

WOMEN BEHIND THE SCENES: MADAMS AND HUMAN TRAFFICKING IN NIGERIA

By

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Abstract

Madams are often former trafficking survivors who transformed into recruiters and facilitators of human trafficking, perpetuating a cycle of exploitation. They recruited vulnerable Nigerian women by promising legitimate employment opportunities abroad, primarily in Europe and the Middle East, but instead subjected them to sexual exploitation and forced labour under crushing debts. These women often swear oaths, sometimes involving juju rituals, binding them to exploitative debt bondage agreements. The paper aims to expose and critically analyse the central, yet frequently hidden, roles that women, particularly “madams,” play in organising, facilitating, and perpetuating human trafficking in Nigeria, especially for sexual exploitation. This paper adopted the doctrinal research method in conducting the present research. The doctrinal research method is primarily about the examination and discussion of legal doctrines, legal principles, and legal propositions. This paper observed the challenges to the simplistic narrative that traffickers are solely ruthless men coercing passive victims. The paper posited that the human trafficking journey is perilous, involving dangerous routes through Niger and Libya, where victims endure violence, detention, and abuse before reaching Europe. This paper highlighted that despite the severe trauma, survivors face inadequate protection and support upon return to Nigeria. This paper found that the recent high-profile arrests, such as that of Christiana Uadiale (“Christy Gold”), highlighted the organised nature of human trafficking syndicates exploiting spiritual beliefs and imposing brutal control over victims. This paper

concluded that madams play a major and coercive role in trafficking networks by controlling and exploiting women through violence, debt bondage, and traditional rituals, perpetuating trauma and abuse that trap victims in cycles of forced prostitution and labour both within Nigeria and abroad. This paper recommended that addressing human trafficking in Nigeria requires a nuanced understanding of the roles women play both as victims and perpetrators, the socioeconomic drivers behind human trafficking, and the need for policies that consider the perspectives of all actors involved to break this cycle of exploitation.

Keywords: human trafficking; madams; debt bondage;

1. Introduction

Women play a central yet paradoxical role in Nigerian human trafficking networks, functioning as both victims and perpetrators. Many traffickers, known as "madams," are women who previously trafficked themselves. These madams exploit their lived experiences to recruit vulnerable girls through false promises of employment in Europe or the Middle East.¹ For example, Inyang Okokon, a survivor-turned-activist, described how her trafficker a former victim used fear and oaths to enforce compliance.² This cycle perpetuates exploitation, as madams seek financial gain and social mobility after enduring similar trauma.³ Madams target

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¹ O O Fayomi, 'Women, Poverty and Trafficking: a Contextual Exposition of the Nigerian Situation'[2005](5)(1) *Journal of Management and Social Sciences* ,65-79.

² V Ayeni, 'From Survivor to Tormentor: How Trafficked Women Transformed into Ruthless Madams' *Punch Newspaper*(Lagos, 25 March 20230<<https://punchng.com/from-survivor-to-tormentor-how-trafficked-women-transform-into-ruthless-madams/>>accessed 1 May,2025.

³ *Ibid.*

economically disadvantaged women, often from Edo State, using familial networks and cultural rituals to coerce compliance.⁴ Victims of human trafficking are lured with offers of legitimate work in hospitality or childcare.⁵ Binding oaths administered by traditional priests instill fear of supernatural retribution if victims disobey.⁶

2. Conceptual Clarification

The concept of madam, women and human trafficking in Nigeria has elicited the research interest of several scholars from diverse backgrounds across the globe. This is because human trafficking has received increasing global attention over the past decades. Ukhurebor⁷ has researched on human trafficking in Nigeria with a focus on young girls and women, especially in Edo State. His study examines causes, effects, and remedies of trafficking, highlighting poverty, unemployment, and migration aspirations as key drivers. He recommends empowering agencies like NAP TIP and providing vocational training to vulnerable youths.

Adepitan⁸ in his thesis explores human trafficking in Edo State through a postcolonial lens, analysing the legacy of colonialism and its impact on trafficking dynamics. The work addresses cultural,

⁴ Fayomi (n1).

⁵ R.A Aborishade and A.A Aderinto, 'Pattern and Processes of Recruitment and Trafficking into Sex Work in Nigeria' [2009](6)(2) *Journal of Contemporary Research* 277-292.

⁶ Sarah Adeyinka and Others, 'The Role Juju Rituals in Human Trafficking of Nigerians: A Tool of Enslavement, But also Escape' <<https://journals.sagepub.com/doi/full/10.1177/21582440231210474>>accessed 1 May, 2025.

⁷ R.A Ukhurebor, 'Human Trafficking and Nigeria's Development: An Examination of the Benin Metropolis, Edo State Nigeria' [2022] *Benue journal of Peace and Conflict studies (BENJOCS)* 120-135<<https://www.bsum.edu.ng/journals/benjopecs/vol11n1//article8.php>>accessed 3 May, 2025.

⁸ O Adepitan, 'Decolonizing Human Trafficking: A Case Study of Human Trafficking in Edo State Nigeria' (Unpublished PhD Thesis, University of South Florida 2020).

economic, and political factors influencing trafficking and critiques international anti-trafficking frameworks.

Ibrahim and Omoregbe⁹ in their article discuss the causes of human trafficking in Nigeria, including poverty, corruption, and cultural practices. Their work also evaluates government efforts to combat trafficking and suggests increased collaboration and awareness campaigns. Historically, trafficking of women and girls for forced sex work and, to a lesser extent, domestic servitude, were the sole focus of advocacy and assistance. But in recent times, there has been recognition that women, children and men are trafficked into many different forms of labour, and sexual exploitation.

Consequently, legal and social science scholars have done juridical and scholarly works on different issues of human trafficking, madam and women in Nigeria. An attempt shall be made to define some concepts in this paper.

