



Modern Slavery in Nigeria and the United Kingdom: An Analysis of the Approaches Used to Defeat the Phenomenon

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ABSTRACT

Whether it is modern slavery or slavery in its modern form, there is evidence that some practices continue to deprive some human beings of their basic human rights and freedom, which has become a matter of concern in recent decades across the world, despite attempts to eradicate it. This article examines the forms of modern slavery and the pertinence of the ongoing debate about the phenomenon in Nigeria and the United Kingdom. This shows that modern slavery is practiced in ways that are unknown to the general public and authorities alike. The article then evaluates the underpinning factors that drive this practice in Nigeria and the United Kingdom. The article also shows a link between Nigeria and the United Kingdom in promoting the practice since Nigerian human trafficking networks often provide modern slaves to underground slave masters in the United Kingdom. Furthermore, the article demonstrates that while this practice is motivated by economic gain, it has a negative impact on the socio-economic environment of Nigeria and the United Kingdom. The article shows that the practice thrives and perpetuates due to a lack of compliance with international and domestic legal instruments in terms of implementation and enforcement of the law. Therefore, the article concludes that the need for law and policy responses must be accompanied by other measures to eradicate the deeply rooted phenomenon in Nigeria and the United Kingdom.

Keywords: *Modern slavery, Human Rights, economic perspectives, law and policy responses.*

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INTRODUCTION

Human existence is immanently based on freedom. However, some human beings are deprived of their natural rights. Deprivation of freedom is exercised through practices such as slavery and forced labour and other means of restricting freedoms. Slavery is when human beings are prevented from exercising their freedom and made to work without pay or any form of compensation. From this perspective, slavery *per se* has been practiced for centuries [1]. Apart from the historical slave trade and the exploitation of black communities on the continent of Africa, there have been other forms of slavery in traditional societies. According to the 2018 Global Slavery Index, the Walk Free Foundation in Australia defines modern slavery as 'situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, and abuse of power or deception'. Modern forms of slavery can include debt bondage, where a person is forced to work for free to pay off a debt; child slavery; forced marriage; domestic servitude and forced labour, where victims are made to work through violence and intimidation [2].

A practice known as the slavery of possession is one of the oldest forms of slavery and can be listed among the various forms of modern slavery. There is still a kind of traditional slavery in Mauritania where masters own slaves [3]. Slavery of possession is when a slave owner considers a person or a group of people to be his or her property and can be sold [4].

¹See John Oldfield, 'Abolition of the slave trade and slavery in Britain'. *The British Library* (4 February 2021). Available at <<https://www.bl.uk/restoration-18th-century-literature/articles/abolition-of-the-slave-trade-and-slavery-in-britain>> accessed 30 January 2022.

²See the Global Slavery Index 2018. Document available at <https://downloads.globalslaveryindex.org/ephemeral/GSI-2018_FNL_190828_CO_DIGITAL_P-1643452595.pdf> accessed 20 January 2022.

⁴Jean Allain and Robin Hickey, 'Property and the definition of slavery' (2012) 61 *The International and Comparative Law Quarterly* 915, 938.

It is worth recalling that the despicable nature of the practice of the slave trade has triggered waves of criticism by scholars and other humanists, which eventually led to the abolition of the slave trade [5]. Unfortunately, slavery has resurged in other forms in contemporary societies. As a result, it is given the name of modern slavery due to its similarity in nature to the historical slave trade.

The following slavery-like practices are defined in the 1956 Supplementary Convention to the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. Slavery-like practices include debt bondage, serfdom, forced labour, and exploitation of children [6].

Modern slavery is linked to production or service needs in modern economies [7]. Modern slavery, to some extent, is blamed on the globalisation of the economy. Indeed, the globalisation of the economy, in conjunction with increasingly technological agriculture, has ruined subsistence economies and dispossessed people of their lands. These two factors have created absolute poverty on which slavery depends to function. Therefore, to feed themselves or their families, people's only currency is their freedom. Millions of impoverished and vulnerable people, mostly from developing countries like Nigeria, have flooded the labour market due to population growth, which is seen as one of the causes of modern slavery. This explains why Nigeria remains one of the leading suppliers of modern slaves to the UK underground economy.

