

## **CHILD ADOPTION AS A TOOL FOR CHILD TRAFFICKING IN NIGERIA: EXAMINING THE POSITION OF THE LAW**

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### **Abstract**

The paper focuses on the child adoption as a tool to child trafficking in Nigeria as well as examining the extant laws. Child trafficking has reached an alarming stage in Nigeria, despite the entire legal and institutional framework put in place to fight the menace by the government. Nigeria is described as a source, transit, and destination country for child trafficking, with devastating consequence not only on the child, but the society at large. Traditionally, several factors are considered responsible for child trafficking in Nigeria which include, poverty, corruption, peer group pressure and greed. However, traffickers have neglected the age long cultural practices of adopting to suit their illegal business. The aim of this paper is to examine the cultural practice of adoption (fostering) in Nigeria, to access the extent to which the practice is protected under the laws with a view to highlighting the existing and practicable law both at the domestic and international level. The paper adopted doctrinal methodology where both primary and secondary literature on the subject were analysed. The finding of the paper reveals that, inability of the Nigeria government to sign and ratify international instruments such as Hague Convention No. 33 is responsible for the increasing rate of child trafficking through adoption, and recommended that Nigeria government should immediately ratify and domesticate the Convention so as to regulate and criminalises the practice.

**Keywords:** child adoption, child trafficking, Nigeria, international instrument.

### **1. Introduction**

The crime of child trafficking is synonymous with slavery. This is because they both involve the acquisition and movement of persons across local, regional and international borders for exploitative means which is usually with or without the consent of the victim. In the course of this movement, they are subjected to various forms of abuses up to their destination. Traffickers have in the recent past deviated from the traditional ways known for trafficking such as cajoling of their victim or placing of fake job advertisement to trek their victim to a more dangerous form of

trafficking. This is by taking the advantage of poverty within the family cycle to perpetrate their crime. Traffickers now use the age long cultural practices of adoption (fostering) to continue in their illegal business. The practice is further encouraged by lack of a clear and concise law which regulate adoption processes in Nigeria. The paper will proceed to discuss the cultural practices of adoption in Nigeria as well as the national and international instruments on child trafficking in Nigeria to see how far these laws have regulated the practice.

## 2. Child Adoption

This is a process whereby a person assumes the parenting of another, usually a **child**, from that person's biological or legal parent or parents, and, in so doing, permanently transfers all rights and responsibilities, along with affiliations, from the biological parent or parents.<sup>1</sup> It is a legal procedure in which all parental responsibility is transferred to the adopters. Once an **adoption** has been granted, it cannot be reversed. An adopted **child** loses all legal ties with their birth parents and becomes a full member of the adoptive family, usually taking the family's name.<sup>2</sup>

### 2.2 Child trafficking

Trafficking encompasses 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, abuse of power or 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, for the purpose of exploitation.<sup>3</sup> At a minimum, exploitation implies the prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>4</sup> This means that for an act to constitute trafficking, the following three elements must cohabit.<sup>5</sup> Viz;

1. The Act (What is done) Recruitment, transportation, transfer, harbouring or receipt of persons
2. **The Means** (How it is done) Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim
3. **The Purpose** (Why it is done) For the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

## 3 Nigeria

Nigeria is a country located in West Africa. It is officially called Federal Republic of Nigeria. Just like many other countries of the world, it was colonized by Britain and got her independence on 1<sup>st</sup> October, 1960. Nigeria is the largest country in Africa

<sup>1</sup> <https://www.google.com/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=child%20adoption.%20defination>. Accessed on 8/12/2015.

<sup>2</sup> Ibid.

<sup>3</sup> Marsh, K., Sarmah, R., Davies, P., Froud, E., Mallender, J., Scalia, E., Munton, T., Zurawan, a., Powlton, I., & Tah, C., (2012). An evidence assessment of the routes of human trafficking into the UK; March 2012, Occasional Paper 103; retrieved October 29 2015, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/115923/occ103.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/115923/occ103.pdf). Accessed on 22/12/2015.

<sup>4</sup> Ibid.