2.1 Human Trafficking

Louise Waite defines, human trafficking as the movement of a person from one place to another or the recruitment and labouring of a person for exploitation.¹⁰ The Interpretation Act¹¹ of Trafficking in Persons (Prohibition) Enforcement and Administration Act defines.¹² that human trafficking involves recruiting, transporting, or harboring people through force, coercion, fraud, or abuse of power for exploitation, including forced labor, slavery, sexual exploitation, or organ removal.¹³

⁹ I M Ibrahim & I I Omoregbe, 'Human Trafficking in Nigeria: Causes, Efforts by Nigeria Government and the Way Forward' [2020](XXII)(1)*Nigerian Journal of Social Studies*.

¹⁰ Louise Waite, *Human Trafficking in International Encyclopedia of Human Geography* (2nd edn 2020) < <https://www.sciencedirect.com/topics/social-sciences/human-trafficking>>accessed 5 May 2025 .

¹¹ TIPPEAA, s.82.

¹² *Ibid.*

¹³ *Ibid.*

Transnational Organised Crime,¹⁴ defines trafficking in persons as the recruitment, transportation, transfer, harbouring or receipt of persons, using the threat or use of force or other forms of coercion, abduction, fraud, deception, 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 exploitation. Exploitation includes at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; the recruitment, transportation, transfer, harbouring or receipt of a child for exploitation. Consent of a victim of trafficking in persons to the intended exploitation is irrelevant where any of the means stated in the definition is used.¹⁵

The most widely accepted definition of human trafficking is found in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), supplementing the United Nations Convention against Transnational Organised Crime 2000, which defines trafficking in persons as the recruitment, transportation, transfer, harbouring, or receipt of individuals using threat, force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or payments to control another person, for exploitation.¹⁶ Based on the Palermo Protocol definition, trafficking in persons has three constituents' elements, any combination of which (i.e. any conduct that combines any listed action and means and is carried out for any of the listed purposes)

¹⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime was adopted on 15 November 2000 and entered into force on 25 December 2003;

<<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>> accessed 5 May 2025.

¹⁵ *Ibid*, Art .3(b).

¹⁶ Palermo Protocol, Art.3(a).

should be criminalised as trafficking.¹⁷ This definition of Art 3(a) of the Palermo Protocol aligns with international standards and incorporates key elements such as the means, act, and purpose of trafficking, which are critical for understanding the scope of human and this definition will be adopted in this paper.

2.2 Debt Bondage

Debt Bondage, also known as ‘debt slavery’ or ‘bonded labour’, is a person's pledge of labour or services as security for the repayment of a debt or other obligation, where there is no hope of actually repaying the debt,¹⁸ the services required to repay the debt may be undefined, and the services' duration may be undefined. Debt bondage is defined as “the status or condition arising from a pledge by a debtor of his services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined”.¹⁹

Debt bondage can be passed on from generation to generation. Currently, debt bondage is the most common method of enslavement with an estimated 8.1 million people bonded to labour

¹⁷ United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), '023 Workshop: The Effectiveness of Legal frameworks and Anti-Trafficking Legislation 'The Vienna Forum to Fight Human Trafficking 13-18 February, 2008, Austria Centre Vienna, Background paper < <https://www.unodc.org/documents/human-trafficking/2008/BP023TheEffectivenessofLegalFrameworks.pdf>> accessed 8, May 2025.

¹⁸ A Jordan ‘Slavery, Forced Labor, Debt Bondage, and Human Trafficking: From Conceptual Confusion to Targeted Solutions’, Program on Human Trafficking and Forced Labor. Washington College of Law: Center for Human Rights & Humanitarian Law, February 2011.

¹⁹ Art 1 (a) of Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery.

illegally as cited by the International Labour Organization in 2005.²⁰ Debt bondage has been described by the UN as a form of “modern day slavery” hence the Supplementary Convention on the Abolition of Slavery seeks to abolish the practice.²¹ Debt bondage can also be regarded as a means of paying off loans with direct labour instead of currency or goods. It is either a kind of indenture or a truck system and is a form of un-free labour.²² In the United States of America, debt bondage is also referred to as peonage.²³ The definition of Feyisetan will be adopted for the purpose of this paper.²⁴

2.3 Madams

According to the Etymology Online, *madam* comes from Old French *ma dame* ("my lady"), from Latin *mea domina*. It became a conventional term of address for women of rank or married women and later took on the meanings of a woman of fashion or pretension, a courtesan, and a brothel owner.²⁵ The Collins English Dictionary describes madam as a polite term of address for a woman, especially one of relatively high social status, and also as a woman who runs a brothel. It further notes an informal British usage for a precocious or pompous little girl.²⁶ For the purpose of this paper the definition from the Collins dictionary will be adopted.

3. Historical Context and Emergence of Madams in Nigeria

Human trafficking in Nigeria, particularly involving women known as "madams," has a complex history rooted in cycles of exploitation

²⁰ ILO, “Global Report on Forced Labour in Asia: Debt Bondage, Trafficking and State-Imposed Forced Labour Promoting Jobs, Protecting People”, (International Labour Organization, 2005), 31.

²¹ K Bale, ‘*New Slavery: A Reference Handbook*’, (ABC-CLIO. 2004), 15–18.

²² G Feyisetan, *Human Trafficking* (University Press PLC 2015)38.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ Etymonline, ‘Origin and History of Madam’ <[https:// www. etymonline.com/ word/madam](https://www.etymonline.com/word/madam)>accessed 23 May, 2025.

²⁶ Collins, ‘Definition of Madam’<<https://www.collinsdictionary.com/dictionary/english/madam>>accessed 23 May, 2025.

and survival.²⁷ The term "madam" refers to women who were once victims of human trafficking themselves but later became recruiters and controllers within human trafficking networks.²⁸ This transformation from survivor to perpetrator is a critical aspect of the trafficking phenomenon in Nigeria.