The stable economic situation of the UK makes the country one of the favourite destinations for traffickers of persons for modern slavery [8]. The state of affairs regarding modern slavery will give an insight into the phenomenon in contemporary societies. Available data provide the extent to which the problem constitutes a predicament for millions of people worldwide.

The State of Affairs about Modern Slavery ***Factual considerations in Nigeria and the UK***

According to the Walk Free Foundation's Global Slavery Index from 2014, Nigeria has the highest number of people living in modern slavery on the African continent [9]. Looking at the typology or forms of modern slavery, it is worth emphasising that bondage labour or debt bondage can occur in Nigeria and the UK, where a person is coerced into working long after the loan is paid. Often, the debt is passed onto the next generation. Forced labour is any work that people are forced to do against their will. Hence, all forms of forced labour constitute modern slavery. Individuals or enterprises in the private economy exploit the majority of forced labourers. Child slavery is one of the despicable forms of modern slavery. Child slavery is exploited in many jobs, including physical labour and domestic slavery. Children are also exploited as fighters in armed conflicts, commercial sexual abuses, and other illicit activities. Child marriage is the marriage of children, mainly girls under the age of 18. In a situation where either child has not given their free consent, either party is being subjected to control and a sense of ownership or if either party cannot realistically leave or enter marriage. Child marriage is widely accepted in some places in Nigeria but not in the UK. Some migrant domestic workers are particularly vulnerable to exploitation because when confined to a private home, they are isolated from the protections offered in a regular workplace. Employers often demand extremely long hours; they threaten to denounce the worker to immigration authorities and even commit an assault without fear of detection [10]. The latter type of modern slavery is the most frequent in the United Kingdom, as several cases have been brought to light in recent years.

In both Nigeria and the UK, it is without a doubt that modern slavery has serious negative impacts on the victims. Especially children trafficked for child labour, sexual exploitation and other degrading activities. Children's fundamental rights are violated in trafficking, child labour or in a situation where young girls have to be engaged in forced marriage. The situation of those vulnerable persons has been the focus of attention for various international organisations and non-governmental organisations (NGOs) [11].

⁵ Karen E. Bravo, 'The Role of the Transatlantic Slave Trade in Contemporary Anti-Human Trafficking Discourse' (2011) 9 *Seattle Journal of Social Justice* 3.

⁶ See Anti-Slavery, 'What is modern Slavery?' Available at <<https://www.antislavery.org/slavery-today/modern-slavery/>> accessed 20 December 2021.

⁷ Robert Caruana and other, 'Modern Slavery in business: The Sad and Sorry State of a Non Field' (2020) 60 *Business & Society* 251, 287.

⁸ S Sarkar, 'Trans-border sex trafficking: identifying cases and victims in the UK' (2014) 3 *Migration and Development* 95, 107.

⁹ See the Globalist, '9 Facts on Modern Slavery in Nigeria'. Available at <<https://www.theglobalist.com/9-facts-on-modern-slavery-in-nigeria-2/>> accessed 20 January 2022.

¹⁰ See Freedom United, 'What is Modern Slavery?'. Available at <https://www.freedomunited.org/freedom-university/what-is-modern-slavery/?gclid=EAIaIqobChMIh8WHj9yH5wIVCLLtCh2aUw4cEAAAYAAEgL9OPD_BwE> accessed 19 January 2022.

¹¹ See Oladehinde Oladipo, 'NGO identifies groups most vulnerable to identity exclusion in Nigeria' *Business Day* (8 December 2021). Available at <<https://businessday.ng/financial-inclusion/article/ngo-identifies-groups-most-vulnerable-to-identity-exclusion-in-nigeria/>> accessed 30 January 2022.

From a human rights perspective, the degradation of the child's health as a result of child labour amounts to infringement of his rights to health. Most human rights instruments guarantee the right to health for every human being. The right to health for everyone is guaranteed by Article 25(1) of the UDHR [12]. The right to health is closely connected to the right to life in that the lack of proper health threatens life itself. Therefore, any activity or attempt to violate the right to health poses a potential risk for the right to life. The right to health is also promoted by the Convention on the Rights of the Child (CRC)1989, which requires states parties to guarantee the child's right to the enjoyment of the highest attainable standards of health [13].

