, and the illicit trade in natural resources to fund their operations and sustain their networks.<sup>8</sup> The UN Security Council has emphasized the need for Member States to address this convergence, adopting resolutions that call for enhanced cooperation to disrupt illicit financial flows, strengthen border controls, and combat the underlying conditions that allow both terrorism and organized crime to flourish—such as conflict, instability, corruption, and weak governance.<sup>9</sup> The UNODC plays a crucial role in supporting Member States in combating this nexus. It provides technical assistance to strengthen criminal justice systems, enhance border controls, and disrupt illicit financial flows. The UNODC also facilitates international cooperation and information sharing to combat the evolving strategies of terrorist and criminal organizations.<sup>10</sup> Furthermore, the UN Global Counter-Terrorism Coordination Compact, a coordination framework, emphasizes the importance of addressing the conditions conducive to the spread of terrorism, including poverty, inequality, and lack of opportunity, which organized crime also exploits.<sup>11</sup>

### **0.3 Laws in Place to Protect Victims of Transnational Crimes:**

In a world grappling with the growing threat of organized crime, the UN Convention against Transnational Organized Crime (UNTOC) stands as a critical line of defence. Also known as

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<sup>8</sup> A. U. Abonyi “Trafficking in Persons and Protection of Victims, A Handbook on International Humanitarian Law” (Nnewi, Chemag Tech Research Ltd, 2019).

<sup>9</sup> Ibid.; see Chike B. Okosa, ‘Terrorism, Public Law and International Law: Congruence of Nigeria’s Domestic Legislation with the International Counter-Terrorism Regime,’ (2020) 1(2) *Nnamdi Azikiwe University Law Review* [1-25]

<sup>10</sup> A. U. Abonyi “Holding the perpetrators of Transnational Crimes accountable, the politics between the west and developing countries” *Emerging Issues in Humanitarian Law*, First Published 2022, Nnewi, Chemag Press Ltd.

<sup>11</sup> Ibid

the Palermo Convention, it is the only global, legally binding instrument through which governments commit to acting and cooperating against this crime. The UN General Assembly opened for signature by Member States at a High-level Political Conference convened for that purpose in Palermo, Italy, on 12-15 December 2000 and adopted on the 15<sup>th</sup> day of November 2000 and entered into force on 29 September 2003. UNTOC has been ratified by 192 states, making it one of the world's most widely accepted treaties. It has led to increased international cooperation, enabling countries to work together to investigate complex criminal networks, extradite offenders, and recover illicit assets. Countries must become parties to the Convention itself before they can become parties to any of the Protocols. Transnational organized crime groups are constantly evolving, exploiting new technologies and opportunities in creating new forms of crime. In short, it is an illicit business that transcends cultural, social, linguistic and geographical boundaries and one that knows no borders or rules. UNTOC was designed with this in mind, providing a flexible framework that can be applied to both existing and emerging crimes. This adaptability allows the Convention to address a wide range of criminal activities, from drug trafficking and human smuggling to cybercrime and the illicit trade in wildlife. To combat this growing threat, the United Nations has declared 15<sup>th</sup> November as the International Day for the Prevention of and Fight against All Forms of Transnational Organized Crime. First observed in 2024, this day aims to raise awareness and encourage international cooperation against these criminal networks. UNTOC is further strengthened by three protocols that focus on specific areas of concern: trafficking in persons, smuggling of migrants, and the illicit manufacturing of and trafficking in firearms. These protocols have been instrumental in helping countries develop comprehensive.

### **0.3(i) UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children**

(Trafficking Protocol)<sup>12</sup> articulates the most widely accepted international framework for addressing Trafficking in person and calls upon States Parties to take steps to prevent trafficking, protect victims and prosecute offenders. The Trafficking Protocol is the only globally binding international instrument which contains an agreed upon definition of trafficking in persons. Article 3 of the Trafficking Protocol reads: "Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article; "Child" shall mean any person under eighteen years of age. Article 5 of the Trafficking Protocol obligates States Parties to criminalize trafficking in persons in accordance with the definition contained in Article 3.