<sup>5</sup> United Nations office on Drugs and Crime available on <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html> accessed on 13/10/2015.

both in terms of population and land mass and seventh most populous country in the world. It covers an area of 356,667 square miles with a population figure of 167million people.<sup>6</sup> It share borders with Republic of Benin on the west, Chad and Cameroun on the east, and by Niger in the north. While on the south is the Gulf of Guinea. Nigeria is made up of six geo political zones with 36 states and one Federal capital (Abuja). The states are further divided into 774 local Government areas. Nigeria is rich in ethnic diversity with over 250 different ethnic groups with Hausa, Yoruba and Ibo being the largest ethnic groups.<sup>7</sup>

Nigeria practice presidential system of Government with the President and Vice President at the centre while Governors and their deputies are at the State level with four years two terms tenure of office provided by the Federal Constitution.<sup>8</sup> English language is the official language of Nigeria and is used in schools and other official transactions and official purposes. Nigeria is a multi religious country with 55 percent of the population practiced Islam while, the rest of her population practice Christianity and other traditional religion. Nigeria is the economic giant of Africa and culturally diverse with good number of attractions for visitors, including interesting historical sights, colourful festivals. The best time to visit Nigeria is December to February and the currency is Naira (#).<sup>9</sup>

### **3.1 Child Trafficking in Nigeria**

Child trafficking has become an international problem with children been trafficked and sold as sex slaves to rich owners, hotelier etc. who invariably used them and then relegated them as bonded slaves to work for them. Nigeria just like other countries of the world is not an exception to the menace. The incident of child trafficking in Nigeria dates as far back as 1980s following the severe economic hardship caused by Structural Adjustment Programmes,<sup>10</sup> imposed at the time by the Nigerian government. Although, the significant public recognition and focus on the issue only came to light in the mid-90, there are no exact figures and data on the number of trafficked victims.<sup>11</sup> However, there are indicators to show that the trend is assuming an alarming rate in Nigeria. One of such indicators is the growing population of women and children particularly children in the city centers.<sup>12</sup> An International Labour Organisation (ILO) estimate shows that over twelve million Nigerian children are engaged in child labour, and that a large percentage of these children in labour are victims of trafficking.<sup>13</sup> Similarly, with regards to women and girls, a survey indicates that over 10,000 Nigerians engaged in prostitution in Italy, they constitute about 80% of all prostitutes in the sex trade in Italy.<sup>14</sup> Most of these Nigerian women and girls are initially trafficked victims. Nigeria is the second largest source of child trafficking

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<sup>6</sup> Nigeria Federal Bureau of Statistic Annual Report 2012.

<sup>7</sup> [www.mapsofworld.com/nigeria/facts.html](http://www.mapsofworld.com/nigeria/facts.html) accessed on 14/2/2015.

<sup>8</sup> Section 135 of the Constitution of the Federal Republic of Nigeria 1999, Amended 2011.

<sup>9</sup> Nigeria facts and information available at [goafrica.about.com/od/Nigeria/a/Nigeria](http://goafrica.about.com/od/Nigeria/a/Nigeria). Accessed on 14/2/2015

<sup>10</sup> A plan implemented by the World Bank and the International Monetary Fund (IMF) in a developing nation to try to get their economies to be more productive. The goal of such a program is to help the borrowing nation pay off its debts and have a growing economy that will sustain them into the future.

<sup>11</sup> Aronowitz, Alexis A. *Human Trafficking, Human Misery: The Global Trade in Human Beings*. (Santa Barbara, CA: Greenwood Publishing Group), 2009, at 213.

<sup>12</sup> Ibid.

<sup>13</sup> Child Trafficking in West Africa: Policy Response, UNICEF, Innocent Insight Research Centre, April 2002.

<sup>14</sup> Statement by the Nigerian Ambassador to Italy, UNICEF, Innocenti Insight Research Centre, April 2002.

victim to the U.S. With Akwa Ibom State has the highest rate of child trafficking in Nigeria.<sup>15</sup> Nigeria just like any other country in the world has been facing the menace of child trafficking. Child trafficking in Nigeria is assuming an alarming dimension particularly in the recent past despite various legislative and administrative measures put in place. Traffickers have evaded all efforts put in place in order to prevent the menace. An analysis has shown that child trafficking is the third largest crime after drug trafficking and financial fraud in the world today.<sup>16</sup> It is also shocking and worrisome to note that Nigeria is among the top eight countries with the highest rate of human trafficking in the world.<sup>17</sup> This is not to underscore the effort made by the Nigerian government to address the scourge through legislative and institutional measures.