Identification and Data Analysis

There is an array of data available about modern slavery in Nigeria and the UK. Data is important because it gives clear insight into the magnitude of the problem and the opportunity to devise matching strategies for an adequate response to the phenomenon. An estimated 40.3 million people were victims of modern slavery in 2016. On any given day in 2016, there were likely to be more than 40 million men, women and children who were being forced to work against their will under threat or who were living in a forced marriage that they had not agreed to. Of these 40.3 million victims [14], 24.9 million people were in forced labour, and a total of 15.4 million people were living in a forced marriage to which they had not consented. Women and girls are disproportionately affected by modern slavery, accounting for 28.7 million, or 71 percent of the overall total. At the regional level, the International Labour Organisation(ILO) reported that modern slavery was most prevalent in Africa (7.6 per 1,000 people), followed by Asia and the Pacific (6.1 per 1,000), then Europe and Central Asia (3.9 per 1,000). However, the ILO emphasised that these results should be interpreted cautiously due to some regions' lack of available data, notably the Arab States and the Americas [15].

The figures about modern slavery in Nigeria are significant. It must be noted that the 2018 Global Slavery Index reveals that there has been an increase in Nigerian victims of slavery. Indeed, in Nigeria, there are currently 1,386,000million slaves. This figure shows that the estimated proportion of the population living in modern slavery is 7.65/1000. The country narrative indicates that Nigeria's vulnerability to modern slavery is noted as 74.07/1000 [16]. In the United Kingdom, the question of modern slavery appears more sensitive. The phenomenon is hidden compared to Nigeria, where it is practiced openly but under certain social considerations [17]. The UK Home Office acknowledged that modern slavery has less data and evidence than other crime types. The victims of modern slavery are much more likely to be hidden, 'hard to reach' groups who are not likely to be captured by surveys of the general household population (such as the Crime Survey for England and Wales (CSEW), which is a key source for the Economic and Social Costs of Crime [18].

The majority of potential victims (3, 857;55%) reported being exploited as an adult, and 3,128(45%) were referred for exploitation as #a child. It is indicated that the most robust estimate to date of the scale of modern slavery in the UK was produced by the Home Office in 2014, which suggested that there were between 10,000 and 13,000 potential victims of modern slavery in the UK in 2013 [19]. All these data were confirmed by the UK National Office for Statistics in

¹² Article 25(1) 'Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.'

¹³ Article 24(1) 'States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.'

¹⁴ See Alliance, 'Global Estimates of Modern Slavery'. Available at <https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575540.pdf> accessed 21 December 2021.

¹⁵ *ibid.*

¹⁶ Global Slavery Index, Country Data, Nigeria, 2018'. Available at <<https://www.globalslaveryindex.org/2018/data/country-data/nigeria/>> accessed 23 January 2022.

¹⁷ See World Health Organisation, 'Child-fosterage promises and trafficking in children for domestic work in Nigeria: issues and implications for policy'. Available at <https://apps.who.int/iris/bitstream/handle/10665/70575/WHO_RHR_HRP_11.05_eng.pdf> accessed 23 January 2022.

¹⁸ See UK Home Office, The Economic and Social Costs of Modern, Research Report (July 2018). Available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729836/economic-and-social-costs-of-modern-slavery-horr100.pdf> accessed 19 December 2021.

¹⁹ See Home Office, Modern Slavery Unit, '2019 UK Annual Report on Modern Slavery October 2019 2015 Report of the Inter-Departmental'. Document available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840059/Modern_Slavery_Report_2019.pdf> accessed 20 December 2021.

March 2020 [20]. In light of the data about modern slavery in Nigeria and the UK, it appears that the scale of the problem is significant and alarming. However, there is a difference between the ways in which data are presented. In Nigeria, data about modern slavery are provided according to the number of people trapped in practice, and in the UK, the data is provided according to the number of victims referred through the National Referral Mechanism (NRM) or other sources. The different methods to obtain data are evidence of the hidden nature of the practice in the UK.

Nature of the Problem and Socio-Economic Considerations

It must be admitted that modern slavery is despicable in all its forms. The various forms of modern slavery are practiced in violation of the victims' rights. It is reported that modern slavery makes 150 billion dollars in illegal profits every year, making modern slavery the second largest international crime [21]. Looking at the various types of modern slavery, it is evident that economic considerations are key elements in the process.

