

HUMAN TRAFFICKING IN WEST AFRICA: AN ASSESSMENT OF THE IMPLEMENTATION OF INTERNATIONAL AND REGIONAL NORMATIVE STANDARDS

DANIEL OGUNNIYI¹
OLADIMEJI I IDOWU²

Abstract: It is now over 20 years since the Palermo Protocol was adopted as a global mobilisation tool to combat human trafficking. Although all 15 West African states have widely ratified the Palermo Protocol, the implementation of the instrument in the sub-region remains unclear. Also, beyond the Palermo Protocol, a systematic assessment of other anti-trafficking mechanisms available in West Africa is non-existent. Thus, this study has two core objectives: the first is to chronicle the key anti-trafficking instruments and their relevance in West Africa, while the second aspect engages with how those norms are translated at the domestic level in three West African countries, namely, Ghana, Nigeria, and Senegal. The study finds that human trafficking has remained resilient both at sub-regional and domestic levels despite the legal efforts to end it. Relevant trends and implementation deficits are identified across the three states, while recommendations for effective anti-trafficking governance are offered.

Keywords: Human Trafficking, Palermo Protocol, Treaty Implementation, Senegal, Ghana, Nigeria, West Africa.

Summary: 1. INTRODUCTION. 2. AN OVERVIEW OF HUMAN TRAFFICKING TRENDS AND PATTERNS IN WEST AFRICA. 3. INTERNATIONAL AND REGIONAL INSTRUMENTS FOR COMBATING HUMAN TRAFFICKING IN WEST AFRICA. 4. HUMAN TRAFFICKING IN NIGERIA. 4.1. Legislative Prohibition and Anti-Trafficking Governance in Nigeria. 4.2. Human Trafficking Prosecutions in Nigeria. 5. HUMAN TRAFFICKING IN GHANA. 5.1. Legislative Prohibition and Anti-Trafficking Governance in Ghana. 5.2. Human Trafficking Prosecutions in Ghana. 6. HUMAN TRAFFICKING IN SENEGAL. 6.1. Legislative Prohibition of Human Trafficking in Senegal. 6.2. Human Trafficking Prosecutions in Senegal. 7. CONCLUSION.

1. INTRODUCTION

Although the proliferation of human trafficking has caught the public's attention in more recent years, little is known on the implementation of anti-trafficking treaties and relevant policy instruments in West Africa. The West African region has long experienced high levels of regular and irregular migration, which has created a market for traffickers. Historically, trafficking studies have focused mainly on extra-regional trafficking as opposed to a sub-regional level assessment in West Africa. To date, the literature on the subject has not sufficiently engaged with the implementation of specific international standards via trafficking prosecution and the contributions of national anti-trafficking

¹ Wilberforce Institute for the Study of Slavery and Emancipation and the School of Law, University of Hull, United Kingdom (d.ogunniyi@hull.ac.uk).

² Faculty of Law, Redeemer's University, Ede, Nigeria (idowui@run.edu.ng).

agencies. The present study aims to fill this void, first, by studying the trends, patterns, and regional instruments in West Africa. Beyond the study of the existing normative instruments, the study aims to assess states' compliance to those standards, focusing mainly on prosecution. In many ways, understanding the current implementation deficits might help provide more coherent responses to the phenomenon.

As a starting point, the study focuses on human trafficking from a regional perspective to demonstrate the relevant trends and patterns. Next, the international and regional governing instruments are assessed. This aspect begins by assessing article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol), to provide a definitional framework for subsequent analysis at the country-level. The Palermo Protocol is also studied as most regional and national normative standards derive their inspiration from and often make direct reference to the Protocol. Other instruments including the African Charter on Human and Peoples Rights, the ECOWAS Common Approach on Migration of 18 January 2008, the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, and the 1979 Protocol relating to the Free Movement of Persons and the Rights of Residency and Establishment and its supplementary protocols are also studied. These instruments show the level of sub-regional engagement with anti-trafficking governance in West Africa. Following the sub-regional level assessment, which offers a cross-cutting overview across the region, the study then focuses on specific countries. As the ECOWAS sub-region comprises 15 member states, choices have to be made on countries to be studied, given the non-feasibility of studying all 15 countries in-depth. Three countries were randomly selected among the Anglophone and Francophone nations, i.e., Ghana, Nigeria, and Senegal. The country-level sections provide deeper insight into the anti-trafficking framework of relevant countries, including the laws, policies, and their implementation. Efforts are also made to understand the implementation challenges in the countries.

2. AN OVERVIEW OF HUMAN TRAFFICKING TRENDS AND PATTERNS IN WEST AFRICA

West Africa has long been characterised by high levels of intra and extra-regional migration, a trend that predates the establishment of borders by colonial powers (Migration Data Portal 2021). Human trafficking manifests itself within this migration complex in diverse forms and affects both children and adults. The West African region is recognised to produce some of the highest numbers of trafficking victims in destination countries outside Africa, especially in Europe and the Middle East (Sawadogo 2012, p. 100; Ogunniyi 2018, p. 463), while the majority of victims are trafficked within Africa (Sowale 2018, pp. 215-225). Research demonstrates the influence of economic and cultural practices in perpetuating trafficking and creating a market for traffickers in the region (Bales 2007, p. 269). Transnational organised crime is deeply entrenched across West Africa, of which trafficking in human beings is a dominant variant. Generally, the activities of criminal networks undermine any prospects for the rule of law in the region and challenge broader efforts to achieve human and economic development. Criminal networks in the region often exploit the weak infrastructure at state

levels, porous borders and also benefit from the trade and market integration in West Africa (International Centre for Migration Policy Development).

Trafficking in West Africa often shows age and gender patterns. A recent research by United Nations Office on Drugs and Crime (UNODC) reveals that more than 75% of trafficking victims detected in West Africa are children (UNODC Nigeria 2021). The research also shows that a higher proportion of trafficking victims are detected in West Africa compared to other countries in Sub-Saharan Africa. The majority of the victims are children trafficked for the purpose of forced labour (UNODC Nigeria 2021). Although in many low-income countries (including West African countries), most children are more likely to be trafficked and exploited in forced labour. This contrasts with high-income countries, where children are more likely to be trafficked for sexual exploitation. There is, indeed, a correlation between the general prevalence of child labour in West Africa and the total number of children detected among trafficking victims (UNODC 2020, p. 82). Regarding the profile of trafficking victims, compared to other regions across Africa, West Africa has the highest number of trafficked children with increasing numbers of adult victims.