**Table of age distribution of rescued trafficked victims in 2014**

Age range	Number	Percentage (%)
0-17 years	708	68.73
18-27 years	293	28.45
28 and above	29	2.82
Total	1030	100

From: Research and programme development Department.<sup>18</sup>

The above table indicates the age distribution of all people that were rescued from traffickers in 2014. Out of 1030 people that were rescued, 708 of them were children from the age range 0-17 constituting about 68.73% of the whole number of people rescued in that year alone. And this has further proves our earlier submission that children are the most trafficked group of people in Nigeria. Looking at the four tables cited above it is patently clear that child trafficking is on the raise in Nigeria

### **3.2 Child Adoption (fostering) as a Tool for Trafficking in Nigeria.**

Child adoption (fostering) in Nigeria is as old as the society itself, because the responsibility of child upbringing in Nigeria as most African countries is on the extended family. It is meant to provide social balance by providing relief to the effect of poverty among the extended family members, and to stop the cycle of poverty by placing the children of the poor with that of the rich relative for proper care and upbringing. However, this traditional practice of adoption (fostering) has change in the recent past.<sup>19</sup> Child adoption (Fostering) is now been abused, as it is now exploited by traffickers to recruit children. In some instances, parents or guardian

<sup>15</sup> Gary Foxcroft, "The Niger Delta Child Right Watch Project involves the NGOs: Stepping Stones Nigeria, Basic Right Counsel Initiative Centre for Environment, Human Right and Development" (2007) Available at [gary@steppingstonesnigeria.org](mailto:gary@steppingstonesnigeria.org). Assessed on 26/2/2014.

<sup>16</sup> Rabi, Sani Shatsari "Criminal Prosecution of Human Traffickers in Nigeria: Progress and Challenges within the National Agency for the Prohibition of Trafficking in Person", Vol. 2 No. 1, (2010), *Bayero University Journal of Public Law*, at 44.

<sup>17</sup> Adams Odunayo "Travails of Nigerian Women Prostitutes in Italy" Naija.com, available at <http://www.naij.com/346157-photos-travails-of-nigerian-women-prostitutes-in-italy.html> accessed on 20/12/2014.

<sup>18</sup> National Agency for the (Prohibition) of trafficking in person and Other Matters (NAPTIP) data Analysis compiled by Research and programme development Department.

<sup>19</sup> Human Trafficking in Nigeria: Root Causes and Recommendations (2006) Policy Paper Poverty Series no. 14.2 (E), at P. 32.

solicit the help of the traffickers themselves. This usually occur out of ignorance as to what the condition will be for the child, and on the presumption that the child will be well educated only for the child to be turned into money making machine on reaching his or her destination.

#### **4 The Legal Position**

Discussions on the legal position premised on the domestic legislation on the central area relates to Nigeria as well as the international instrument governing child adoption. The paper look at the various laws enacted by the Nigerian government to fight human trafficking (children inclusive) from the pre-colonial period to the more specific law on human trafficking applicable in Nigeria with a view to see the extent to which the laws have addressed the issue of child adoption (fostering) as a tool to child trafficking in Nigeria. The international Convention on child protection will also be discussed.

##### **4.1 Constitution of the Federal Republic of Nigeria, 1999, as (Amended)**

According to the Privy Council, in *Minster of Home Affairs V. Fishe*,<sup>20</sup> the term constitution is a “a legal instrument giving rise, among other things, to individual rights capable of enforcement in a court of law. However, the constitution was defined by the Nigerian Supreme Court in *People Democratic Party V. Independent National Electoral Commission* as “the organic law or grand norm of the people”.<sup>21</sup> It is the Law through which other laws drive their legitimacy. Any law in Nigeria which is in consistent with the provision of the constitution is null and void to the extent of its inconsistency.<sup>22</sup> While, it seeks to provide the machinery of government, it also gives rights and imposes obligations on the people it is meant for.

Although the history of the Nigerian Constitution has been without any formal attempt by the colonial masters to safeguard human right, the 1960 independence Constitution adopted Universal Declaration on Human rights. Subsequently, the 1999 Constitution committed itself to promotion of good government and welfare of all persons to the principles of freedom, equality and justice.<sup>23</sup> Since the adoption of the Universal Declaration on Human Right in 1948, Nigeria has not only acquired global status and importance but have grown tremendously both in conception and content.<sup>24</sup> Chapter IV of the 1999 Constitution<sup>25</sup> has made adequate provisions in form of fundamental human rights which children are also beneficiary. The fundamental human rights include right to life,<sup>26</sup> right to dignity of human person,<sup>27</sup> personal liberty,<sup>28</sup> fair hearing,<sup>29</sup> etc. These rights are often violated in cases of child trafficking and their provisions in the constitution make them legally enforceable when violated.

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<sup>20</sup> *Minster of Home Affairs V. Fisher*, (1980) Ac at.319.