Human trafficking in Nigeria, particularly involving women known as "madams," has a complex history rooted in cycles of exploitation and survival. The term "madam" refers to women who were once victims of trafficking themselves but later became recruiters and controllers within human trafficking networks. This transformation from survivor to perpetrator is a critical aspect of the human trafficking phenomenon in Nigeria.²⁹ Madams operate at the top of human trafficking hierarchies, controlling victims through debt bondage, violence, and ritualistic practices such as juju oaths. These oaths, often administered in shrines in Benin City, bind victims psychologically and spiritually, ensuring obedience and secrecy. The use of juju is a distinctive control mechanism in Nigerian trafficking networks, reinforcing the power madams hold over trafficked women and girls.³⁰

Madams are deeply embedded in organised criminal networks that include corrupt officials and smugglers.³¹ They recruit victims from rural and urban areas, often using deceptive promises of legitimate employment.³² Once victims arrive in destination countries, madams enforce strict control, moving victims frequently to avoid law enforcement and maintaining their subjugation through threats against the victims' families back home.³³

²⁷ Ayeni (n 2).

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ Adeyinka and others (n 6).

³¹ *Ibid.*

³² *Ibid.*

³³ Austrian Centre for country of origin and Asylum Research Document and Documentation (ACCORD), Nigeria: COI Compilation of Human

4. Madams as Former Survivors and Recruiters — Recruitment Tactics and False Promises

In Nigerian human trafficking networks, madam women who often were once victims themselves play a crucial role as recruiters and facilitators of trafficking. Their dual identity as former survivors and current exploiters creates a complex dynamic that sustains the trafficking cycle. Many madams began their involvement in human trafficking as victims. After enduring exploitation abroad, they return to Nigeria with the knowledge, contacts, and³⁴ sometimes financial means to recruit new victims. This transformation is well-documented: survivors who have “paid off” their debts or completed forced labor often become madams to secure economic survival and social mobility. Upon recruitment by madams, victims incur exorbitant debts covering travel, visa, and “processing” fees, often ranging from \$20,000 to \$50,000. These debts bind victims to madams, who enforce repayment through forced prostitution or labor. Victims frequently recount how initial agreements of two years’ service extend to four or more due to hidden costs and punitive penalties.³⁵ To enforce obedience and silence, victims are subjected to traditional oath-taking ceremonies involving juju (spiritual) rituals.³⁶ These rituals instill fear of supernatural punishment if victims escape or expose traffickers. This spiritual control is a powerful psychological tool that traps victims in exploitative agreements.³⁷ Recruitment is often accompanied by deception about the nature and conditions of work. Victims describe harsh realities upon arrival, including confiscation of passports,

Trafficking<<https://www.ecoi.net/en/document/1423730.html>>accessed 7 May, 2025.

³⁴ Ayeni (n 2).

³⁵ Aborishade& Aderinto (n 5).

³⁶ N H Msuya, ‘Traditional Juju oath and Human Trafficking in Nigeria: A Human Right Perspective[2019] (50)(1) *De Jure Law Journal* 138-162.

³⁷ Ayeni (n 2).

physical abuse, and confinement. Some are sold to other madams or traffickers in transit countries like Mali or Libya.³⁸

Madams' recruitment strategies are deeply intertwined with economic hardship and social expectations.³⁹ Many women enter trafficking to escape poverty, support families, or achieve upward mobility. The exploitation of cultural beliefs and social networks facilitates recruitment, while the promise of wealth and improved status masks the brutal realities of trafficking.⁴⁰ The case, Inyang Okokon, is an example of a survivor who later became a recruiter. Inyang was trafficked from Akwa Ibom State in 1999 and was deceived with promises of legitimate work but was sold into prostitution in Europe. After repaying her trafficker, she gained freedom but later became involved in recruiting and exploiting other young women, effectively becoming a madam herself. Okokon explained that many traffickers were once victims who, after completing their debt bondage, bought other women to exploit.⁴¹

5. Debt Bondage and Juju Rituals in Human Trafficking

Debt bondage and juju rituals are two interconnected mechanisms frequently used in Nigerian human trafficking networks to control and exploit victims, particularly women and girls.⁴² These methods create powerful psychological and economic traps that bind victims to traffickers, making escape or resistance extremely difficult.⁴³ Traffickers frequently impose overwhelming debts on victims to keep them trapped and exploit them for sexual or labor purposes.⁴⁴

³⁸ *Ibid.*

³⁹ M Rizzotti, 'Chasing Geographical and Social Mobility: The Motivations of Nigerian Madams to enter Indentured Relationships' <<https://www.antitraffickingreview.org/index.php/atrjournal/article/view/612/465>>accessed 1 may, 2025.

⁴⁰ *Ibid.*

⁴¹ Ayeni (n 2).

⁴² Adeyinka (n 6).

⁴³ *Ibid.*

⁴⁴ United Nations Office on Drugs and Crime (UNODC). (2020). *Global Report on Trafficking in Persons 2020*.

In cases involving women, debt bondage typically happens when traffickers compel them into prostitution to repay illegitimate debts claimed to have arisen from their transportation, recruitment, or even their outright sale.⁴⁵ In situations of debt bondage, women are unable to earn back the amount “owed” to the traffickers. If the trafficked women are in a country illegally or do not speak the local language, they have little recourse against their traffickers, who often retain their travel documents and use violence or threats of violence against the victim or her family to further control her. Traffickers may continue to charge costs for other services such as room and board and then fail to apply money earned by the trafficked women to the debt.⁴⁶ Victims are trapped by the debt system because the money they earn is rarely credited toward repayment.⁴⁷ Traffickers often add hidden fees for food, lodging, fines, or confiscate earnings outright. Victims’ passports and identity documents are seized, restricting their freedom and legal recourse.⁴⁸

6. The Rationale and Contributory Circumstances Prompting the Engagement of Madams in the Human Trafficking Networks

The rationale and contributory circumstances prompting the engagement of madams in human trafficking networks are multifaceted and rooted in socio-economic and structural factors. Nigerian madams often enter trafficking networks driven by desires to overcome economic constraints and pursue geographical and social mobility. Their involvement is sometimes framed as part of indentured relationships where both traffickers and victims share aspirations to improve their socio-economic status, despite the

⁴⁵ The Advocates for Human Rights, ‘Debt Bondage’ <https://www.stopvaw.org/debt_bondage> accessed 1 May 2025.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

exploitative nature of the arrangement.⁴⁹ This reflects a complex dynamic where madams are not only perpetrators but also participants seeking better livelihoods within constrained environments.