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<sup>12</sup> [https://en.m.wikipedia.org/wiki/United\\_Nations\\_Convention\\_Against\\_Transnational\\_Organized\\_Crime](https://en.m.wikipedia.org/wiki/United_Nations_Convention_Against_Transnational_Organized_Crime) Last accessed 21st March 2025 at 2.25pm

**0.3(ii) UNTOC's three supplementary protocols (the Palermo Protocols) are:**<sup>13</sup>

**a. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.**<sup>14</sup>

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, was adopted by General Assembly resolution 55/25. It entered into force on 25 December 2003. It is the first global legally binding instrument with an agreed definition on trafficking in persons. The intention behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in person's cases. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.

**b. Protocol Against the Smuggling of Migrants by Land, Sea and Air.**<sup>15</sup>

The Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted by General Assembly resolution 55/25, entered into force on 28 January 2004. It deals with the growing problem of organized criminal groups who smuggle migrants, often at high risk to the migrants and at great profit for the offenders. A major achievement of the Protocol was that, for the first time in a global international instrument, a definition of smuggling of migrants was developed and agreed upon. The Protocol aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States parties, while protecting the rights of smuggled migrants and preventing the worst forms of their exploitation which often characterize the smuggling process.

**c. Protocol Against the Illicit Manufacturing of and Trafficking in Firearms.**<sup>16</sup>

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition was adopted by General Assembly resolution 55/255 of 31 May 2001. It entered into force on 3 July 2005. The objective of the Protocol, which is the first legally binding instrument on small arms that has been adopted at the global level, is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. By ratifying the Protocol, States make a commitment to adopt a series of crime-control measures and implement in their domestic legal order three sets of normative provisions: the first one relates to the establishment of criminal offenses related to illegal manufacturing of, and trafficking in, firearms on the basis of the Protocol requirements and definitions; the second to a system of government authorizations or licensing intending to ensure legitimate manufacturing of, and trafficking in, firearms; and the third one to the marking and tracing of firearms. All four of these instruments contain elements of the current international law on human trafficking, arms trafficking and money laundering. The United Nations Office on Drugs and Crime (UNODC) acts as custodian of the UNTOC and its protocols. The UNTOC is the main legal international instrument to fight organized crime, but its efficiency depends on each member's ability to implement the organization's framework. As an example, the UNTOC requires a minimum sentence of four years imprisonment for

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<sup>13</sup> Trafficking in person and smuggling immigrants, <https://www.unodc.org/e4j/en/tip-and-som/module-6/key-issues/crime-of-trafficking-in-persons.html>. last accessed 30th April 2025 at 10am.

<sup>14</sup> United Nation Convention against Transnational crimes. <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html> last accessed 30th April 2025 at 11am

<sup>15</sup> Ibid

<sup>16</sup> Ibid

**Anselm U. Abonyi & Ifunanya C. Okonkwo / Protection of Victims of Transnational /Cross Borders Crimes with emphasis on Trafficking in Persons, Human Smuggling and Prostitution** transnational organized criminal offences.<sup>17</sup> The Convention represents a major step forward in the fight against transnational organized crime and signifies the recognition by Member States of the seriousness of the problems posed by it, as well as the need to foster and enhance close international cooperation in order to tackle those problems. States that ratify this instrument commit themselves to taking a series of measures against transnational organized crime, including the creation of domestic criminal offences (participation in an organized criminal group, money laundering, corruption and obstruction of justice); the adoption of new and sweeping frameworks for extradition, mutual legal assistance and law enforcement cooperation; and the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.<sup>18</sup> **Article 6.** Assistance to and protection of victims of trafficking in persons

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.
2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:
  - (a) Information on relevant court and administrative proceedings;
  - (b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.
3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:
  - (a) Appropriate housing;
  - (b) Counseling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
  - (c) Medical, psychological and material assistance; and
  - (d) Employment, educational and training opportunities.
4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.
5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.
6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