Across the population of child victims detected, for instance, the practice disproportionately affects 1164 Girls and 1389 boys in West Africa, compared to 49 Girls and 109 Boys in East Africa, and 62 girls and 60 boys in Southern Africa (UNODC 2020, p. 165). More specifically, cases have been documented in West Africa of children trafficked to work in mines and quarries, on plantations, and to undertake domestic work. Also, there is evidence that traffickers from the West African region control and dominate the commercial sex business in the Hillbrow area of Johannesburg and other urban areas across South Africa (Bello and Sowale 2018 pp. 215-225). Although this study particularly focuses on human trafficking within the West Africa region, it is nonetheless worth mentioning that 17% of trafficking victims detected in North Africa originate from West Africa, while 7% of the victims in East Africa are from West Africa, affirming the extra-regional reach of human trafficking in West Africa (Africa Centre for Strategic Study 2021). It is further estimated that 3.5 million Africans are human trafficking victims at any given moment, of which 99% of victims detected in West Africa are trafficked within the sub-region or in their own country (Africa Centre for Strategic Study 2021).

3. INTERNATIONAL AND REGIONAL INSTRUMENTS FOR COMBATting HUMAN TRAFFICKING IN WEST AFRICA

Human trafficking is a complex crime requiring a coherent response strategy. Although several legal and policy instruments have been concluded at the ECOWAS³ and African regional levels, this section begins by analysing the key thematic instrument at the international level, i.e., the Palermo Protocol, which all ECOWAS member states have

³The Economic Community of West African States (ECOWAS) comprised of fifteen countries is a regional political and economic union of states in the West African sub-region. Members include Benin, Burkina Faso, Cabo Verde, Cote D'Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

ratified. The legal definition and elements of the crime are spelled out in Article 3(a) of the Palermo Protocol, which further provides a framework for assessing and addressing the crime in the sub-region. Article 3 of the Palermo Protocol states that human trafficking is:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. 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.⁴

The article clearly spells out the act, means, and purpose elements of human trafficking,⁵ and national implementing legislation should, in principle, include these elements for effective anti-trafficking governance. Article 3 further states that the consent of a victim to the exploitative act is irrelevant where the indicated means are used.⁶ In other words, where a victim consents to a trafficking act, but there is evidence of coercion, deception, abduction, etc., the act still qualifies as human trafficking, as external factors induced the consent. Moreover, the recruitment, transfer, transportation, or harbouring of a child for exploitative purposes constitutes human trafficking even if the identified means are not used.⁷

Nevertheless, the Palermo Protocol is rather limited in scope. It mainly targets transnational trafficking by organised criminal groups without engaging with the domestic variants (Bales 2007, p. 271), which can be equally exploitative.⁸ The instrument further excludes the prospect of human trafficking by individuals who are not working within an organised criminal group.

It is noteworthy that while there is limited guidance for assessing this provision at the African or West African sub-regional level, elsewhere in Europe, the European

⁴ Article 3, UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, (Palermo Protocol).

⁵ The Act elements include the 'recruitment, transportation, transfer, harbouring or receipt of persons'. The means elements are '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'. The purpose element is exploitation. Kevin Bales, 'What Predicts Human Trafficking?' (2007) 31(2) *International Journal of Comparative and Applied Criminal Justice*, 271.

⁶ Article 3(b) Palermo Protocol

⁷ Article 3(c) Palermo Protocol

⁸ Article 4 of the Palermo Protocol states 'This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.'

Court of Human Rights in *SM v Croatia* assessed the obligation of Croatia to address domestic trafficking committed by a single individual not acting in an organised grouping. In this regard, the court characterised trafficking as a crime possessing both national and transnational elements,⁹ broadening its scope beyond the transnational context. It is, nevertheless, noteworthy that the court's reasoning accords with article 2 of the Council of Europe Convention on Action against Trafficking in Human Beings, which states that 'this Convention shall apply to all forms of trafficking in human beings, whether national or transnational, whether or not connected with organised crime.' While the jurisprudence on the subject may be somewhat limited in West Africa and even in Africa, as indicated further below, the regional and sub-regional instruments adopted in Africa and West Africa demonstrate that trafficking possesses domestic and transnational elements. Individuals not acting in an organised group may also undertake the crime.

At the African regional level, Article 5 of the African Charter states that 'Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment, and treatment shall be prohibited.' Although the Charter contains no explicit clause prohibiting human trafficking, the African Human Rights Commission has pointed out that implementation of the right to work under the African Charter requires states to 'prohibit slavery and forced labour, which includes all forms of work or service exacted from any person under the menace of any penalty and/or for which the said person has not offered himself/herself voluntarily. It also includes all forms of economic exploitation of children and other members of vulnerable and disadvantaged groups (African Commission on Human and Peoples' Rights, p.59). Human trafficking may arguably fit within this context. Further, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) require states parties to 'prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk'. Clearly, the Maputo Protocol has a limited scope, as it solely addresses the protection of women. However, the characterisation of trafficking into perpetration by organised groups or those with transnational elements does not manifest in the Maputo Protocol.

Although article 5 of the African Charter has been rarely litigated before the ECOWAS Court of Justice or even the African Court on Human and Peoples' Rights, consistent with the approach of the African Human Rights Commission noted above, it is clear that the article imposes a positive obligation on states to prevent human trafficking in their jurisdictions.¹⁰ It is also noteworthy that although the protection of human dignity

⁹ *S.M. v. CROATIA*, (Application no. 60561/14) European Court of Human Rights

¹⁰ At the European level, the European Court of Human Rights noted in *TI V Greece*, a case which involved the trafficking of Russian women for prostitution in Greece, that the anti-trafficking provision of the European Court of Human Rights imposes on States parties a series of positive obligations including the protection of the victim of trafficking see *T.I. and Others v. Greece* (no. 40311/10) European Court of Human Rights, 28 June 2010.

and the prohibition of exploitation and degradation are legally autonomous, although related concepts, they are not clearly distinguished under article 5 (Viljoen and Odinkalu 2014, pp.48–49). The African Human Rights Commission has noted explicitly that cruel, inhuman, or degrading treatment and torture are to be interpreted so as to extend to the widest possible protection against abuses, whether physical or mental.¹¹ The Commission further noted that article 5 includes ‘not only actions which cause serious physical or psychological suffering, but which humiliate or force the individual against his will or conscience’.¹² The expansive approach taken by the Commission would certainly cover the prohibition of human trafficking.

Aside from the instruments mentioned above, in 2008, the ECOWAS Authority of Heads of State and Government adopted the ECOWAS Common Approach on Migration. Although a non-binding instrument, the document provides strategic guidance on certain priority areas to effectively manage migration and human trafficking in West Africa. The Common Approach addresses six principles and thematic areas, including a) Free movement of persons within the ECOWAS zone; b) Legal migration of citizens to other regions as relevant to development; c) Combating human trafficking; d) Harmonisation of policies; e) Protection of the rights of migrants, asylum-seekers and refugees; and f) Recognising the gender dimension of migration.¹³ More specifically, the Common Approach advocates for interstate cooperation and considers the adoption of the Palermo Protocol by ECOWAS member states as integral to the sub-regional efforts to combat human trafficking. Member states are also required to strengthen their mechanisms for protecting and assisting the victims of human trafficking, a provision consistent with article 6 of the Palermo Protocol. In this regard, article 6(2) of the Palermo Protocol provides that ‘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 information on relevant court and administrative proceedings.’ Article 6(3) further requires States Parties to ‘consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons.’ These include the provision of adequate housing, counseling, medical and psychological support, and employment and training opportunities.