Individuals and corporations are in the pursuit of financial gains or profits[22]. It is observed that the economic desperation of people in most of Nigeria has resulted in family members being willing participants in the illegal trafficking of children from Edo State in Nigeria to neighbouring country Niger, where children are sold. It is also reported that traffickers often buy 'wholesale', referring to children, from connecting houses in Niger, where a boy may cost N450,000 (\$1,242), while a girl will cost N400,000 (\$1,104). It is not uncommon for a trafficked person to have multiple owners [23]. Poverty is so rampant in developing countries such as Nigeria that parents are often led to send their children to work. Girls are even considered a burden, and this perception often led parents to sell their daughters as domestic slaves to wealthy families for cash. One of the legal issues is that the young girls do not have a birth certificate, so they cannot prove their legal identity.

Working conditions are generally difficult and affect children's health: physical and moral exhaustion and recurring pain due to difficult and too heavy household chores. There is also a risk of early pregnancy and infections such as HIV due to sexual violence. The evaluation of legal and policy frameworks, as well as institutional mechanisms, is essential.

Evaluation of the Legal, Policy and Institutional Frameworks

Existing laws and policies in Nigeria and the UK

Modern slavery and all related practices are, without a doubt, practices that violate fundamental human rights [24]. They are criminal and hence prohibited by law. The intervention of laws and policies is significant because it is intended to prohibit certain activities. In any case, law and policy are considered part of the solution for eradicating modern slavery in both Nigeria and the UK.

Law and policy responses to social phenomenon among other are key in all endeavours to eradicate the phenomenon of modern slavery in both Nigeria and the United Kingdom.

An attempt to perceive the efficacy of law and policies related to modern slavery led Craig to the observation that 'Modern slavery, in the form of labour exploitation, domestic servitude, sexual trafficking, child labour and cannabis farming, is still growing in the UK and industrialised countries, despite the enactment of laws to try to stem it' [25]. It cannot be said that these laws and policies were not drafted in accordance with the realities on the ground. However, some situations impede effective enforcement, thus making the laws inefficient. Examining the legal and policy frameworks set in both Nigeria and the UK, it is revealed that authorities have responded adequately. Their responses to the problems, although prompted by growing criticism, were more reliant on the obligation to domesticate international legal instruments such as the Palermo protocol. The Palermo protocol is the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children [26]. The ratification of the international legal

²⁰ See the Office for National Statistics, 'Modern Slavery in the UK: March 2020. Available at <<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/modernslaveryintheuk/march202>> accessed 24 January 2022.

²¹ See MBA Central, 'The Business of Modern-day Slavery'. Available at <<https://www.mbacentral.org/business-modern-day-slavery/>> accessed 26 January 2022.

²² Andrew Crane, 'Confronting the Business Models of Modern Slavery' (2021) *Journal of Management Inquiry* 1, 22.

²³ See The All-Party Partnership Group Nigeria, 'Human Trafficking Between Nigeria and the UK: Addressing a Shared Challenge'. Available at <<https://www.chathamhouse.org/sites/default/files/publications/research/Nigeria%20APPG%20Report%20-%20Human%20Trafficking.pdf>> accessed 25 January 2022.

²⁴ V Gyurác, 'Domestic servitude and ritual slavery in West Africa from a human rights perspective' (2017) 17 *African Human Rights Law Journal* 89, 113.

²⁵ See Gary Craig, *The Modern Slavery Agenda* (Policy Press. 2019).

²⁶ See United Nations Human Rights Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: Adopted and opened for signature, ratification,

instruments meets the requirement of the international community to fight modern slavery and related issues not only at the national level but also at the global level because modern slavery is also a global problem.

In the UK, a research report from the Office of the Independent Anti-Slavery Commissioner indicated that there had been some response to modern slavery in the UK [27]. The responses are the continuous monitoring and evaluation of current responses to modern slavery, including within law enforcement, support services and reintegration, the continuous examination and learning from international interventions that have been developed in victims' countries of origin, the continuous research into the mechanisms that facilitate the recruitment, trafficking, and exploitation, the continuous monitoring, evaluation intervention and responses by businesses in their efforts to comply with the Modern Slavery Act 2015. In light of these responses, it can be said that the UK has made significant efforts to address the issues [28].