#### **0.4 Differences Between Trafficking in Persons and Migrant Smuggling:<sup>19</sup>**

Sometimes human trafficking and migrant smuggling cases are confused. They are, however, different crimes and involve different conduct. Understanding the differences between the two is critically important from an investigatory perspective and treating a trafficking case as a smuggling case can have significant implications for trafficked persons. The main

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<sup>17</sup> Ibid

<sup>18</sup> UNTOC

<sup>19</sup> Footnote 17

differences between trafficking in persons and migrant smuggling are as follows: Human smuggling is, by definition, a transnational crime whereas trafficking in persons is not; Human smuggling generally involves the consent of the person smuggled. Trafficked victims have either never consented or their consent has been rendered meaningless by the improper means used by the trafficker; Smuggled persons are generally free to do what they want once they arrive at their country of destination. In contrast, trafficked persons have their liberty curtailed and are compelled to provide their labour and/or services; and The source of profit for human smuggling is the fee associated with the smuggling act. In trafficking cases, profits are made through the ongoing exploitation of the victims. Despite these differences, smuggled persons may become trafficking victims; therefore it is crucial to properly identify these crimes in practice.

**(i) Impact on the Victim<sup>20</sup>**

Trafficked persons may be subjected to repeated acts of physical, sexual and psychological violence resulting in significant and enduring ill effects on physical and mental health. Trafficked persons also face a number of health risks and diseases ranging from sexually transmitted infections such as HIV/AIDS to malnutrition. In many cases, unsanitary, crowded living conditions, poor nutrition and lack of adequate medical care also contribute to a host of adverse health conditions. While some of the physical damage from trafficking may be treated with appropriate medical care, the psychological consequences may endure. The trafficking experience may create a systematic disruption of basic and core attachments to family, friends and religious and cultural systems; the destruction of central values relating to human existence; and the creation of shame following brutal acts including torture and rape. Relationships may be changed, including those with the general community and authority figures, leading to a general sense of mistrust of others and a fear of forming new relationships. The results of the experience can be everlasting, even with treatment. Human trafficking has wide-reaching societal impacts including: Separating trafficked persons from their families and communities, including children from their parents; Impeding education, development and future productivity; Losing one's culture and language, especially for young children; Stigmatizing and ostracizing of victims; and, Reinforcing the cycle of poverty and illiteracy that stunts national development.

**(ii) Sex Trafficking**

Trafficking for sexual exploitation also referred to as sex trafficking is the illegal trafficking of humans for the purposes of sexual exploitation. Trafficking for sexual exploitation is a global issue and is one of the fastest-growing criminal enterprise in the world. According to the UNODC, 94% of victims of sexual exploitation are women and girls.<sup>21</sup> Though international law and the laws of 158 countries criminalize sex trafficking, the ultimate destination for its victims – the sex trade – is still widely legally and socially acceptable. Many countries have laws that either fully criminalize, decriminalize, or legalize the sex trade in harmful ways: either they punish those who are being exploited, or openly promote their exploitation by giving traffickers, pimps, brothel owners, and sex buyers a safer environment in which to operate<sup>22</sup>. An exploited child grows into easily exploited women who can be sold over and over again for profit. Women who lack access to resources, such as housing, land, property, and inheritance, are at increased risk. Homeless people, migrants, and marginalized racial, ethnic, and socially excluded communities, are more likely to lack access to such

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<sup>20</sup> Ibid

<sup>21</sup> United Nations Office on Drugs and Crime

<sup>22</sup> Footnote 17



resources and be at greater risk, due to the additional levels of discrimination they face in their intersectional identities. The Government should oppose prostitution and any related activities, including pimping, pandering, or maintaining brothels as contributing to the phenomenon of trafficking in persons, and maintains that these activities should not be regulated as a legitimate form of work for any human being. Those who patronize the commercial sex industry form a demand which traffickers seek to satisfy. The commercial sexual exploitation of children is trafficking, regardless of circumstances. International covenants and protocols obligate criminalization of the commercial sexual exploitation of children.