Further, the 1979 ECOWAS Protocol Relating to Free Movement of Persons, Residence, and Establishment removed the restrictions to the movement of persons within the sub-region. To, *inter alia*, safeguard the rights of ECOWAS citizens and prevent exploitations linked to the ease of movement, a Supplementary Protocol was

¹¹ Communication 292/04, Institute for Human Rights and Development in Africa (on behalf of Esmaila Connateh & 13 others) v Angola, 22 May 2008, para 52; Communication 236/00, Curtis Francis Doebbler v Sudan, 4 May 2003, para 37; Communication 224/98, Media Rights Agenda v Nigeria, 6 November 2000, para 71.

¹² Communication 236/00, Curtis Francis Doebbler v Sudan, 4 May 2003, para 36.

¹³ ECOWAS Commission, ‘ECOWAS Common Approach on Migration’, 33rd Summit of the Head of State and Government, Ouagadougou, 18 January 2008.

adopted in 1986. The Supplementary Protocol called on ECOWAS member states to cooperate in preventing ‘illegal or clandestine movement and employment of migrant workers whose status is irregular.’¹⁴ This provision is beneficial, at least in theory, in preventing transnational trafficking within the sub-region, especially regarding irregular migrants.

Furthermore, the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, was adopted in Tripoli in 2006 by the Ministerial Conference on Migration and Development. It is a collaborated international framework between Europe and Africa to expedite action to prevent, suppress, and punish trafficking in human persons. The Action Plan upholds the Palermo protocol, particularly concerning calls for the establishment of bilateral and multilateral cooperation and coordination in the campaign against human trafficking (Atuguba 2005). The Action Plan affirmed in its General Principles that ‘Trafficking in human beings, within and between states, is a scourge which states are determined to address’. Also, measures adopted by states to prevent and combat human trafficking must be consistent with human rights standards, including protection of victims and respect for the best interest of the child as recognised in international law. Certain specific factors were also identified as inducing human trafficking, such as wealth inequality, poverty, unemployment, armed conflicts, bad governance. The Action Plan calls upon states to develop strategies via prevention and awareness-raising, victim protection and assistance, and legislative/policy framework development to address the identified root causes. Although reference is made to the Palermo Protocol, the Action Plan does not particularly construe human trafficking from the prism of organisation and transnationality.

Also, the ECOWAS Convention on Mutual Assistance in Criminal Matters was adopted on 29 July 1992. Article 2 of the instrument urges ECOWAS countries to afford to each other ‘the widest measure of mutual assistance in proceedings or investigations in respect of offences the punishments of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities of the requesting Member State.’¹⁵ Assistance may be offered to achieve the forfeiture and confiscations of crime proceeds, to provide information and evidentiary items, etc. This provision is particularly relevant for effectively prosecuting trafficking offences in West Africa. In short, in addition to the Palermo Protocol, ECOWAS countries have developed several complementary frameworks to address both the domestic and transnational elements of the crime. The approach to human trafficking governance in West Africa seems to be underpinned by certain strategies such as consensus building on standards, cooperation in criminal justice, social protection, education, and capacity building. In what follows, we assess the implementation of relevant normative standards at the domestic level in Nigeria, Ghana, and Senegal.

¹⁴ Article 22 Supplementary Protocol on the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, the Right of Residence and Establishment, 1986.

¹⁵ Article 2, ECOWAS Convention on Mutual Assistance in Criminal Matters of 29 July 1992

4. HUMAN TRAFFICKING IN NIGERIA

Evidence suggests that Nigeria is one of the largest human trafficking hubs in the world (Devatop Centre 2020). According to the International Organisation for Migration (IOM), human trafficking is a wicked global business that involves kidnapping people to enslave them and robbing millions of these people, primarily women and children, of their freedom.¹⁶ This captures the nature of human trafficking in Nigeria. Historically, the 15th century Trans-Atlantic Slave Trade was the real beginning of human trafficking problems in Nigeria (NAPTIP 2020, p. 20). Although the British Parliament banned the trading of human persons in 1807, human trafficking has over time evolved as a modern-day form of slavery in Nigeria,¹⁷ where victims across the 36 states of the country are defrauded and often forced into various forms of exploitation. This results in the treatment of humans as expendable commodities.¹⁸

In Nigeria, experts have noted that trafficking in persons occurs within the country and transnationally. Research demonstrates that 75% of individuals trafficked within Nigeria are trafficked across states, while 23% are trafficked within states, and only 2% of victims are trafficked outside the country (Pathfinders Justice Initiative, 2021). For instance, the Sokoto State Command of the National Agency for the Prohibition of Traffic in Persons in August 2021 reunited 22 victims of human trafficking rescued from the Niger Republic with their families (Innocen 2021). The rescued children were from Lagos, Ondo, Ogun, Oyo, Osun, Ekiti, Imo, Delta, and Edo States.¹⁹ The success of the operation was attributed to the collaboration of the Nigerian Immigration Service (NIS) and their counterpart in the Niger Republic. The majority of the victims were enticed by their traffickers to travel to Tripoli in Libya through the Sokoto-Niger Republic route.²⁰ Thus, most trafficking victims usually find their way to Kano, from where they would be smuggled into Niger or Algeria before traversing 500 miles over the Sahara Desert into Libya (Pathfinders Justice Initiative, 2021). Following this trend, in 2017 alone, a total of 18,000 Nigerian migrants were recorded to have arrived in Europe via the Mediterranean Sea, of which 5,400 were women. This demonstrates the complexity of human trafficking both as a sub-regional crime in West Africa and a crime with extra-regional ramifications in Europe. In addition to the preceding trends, the IOM noted another feature of Nigerian trafficking, which is that it is organised primarily by women. Many of the traffickers have themselves been trafficking victims at one time or the other (International Migration Organization 2021). Unfortunately, poverty remains the number one factor rendering people vulnerable to trafficking in Nigeria. Other factors include parental pressure, eroded values, cultural acceptance of prostitution, limited education, etc.

¹⁶ How IOM is Reducing Human Trafficking in Ghana, <<https://borgenproject.org/human-trafficking-in-ghana/>> accessed 7 November 2021.

¹⁷ Ibid; What is Human Trafficking? | South Texas College, https://academicaffairs.southtexascollege.edu/womens_studies/conference/human_trafficking.html accessed 7 November 2021

¹⁸ Exploratory Assessment of Trafficking in Persons in The Caribbean Region, <https://publications.iom.int/system/files/pdf/exploratory_assessment2.pdf> accessed 31 October 2021

¹⁹ Ibid.

²⁰ Ibid.