Madams operate within broader trafficking structures that include organized crime groups, small-scale operators, and opportunistic traffickers. These networks exploit vulnerabilities such as poverty, migration aspirations, and social inequalities. Madams may serve as intermediaries or coordinators, facilitating recruitment, transportation, and exploitation, often leveraging social and community ties to maintain control over victims.⁵⁰

The role of women in Nigerian networks, especially those with international connections will be examined. For instance⁵¹ in a study of Nigerian networks, it demonstrated that not all women have leading roles or significant ones; some others play secondary positions by conducting subordinated tasks. Age, experience in the field of human trafficking, and the possession of international contacts are facilitating factors promoting members to higher positions in the organization.⁵² Two typologies were extracted after a network analysis of Nigerian sex trafficking organizations regarding their betweenness centrality (brokerage): (a) one type of madam with a high hierarchical position in the network who is able to plan all the phases due to its international contacts and financial means; (b) another type of madam who acts predominantly in the exploitation phase and its economic capacity depends on the financial gains obtained by exploitation of the victims⁵³. On the

⁴⁹ Rizzotti (n 12).

⁵⁰ P Campana, 'The Structure of Human Trafficking: Lifting the Bonnet on a Nigerian Transnational Network' [2016](56)(1) *The British Journal of Criminology* ,68-86.

⁵² Mancuso, Marina. 2014. Not all madams have a central role: Analysis of a Nigerian sex trafficking network. *Trends in Organized Crime* 17: 66–88; Wijkman, Miriam, and Edward Kleemans. 2019. Female offenders of human trafficking and sexual exploitation. *Crime, Law and Social Change* 72: 53–72.

⁵³ Manusco (n 49).

other hand,⁵⁴ after analyzing two Nigerian cases, concluded that the Nigerian trafficking network structure is less centralised than expected. On the other hand, madams play a key role in generating victims' demand for sexual exploitation and, for that purpose, they are in closer cooperation with recruiters than transporters, whose services are outsourced when it is needed.

Regarding the most prevalent tasks performed by women in trafficking networks⁵⁵ found a wide variety of them. They found that the most prevalent consisted of collecting money, housing victims, controlling during work, exploiting victims, taking away and keeping passports and travel documents, recruiting outside the country of destination, connecting with potential customers, pursuing minors for work in prostitution, transporting to customers or workplaces, and arranging forged travel documents and travel tickets. Less frequent were the following tasks: giving work instructions, buying work-related items for the victims, renting prostitution rooms, performing administrative accounting, enrolling in escort agencies, and creating/managing internet advertisements.⁵⁶

In some cases, madams emerge from communities where trafficking is normalized due to limited economic opportunities and social pressures. This normalization, combined with the promise of financial gain, motivates their participation despite the legal and ethical implications.⁵⁷

⁵⁴ Campana (n 48).

⁵⁵ Wijkman, Miriam, and Edward Kleemans, 'Female Offenders of Human Trafficking and Sexual Exploitation' [2019] *Crime, Law and Social Change* 72: 53–72

⁵⁶ A Gimenez -Salinas, 'Female Offenders in Human Trafficking: Analysing Roles in a Spanish Sample' [2024](13)(11),65.

⁵⁷ U M Usman and Others, 'Trafficking Twin Error: Mysterious Madam and Voodoo Victimisation in the Case of Nigeria' [2018](8)(1) 392-408 <
<https://www.macrothink.org/journal/index.php/jpag/article/view/12765>

7. Critical Examination and Deconstruction of Prevailing Legal and Policy Frameworks and Stereotypical Narratives Surrounding Human Trafficking in Nigeria

A critical examination and deconstruction of prevailing legal and policy frameworks and stereotypical narratives surrounding human trafficking involves analysing the limitations, gaps, and assumptions embedded in international, regional, and national anti-trafficking laws and their enforcement. Many existing legal frameworks, such as the anti-trafficking law⁵⁸ in Nigeria, have been critically assessed for their inadequacies in fully aligning with international standards such as the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol). For example Nigeria's anti-trafficking law⁵⁹ though comprehensive but faces challenges in enforcement, inconsistent adoption of related laws across states, and limited penalties for some trafficking offenses. The TIPPEA 2015 has been criticised for its limited scope and enforcement challenges. Key inadequacies include: Insufficient penalties for offenders, which may fail to act as effective deterrents Gaps in the definition of trafficking that may exclude certain forms of exploitation. Weak enforcement mechanisms and slow judicial processes delay the prosecution and conviction of traffickers. Limited coordination between agencies, leads to fragmented efforts in combating trafficking. Inadequate provisions for victim protection and rehabilitation, including insufficient shelter facilities and support services. These limitations undermine the Act's overall effectiveness in curbing human trafficking in Nigeria.⁶⁰

Prevailing narratives often frame trafficking strictly in terms of sex trafficking and victim hood, which can obscure other forms of exploitation such as forced labor, domestic servitude, and forced

⁵⁸ Trafficking in Persons (Prohibition) Enforcement and Administration Act (TIPPEAA)2015

⁵⁹ *Ibid.*

⁶⁰ M. S Amune, 'Control and Regulation of Human Trafficking in Nigeria: A Legal Framework Analysis '[2025] (8)(1) *East African Journal of Law and Ethics*, 27-40.

criminality. For example, the dominant narrative frequently depicts human trafficking as involving young women who are lured or coerced by male traffickers into sexual slavery or exploitation. This binary simplifies trafficking into a story of innocent female victims and malicious male offenders, reinforcing gendered stereotypes.⁶¹ These narratives portray victims as powerless, physically harmed, psychologically broken, and entirely dependent on rescue by external actors. Women are often objectified and dehumanised, reduced to spectacles of victimisation, which can perpetuate voyeurism and distance audiences from meaningful engagement or support.⁶² The international framework, anchored by the Palermo Protocol and supplemented by conventions like CEDAW and the UN Convention on the Rights of the Child, establishes obligations for criminalisation, victim protection, and international cooperation. However, implementation varies widely, and some jurisdictions lack comprehensive laws or enforcement capacity, undermining the global fight against human trafficking.⁶³

8. Relevant Laws Regulating Human Trafficking in Nigeria

This aspect of the paper deals with the legal and institutional frameworks on human trafficking in Nigeria. It analyses national laws, that is, laws made by the Nigerian legislature which comprises the Senate and House of Representatives, international laws and instruments such as treaties to which Nigeria is a party on human trafficking as well as institutions created to combat the scourge of human trafficking.

