

## **Curbing the Social Menace of Modern Slavery in Edo State, Nigeria: The Law and Criminal Justice System, a Panacea?**

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### **Abstract**

Migration and modern slavery are global problems which affect developed and developing nations alike. However, the magnitude of the menace varies; with less developed countries facing more of the challenges. There are many reasons responsible for the increase in the rate of migration and the attendant modern slavery which are replete in literature. Today, some 30 million people worldwide live in slavery and yet slavery is strictly prohibited by both Nigerian and international laws (Global slavery index, 2016). Why is there such a gap between law and practice? What can be done to improve the contribution of national law and criminal justice norms and institution towards the eradication of modern slavery? Unfortunately, little or no work has been done to indicate the relevance of law and criminal justice as disposing factors in migration and modern slavery in Nigeria. These are some of the key issues which this paper seeks to address. The study revealed that not only was the public unaware of the existing laws against modern slavery, they were also unanimous in their views that even if these laws existed, they were not effective, as the criminal justice system has not impacted positively on the issue under study. Consequently, the study suggests that the government, non-governmental organizations and media outfits should collaborate in ensuring that the existence of the law on modern slavery is made known to the general public. In addition, the law and the criminal justice should be strengthened in order to make it more effective.

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**Keywords:** Criminal justice, law, migration, modern slavery

## **Introduction**

Migration has been with mankind for several centuries and refers to the movement of people from one place, either within the boundaries of a particular territorial state, or over the territorial state. During the 16<sup>th</sup> – 18<sup>th</sup> centuries, migration took the form of the transportation of young and able bodied men from Africa to the South American colonies of the Portuguese and Spanish empires, as well as the Caribbean colonies and Brazil as slaves. The Second World War brought in its wake the largest population movements in world history where millions of Germans fled or were expelled from Eastern Europe, while others sought refuge in every country in Eastern Europe.

Africa as a region, is characterized by a variety of migration configurations, including cross border movements, contract workers, labour migrants and the migration of skilled professionals, refugees and displaced persons. However, there appears to be a twist in migration trends, as modern slavery is the latest addition to this list. The phenomenon came, not from statistical data, but from the alarm raised by the media and non-governmental organizations in Nigeria. Despite the horrid experiences of illegal migrants at the hands of human traffickers, many Nigerians, especially female teens and young adults are still being exploited daily and brainwashed by the trafficking ring in Edo State, into illegally migrating to Italy, Libya and other parts of the world where they end up in sex and labour camps (Obiejesi, 2018).

Presently, Edo State is Nigeria's trafficking hub and one of Africa's largest departure points. Every year, many youth migrate from the state after selling everything they have to finance the migration with the hope and promise that when they arrive, life will become better. Unfortunately, once out of Nigeria, these illegal migrants are taken hostage with little or no food, sexually and physically assaulted by their masters and sold as labourers in slave auction for as little as \$400 (United Nations Children's Fund Report, 2017 and Nima, Ilassan, Leposo, 2018). Once upon a time, Africans were captured, chained, sold into slavery and emigrated into the "new world" where they were forced into all kinds of dehumanizing manual labour. The concerted efforts of different liberation and Christian movements nearly 150 years ago led to its abolishment. Regrettably today, more than 40 million remain trapped in modern slavery- in form of compelled labour, sexual exploitation, forced marriage, state imposed forced labour and Nigeria is a victim of this trending social malaise (Ryder, Forrest and Swing, 2017).

Although there are no records of the number of youth involved in modern slavery, the Global Slavery Index report (2016) however puts 875, 500 Nigerians as victims of modern slavery. This implies that the country is one of the leading countries known for this trend. On its part, the United States Department of State observed that, Nigeria is a source transit and destination for women and children subjected to modern slavery. A common trend in

modern slavery, particularly with Nigerians is that, they are lured to donate, give up or sell their organs at ridiculously cheap prices which the traffickers resell at exorbitant amount. Modern slavery has led to youth being taken into subservience due to their poor background. The old slavery period obviously has ended however, a new one known for its harshness has surfaced in Edo State and this preys on people both from the cities and villages.

### **Statement of the problem**

Recently, there has been a sort of mass exodus of Nigerian youths to different parts of the world. Some of these youths were forced to migrate due to lack of jobs, Boko Haram insurgency and lately, Fulani herdsmen's brutality. Others it would appear, were encouraged to migrate due to perceived chances of getting better jobs, better education and better standard of living. These pull and push factors in migration are in themselves not harmful, but lately have had serious unintended social implications.