4.1. Legislative Prohibition and Anti-Trafficking Governance in Nigeria

Per article 5 of the Palermo Protocol, which mandates states parties to criminalise trafficking in persons as defined in article 3 of the Protocol, Nigeria enacted the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003.²¹ This Act was subjected to an amendment in December 2005.²² Furthermore, in 2015, the 2005 Act was further repealed, and a new statute, Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 (TIPLEA 2015), was enacted.²³ The new Act has 83 sections and two schedules and conspicuously expanded the definition of trafficking in persons to include trafficking for organ harvesting, which includes ritual killings. Section 82 of TIPLEA 2015 defines human trafficking as follows:

The recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or, use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in forced or bonded labour, or in slavery-like conditions, the removal of organs or generally for exploitative purposes.

The above definition is consistent with the Palermo Protocol to the extent that it provides for the three key constituent elements of the offence of human trafficking, i.e., the act, means, and purpose of trafficking in persons. As stated earlier, the definition particularly captures human trafficking partly or solely for organ harvesting, a notorious crime in Nigeria that encompasses ritual killings (Igwe 2004). In a bid to specifically address the issue of child trafficking, section 13(6) of the Act provides that the recruitment, transfer, harboring, transportation, or receipt of a child for the purpose of exploitation shall constitute the offence of human trafficking even if the trafficking does not involve any of the means spelled out in section 82, as long as other constituent elements are complete, the offence of trafficking in persons shall crystallise.²⁴ This provision effectively translates Article 3(c) of the Palermo Protocol. It is pertinent to note that the Act created the National Agency for the Prohibition of Traffic in Person (NAPTIP).²⁵ NAPTIP is the specific statutory institution mandated to coordinate all efforts to eliminate Trafficking in Persons in Nigeria. The body performs its functions in collaboration with other local Law Enforcement Agencies and Partners.²⁶

²¹ Prior to the ratification of the Organized Crime Convention and the Trafficking in Persons Protocol and the Migrants Protocol, Nigerian law, including the Penal Code, the Criminal Code, the Labour Act and the Immigration Act, had criminalized various offences relating to human trafficking, but the legislation was widely seen as ineffective. In 2003, the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 was adopted.

²² The sections amended are: Sections 1, 2, 3, 4, 5, 6, 9, 15, 22, 29, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 36, 47 and 48.

²³ Trafficking in Persons (Prohibition) Enforcement and Administration Act. No. 4 2015.

²⁴ The Act defined a child to be a person below the age of 18. See section 82.

²⁵ Section 2, TIPLEA 2015.

²⁶ Section 5, TIPLEA 2015.

4.2. Human Trafficking Prosecutions in Nigeria

In Nigeria, over 550 traffickers have been jailed with many cases at various prosecution stages in courts across the country (NAPTIP 2021). Also, over 17,000 victims have been rescued, and a good number of them trained and empowered.²⁷ The preceding efforts, among others, informed Nigeria's upgrade to the Tier 2 list in the US 2021 TIP Report (United States Department of State 2021 TIP Report).²⁸ Nigeria is, thus, making efforts towards the fulfillment of the required minimum standards in the mitigation of human trafficking in the country. Generally, the Trafficking in Persons Law Enforcement and Administration Act 2015 criminalised sex trafficking as well as labour trafficking and prescribed a minimum penalty of two years imprisonment and a fine of 250,000 naira (\$600) for these offences. However, where the offence is a case of sex trafficking involving a child victim, the minimum penalty as stipulated under the Act is seven years imprisonment and a fine of 1 million naira (\$2400).²⁹ It is noteworthy that in 2020 and early 2021 alone, federal and state authorities in Nigeria investigated 409 human trafficking cases, prosecuted 49 suspects, and convicted 36 traffickers under the TIPLEAA Act (United States Department of State 2021 TIP Report, p. 424).

Also, 23 traffickers were sentenced to average terms of imprisonment of three and half years with no option of fines. In addition, three traffickers were sentenced to terms of imprisonment or fines, while two traffickers were ordered to pay restitution of 100,000 naira (\$240) and 300,000 naira (\$720) (United States Department of State 2021 TIP Report, p. 424). Moreover, in 2021, the courts in Nigeria showed more commitment to combating the menace of trafficking in persons by convicting the country's first accused of the offence of conspiracy relating to human trafficking and relying solely on digital evidence to convict trafficking offenders.³⁰ A further effort made by NAPTIP in 2021 involved partnering with the United Nations Office on Drugs and Crime (UNODC) to enhance and strengthen prosecution of trafficking in person cases in Nigeria and complete the establishment of a Judicial Research Center in Abuja. The said research centre provides NAPTIP's officers with much-needed access to resources such as databases, research books, law reports, and journals. Therefore, it is expected that NAPTIP's capacity to prosecute human trafficking will be significantly improved.

5. HUMAN TRAFFICKING IN GHANA

Forced labour and sex trafficking are the two most prominent types of trafficking in person in Ghana (United States of America Department 2021 TIP Report, p 256). A study by IOM has, for instance, documented the different means by which children are forced to work in the fishing industry in Ghana (International Organisation for Migration 2021, p.1).

²⁷ Ibid.

²⁸ In 2019, Nigeria was downgraded to Tier 2 Watch. However, in light of various strides made despite the onset of the COVID-19 pandemic in 2020, Nigeria was upgraded to Tier 2.

²⁹ Ibid

³⁰ Ibid.

The US Department of States, also in its 2021 Trafficking in Persons report, revealed that Ghana is a country of origin, transit, and destination for men, women, and children who are subjected to forced labour and sex trafficking. (United States of America Department 2021 TIP Report, p 256). The report stated further that Ghanaians, particularly children, are exploited locally more than transnationally.³¹ In Ghana, the movement of internally trafficked children usually occurs either from rural to urban areas or from one rural area to another. For instance, Ghanaian children are usually internally trafficked from farming to fishing communities. Therefore, transnational trafficking of foreign migrants is relatively low compared to the trafficking of Ghanaians within the country. Apart from the way people, particularly children in Ghana, are subjected to forced labour within the fishing industry, exploitation also manifests itself in the domestic service sector, the agricultural industry, street hawking, quarrying, herding, artisanal gold mining, and pottering.³² In 2019, for instance, the Government of Ghana identified 348 potential victims of trafficking, out of which 252 were children. Again, out of the 348 persons, the Ghana Police Service confirmed that 242 were potential victims of labour trafficking. These were all Ghanaians, and nearly all of them were children. (United States of America Department TIP report 2019). Thus, child trafficking is deeply entrenched in Ghana (Johansen 2021). In a bid to neutralise the menace of domestic trafficking, the Government of Ghana continues to make frantic efforts. The 2021 US Department of State Trafficking in Persons Report classified Ghana in the Tier 2 ranking in acknowledgment of these efforts. The report states:

The Government of Ghana does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The Government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Ghana remained on Tier 2.

The efforts referred to above include securing more convictions of labour traffickers, opening a dedicated shelter for trafficking victims, particularly children, and increasing funding for victim services, training law enforcement officials, judicial officials, leaders in the communities, and holding public awareness-raising activities.³³ The report, however, scored Ghana low for not meeting the minimum standards in several key areas, including the fact that the Government of Ghana did not prosecute or convict any alleged sex traffickers and identified fewer victims. Also, there was a lack of adequate resources for law enforcement while shelter capacity remained insufficient.