### **(iii) Trafficking patterns**

When trafficking in persons is transnational, the majority of victims are trafficked as they attempt to migrate from less wealthy or developed areas to wealthier regions and from rural to urban areas. Because victims are exploited by traffickers as they attempt to relocate to regions that are perceived to offer better opportunities, trafficking patterns tend to reflect migration patterns from poorer to more wealthy nations.<sup>23</sup> Various strategies are employed by traffickers to recruit and exploit victims, ranging from the simple false promise of a job to kidnappings. Often, they gain the confidence of victims through a combination of deception and manipulation. At times, unscrupulous employment agencies deceive workers into entering abusive work situations; what first seems to be a legitimate job is in fact exploitative. Women and children are particularly vulnerable to trafficking and may be trafficked by their own communities, families and in public places of business and commerce. Desperate families may even resort to selling their children to traffickers for the promise of immediate payment. Trafficking trends, patterns and strategies evolve over time and adapt to new demands, challenges, social and political realities and law enforcement responses. The detected forms of exploitation vary from one region to another. Trafficking for sexual exploitation remains the most detected form of trafficking globally. This may be explained by the fact that law enforcement authorities tend to give priority to investigating this form of exploitation in some regions.<sup>24</sup>

## **0.5 Countering Trafficking in Persons:**

The international community recognizes that combating trafficking in persons requires a holistic and multidisciplinary approach, involving numerous complementary actors, expertise and strategies. The increasingly transnational scope of trafficking also requires cross-border cooperative approaches to investigation and prosecution of traffickers.<sup>25</sup> Transnational Cooperation.<sup>26</sup> Forms of transnational cooperation include joint investigative teams, transfer of sentenced persons, transfer of criminal proceedings, and law enforcement or police coordination – an example is the International Criminal Police Organization (INTERPOL), an intergovernmental organization facilitating international police which has 196 member countries who work together to share data related to police investigations.<sup>27</sup> Another form of transnational cooperation is judicial coordination and assistance; in particular, it refers to “extradition” and “mutual legal assistance”. Extradition, in international law, is the process by which one state, upon the request of another, affects a person's return for trial for a crime

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<sup>23</sup> Ibid

<sup>24</sup> Ibid

<sup>25</sup> Ibid

<sup>26</sup> Trafficking in person: handbook on international cooperation [https://www.unodc.org/documents/southeastasiaandpacific/2009/11/asean/Extract\\_from\\_the\\_Handbook\\_on\\_International\\_Cooperation.pdf](https://www.unodc.org/documents/southeastasiaandpacific/2009/11/asean/Extract_from_the_Handbook_on_International_Cooperation.pdf), last accessed 2nd May 2025 at 3pm