⁶¹ A Heber, 'Damsels, Monsters, Superheroes: Exploring the met narrative of Sex Trafficking' [2023](30)(1)*international Review of Victimology*, 89-108.

⁶² *Ibid.*

⁶³ C N Mmbawanga, The Legal Framework: International, Regional and National <<https://www.pas.va/en/publications/scripta-varia/sv148pas/njagi.html>> accessed 12 May 2025.

8.1 Constitution of the Federal Republic of Nigeria (CFRN) 1999 (As Amended)

The Constitution of the Federal Republic of Nigeria frowns at trafficking in persons which constitutes a violation of the Fundamental. This is evident in some provisions of Chapter 4 of the 1999 Constitution. The Constitution of the Federal Republic of Nigeria, 1999 (as amended); contains provisions which out-rightly outlaw slavery and forced labour or compulsory labour, sexual exploitation and deprivation of personal liberty of Nigerians. Trafficking in persons violates the provisions of Sections 17, 33,34 35,39and 42 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). The Constitution provides that⁶⁴ ‘the state social order is founded on ideals of freedom, equity and justice’. Trafficking in persons directly contradicts the ideals of freedom and justice, trafficked persons are deprived of their liberty and subjected to exploitation, which undermines the constitutional vision of a just society. The Constitution provides that⁶⁵ in furtherance of the social order, the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced. Trafficking violates this by degrading victims through forced labour, sexual exploitation, and other inhuman treatment, thereby stripping them of their dignity. The Constitution provides in the section that⁶⁶ the state shall direct its policy towards ensuring that- (f) Children, young persons and the aged are protected against any exploitation whatsoever and against moral and material neglect. Since trafficking disproportionately affects these groups, this provision imposes a constitutional duty on the government to prevent trafficking and safeguard victim. The Constitution⁶⁷ serves as a directive for the government to enact laws and implement policies aimed at eradicating trafficking. This is reflected in the establishment of

⁶⁴ CFRN 1999,s. 17(1).

⁶⁵ CFRN 1999, s .17 (2).

⁶⁶ CFRN 1999, s.17 (3).

⁶⁷ CFRN 1999,s. 17.

institutions like the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and the enactment of anti-trafficking laws that operationalise the constitutional directive.

The Constitution⁶⁸ provides that every person has a right to life, and no one shall be intentionally deprived of life except by lawful execution of a court sentence. Trafficking in persons often exposes victims to life-threatening conditions such as physical abuse, hazardous working environments, sexual exploitation, and deprivation of basic needs like food and medical care. These conditions can lead to injury, illness, or death, thereby violating the constitutional right to life. Even if the trafficker does not directly kill the victim, the exploitation and inhumane treatment inflicted can cause a gradual loss of life or severe harm, which courts increasingly recognize as a violation of the right to life's broader protections. The Nigerian courts have prosecuted and convicted traffickers for offences that have caused significant physical and psychological harm to victims, including injury and illness, aligning with the serious human rights violations inherent in trafficking. The Presiding Judge, Benin Judicial Division of the National Industrial Court, Hon. Justice Adunola Adewemimo has convicted and sentenced Joyce Amenze[NICN/BEN/2C/2022] to one-year imprisonment and payment of N2m as fine on a 2-count charge bordering on Human Trafficking, punishable under Section 18(1) of the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015.

A trafficker violates the right to dignity of a person under Nigerian Constitution⁶⁹ by subjecting the victim to acts that contravene the constitutional protections guaranteed in that section. Specifically, the Constitution provides that every individual is entitled to respect for the dignity of their person⁷⁰. (a) No person shall be subjected to

⁶⁸ CFRN 1999, s. 33

⁶⁹ CFRN 1999, s.34

⁷⁰ *Ibid.*

torture or to inhumane treatment or to degrading treatments; (b) No person shall be held in slavery; and (c) No person shall be required to perform forced or compulsory labour. The Nigerian courts have interpreted torture and degrading treatment as acts causing extreme pain, anguish, or humiliation, which traffickers routinely perpetrate on their victims. In the case of *Uzoukwu v. Ezeonu*⁷¹ the Court of Appeal defined “torture” as meaning “to put a person to some form of pain which could be extreme” or “to put a person to some form of anguish or excessive pain.” On the other hand, the expression, “inhuman or degrading treatment or punishment” has been defined as any act which deliberately causes suffering not amounting to torture such as withholding medical treatment, cramping in overcrowded and squalid prisons or destruction of homes and personal belongings. Degrading treatment or punishment refers to acts that stimulate in the victim fear, anguish and inferiority thus lowering his dignity or physical integrity such as caning. ‘Degrading treatment’ is one that “humiliates or debases an individual, showing a lack of respect for, or diminishing, his or her human dignity.” The phrase ‘cruel, inhuman and degrading treatment’ has been defined by the Nigerian Court of Appeal in *Uzoukwu v. Ezeonu*⁷² as “any barbarous or cruel act or acting without feeling for the suffering of the other.” Trafficking in persons violates Section 34 by denying victims their fundamental right to be free from torture, slavery, forced labour, and degrading treatment, all of which are essential components of human dignity under the Nigerian Constitution. Human trafficking violates the right to personal liberty⁷³ of victims of human trafficking, for instance during recruitment through duplicity of documents given to them for desperate journey or false promises violate an individual’s right to liberty and security, which