5.1 Legislative Prohibition and Anti-Trafficking Governance in Ghana

Although the Government of Ghana ratified the Palermo Protocol in August 2012, a national anti-trafficking legislation, the Anti-Human Trafficking Act, had been adopted

³¹ United States of America Department 2021 TIP Report, p 256.

³² Ibid.

³³ Ibid.

in 2005. The government had also established an Anti-Human Trafficking Unit within the Police Force. In 2016, Ghana launched its National Migration Policy, through which it developed some policy objectives and strategies to combat trafficking in persons.³⁴ Thus, Ghana's Human Trafficking Act³⁵ was enacted to address human trafficking activities within, from, and through Ghana. The Act's composition was mainly guided by the Palermo Protocol (Manda, and Heemskerk 2011). The definition of human trafficking provided in section 1 of the Act is as follows:

Human trafficking means the recruitment, transportation, transfer, harbouring, trading or receipt of persons within and across national borders by (a) the use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability, or (b) giving or receiving payments and benefits to achieve consent.

Exploitation shall include at the minimum, induced prostitution and other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Placement for sale, bonded placement, temporary placement, placement as service where exploitation by someone else is the motivating factor shall also constitute trafficking.

Where children are trafficked, the consent of the child, parents or guardian of the child cannot be used as a defence in prosecution under this Act, regardless of whether or not there is evidence of abuse of power, fraud or deception on the part of the trafficker or whether the vulnerability of the child was taken advantage of.³⁶

Going by the above definition, it is noteworthy that the legislation, like the Palermo Protocol, comprises three important components of counter-trafficking legislation: (1) prevention of human trafficking, (2) protection of trafficked persons, and (3) prosecution of traffickers (Manda, and Heemskerk 2011). However, the definition provided under the Act covers more in terms of the chain of crime than that of the Palermo Protocol as it includes trading in persons. It is also an offence, under the Act, for anyone to use the services of a trafficked person.³⁷ Moreover, just like the Palermo Protocol, it is clear that when the offense of trafficking involves a child, consent is not required regardless of whether the child or parents, or guardians agreed to it. Thus, the Act is clear that parental consent is no defence to a charge of trafficking. Furthermore, as the Human Trafficking Act 2005 definition did not interpret exploitation which was the end purpose for trafficked victims, an amendment was introduced to the Act in 2009. The amendment was therefore done to strengthen the definition to include exploitation. Also, because of the legal limitation attached to the term "deported," which was initially used in drafting section 35 of the Act,

³⁴ The NPA, led by the Ministry of Gender, Children and Social Protection has sought to combat human trafficking in Ghana within five years thus from the year 2017 to the year 2021.

³⁵ Human Trafficking Act, 2005 (Act 694) (Ghana).

³⁶ Human trafficking Act, 694, 2005, Section 1.

³⁷ Section 4, Human Trafficking Act, 2005 (Act 694) (Ghana).

the term “extradited” was used to replace “deported” to facilitate effective prosecution of trafficking offences (Asare 2015). More so, the US Department of Immigration as a way of distinguishing deportation from extradition states:

Generally, deportation is the process of arresting and expelling a foreign national back to the country of origin for violations of a nation's immigration laws, whereas extradition is the process of handing over an individual, without regard to citizenship, to another country seeking to prosecute that individual for crimes under that nation's laws (United States Center for Immigration Studies 2018).

The amended section 35 provides, ‘Subject to the Extradition Act, 1960 (Act 22), a non-citizen convicted of trafficking in persons under a provision of this Act shall be extradited from the Republic’.³⁸ The Act, thus, took note of the difference between the terms “deported” and “extradited”, and now under the amended Act, apart from foreigners who are involved in the crime of trafficking in person, Ghanaians can also be handed over to another country seeking to prosecute them for trafficking in persons related crimes under that nation's laws.

It is also pertinent to note that in 2005 and 2008, the Government created the Anti-human Trafficking Unit and secretariat within the Ministry of Gender and Ghana Police Service solely to combat trafficking in Ghana. Regrettably, evidence suggests that the Government of Ghana failed to effectively address corruption in trafficking crimes and did not amend the anti-trafficking Act and its Regulations to remove the provisions which allow the option of paying a fine instead of a term of imprisonment in a situation where the trafficker is a parent or guardian of the child victim (U.S. Department of State Trafficking in Persons Report June 2021, p. 254). However, it is laudable that the Act mandates a minimum sentence of five years imprisonment for trafficking perpetrators, outlines provisions for victim protection and support, creates a Human Trafficking Fund (Fund) to finance this protection and support, and establishes a Human Trafficking Management Board to spearhead counter-trafficking efforts.

In addition, in 2015, Ghana signed the Child Protection Compact Partnership with the United States to help fight child trafficking, particularly the aspect of forced child labour within Ghana and child sex trafficking (U.S.-Ghana Child Protection Compact (CPC) Partnership, 2015–2020). Furthermore, Ghana signed an agreement with Cote d’Ivoire in 2016 to formally establish a cooperation between the two countries with respect to the fight against trafficking in persons.³⁹ The document entitled ‘Cooperation Agreement to Combat Cross-Border Child Trafficking and the Worst Forms of Child Labour’ was the first bilateral agreement Ghana signed with the aim of combating human trafficking.

³⁸ Section 35, Human Trafficking Act, 2005 (Act 694) (Ghana).

³⁹ Ghana and Cote d’Ivoire Sign Agreement to Fight Child Trafficking <https://allafrica.com/stories/201611071196.html>; <https://www.warnathgroup.com/wp-content/uploads/2017/01/cooperation-agreement-to-combat-cross-border-child-trafficking.pdf> accessed 8/11/2021.

5.2. Human Trafficking Prosecutions in Ghana

The 2005 Human Trafficking Act, which was amended in 2009, criminalised sex trafficking and labour trafficking and prescribed penalties of a minimum of five years' imprisonment for offenders. However, In Ghana, legislation is usually implemented through regulations, generally known as Legislative Instrument (LI), which details the processes and procedures employed in enforcing the law. Thus, a Regulation was adopted in 2015 to enforce the 2005 Human Trafficking Act. The Regulation is nondiscretionary, has the force of law, and provides specific guidance on sentencing depending on the circumstances of each case. Generally, under the Regulation, the term of imprisonment upon conviction for trafficking in person's charges is not less than five years and not more than 25 years. However, if a parent, guardian, or other people with parental responsibilities and authorities facilitate or engage in human trafficking, they are liable for 10 years' imprisonment, a fine, or both. The Regulation, therefore, allows for a fine instead of imprisonment concerning trafficking offences committed by parents or guardians or other people with parental responsibilities and authorities.