Presently, there has been a lot of hue and cry on the dangers inherent in youth migration particularly to Europe and parts of the Asian continent and the media is replete with crimes committed by and against migrant youth in these distant countries. In some cases, the brutalization, killing, torturing, maiming, sexual abuse and exploitation have been recorded and made viral on the internet for all to see. Today, trafficking in persons (human trafficking) and modern slavery are simply used as umbrella terms to denote both sex trafficking and compelled labour. Modern slavery is an offence where youth are assaulted and used as cheap labour with little or nothing to show for it. Though there is no universally accepted definition of modern slavery, it however encompasses forced labour, exploitation, forced marriage, forced sexual exploitation and state-imposed forced labour.

According to the United Nations Educational, Scientific and Cultural Organization (UNESCO, 2017), Nigeria currently ranks 23<sup>rd</sup> in the global slavery index of 167 countries with the highest number of illegal migrants. The irregular migration and human trafficking which is third in the ignoble hierarchy of the commonly occurring crimes in Nigeria (UNESCO, 2017) has led to loss of many youth who have lost their lives while trying to cross the desert and sea to foreign lands. The new twist in this ugly development is that the trafficking of young males has overtaken females in Edo State and now stands at 63% (Adaoyichie, 2018). Something is clearly wrong in the way Edo State and Nigeria in general, manage citizens' security and border security.

### **Objectives of the study**

This study seeks to:

1. examine the awareness and knowledge of the public on the legislative framework against modern slavery in Benin metropolis.

2. ascertain public perception of the effectiveness of the legislative framework against modern slavery in Benin metropolis.
3. identify the role the administration of criminal justice plays in modern slavery in Benin metropolis.

### **Research questions**

1. Is the public aware of the legislative framework against modern slavery in Edo State?
2. Are the legislative frameworks against modern slavery in Edo State effective?
3. Has the administration of criminal justice helped to curb modern slavery in Edo State?

### **Why migration and modern slavery thrives inspite of the law and criminal justice**

Modern slavery for some time now has become a burning issue to concerned persons in Nigeria. The term modern slavery is a rebranding of human trafficking, which for many years was and still is a global social malaise, that has defied various solutions put in place to curb it. Modern slavery can be classified into labour trafficking and sex trafficking. Labour trafficking has to do with recruitment, harbouring, transportation, provision or obtaining of a person for labour, while sex trafficking refers to the forcing unwilling persons into sexual practices. This study deals with both brands of modern slavery. In this new form of slavery, young boys and girls are primarily the ones recruited and generally forced to work in plantations, quarries and mines offering trade and domestic servitude.

Migration from time immemorial has been a frequent human activity as evidenced in the book of Genesis, where the patriarchs were constantly sojourning (Holy Bible). However, the new trend in migration is that in Sub-Saharan Africa, it is closely associated with labour and sex trafficking which can best be described not only as a global problem, but a modern form of slavery. As alarming and prevalent as its incidence would appear, there is generally a paucity of accurate data on its magnitude and this is due largely to its clandestine nature. Several studies have pointed to Nigeria as having the largest percentage of migrated young men and women who end up being exploited. More worrisome is the fact that Edo State and in particular, Benin City has been christened the seat of human trafficking (Obiejesi, 2018).

History textbooks are replete with works on how Africans were sold as slaves to Europe and America many centuries ago and how sacrifices and works done by the early missionaries brought the obnoxious trade in humans to an end. It is thus simply unimaginable not only to hear but see footage on the media, showing African illegal migrants and refugees en route Europe

being sold at slave markets in Libya. Infact, the International Organization for Migration (IOM) (2008) has confirmed the existence of slaves being sold openly in markets in Africa where even children are bought and sold by traders, extorting them for labour, prostitution or ransom (Dearden, 2017). The yet to be answered question is how did Nigeria particularly, people in Edo State get to this level where the citizens, especially the youth would prefer to embark on suicidal missions instead of staying in their original place of abode?

UNICEF (2000) has identified the major causes behind trafficking- a form of modern slavery to be prevalent poverty which ignites the push and pull factors, a high level of illiteracy, ignorance, joblessness and poor living standards as well as burden of poverty and desperation of poor and illiterate parents with large families who do not know the impact or nature of what their young ones are going into.