⁷¹ (1991) NWLR (pt. 200) 708 CA

⁷² *Ibid.*

⁷³ CFRN, s 35.

are guaranteed under of the CFRN⁷⁴ and article 9 of the International Covenant on Civil and Political Rights.⁷⁵

The CFRN on Freedom of speech and expression⁷⁶ is a fundamental right that is protected under our law and in several key international conventions that have been ratified by the country of Nigeria, including the ICCPR, ICSCR, and CEDAW.⁷⁷ The provision⁷⁸ has been embraced by the government of Nigeria and written into domestic law in the CFRN⁷⁹. The act of oath -taking during the voodoo ceremony administered on human trafficking victims from Nigeria violates the right to freedom of expression as enshrined in the constitution⁸⁰. Furthermore by virtue of section 41 of the 1999 CFRN, the right to freedom of movement of victims of human trafficking is also violated by the seizure of their documentation upon arrival, with the understanding that if they did not obey the traffickers as to what is demanded, they will be threatened and beaten.⁸¹ It is also sad to note that victims whom traditional oath are administered on for trafficking purposes not only experience pressure and abuse of power from traffickers, but also from their own relations.⁸² The CFRN on the right to fair-hearing also provides that, no person who is tried for a criminal offence shall be compelled to give evidence at the trial.⁹³ This provision,⁹⁴ violates the right of victim of human trafficking where for instance the victims,

⁷⁴ *Ibid.*

⁷⁵ ICCPR, Art.9

⁷⁶ CFRN 1999, s.39.

⁷⁷ J Millett-Barrett, 'Bound by Silence: Psychological Effects of the Traditional Oath Ceremony Used in the Sex Trafficking of Nigerian Women and Girls' [2019] (4)(3) *Dignity: A Journal on Sexual Exploitation and Violence* 1-51 <<https://digitalcommons.uri.edu/dignity/vol4/iss3/3/>> accessed 18 May 2025.

⁷⁸ CFRN (n 54).

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ N H Msuya, 'Traditional Juju Oath and Human Trafficking in Nigeria: A Human Rights Perspective' [2019] (52)(2) *De Jure Law Journal*, 138-162

⁸² *Ibid.*, 153.

⁹³ CFRN, s 36(11).

⁹⁴ *Ibid.*

voodoo/juju priest, witch doctors are forced to give evidence against the traffickers as to when and where the voodoo ceremony took place. Also section 36(12) of CFRN provides that subject as otherwise provided by this Constitution, a person shall not be convicted of a criminal offence unless that offence is defined and the penalty therefore is prescribed in a written law, and in this subsection, a written law refers to an Act of the National Assembly or a Law of a State, any subsidiary legislation or instrument under the provisions of a law. In essence, victims of human trafficking should not be convicted of offence not prescribed by law.

Section 42 (2) provides that ‘No citizen of Nigeria shall be subjected to any disability or deprivation merely because of the circumstances of his birth’. In addition, it is interesting to note that a victim of trafficking can challenge the infringement of the above mentioned rights under Section 46 of the 1999 Constitution (as amended). Section 46 states that any person who alleges that his or her fundamental human rights has been or is being or likely to be contravened in any State in relation to him may apply to a High Court in that state for redress. Also, the Third Alteration of the Constitution provides that the National Industrial Court shall have and exercise jurisdiction to the exclusion of any other court in civil causes and matters – connected with or related to child labour, child abuse human trafficking and any other matter related thereto.

8.2 The Criminal Code Ordinance 1916(as amended)

Under the Criminal Code, several offenses related to liberty violations and slave dealing can be applied to prosecute cases of human trafficking and prostitution. The law⁹⁵section states that any person who: (1) arranges for a girl or woman under eighteen years old, who is neither a common prostitute nor known for immoral behavior, to engage in unlawful sexual intercourse with another person, whether inside Nigeria or abroad; (2) arranges for a woman

⁹⁵ CC, s.223.

or girl to become a common prostitute, either within Nigeria or elsewhere; (3) facilitates a woman or girl leaving Nigeria with the intention of her becoming a brothel inmate abroad; or (4) causes a woman or girl to leave her usual residence in Nigeria with the intent that she becomes a brothel inmate for prostitution purposes, either domestically or internationally, commits a misdemeanor punishable by up to two years imprisonment. The law¹ also criminalizes the act of using threats, intimidation, deception, or drugs to stupefy or overpower a woman or girl with the intent to enable unlawful sexual intercourse, also punishable by two years imprisonment.

Additionally, Sections 365, 366, and 369 address key intimidation tactics employed by traffickers. Section 365 criminalises unlawful confinement or detention against a person's will. Section 366 deals with forcing someone to act through threats, surveillance, or other forms of intimidation, carrying a penalty of one year imprisonment. Section 369 defines slave dealing as the buying, selling, or transferring of individuals to be treated as slaves or held in servitude, including using them as security for debt or entering into agreements to further such purposes. This is punishable by imprisonment up to 14 years.

8.3 Penal Code (Northern States) Federal Provisions Ordinance 1960

The PC applies to the Northern part of Nigeria, it preceded the NAPTIP Act but do not specifically define human trafficking.²The PC is one of the early laws enacted during the late era of colonialism in Nigeria; it came into force on the 30th September, 1960. PC applies in the Northern part of Nigeria which is predominantly

¹CC, s .224.