Regarding the implementation of the 2005 Human Trafficking Act and its 2015 Regulation, in 2021, the US Department of States presented a comprehensive report which assessed both the successes and shortcomings of efforts by the Ghanaian Government to combat human trafficking in the country (US Department of States Trafficking in Persons Report, 2021). According to the said US Department of States report, the Government of Ghana, in 2020, investigated 87 trafficking in person cases, including 63 labour trafficking and 24 sex trafficking cases. The Government of Ghana also initiated prosecutions of 18 alleged labour traffickers and continued prosecutions of four alleged labour traffickers. Moreover, in 2020 the courts in Ghana convicted 13 labour traffickers in addition to convictions of 10 traffickers in 2019. Out of the 13 human traffickers convicted by the courts in Ghana in 2020, nine were sentenced to between five years and 18 years imprisonment. A court was also reported to have fined one trafficker 3,600 cedis (\$620) and fined two defendants 240 cedis (\$41) for child labour violations. It is noteworthy that the penalties for sex trafficking are commensurate with those prescribed for other serious crimes, such as kidnapping. However, the US Department of States Report noted that the Government of Ghana did not provide sufficient funds and other necessary facilities for the operation to the law enforcement agencies for investigations of human trafficking cases. Other inadequacies in the operational systems of the Government of Ghana in handling the fight against human trafficking in the country include lack of shelter facilities, delayed investigations, inadequate evidence collection, a weak collaboration between prosecutors and the law enforcement agencies. Given the preceding analysis, we submit that although the Government of Ghana is progressive in its effort to eliminate human trafficking in the country, the gap between the anti-trafficking efforts in Ghana and the social manifestation of the offence remains wide, and the Government needs to do more.

6. HUMAN TRAFFICKING IN SENEGAL

Senegal is a source, transit, and destination country for human trafficking. Human trafficking in the country takes different forms and manifests itself through forced

labour, sexual exploitation, organ trafficking, and forced begging. Among the different exploitative practices, forced child begging is among the more dominant forms (University of Nottingham 2021), a practice in which young children, usually ages 5 to 15 (Talibes), are trafficked from across West Africa to Koranic schools in Senegal, where they are forced to beg on major city streets in the country (Ouedrago 2021). It is noteworthy that the Senegalese population is mostly composed of Sunni Muslims ‘whose Sufi orders are guided by their religious leaders, the marabouts’ (Einarsdóttir and Boiro, 2016 p.859). These marabouts are highly influential within Senegalese society. It is estimated that more than 100,000 Talibe children in Senegal are forced to beg for food and money, a practice enforced by severe beatings and punishment (Human Rights Watch 2019). Aside from Talibe children, Senegalese women and girls are often subjected to domestic servitude. For the most part, sex trafficking victims are exploited in the South Eastern gold-mining region of Kedougou. Apart from Senegalese victims, individuals from Burkina Faso, Ghana, Guinea, Mali, and Nigeria are often used in forced labour activities and sex trafficking in the mining sector in Senegal (U.S. Department of State, 2021, p.489).

It is noteworthy that the national anti-trafficking authority in Senegal, the Cellule Nationale de Lutte contre la Traite des Personnes (CNLTP), or the National Unit for Combating Trafficking in Persons was established in 2010. The adoption of the anti-trafficking law in 2005 highlighted the need for better coordination among different stakeholders. Thus, the Ministry of Justice set in motion efforts to adopt an Action Plan, which eventually culminated in the establishment of CNLTP in 2010. The CNLTP lies under the authority of the Prime Minister and is administratively attached to the Ministry of Justice.⁴⁰ The anti-trafficking authority, inter alia, provides a framework for collecting data on human trafficking and serves as a mechanism for promoting regional cooperation between Senegal and other ECOWAS countries.⁴¹ The CNLTP has more recently enjoyed increased funding from the government to implement diverse anti-trafficking programmes in the country.⁴²

6.1. Legislative Prohibition of Human Trafficking in Senegal

As earlier indicated, article 5 of the Palermo Protocol urges states parties to ‘adopt such legislative and other measures’ to criminalise human trafficking. It is noteworthy that Senegal ratified the Palermo Protocol on 27 October 2003. In Senegal, the Law to Combat Trafficking in Persons and Related Practices and to Protect Victims was adopted in 2005 as a first step to fulfilling the Palermo Protocol obligations. To a large extent, the legislation domesticates the provisions of the UN Palermo Protocol. Article 1 of the legislation states that:

⁴⁰ CNLTP <http://www.cnltp.org/CNLTP.php> accessed 12 October 2021

⁴¹ Ibid.

⁴² The 2021 TIP Report notes that, ‘The government allocated 60 million FCFA (\$113,420) to the CNLTP in 2020, a significant increase compared with 16 million FCFA (\$30,250) allocated in 2019. P 488.

The recruitment, transportation, transfer, harboring, receipt of persons by threat or use of violence, abduction, fraud, deception, abuse of power or of position of vulnerability or of the giving or benefit payment acceptance to achieve the consent of a person having control over another person, for the purpose of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude is punished with imprisonment from 5 to 10 years and a fine of 5 to 20 million francs.

The above provision generally spells out the act, means, and purpose elements of human trafficking in conformity with the Palermo Protocol. Trafficking offenders may also face imprisonment ranging from 5 to 10 years and a compulsory fine of 5 to 20 million francs (\$8,600 to \$34,000). In this way, trafficking is recognised as a serious offence, unlike other offences where judges may exercise their discretion to impose a fine or a prison term. Article 1 of the 2005 legislation states that ‘the offense is constituted when the recruitment, transportation, transfer, or harboring involves a minor’, even if none of the means indicated in the article are used. This provision further translates the content of article 3(c) Palermo Protocol. The 2005 anti-trafficking law goes a step further to stipulate imprisonment of 10 to 30 years ‘when the offense is committed through the use of torture or barbarism or to human organ harvesting, or it exposes the victim to an immediate risk of death or nature of injuries lead to permanent disability’. The inclusion of torture and organ harvesting target practices that are gaining increased popularity among human trafficking syndicates. Therefore, as far as legislative prohibition is concerned, article 1 of the 2005 Senegalese anti-trafficking law largely accords with the contents of article 3 Palermo Protocol and also covers other practices not covered by the Palermo Protocol.⁴³

Further, article 3 of the 2005 anti-trafficking law states that ‘whoever organizes begging others to benefit from hiring, entices or leads away a person in order to engage in begging or exert pressure on her to beg or continues to do so is punished with imprisonment for 2 to 5 years and a fine of 500,000 francs to 2,000,000 francs’ (\$860 to \$3400). This provision specifically criminalises a widespread practice across Senegal, i.e., the use of children (many of whom are trafficked) for forced begging. This practice is ostensibly considered a lesser offense than *prima facie* cases of human trafficking under article 1 of the 2015 law, where the punishment is 5 to 10 years imprisonment. Instead, the punishment prescribed for forced begging is 2 to 5 years imprisonment; even though trafficking of talibe children for forced begging could be as equally exploitative. Also, the fine that may be imposed varies considerably, i.e., 500,000 to 2 million francs for forced begging and a fine of 5 to 20 million francs for article 1 trafficking offences. For a more

⁴³ Aside from the 2005 anti-trafficking law, other instruments that offer protection from human trafficking include the Ministerial Order No. 3749 Determining and Prohibiting the Worst Forms of Child Labor (Articles 1, 2, and 3); and the Ministerial Order No. 3751 Determining the Categories of Business and Work Prohibited to Children and Youth (Articles 1, 2, and 3), see generally US Department of Labour, ‘2020 Findings on the Worst Forms of Child Labor - Senegal’, <<https://www.dol.gov/agencies/ilab/resources/reports/child-labor/senegal>>.

effective anti-trafficking governance, there might be a need to harmonise the punishment sections, especially by increasing the penalty for the offence of exploiting children in forced begging.