One of the reasons why human trafficking and illegal migration, both thrive in Nigeria in spite of the obvious perils involved is largely because of ignorance. Many young boys and girls still feel that the streets of Europe are paved with gold, which is not the case. At other times, it is the parents whose ignorance also leads these youths into modern slavery. Some parents due to illiteracy and ignorance are deceived by their friends, relatives and/or recruiters whose tongues are sugar-coated into buying the idea of travelling abroad. Many trafficked persons are basically ignorant of the fate that awaits them in their country of destination. Adomoko-Ampofo (1997) observed that ignorance for which many trafficked persons have paid, usually leads people to be trafficked into slavery.

More pathetic is the non-challant attitude of the Nigerian government in relation to prosecuting human traffickers and its glaring disinterest in its victims. In fact, Laba (2004) observed that the Nigerian government has failed to comply with the minimum standard for the elimination of trafficking hence, the country has remained a source, transit and destination for trafficking to Europe, Middle East and other countries in Africa. Modern slavery persists due to the lackluster attitude of the Nigerian police in particular, the law enforcement agents in general, and a weak legal framework which essentially deals with trafficking for sexual exploitation. In fact, law enforcement agents are not fully-equipped, do not have the technical know-how and are not sensitive to deal with modern slavery. Trafficked persons often allege that some law enforcement agents at times collude with traffickers by aiding them with foreign documents and then facilitate crossing the borders and through ports (The Situation Assessment and Analysis Report, 2000: 234-235).

Besides, the law enforcement agents usually drag their feet in terms of investigating crimes of this nature, because they feel that the complainants cannot foot the bill of investigation, or to put it bluntly, bribe the investigating police officer (s) (Human right watch, 2002). Hughes, Sporic, Mendelson and

Chirgwin (2005) report that even though the criminal code has been amended in some nations to criminalize modern slavery, the law has had little effect as trafficked women for instance, were not seen as victims but as criminals and illegal aliens. Obarisiagbon (2018) pointed to the fact that crimes, modern slavery inclusive, are persistent because of corruption that has bedeviled the administration of the criminal justice system in Nigeria.

Granted that the Nigerian government has not shown the desired political will to stem the tide of modern slavery, it is needful to say, that it has however put in place relevant legislative frameworks. The Nigerian constitution (1999) has isolated provisions against this social malaise. Section 34 of the constitution clearly guarantees the right to human dignity and respect and also prohibits any form of torture, degrading treatment, slavery or servitude and forced or compulsory labour. In addition, Section 41 which deals with the right to movement and Section 35 which deals with the right to personal liberty are all relevant legislative laws against modern slavery. Besides, both the Criminal and Penal Codes (2004) have extant provisions that prohibit the act of modern slavery. Granted that the Criminal code did not define modern slavery or identify the forms, it however deals with the offences which may constitute it. Specifically, Section 223 (2) of the Criminal code (2004) makes it a punishable offence to procure women and girls for prostitution in or outside Nigeria. A particular note is Section 369 which further highlights the punishment for slave dealing with imprisonment of 14 years upon conviction of the offender.

In the same vein, the Penal Code (2004) contains similar provisions on modern slavery. Sections 275, 279 and 280 prohibit prostitution while the combined effects of the latter create and punish the offences of slave dealing and forced labour. Braimah (2013) has observed that these are but scattered legislative laws which should be strengthened. Implying that the legislative framework as it exists presently is inadequate and needs to be strengthened. Is this perhaps the reason why modern slavery continues to thrive in Nigeria? In a bid to heed this call, the Trafficking in Persons (Prohibition) Law, Enforcement and Administration Act (2015) was passed and this repealed the previous laws Trafficking in Persons (Prohibition) Law, Enforcement and Administration Act (2003). This new law prohibits all forms of trafficking; including trafficking for organ trade or ritual murders and significantly increases the penalties for trafficking offenders.

It is important to state here that in order to address this ugly social menace, the National Agency for Prohibition of Trafficking in Persons and other Related Matters (2003) NAPTIP was established. Its core mandate was to prevent, protect, prosecute and partner with or collaborate with other regional and international organizations to ensure the elimination and prevention of the root causes of the problem of modern slavery in general.

How well it has carried out this core mandate is better imagined than described as earning convictions against offenders of the law has been most epileptic or near non existent.