²Access to Justice for Trafficked Persons in Nigeria; *A Handbook for legal Actors and Assistance Providers*

<http://gaatw.org/publications/AtJHandbook_Final.pdf> accessed 6 May 2025.

occupied by Muslims.³ The enactment of the law was influenced by the Sudanese Criminal Code, which was also promulgated based on the Indian Penal Code. The PC provisions have identified offences of human trafficking and cover the interest of particularly children who are less than 18 years of age against all form of exploitative gains. Sections 271 and 272 of the PC impose a punishment of imprisonment for up to 10 years and a fine for kidnapping and abduction⁴ of a minor. While section 277 provides that, any person who induces a girl less than 18 years of age “to go from any place or to do an act with the intent that such girl would be or is likely to be forced or seduced to illicit intercourse” is subject to punishment by imprisonment for up to 10 years.⁵

The PC imposes a punishment of up to 10 years and a fine on anyone who “buys, sells, hires, lets to hire, or otherwise obtains possession” of a person less than 18 years of age with the intent of using such a person for “prostitution or other unlawful or immoral purposes.”⁶ It also imposes a punishment of imprisonment for up to 14 years and a fine for an offense of slave dealing⁷ and section 280 of the PC further punishes forced labour with a fine and imprisonment for one year.⁸ The PC provides that procurement of a woman or a girl for immoral purposes is punishable by imprisonment for up to 7 years and a fine.⁹ The PC specified the punishment for slave trading and forced labour while the CC imposes a fine and punishment of one year imprisonment for forced labour alone. The wordings of the PC

³G U Kwagyang and G M Murgan, ‘Appraisal of the Legal Framework against Child Trafficking in Nigeria’, [2016] (1)(1), *UNIMAID Journal of Private and Property Law (UJPPL)*, 39-40. <<http://www.unimaid.edu.ng/oer/Journals-oer-law.html>>, or <<http://www.unimaid.edu.ng/oer/Journals-oer/Law/Private%20Law/3.pdf>> accessed 23 August 2021.

⁴PC, s272 .

⁵*Ibid*,s 277.

⁶*Ibid*,s278.

⁷*Ibid*,s279.

⁸PC,s 280.

⁹*Ibid*, s281.

seem to offer more protection to the girl child but the CC lump together the girls and women adult for protection

8.4 The Nigerian Immigration Act 2015

The Nigeria Immigration Act, 2015, prohibits all types of illegal migrant smuggling. It also implements the Protocol against the Smuggling of Migrants by Land, Sea, and Air within Nigeria, complementing the United Nations Convention against Transnational Organized Crime. Key provisions include: Section 64, which forbids all forms of migrant smuggling in Nigeria; Section 65, which outlines various offenses related to smuggling of migrants; Section 66, which prohibits exploiting the vulnerability of smuggled migrants; Section 67, which forbids facilitating illegal residence; Section 68, which bans the procurement of fake travel or identity documents; Sections 69 and 70, which criminalize aiding and abetting migrant smuggling; and Section 73, which addresses escape and assisting escape from custody.

8.5 Child's Right Act CRA)2003

The Child's Rights Act of 2003, forbids exposing children to the use, production, and trafficking of narcotic drugs as stated in Section 25. Section 26 broadly prohibits involving children in any form of criminal activity. Violations of these provisions carry a penalty of fourteen (14) years imprisonment. Additionally, Sections 31 and 32 of the Act prohibit all forms of sexual abuse and exploitation of children under eighteen (18) years old, with penalties ranging from fourteen (14) years imprisonment to life imprisonment, depending on the offence.

8.6 Edo State Trafficking in Persons (Prohibition) Law 2018.

The intention of the Edo State Trafficking in Persons (Prohibition) Law, 2018 is to make provision for an effective and comprehensive legal and institutional framework for the prohibition, prevention, detection, prosecution, and punishment of human trafficking and

related offences. The law seeks to address the scourge of human trafficking and irregular migration in Edo State. Section 13 of the TIPPL provides that all acts of human trafficking are prohibited in the State and the punishment when the offence is committed.¹⁰Section 14 of the TIPPL deals with importation and exportation of person forced into prostitution in Edo State or while in transit. Section 15 deals with the offence of procurement of persons for sexual exploitation. Section 16 deals with procurement and recruitment of persons under 18 years for prostitution or other forms of sexual exploitation. Procurement and recruitment of persons for sexual pornography is stated in section 17 of the TIPPL.¹¹Section 18 of the TIPPL provides for the offence of foreign travels which promotes prostitution and sexual exploitation.

The offence of procurement or recruitment of person for use in armed conflict is contained in section 19 of the TIPPL. Section 20 deals with the offence of procurement recruitment for organ harvesting. Section 21 deals with the prohibition of selling and buying of human beings for any purposes while section 22 provides that no person should be recruited for forced labour and no place must be used to work for as forced labour. Section 23 prohibits the employment of a child under the age of 12 as domestic worker and inflicting grievous harm on a child. Section 24 and section 25 deals with trafficking in slaves and slaves dealing. Section 26 provides for offences relating to fraudulent entry where a person because of financial or material benefit allows an alien into the state unlawfully. Section 27 deals with the offence of conspiracy where a person conspires with another to commit offence under this law¹².Section 31 provides that the corporate body shall be liable in respect of any offence that relates to human trafficking under the law while section

¹⁰TIPPL, 2018, s 13(1-4).

¹¹TIPPEAA, s17.

¹²*Ibid.*

34 for an offence tampering with the evidence of a witness, intimidating, or threatening a witness.

8.7 Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015

This is Nigeria's inaugural main law specifically targeting the problem of human trafficking within the country. The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015 comprises 83 sections and 2 schedules. Section 1 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015 provides the objectives of this Act which are to provide an effective and comprehensive Legal and Institutional framework for the prohibition prevention, detection, prosecution and punishment of human trafficking and related offences in Nigeria as well as protect victims of Human Trafficking and lastly to promote and facilitate National and international co-operation. Part III, of the TIPPEAA, 2015, focuses on the prohibition of human trafficking and outlines specific offences and penalties.¹³

Section 13(1) explicitly states that all acts of human trafficking are prohibited in Nigeria. This provision that the recruitment, transportation, transfer, harbouring, or receipt of a child for exploitation is considered trafficking, even if no force or coercion is involved.¹⁴ Section 13 outlines the *actus reus* (prohibited acts) and *mens rea* (mental intent) required to constitute trafficking offenses, while also addressing penalties and victim protections. Section 13 states that (1) "All acts of human trafficking are prohibited in Nigeria" This blanket prohibition applies to all forms

¹³ Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 TIPPEAA 2015, s.13.

¹⁴ Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, s.13 (4)(b).

of exploitation including forced begging, sexual exploitation and forced labour.