<sup>21</sup> *P.D.P V. I.N.E.C.* (1999) 11 N.W.L.R. (pt.626) at P. 200.

<sup>22</sup> Section 1 (3) of the Constitution of the Federal Republic of Nigeria 1999, (as Amended), (hereinafter referred to as “the Constitution).

<sup>23</sup> Jacob A. D. “Human right protection in Nigeria: The past, present and goals for role actors for the future (2013) Journal of law, policy and globalization vol. 14 at P. 1.

<sup>24</sup> Ibid.

<sup>25</sup> See Section 33-43 of the Constitution.

<sup>26</sup> Section 33, Ibid.

<sup>27</sup> Section 34, Ibid.

<sup>28</sup> Section 35, Ibid.

<sup>29</sup> Section 36, Ibid.

#### **4.2 Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015, (as amended).**

This is an enactment promulgated for the purpose of combating human trafficking in Nigeria including children. The Act was passed into law by the National Assembly on 7<sup>th</sup> July, 2003 and was assented to by the President of Federal Republic of Nigeria on 14<sup>th</sup> July, 2003<sup>30</sup>. The Act was passed to domesticate the United Nation Trafficking Protocol which Nigeria had ratified in 2001.<sup>31</sup> The agency in collaboration with other security agencies like the police, and immigration is fully committed to eradicate human trafficking, so that women and children who are the most targeted group in the society could be liberated from a monster call human trafficking which exposed them to all forms of hazard such as disease, sexual abuse, labour, and even death.<sup>32</sup> The objective of the NAPTIP law is to control the menace of human trafficking in Nigeria, prosecute traffickers, assist victims of trafficking and promote national and international cooperation toward fighting child trafficking.<sup>33</sup>

#### **4.3 Child Rights Act 2003**

The Child Rights Act was enacted in 2003 by the National Assembly of Nigeria. The Act is contained in Chapter 50, Laws of the Federation of Nigeria (LFN), 2004. In the Act, the word “child” has been defined as one who is below the age of eighteen (18) years old.<sup>34</sup> It categorically provides that such a child’s best interests shall remain of paramount in all considerations<sup>35</sup>. A child shall be given such protection and care as is necessary for its well being, retaining the right to survival and development and to a name and registration at birth. The Child Rights Act has provided for the punishments for any form of violation of any of its provisions.<sup>36</sup> The Act also provides for the protection of the dignity of a child in all its ramifications. Chapter 3 of the Act<sup>37</sup> prohibits the use of children in criminal activities, forced or exploitative labour, child marriage, child abduction, buying and selling, for the purposes of begging, prostitution, sexual labour, recruitment into armed forces and unlawful sexual intercourse. The Act provides for penalties ranging from fines, imprisonment or both.<sup>38</sup> The structure of the Child Rights Act 2003 has been informed by the mandate to provide a legislation which covers all the rights and responsibilities of children, and have harmonised all laws relating to children in single legislation in Nigeria, as well as spelling out the duties and obligations of the government and parents or guardians toward their children.<sup>39</sup>

#### **4.4 Children and Young Persons Law 195**

The Children and Young Persons Law (CYPL) is a law that was enacted for the Federation and Lagos. It was contained in Chapter 32 of Laws of the Federation 1958 that has its commencement date as 1<sup>st</sup> July 1946. The CYPL makes provision for the

<sup>30</sup> The Act was originated from a private bill sponsored by the wife of the then vice president of Nigeria in the person of Hajiya Titi Abubakar. See Rabi, Sani Shatsari, at p. 48.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> ILO, available at [http://www.ilo.org/dyn/migpractice/migmain.showPractice?p\\_lang=en&p\\_practice\\_id=40](http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=40), accessed on 15/12/2014.

<sup>34</sup> Section 227 of the Child Rights Act 2003

<sup>35</sup> Section 1, Ibid.

<sup>36</sup> Section 11, Ibid.

<sup>37</sup> Section 21-38 Ibid

<sup>38</sup> Ibid.