6.2. Human Trafficking Prosecutions in Senegal

The degree to which national authorities prosecute human trafficking may reveal the uptake of the anti-trafficking legislation and the importance accorded to the phenomenon. Evidence suggests that trafficking prosecutions are gaining increased attention in Senegal in more recent years; as the 2005 human trafficking law was rarely used to prosecute the offence in the immediate years following its adoption. For instance, there were no prosecutions under the law as of 2006 (U.S. Department of States Trafficking in Persons Report, 2006, p. 216). By 2010, the US TIP Report noted that ‘many law enforcement and judicial personnel were unaware the anti-trafficking law existed’, although other laws were used to prosecute traffickers (U.S. Department of State, Trafficking in Persons Report 2010). In more recent years, the use of the 2005 law in prosecuting trafficking has steadily increased.

In 2018, based on data collected from six of Senegal’s 14 regions, the government reported investigating 12 trafficking cases, of which 12 suspects were prosecuted with six convictions secured (U.S. Department of State, ‘Trafficking in Persons Report 2020’). Similarly, in 2019, data collected from five regions showed that the government investigated at least 12 trafficking cases, of which 17 suspects were prosecuted with five convictions. (U.S. Department of States Trafficking in Persons Report 2021, p. 487). In 2020, based on data obtained from five regions, the government reported investigating 14 cases of human trafficking, of which 19 suspected traffickers were prosecuted with 12 convictions (U.S. Department of States Trafficking in Persons Report 2021, p. 487). The convicts were from Burkina Faso, Senegal, Mali, Ivory Coast, and Nigeria. (U.S. Department of States Trafficking in Persons Report 2021, p. 487).

There is a clear indication that the prosecution and conviction rates in the country are low relative to the social manifestation of the offence. This is especially the case where the exploitation of talibe children is taken into account. The influential roles of marabouts in Senegalese society may undermine effective prosecution in this area. As indicated earlier, these powerful individuals are usually at the helms of Koranic schools where talibe children are trafficked and forced to beg on the streets (Boiro and Einarsdóttir 2020, pp. 265-280). Although forced begging is criminalised under article 3 of the 2005 trafficking law, certain provisions in the Penal Code, which allow seeking of alms in certain contexts, have hindered efforts to distinguish between legitimate alms-seeking and those calculated to exploit. Specifically, article 245 of the Penal Code states that, ‘soliciting alms in the days, in the places and under conditions consecrated by religious traditions is not an act of begging’. This precisely makes it difficult to address the problem of child trafficking for forced begging in Senegal.

Overall, although existing laws address many aspects of human trafficking, the phenomenon remains widespread across the country. With more than 100,000 Talibe children forced to beg on the streets under differing exploitative conditions and the

existence of human trafficking in other forms, such as sex trafficking and forced labour, the full realisation of the rights contained in relevant international and domestic normative standards appear to be rather elusive for many individuals in Senegal.

7. CONCLUSION

This study has attempted to examine the current realities of human trafficking in West Africa, by focusing mainly on legislative prohibition and the uptake of relevant laws. West Africa is, in many ways, the epic-centre for human trafficking in Africa, although the problem also manifests itself in other parts of the continent. Weak legal architecture both at national and regional levels complicates the task of trafficking detection, criminalisation, and prosecution. The need for coherent legal standards is therefore inevitable for effective anti-trafficking governance. Beyond the better-known Palermo Protocol, a number of regional anti-trafficking standards in ECOWAS were identified. These instruments, such as the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, the African Charter on Human and Peoples Rights, and the ECOWAS Common Approach on Migration of 18 January 2008, supplement the Palermo Protocol and provide a framework for responding to trafficking problems in West Africa. These instruments encourage cooperation between and among ECOWAS states, including mutual legal assistance to address the challenge of human trafficking effectively.

Beyond the regional level instruments, the national responses to human trafficking have been engaged with, focusing mainly on Ghana, Nigeria and Senegal. There is evidence that all three countries have designated a national body with oversight functions on human trafficking, and all three countries possess specific anti-trafficking legislation. Nevertheless, the study has revealed the unique manifestations of human trafficking in all three countries. In Nigeria, for instance, research suggests that 98% of human trafficking occurs within the domestic context, while only 2% of victims are trafficked abroad. However, broader responses to the phenomenon seem to prioritise trafficking from Nigeria to rich countries in Europe and the Middle East. Rethinking the current approaches and addressing the root causes of the phenomenon, especially poverty, could mitigate the current challenges.

In Ghana, sex trafficking and forced labour are the two dominant forms of trafficking in person. Also, there is evidence that Ghanaians, especially children, are more exploited within the country than transnationally. This, in many ways, is consistent with the trend in Nigeria, where the great majority of human trafficking occurs in the country. However, trafficking prosecution in Ghana is low, while law enforcement agents are highly underfunded. These would inevitably undermine the prospects of effective anti-trafficking governance in the country. Increased funding and more targeted responses are crucial to addressing the current trends in Ghana.

In Senegal, trafficking occurs in different sectors, including forced labour, sexual exploitation, organ trafficking, and forced begging. However, the use of talibe children in forced begging is among the more dominant forms. Despite the exploitative nature of the practice, there is a clear indication that the prosecution and conviction rates in the

country are low relative to the social manifestation of the offence. In this regard, highly influential religious leaders who exploit children may also be politically connected and might evade prosecution. Also, gaps in section 245 of the Penal Code, which permits ‘soliciting alms in the days, in the places and under conditions consecrated by religious traditions’ make it difficult to address the problem of child trafficking for forced begging in Senegal. Amending this provision to prohibit all aspects of child begging might reduce the exploitation of talibe children in Senegal.

Finally, this study has highlighted the sub-regional level efforts at preventing human trafficking in West Africa. However, good laws and policies alone cannot sufficiently address the challenge both at the sub-regional and domestic levels. What is required is stronger coordination among relevant actors and the will of the state to implement those laws and policies. Increased anti-trafficking funding and increased prosecution rates may, for instance, be the starting point.