Section 13(2) criminalises specific acts of trafficking. A person commits an offence if they recruit, transport, transfer, harbor, or receive another person using threats, force, abduction, fraud, deception, or abuse of power/vulnerability giving/receiving payments to control a person for exploitation. Conviction attracts imprisonment of not less than 2 years and a fine of not less than ₦250,000.13(2)(ii) clarifies that abuse of vulnerability includes exploiting an individual's personal, situational, or circumstantial vulnerability (e.g., poverty, disability, or age) to coerce them into trafficking. While Section 13 of the Trafficking in Persons (Prohibition)Enforcement and Administration Act 2015. The TIPPEAA 2015 focus on protecting vulnerable individuals and prohibiting various forms of exploitation makes it a crucial tool in combating human trafficking in Nigeria.

Nigeria has ratified and is a signatory to a number of international conventions which are directly or indirectly related to trafficking. These conventions include United Nations Universal Declaration Of Human Rights; United Nations Convention Against Transnational Organized Crime; Convention On The Rights Of The Child; Convention On The Elimination Of All Forms Of Discrimination Against Women; African Charter On Human And People's Rights; ECOWAS Declaration And Plan Of Action Against Trafficking In Persons (2001); Forced Labour Convention, 1930; Minimum Age Convention (No. 138) 1973; Worst Forms of Child Labour Convention (no. 182) 1999; Memorandum of understanding between Nigeria and Republic of Benin on cross-border crimes, smuggling, human trafficking and drug trafficking, signed on 14th August, 2003.

9. Jurisdiction

The Act confers Jurisdiction to try and punish all offences created under the Act on the High Court¹⁵. This means that all cases involving human trafficking offences are to be prosecuted in the High Court, which has the authority to adjudicate such matters.¹⁶ Section 36(2) empowers the court, upon conviction of a trafficking offence, to order the forfeiture of any property, asset, funds (including accrued interest), articles, substances, devices, materials, or conveyances that were used or facilitated the commission of the offence or that are proceeds of the unlawful activity. These forfeited items are directed to the Victims of Trafficking Trust Fund, which is intended to support victims of trafficking.

10. Cases of Madams as Women Behind the Scenes Convicted of Human Trafficking in Nigeria

Several madams have been convicted at the Federal High Court in Nigeria for human trafficking offenses, particularly involving the recruitment and exploitation of women and girls for prostitution and other forms of trafficking. In *FRN v. Ukor Omebere Mercy*¹⁷ Mercy Ukor was convicted on 12 counts related to the exportation of persons, organizing foreign travels promoting prostitution, and procuring illegal entry into foreign countries. She was sentenced to 5 years imprisonment on most counts and 7 years on others, alongside fines totaling 12 million naira payable to the Federal Government. Also in *FGN v Charity Omoruyi* (“Jeff Joy”)¹⁸ a high-profile madam extradited to Italy after being convicted there for running a prostitution ring and trafficking women between Nigeria and Europe. She was arrested in Nigeria, remanded by the Federal High Court Abuja, and later extradited under a treaty with Italy.

¹⁵TIPPEAA 2015, s 36.

¹⁶Amune

¹⁷FHC/ASB/15c/2021.

¹⁸Charge No. B/31C/2004

Omoruyi's case highlights the cross-border nature of Nigerian madams' trafficking networks.

*FRN v. Linda Terna Doosuur*¹⁹ convicted for trafficking three victims to Ghana, Linda was sentenced to 2 years imprisonment per count, running concurrently, and fined 900,000 naira in total. The court considered her status as a nursing mother and first-time offender in sentencing. *FGN v Felicia Osaigbovo*²⁰, also known as "Nutcracker," was convicted by the Federal High Court in Benin in March 2023. She was sentenced to 12 years imprisonment and fined 24 million naira for assisting trafficking activities and organizing foreign travels promoting prostitution involving twelve victims in Belgium.

Also in *FRN v Zarma Ibrahim*²¹ was sentenced to 10 years imprisonment without option of fine by the State High Court Maiduguri in September 2023 for sexual exploitation of minors, including victims as young as 6 years old. In the case of *FRN v Linda Terna Doosuur*²² the defendant was sentenced in 2023 by the Federal High Court Makurdi to 2 years imprisonment and fines for trafficking three victims to Ghana, with the sentence running concurrently. Christiana Uadiale Jacob, a senior member of a trafficking syndicate, was convicted in absentia by the Federal High Court Asaba in March 2024. She had absconded but was rearrested later; sentencing is pending her presentation before the court. She was eventually recaptured with the collaboration of INTERPOL Nigeria, the National Intelligence Agency (NIA), and the Nigeria Immigration Service,.

These cases illustrate the role of madams as former survivors turned recruiters and controllers within trafficking networks, often

¹⁹FHC/MKD/CR/130/2022

²⁰Case No. B/NAPTIP/4C/21.

²¹Case No. BOHC/MG/CR/119/2023.

²²FHC/MKD/CR/130/2022.

managing victims through coercion, debt bondage, and cultural rituals. The Federal High Court in Nigeria has actively prosecuted such offenders, imposing significant prison terms and fines to disrupt trafficking operations.

11. Conclusion

Madams play a crucial and worrisome role in the human trafficking networks in Nigeria, often emerging as former victims who transform into perpetrators, perpetuating a cycle of exploitation and abuse. These women operate both overtly and covertly, frequently using legitimate businesses as fronts to recruit and traffic vulnerable girls and women domestically and internationally, especially to Europe. The human trafficking industry in Nigeria is deeply entrenched, fueled by economic hardship, gender inequality, and organised criminal syndicates that exploit the hopes and desperation of many. Despite increased law enforcement efforts and convictions, the persistence of madams highlights the complexity of dismantling these networks. Effective intervention requires comprehensive strategies that address the root socioeconomic causes, provide protection and rehabilitation for survivors, and disrupt the organized structures enabling madams to thrive. Only through sustained, multi-sectoral collaboration can Nigeria hope to break the cycle of human trafficking and reduce the influence of madams behind the scenes.