In terms of continued policy responses in 2019, following the UK Government's investment of £10 million, the Modern Slavery Policy and Evidence Centre was launched to transform the UK's understanding of modern slavery by bringing together academics, businesses and charities to drive forward new studies, share knowledge and improve collaboration both at home and overseas to further strengthen the UK's response to modern slavery [29].

In Nigeria, the Trafficking in Persons (Prohibition), Enforcement and Administration Act passed in 2015 introduced further penalties for offenders and criminalised the employment of children under 12 in domestic labour. Indeed, the Trafficking in Persons Law Enforcement and Administration Act criminalised labour and sex trafficking and prescribed a minimum penalty of five years imprisonment and one million naira (\$2,790) for both sex and labour trafficking; the minimum penalty for sex trafficking increased to seven years imprisonment if the case involved a child. It is understood that trafficking remains one of the significant underpinning activities of modern slavery. In trafficking, it is evident that children and other vulnerable persons are the most targeted. The safeguarding of these vulnerable people is, in principle, ensured through laws and policies. However, the recurring problem is that despite the coherent and robust wording of the provisions, there are often challenges that lead to questioning the efficacy of the laws.

Notwithstanding the tough nature of the 2005 law, the Nigerian authorities pushed for another amendment. This time, the 2005 version of the Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act was repealed, and then the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015 was enacted. As indicated previously, the 2015 version seeks to deal with the phenomenon of human trafficking once for all in Nigeria. Hence, the minimum of seven years imprisonment or a minimum fine of N1 million (\$3,172.090) for offenders was imposed instead of the five years jail term or a fine of not less than N1 million (\$3,172.090).

Institutional Frameworks in Nigeria and the UK

It is worth noting that in the United Kingdom, the Modern Slavery Act 2015 introduced a 'duty to notify' provision, which requires specified public bodies, including the police, the National Crime Agency (NCA), and local authorities, to report to the government all potential adult victims of modern slavery encountered in England and Wales. Also, since the enactment of the Modern Slavery Act 2015, British companies over a specific size have been required to report on slavery in their supply chain [30].

As part of the institutional mechanism in place to fight modern slavery, the 2019 UK Annual Report on Modern Slavery reports that the Crown Prosecution Service (CPS) has 14 regional Complex Case Units across England and Wales that work closely with local police forces, providing early investigative, charging and prosecution advice in cases where modern slavery offences have been investigated and referred by law enforcement agencies. The report also indicates that in the same year, the CPS has continued to deliver high-quality training to the prosecutors who have responsibility for dealing with these cases, that the training has covered the latest legal developments and prosecution

and accession by General Assembly resolution 55/25 of 15 November 2000. Available at <<https://www.osce.org/files/f/documents/5/c/19223.pdf>> accessed 18 January 2022.

²⁷ See Independent Anti-Slavery Commissioner Annual Report 2020-2021 Presented to Parliament pursuant to Section 42 (10) (b) of the Modern Slavery Act 2015 July 2021. Available at <<https://www.antislaverycommissioner.co.uk/media/1642/independent-anti-slavery-commissioner-annual-report-2020-2021.pdf>> accessed 22 January 2022.

²⁸ *ibid.*

²⁹ See HM Government, '2021 Annual Report on Modern Slavery'. Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/927111/FINAL-2020_Modern_Slavery_Report_14-10-20.pdf accessed 15 January 2022.

³⁰ *ibid.*

best practices to develop expertise and build further resilience in all CPS areas, as well as the statutory defence for suspects who might be victims [31].

In Nigeria, efforts have been made to combat modern slavery through institutions and structures. For example, the Department of Child Development addresses one of the corollaries of modern slavery in the Ministry of Women Affairs and Social Development (MWASD), which is the main body responsible for the protection of child rights, alongside the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), which was established in 2003 to fight against the trafficking of persons within and across Nigeria's borders.

Challenges to the Implementation and Enforcement of the Laws

Findings

Although the causes of modern slavery in Nigeria are said to derive from poverty, preference for labourers and provision for sex industries, which are usually based on the will of individuals, are factors such as emergency and natural disasters or conflicts that put families in precarious situations. These situations exacerbate the vulnerability of children, especially girls, and lead to criminality against children and the violation of existing laws.