<sup>27</sup> 2018 UNODC Global Report on Trafficking in Persons

punishable by the laws of the requesting state and committed outside the state of refuge. Mutual Legal Assistance (MLA) in criminal matters is a process by which States seek and provide assistance to other States in servicing judicial documents and gathering evidence for use in criminal cases. There is no universally applicable treaty regulating interstate cooperation or establishing a duty to cooperate. In a narrower scope, international agreements serve as the basis for interstate cooperation. On the other hand, parties that are unable to extradite without a treaty are encouraged to use UNTOC as the legal basis for extradition. These technical assistance tools are intended to be used by States in the negotiation of bilateral and regional agreements to promote more effective cooperation in criminal cases with transnational implications and in enactment of relevant national laws. United Nations office on drugs and crime (UNDOC) and NABTIP<sup>28</sup> Trafficking in persons (TIP) is a transnational organized and thus requires the cooperation of every country to combat. Nigeria has been identified as a source, transit and destination country for TIP and there is a need to maintain and strengthen already existing relationships with other countries to improve networking and increase cooperation efforts towards the fight against TIP. In the United Nations Convention on Transnational Organized Crime and its protocol on trafficking in persons (UNTOC), States are required to cooperate with one another to effectively combat TIP. Article 10 specifically outlines need for information exchange and training amongst state parties “Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law”. It is against this backdrop that NAPTIP, in 2014, established the Embassy/Liaison initiative to strengthen cooperation, collaboration, networking and partnership between the Agency and the international community towards the fight against trafficking in persons. Also in attendance were representatives of the Ministry of Foreign Affairs, Ministry of Humanitarian Affairs, Disaster Management and Social Development, Department of State Services (DSS), Nigeria Immigration Service (NIS), Nigerian Financial Intelligence Unit (NFIU), INTERPOL, ECOWAS and the European Union. On 28 March 2022, NAPTIP in collaboration with UNODC held the seventh Embassy Liaison meeting organized under the UNODC project ‘Strengthening Nigeria’s Criminal Justice response to Trafficking in Persons and Smuggling of Migrants (PROMIS) funded by the Kingdom of Netherlands. The meeting which has been agreed to hold every quarter, had in attendance representatives from 19 embassies and high commissions in Nigeria, including those of Burkina Faso, Canada, Denmark, France, Gambia, Germany, Hungary, India, Italy, Lebanon, Mali, Netherlands, Niger Republic, Spain, Switzerland, Turkey, the United Kingdom, United State. The project Response to Trafficking in Persons and Smuggling of Migrants in Nigeria continues to assist Nigeria in achieving Sustainable Development Goals 16. As such it forms an integral part of UNODCs 2030 Strategic Vision for Nigeria.<sup>29</sup>

## 0.6 Recommendations:

Since UNTOC has been ratified by 192 states, making it one of the world’s most widely accepted treaties it is necessary for the United Nation to ensure that it is being domesticated by every state party. The jurisdiction of the International Criminal Court should be expanded to include transnational crimes since it is a threat to world peace and security. The united nation should monitor the criminal proceedings of persons extradited to another country and where there is delay in prosecution, the UN should have the powers to transfer the hearing of

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<sup>28</sup> UNODC and NAPTIP strengthen cooperation. <https://www.unodc.org/conig/en/stories/unodc-and-naptip-strengthens-international-cooperation-to-combat-human-trafficking.html> last accessed 2nd May 2025 at 3.30pm

<sup>29</sup> Ibid

the case to another country. Sentencing of perpetrators of transnational crime should be uniform irrespective of the territory. Increased international cooperation, enabling countries to work together to investigate complex criminal networks should include raising objections when a country is not diligent in prosecuting perpetrators. Recovered illicit assets should be handled by the United Nations only and not the state party. This is to eliminate favoritism or Nepotism. Also the recovered assets should be used to compensate the victims. States should also promote a focused, collaborative and cross-border approach to fighting this crime.

### **0.7 Conclusion:**

Trafficking in persons (TIP) is a serious crime. TIP involves an act committed for the purpose of exploiting someone's labour or services. Victims are compelled to provide their labour or services under circumstances which would be reasonably expected to cause them to fear for their own safety or for the safety of someone known to them, if they refuse to provide that service or labour. Unlike most other offences, TIP violates the autonomy of its victims, often through repeated acts of violence or threats of violence, manipulation and psychological control. These acts or threats of violence will frequently, in and of themselves, constitute separate criminal acts. The aim of this work is to create an awareness on the existence of a system that intends to bring traffickers to justice while fully respecting the rights and needs of victims. It is further hoped that this paper will promote a consistent criminal justice response to this crime. The recommendation in this paper may be adapted to respond to the particular needs of individual jurisdictions. It should be noted that trafficking in persons often intersects with the commission of a range of other crimes (for example, kidnapping, assault, fraud, immigration and labour offences). The added value of having a specific crime of trafficking in persons and related legislation is to identify trafficking as a specific and serious criminal conduct, as well as closing any gaps that might lead to the impunity of perpetrators.