<sup>39</sup> Section 1, Ibid.

welfare of the young persons and the treatment of young offenders and for the establishment of juvenile courts. The CYPL has differentiated between a child and young person.<sup>40</sup> The former is a person who is below the age of 14 years while the latter is above 14 years but below 18 years.<sup>41</sup> The CYPL is a special code of law and procedure put in place to handle cases involving juvenile as against the conventional courts. It was from the British colonial master that the idea was transported to us and adopted by us. The use of this system of juvenile justice was meant to protect the child from the cumbersome, harsh and overly technical nature of procedure in the ordinary courts. This have been identified as one of the beauty of this law because it is capable of solving the problem of victim of trafficking not volunteering information about traffickers for fear of been attack

#### **4.5 The Criminal Code 1916**

This is one of the early pre-colonial laws enacted in Nigeria which among other things imposes criminal sanctions against crimes like prostitution and human trafficking in Nigeria. Before the enactment of the NAPTIP law in 2003, matters relating to human trafficking are found scattered in different laws in Nigeria which include the criminal code. This piece of legislation is applicable in the southern part of Nigeria as distinguished from the Penal Code which applies in the northern part of Nigeria.<sup>42</sup> However, one noticeable defeat of the law is that it does not define the term “trafficking” or various classification of trafficking, but, it was able to cover offences which may amount to external trafficking alone neglecting internal trafficking.

#### **4.6 Penal Code 1960**

The Penal Code is one of the early laws enacted during the late era of colonialism in Nigeria; it came into force on the 30<sup>th</sup> September, 1960.<sup>43</sup> Unlike the Criminal Code which applies in the southern part of Nigeria, Penal Code applies in the northern part of Nigeria which is predominantly occupied by Muslims. The enactment of the law was influenced and motivated by the Sudanese criminal code, which was also promulgated based on the Indian penal code.<sup>44</sup> The Penal Code provisions have identified offences of human trafficking and cover the interest of children as young as 14 years for boys, and 16 years for girls against all form of exploitative gains.<sup>45</sup> Despite the achievements recorded in enacting the Penal Code particularly the provisions which deals with the protection of children, yet, it has been considered inadequate.<sup>46</sup> For example, it provides that a person who either entices, deceit or induces children below the age of 14 years for male and below the age of 16 years for female into prostitution without the consent of the guardian is guilty of an offence which attracts maximum of 10 years and a fine.<sup>47</sup> This means therefore that, where the crime mentioned above a committed with the consent of the parents or guardian, it does not amount to an offence.

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<sup>40</sup> Section 2 of the Children and Young Person Law 1958.

<sup>41</sup> Ibid.

<sup>42</sup> Bisi Olateru-Olagbegi and Anne Ikpeme “Review of Legislation and Policies in Nigeria on Human Trafficking and Forced Labour: International Labour Organisation, Abuja 2006, at 18

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Section 271-273 of the Penal Code.

<sup>46</sup> Trafficking in Person (Prohibition) Law Enforcement and Administration Act, 2003.

<sup>47</sup> Section 271-273 of the Penal Code.

#### **4.7 Immigration Act 1990**

The Nigeria Immigration Act is one of the various national laws put in place by the Government to supplement the fight against human trafficking including children. The Act frowns at all forms of child trafficking in Nigeria. Furthermore, the Immigration Act has continued to go through changes to accommodate emerging phenomena such as aliens control and border patrol management, issuance of Nigerian travel documents among other functions.

#### **4.8 Nigeria Labour Act 2004**

The historical development of labour law in Nigeria is one that sprouted out of its colonial history which the British practiced and bequeathed to the post colonial independent Nigerian government<sup>48</sup> where formal and semi-formal relationships was established with the British in particular and the Europeans in general. Such relationships led to the introduction of wage employment in a formal industrial setting in Nigeria which is governed by labour law.<sup>49</sup> Labour law is one of the laws in Nigeria which frowns at all form of forced or compulsory labour. It applies to all categories of workers except military, police, prisons and the State Security Services. The law states that:

“any person who requires any other person, or permits any other person to be required, to perform forced labour contrary to section 34 (1) (c) of the Constitution Federal Republic of Nigeria shall be guilty of an offence and on conviction shall be liable to a fine not exceeding N1, 000 or to imprisonment for a period not exceeding two years, or to both”.<sup>50</sup>

The above provision indicates that, although Labour Law was not specifically meant to fight child trafficking, its provisions are directed toward fighting all forms of exploitation including trafficking. It is the submission of the writer that, dangerous as child trafficking may be, one will be right to conclude here that although a wide range act have been classified to constitute the offence of child trafficking under the Nigeria law as discuss above, this cannot be said to include child adoption, which is still widely use to trafficked children in Nigeria.