The urgency of the situation is in such a way that children are not required to give consent to an NRM referral because it is expected that all identified potential child victims will be referred to the NRM and thus are not subject to the duty to notify. As to the Nigerian context, progress has been made with the Department of Child Development in the Ministry of Women Affairs and Social Development (MWASD) and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) mechanisms. Indeed, in 2015, the NAPTIP, under the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 (TIP Act), was authorised to investigate and prosecute cases related to SEC and all its manifestations. However, both structures lack human and financial resources [32].

Although mechanisms are put in place, there are often situations that expose the predicament of victims of modern slavery, especially in the UK. It must be understood that, above all, the question of modern slavery encompasses fundamental human rights questions. As such, it could be paradoxical in a society in which law and human rights values are highly placed. This observation is relevant because, according to a recent observation made by the non-governmental organisation, Anti-Slavery, reads that the UK Home Office told a woman who was trafficked into Britain at the age of three and sexually exploited for decades that she was in the UK illegally, even though she did not even know from where she was trafficked. Also, extremely vulnerable Chinese women who were trafficked to the UK were often sent there with no legal representation or access to medical care. It is also found that a man, sold into slavery at the age of three in his native Ghana and then trafficked into the UK, was told he would be deported back to the country where all he knew were his captors. These stories show how the UK treats people who fall victim to modern slavery. Unfortunately, similar stories are heard daily. They show a deeply unjust bureaucratic system that is hostile to modern slavery survivors—the ones it is meant to support.

Furthermore, it is about to get worse. Currently, people who are suspected to be victims of slavery are referred to and supported by the National Referral Mechanism (NRM), a system specially created to support victims of slavery, while the Home Office decides their cases.³³ Nigeria is the fourth largest source of human trafficking to the UK, and the International Organisation for Migration estimates that approximately 80% of girls arriving in Europe from Nigeria through irregular migration are potential victims of trafficking for sexual exploitation [34].

Actions

Actions against modern slavery in Nigeria and the UK are concerned with the fight against the practice in all its forms. This means that all related practices are fought in accordance with their specific nature and magnitude. For example, human trafficking in general and child trafficking, in particular, is dealt with as a phenomenon that makes

³¹See Home Office: Modern Slavery Unit, '2019 UK Annual Report on Modern Slavery'. Available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840059/Modern_Slavery_Report_2019.pdf> accessed 15 January 2022.

³²See African Centre for Advocacy and Human Development (ACAHD, 'Sexual Exploitation of Children in Nigeria Submission 15 February 2020 for the Universal Periodic Review of the human rights situation in Nigeria'. Available at <<https://www.african-advocacygrp.org/wp-content/uploads/2020/10/ACAHD-PERIODICAL-REVIEW-OF-SEXUAL-EXPLOITATION-OF-CHILDREN-IN-NIGERIA.pdf>> accessed 24 January 2022.

³³ See Anti-Slavery, 'Slavery Victims face a hostile bureaucratic system'. Available at <https://www.antislavery.org/slavery-victims-face-a-hostile-system-we-must-protect-them-better/?gclid=EAIaIQobChMI9bSx6-aZ5wIVmLPtCh3srw2wEAAYASAAEgLLZPD_BwE> accessed 10 January 2022.

³⁴ See Gov.UK, 'UK Cracks down on modern slavery in Nigeria'. Available at <<https://www.gov.uk/government/news/uk-cracks-down-on-modern-slavery-in-nigeria>> accessed 17 January 2022.

modern slavery thrive in both Nigeria and the UK. This also explains the fact that there are often specific laws and policies intended at eradicating the related phenomena. Actions against modern slavery are generally concerned with law enforcement, prosecution, campaigns and other activities that pertain to the plan to eradicate modern slavery. In the UK Home Office report, it was indicated that in 2019, one of the largest modern slavery cases ever brought to trial in Europe (Operation Fort) concluded that following a complex and lengthy investigation led by West Midlands Police, the criminal gang responsible was brought to justice, and the victims safeguarded. The criminal gang responsible trafficked over 400 potential victims from Poland to the UK for forced labour [35].