In spite of these legislative laws, Nigeria is presently listed as a Tier 2 country which implies that it is not doing much in curbing modern slavery. The United States Department of State Trafficking in person report in Nigeria (2012) points to the fact that roughly a third of convicted traffickers received fines instead of being sent to prison, and despite identifying 380 labour trafficking victims, the Nigerian government prosecuted only two forced labour cases. More worrisome is the fact that, the number of cases that have been charged to court is low compared to the large number of trafficking investigations. The reason for this as the trafficking report (2012) indicates, is because of the flaws in NAPTIP. To Adams (2011), although 2,285 victims of human trafficking have passed through NAPTIP since its inception, only 45 cases of victims have been successfully reintegrated. However, the conviction of human traffickers made by NAPTIP in Edo State to be specific is nothing to talk about. Specifically from 2004 to 2012, only 34 summary convictions were made in Edo State's capital, Benin City (Overview of the National Agency for the prohibition of Traffic in persons and other related matters; Summary of convictions 2004 – 2012). Worried by the prevalence and incidence of modern slavery, Edo State House of Assembly enacted a law – Edo State Criminal Code (Amendment law, 2000) criminalizing prostitution in the state and very recently, it enacted the Edo State Administration of Criminal Justice Law (2018) with the aim of speeding the criminal trials.

In Edo State, the pioneering efforts of Mrs. Eki Igbinedion and the Idia renaissance cannot but be commended in its fight against human trafficking but the problem as Adewale (2015) notes, is how many people even in the urban centres let alone the rural areas are aware that trafficking in persons for whatever purpose is illegal or against the law. The answer, he says is negligible if any.

### **Theoretical explication**

This study adopts the push and pull theory to explain the topic under investigation. The theory was first propounded by Ravenstein in England in the 19<sup>th</sup> century holding that individuals migrate due to different conditions that tend to push them out of the place they are presently in, to another. The central reason for this is because humans generally desire a better state of life than they have. This basic framework further argues that the push factors include things like natural disaster, unemployment, family breakup and/or dissatisfaction with one's own life and environment while the pull factor is the opposite of push factors and include those factors in another nation that attract a person's desire for greater security, better job opportunities or the prospect

of a more exciting life. It should however be pointed out that, the push and pull factors are never the same for everyone, as changes in one's social class, age, physical ability tend to determine them. As Portes and Borocz (1989) note, the theory is made up of a number of negative or push factor in the nation of origin that propel an individual to migrate in combination of a number of positive or pull factors that attract people to move into a receiving nation. It is instructive to stress here that not all migrants are led to slavery, as some people who migrate to foreign land contribute positively to its development and progress.

In relation to the topic under investigation, the migration of many young Nigerians to foreign countries is largely due to several factors, the push and pull factors inclusive. The economic, social and political atmosphere in Nigeria is unfriendly, to put it mildly. What with unemployment, the dysfunctional social infrastructure and the menace of Boko Haram and lately the criminal activities of the Fulani herdsmen which remain unattended to by the government of the day. The hardship and insecurity being experienced in Nigeria compared with the "safe haven" and attraction of greener pastures presented by the western societies, has led people to consciously go into modern slavery in order to enjoy better living conditions.

### **Methods and materials**

The study adopted the descriptive survey design to collect information that described and explored the phenomenon under investigation from the population based on sampling (Kothari, 2011). The questionnaires were given for validity purposes to one expert each in education, geography and criminology at the University of Benin, Nigeria. The questionnaire was made up of two sections: A and B. Section A dealt with the socio-economic features of participants while section B dealt with the subject in question. The reliability of the instrument was done using the split-half method where a coefficient of 0.96 was obtained and was considered significant. The data gathered from the field work was analyzed using the descriptive and inferential statistics.

Edo State has 18 local government areas but for the purpose of this study three local government areas viz: Oredo, Egor and Ikpoba-Okha which consist of different wards were taken as its area of study. Due to the impossibility of sampling the entire population of study, 750 participants were sampled using the stratified and simple random sampling methods. Out of the seven hundred and fifty (750) questionnaires administered, seven hundred and thirty-nine (739) were retrieved and used for analysis purpose. This however represents a return rate of 98.5% and is considered significant. Three field assistants were recruited and trained in the administration of the questionnaire



due to the large sample size used. They were used both for pre-testing and the main study.