#### **6.0 Hague Convention No. 33 on Protection of Children and Co-operation in Respect of Intercountry Adoption (1933)**

This Convection came into force on 29<sup>th</sup> may, 1993, primarily to give children all the protection it deserve under international law as human being and to enhance co-operation in respect of intercountry adoption.<sup>51</sup> Member states are required to recognise the fact that child need to grow up in a family environment, where there will be happiness, love and understanding. Adequate steps within the law must be taken to enable the child to remain in the custody of his or her family origin.<sup>52</sup> Furthermore, intercountry adoption can only be done where it is in the interest of the child with his fundamental rights recognised, while frowning at all forms of

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<sup>48</sup> Adebisi, Moses Adesola, “History and Development of Industrial Relations In Nigeria: Hybridity of Western Models Versus Military Interventionism Culture” (2013) Mediterranean Journal of Social Sciences Vol. 4 No 14, at p. 687.

<sup>49</sup> Ibid.

<sup>50</sup> Section 73(1) Nigeria Labour Act.

<sup>51</sup> [http://www.hcch.net/index\\_en.php?act=conventions.text&cid=69](http://www.hcch.net/index_en.php?act=conventions.text&cid=69) accessed on 3/10/2015.

<sup>52</sup> Ibid.



abduction, the sale of children or trafficking of children. The main objectives of this convention;

1. “to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognised in international law;
2. to establish a system of co-operation amongst contracting states to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children;
3. to secure the recognition in contracting states of adoptions made in accordance with the Convention.”

The Convention is the most outstanding international agreement which have comprehensively addresses issue concerning intercountry adoptions. Once a country has ratified the Convention it is bound by its provisions and it has to apply it in its domestic and international law.<sup>53</sup>

## **7. Findings**

The findings of the paper reveal that Nigeria as a country is a signatory to many International and regional Instruments aimed at fighting child trafficking, there are existing national laws in Nigeria which are supposed to fight children trafficking. It also reveals that the commitment of Nigeria in fighting the menace of child trafficking is so genuine that it enacted the Child's Right Act of 2003, Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003, the Children and Young Persons Act 1959, the Immigration Act 1990, the Criminal Code 1916 and the Penal Code 1960, and the states legislation on human trafficking. These laws jointly prohibit child trafficking in all its ramifications; despite these greatly increased legislative and policy attentions by the Government, traffickers still capitalised on the traditional form of child adoption (fostering) to lure their victims or their parents to continue the business of child trafficking. The paper finds that in the practices of child trafficking there is a linkage of child adoption (fostering) which has no reception in the Nigerian law. Also the paper finds that practices of child trafficking have a connection to the social and economic development of Nigeria and its people cannot be overemphasized. Further, it finds that the inability of the Nigeria Government to sign and ratify this convention have really affected the effectiveness of the Anti-trafficking laws put in place to fight child trafficking in Nigeria. This is because; as it is today in Nigeria there is no law in place which regulate child adoption thereby allowing the practice to continue unchecked. This fact may partly explain the lack of adequate policies and legislation on the adoption process in Nigeria.<sup>54</sup> In addition to the findings of the paper is that Nigeria is not among the 93 countries of the world which have signed and ratified this convention despite the benefits Nigeria stand to gain as member of this convention. Therefore the paper recommends that the recommends that there is the urgent need to put an end to the scourge of child trafficking in Nigeria, in order to safeguard the future of the Nigerian children and the country at large. We further recommend that the Nigerian government should strengthen its efforts in the fight of child trafficking and further ensure the protection of child be adequately enhanced.

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<sup>53</sup> Laura McKinney, “International Adoption and the Hague Convention: Does Implementation of the Convention protect the best Interests of Children?” (2007) *Whittier Journal of Child and Family Advocacy*, Vol. 6 at p. 361 and 385.

<sup>54</sup> Svetlana S. Huntley “the Phenomenon of Baby Factories in Nigeria as a New Trend in Human Trafficking” International database I.C.D. brief 3 October, 2013.

## 8. Conclusion

Child trafficking as a prelude to child adoption is another way utilized by the traffickers in luring their victims. The child trafficking has been a practice in Nigeria for a number of years and thus has affected the development of the nation as well as its reputation across the globe. Thus is a practice that involves trafficking of human, particularly children who are the most vulnerable figure in the act, thereby making their lives imbalance? The issues that attributes to the practices and rise are also a factor on its own, which if committed by the government will be reduced or controlled to some extent. Nigeria has reasonable laws that are meant to curb the practices domestically but it is surprising that the result is not what is expected. A number of legislation from the local, regional and also international level are part of the Nigerian status, though not all international conventions in relation to the discussed issues are ratified by the Nigerian government.

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