BIBLIOGRAPHY

- Africa Centre for Strategic Study, accessed 26 November 2021, <<https://africacenter.org/spotlight/myths-about-human-trafficking-in-africa/>>.
- African Commission on Human and Peoples’ Rights, ‘Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights’, para 59, accessed 06 August 2020, <https://www.achpr.org/public/Document/file/English/achprinstrguidedraftesc_rights_eng.pdf>.
- Asare, A. A. 2015, ‘Children in Migration and Migration Policy: The Ghanaian Context’ Doctoral dissertation, University of Ghana.
- Atuguba, R. 2005, “Human Trafficking in Ghana: A Review of Legislation”. International Labour Office Geneva.
- Bales, K 2007, ‘What Predicts Human Trafficking?’ 31(2) *International Journal of Comparative and Applied Criminal Justice*, p. 269. <https://doi.org/10.1080/01924036.2007.9678771>
- Bello, P.O. and Olutola, A.A. ‘The Conundrum of Human Trafficking in Africa’, in Jane Reeves (ed) *Modern Slavery and Human Trafficking*, (Intechopen, 2021) 4.
- Boiro, H and Einarsdóttir, J 2020 “‘A vicious circle’: Repatriation of Bissau-Guinean Quranic Schoolboys from Senegal’, 6(3) *Journal of Human Trafficking*, 265-280. <https://doi.org/10.1080/23322705.2018.1521643>
- Devatop Centre Advocates to End Human Trafficking in Nigeria, 25 July 2020, accessed 31 October 2021 <<https://borgenproject.org/devatop-centre-for-african-development-advocates-to-end-human-trafficking-in-nigeria/>>.
- Einarsdóttir, J & Boiro, H 2016 ‘Becoming somebody: Bissau Guinean talibés in Senegal’, (2016), 20(7), *The International Journal of Human Rights*, p. 859. <https://doi.org/10.1080/13642987.2016.1192532>

- Free the Slaves and The Rights Lab Nottingham, 'Building resilience against exploitation in Senegal in the context of Covid-19', accessed 13 October 2021 <<https://www.freetheslaves.net/wp-content/uploads/2021/08/building-resilience-against-exploitation-in-senegal-in-the-context-of-covid-19.pdf>>.
- Human Rights Watch 2019, 'These Children Don't Belong in the Streets: A Roadmap for Ending Exploitation, Abuse of Talibés in Senegal', accessed 12 October 2021, <<https://www.hrw.org/report/2019/12/16/these-children-dont-belong-streets/roadmap-ending-exploitation-abuse-talibes>>.
- Igwe, L 2004, "Ritual Killing and Pseudoscience in Nigeria" accessed 23 December 2021 <[http://www.\(sicop.org/sb/2004-06/nigeria.html](http://www.(sicop.org/sb/2004-06/nigeria.html)>
- Innocent, O 2021, "Trafficking: NAPTIP Reunites 22 Tripoli-bound Victims with Families" *Thisdaylive.com* accessed 18 September 2021 <<https://www.thisdaylive.com/index.php/2021/09/03/trafficking-naptip-reunites-22-tripoli-bound-victims-with-families/>>.
- International Migration Organization, Human Trafficking from Nigeria to Europe, accessed 31 October 2021, <<https://www.iom.int/news/human-trafficking-nigeria-europe>>.
- International Organisation for Migration 2021, 'Research - Cross-border Human Trafficking' accessed 29 October 2021, <https://www.iom.int/sites/g/files/tmzbdl486/files/country_docs/ghana/IOM_Ghana-Research-Cross-border-Human-Trafficking.pdf>.
- Manda, S and Heemskerk, M 2011. "Ghana's Human Trafficking Act: Successes and Shortcomings in Six Years of Implementation." Human Rights Brief 19, no. 1 pp. 2-7
- NAPTIP 2021, 'NAPTIP Dg Promises Stringent Enforcement of Tip Laws, Scores the Agency High' accessed 8 October 2021 <<https://www.naptip.gov.ng/naptip-dg-promises-stringent-enforcement-of-tip-laws-scores-the-agency-high/>>.
- NAPTIP, 'Nigeria Country Report on Human Trafficking' p 20. viewed 22/10/2021
- Ogunniyi, D 2018, 'The Challenge of Domesticating Children's Rights Treaties in Nigeria and Alternative Legal Avenues for Protecting Children', 62(3) *Journal of African Law*, 463. <https://doi.org/10.1017/S0021855318000232>
- Ouedrago, F 2021 'The Plight of Talibé Children in Senegal', (2021) *Harvard Human Rights Journal* accessed 13 October 2021, <<https://harvardhrj.com/2021/04/the-plight-of-talibe-children-in-senegal/>>.
- Pathfinders Justice Initiative, 'Nigeria: Human Trafficking Factsheet' accessed 18 September 2021 <<https://pathfindersji.org/nigeria-human-trafficking-factsheet/>>.
- Sawadogo, W. R. 2012, 'The Challenges of Transnational Human Trafficking in West Africa', 13(2), *African Studies Quarterly*, 100.
- Sowale, A.O. 2018 'Economic Community of West African States' Protocol on Free Movement and the Challenges of Human Trafficking in West Africa', 10 (2), *Insight on Africa*, 215-225. <https://doi.org/10.1177/0975087818776166>

- U.S. Department of State 2020, 'Trafficking in Persons Report – 2020' (U.S. Department of State, 2020) accessed 12 October 2021. <<https://www.state.gov/reports/2020-trafficking-in-persons-report/senegal/>>.
- U.S. Department of States 2021, Child Protection Compact Partnerships – Ghana, accessed 8 November 2021. <https://www.state.gov/child-protection-compact-partnerships-ghana/>
- U.S. Department of States 2021, 'Trafficking in Persons Report (Nigeria) – 2021' (U.S. Department of State, 2021) accessed 12 October 2021 <<https://www.state.gov/reports/2021-trafficking-in-persons-report/nigeria/>>.
- United States of America Center for Immigration Studies, 'An Interesting Case Illuminates the Difference between Extradition and Deportation, and the Complexity of Our Laws' accessed 20 November 2021 <https://cis.org/Cadman/Interesting-Case-Illuminates-Difference-Between-Extradition-and-Deportation-and-Complexity>
- UNODC 2021, *Global Report on Trafficking in Persons*, (United Nations 2021) 81.
- UNODC Nigeria, 'Human trafficking in West Africa: three out of four victims are children says UNODC report', accessed 26 November 2021, <https://www.unodc.org/nigeria/en/human-trafficking-in-west-africa_-three-out-of-four-victims-are-children-says-unodc-report.html>.
- UNODC, 'Senegal is fighting human trafficking and smuggling of migrants', accessed 13 October 2021. <https://www.unodc.org/westandcentralafrica/en/2017_03_26_senegal-traite.html>.
- US. Department of State, 'Trafficking in Persons Report – 2010' (U.S. Department of State, 2010) accessed 12 October 2021 <<https://www.refworld.org/docid/4c1883c92d.html>>.
- US. Department of State, 'Trafficking in Persons Report – 2021' (U.S. Department of State, 2021) 489.
- Viljoen, F and Odinkalu, C 2014 *The Prohibition of Torture and Ill-treatment in the African Human Rights System: A Handbook for Victims and Their Advocates*, 2nd edition, OMCT Handbook Series Vol. 3, OMCT, Geneva, 2014, pp.48–49

Received: December, 23rd 2021

Accepted: March, 17th 2022