**Table 1: Demographic characteristics of respondents**

	<b>FREQUENCY</b>	<b>PERCENTAGE (%)</b>
<b>Sex</b>		
Male	485	66
Female	254	34
<b>Total</b>	<b>739</b>	<b>100</b>
<b>Age</b>		
21-30	150	20
31-40	450	61
41-50	105	14
51-60	34	5
<b>Total</b>	<b>739</b>	<b>100</b>
<b>Religion</b>		
Christianity	715	77
Islam	9	1
Others	15	2
<b>Total</b>	<b>739</b>	<b>100</b>
<b>Educational level</b>		
N.C.E	109	15
B.Sc	305	41
M.Sc	325	44
Ph.D	-	0
<b>Total</b>	<b>739</b>	<b>100</b>
<b>Marital status</b>		
Married	656	89
Single	83	11
<b>Total</b>	<b>739</b>	<b>100</b>

Source: field survey, 2018

Table 1 shows the socio-economic features of participants. It indicates that 66% of the participants were male while 34% were female. 20% were in the 21-30 years age range, 61% were between 31-40 years while 14% were between 41-50 years and 5% were 51-60 years. On religion, 77% of the participants were Christians, 1% Muslims and 2% practiced other religions. As for educational status, 15% of the respondents had primary education, 41% had secondary school education while 44% had tertiary education and none had Ph.D. On marital status, 89% of the respondents were married while 11% were single.

**Table 2: Awareness of legislative framework on modern slavery**

Are you aware of any law against modern slavery (human trafficking)?	FREQUENCY	PERCENTAGE (%)
Yes	193	26
No	546	74
<b>Total</b>	<b>739</b>	<b>100</b>

Source: field survey, 2018

Table 2 shows that 26% of the surveyed population affirmed awareness of certain laws against modern slavery (human trafficking) while 74% were in the negative. This result supports the views of Adewale (2015), that many people even in the urban centres are not aware that trafficking in persons for whatever purpose is illegal or against the law.

**Table 3: Effectiveness of legislative frameworks and modern slavery**

Are the extant laws against modern slavery effective?	FREQUENCY	PERCENTAGE (%)
Yes	160	22
No	579	78
<b>Total</b>	<b>739</b>	<b>100</b>

Source: field survey, 2018

Table 3 shows that 22% of the participants agreed that the extant laws against modern slavery were effective while 78% disagreed with the notion that the extant laws against modern slavery were effective. The finding of this study is in tandem with the work of Hughes et al (2005) which believes that even though criminal codes have been amended in some nations to criminalize modern slavery, the law has had little or no impact on the victims who are seen as criminals and illegal aliens. Infact, Braimoh's (2013) observation that the legislative laws in place in Nigeria are but scattered and needs to be strengthened for them to have any impact goes to further validate the finding of this study.

**Table 4: Administration of criminal justice and modern slavery**

Is the administration of criminal justice effective in curbing modern slavery?	FREQUENCY	PERCENTAGE (%)
Yes	134	18
No	605	82
<b>Total</b>	<b>739</b>	<b>100</b>

Source: field survey, 2018

Table 4 shows that 18% believed the administration of criminal justice have impacted positively on modern slavery while 82% were of the view that

the administration of criminal justice has not impacted positively on modern slavery. The finding of this study further gives credence to Obarisiagbon (2017) which pointed to the fact that crimes- modern slavery inclusive persist because of corruption that has bedeviled the administration of criminal justice system. In addition, the United States Department of State Trafficking in Person Report in Nigeria (2012) puts the lingering prevalence of modern slavery on the courts which tends to treat the issue with kid gloves by imposing fines instead of a term of imprisonment on offenders found guilty of the crime.

### **Conclusion and recommendations**

Modern slavery, be it forced labour or sex exploitation is an offence against the victim and the state. For this offence to be overcome, there is the need for a review of the existing criminal law and the administration of criminal justice in Nigeria. Not only is there a need for policy direction on the issue, but also a need to properly retrain and re-orient prosecutors, policemen, judges in general in order to make them more effective and efficient in the handling of cases of modern slavery.

Revealed from this study is the fact that most people are generally not aware of legislations against modern slavery, be it forced labour or sex exploitation. Consequently, it is suggested that government in collaboration with non-governmental organizations should engage the mass media so as to sensitize, educate or enlighten the public of not just the social consequences of modern slavery but that perpetrators are common criminals whom the long arm of the law, though slow, will certainly catch up with. The public in sum, needs to know of the existence of the extant laws against modern slavery. This, the media can do by highlighting the inherent ills in it as well as bringing to the fore, the dehumanizing and degrading life of illegal immigrants. In so doing the idealized images of the better life in emigration which is not real in the true sense of it can be debunked

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