In terms of actions undertaken by the UK government is the backing of an advertising campaign urging Nigerian women and girls to find jobs at home instead of risking a life of modern slavery” in Britain. Also, posters were to be placed in schools, churches and marketplaces in an attempt to reduce human trafficking, sexual exploitation and forced labour. The campaign focuses on aspirational stories of women who have established successful careers in Nigeria”, according to the Department for International Development. The Not for Sale campaign is supported by UK aid and involves the National Crime Agency and the UK’s Joint Border Task Force, and Nigerian law enforcement.

Action against social phenomena is countless. However, the expected goals often prove difficult to attain. This appears to be the case for modern slavery in light of the current state of affairs. Action is recommended even at the international level to trigger national-level processes leading to the total eradication of modern slavery and all related practices. Among the core international human rights instruments, the United Nations Convention on the Rights of the Child [36] remains the most complete legal framework concerning child rights [37]. Child trafficking appears to be the principal factor in the dynamics of child labour in Nigeria and modern slavery in the UK. Thus, Article 35 of the Convention stipulates the requirement for states to take all measures necessary to eliminate child trafficking [38].

Indeed, the noticeable worldwide efforts through increasing legislative activities of the leading international organisations to eradicate all forms of modern slavery appear to have less impact on the present state of affairs concerning child trafficking and labour practices [39]. Thus, various challenges marring the way to a complete abolition raise the question as to whether legislating could be the only approach to the issue of modern slavery? In the context of increased action against modern slavery, the UK Home Secretary Ms Patel, during a joint visit to Nigeria alongside the then Foreign Secretary and the current Prime Minister Boris Johnson, raised the issue of trafficking at the highest levels in government and challenged the political and cultural acceptance of modern slavery, a trade which earns more for criminals around the world than any other, apart from the illegal drug trade.

Nigeria has a very strong partnership with the UK in the area of cooperation on modern slavery. It is reported that modern-day slavery costs the UK £4.3billion a year in terms of policing at home and abroad and victim care and rehabilitation. Nigeria is estimated to have over 1.3 million slaves, and in 2017, Nigerian nationals were the fifth largest group of victims referred to the UK’s National Referral Mechanism. The UK pledged to invest a further 6 million pounds in the Stamping Out Slavery in Nigeria (SOSIN) programme to support NGOs and Nigerian government agencies to strengthen their slavery prevention work. Working in partnership with Edo State, UK aid will enhance slavery prevention schemes through targeted public information campaigns, education programmes and innovative research [40].

Challenges in Nigeria and the UK

In a context where human rights are not respected, it would have been difficult to focus on children’s rights. The debate about the status of the child in society in Nigeria has heated up with the issue of child trafficking and various child abuses in the country. Based on the idea that each culture is valued in a specific environment, child trafficking could be seen as a practice suitable to some traditional communities in Nigeria. Hence, from a cultural perspective, sending a child to a place to work as a domestic or farm worker is not immoral or illegal.

³⁵See Home Office: Modern Slavery Unit, ‘2019 UK Annual Report on Modern Slavery’. Available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840059/Modern_Slavery_Report_2019.pdf> accessed 15 January 2022.

³⁶ Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with article 49.

³⁷ It is observed that some lacunae in the substantive ambit of the CRC have been filled by two optional protocols. See Frans Viljoen, ‘International Human Rights Law in Africa’ (Oxford University Press, Oxford 2012) 133.

³⁸ Article 35: ‘States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form’.

³⁹ See Franziska Humbert, ‘The Challenge of Child Labour in International Law’ (Cambridge University Press, Cambridge 2009) 31, 34.

⁴⁰ See Gov.UK, ‘UK aid to stop modern slavery in Nigeria’ Available at <<https://www.gov.uk/government/news/uk-aid-to-stop-modern-slavery-in-nigeria>> accessed 16 January 2022.

There is a gap between the law and policymaking process and the management of deeply rooted societal facts. As underscored by Ume-Ezeoke, the ineffectiveness of societal norms and values weakened family nets, and ignorant parents are among other issues that are often undervalued by policy and lawmakers. Indeed, issues such as low levels of education, inadequate training and employment opportunities create a strong desire to migrate in search of economic and social wellbeing. Moreover, as with trafficking, the erroneous belief of victims that the streets of most European countries and America are laced with euro's and dollars makes matters more complicated. It is worth noting that successive amendments of the trafficking laws and reforms of the NAPTIP mechanisms reveal that human trafficking is a very challenging issue not only for the government but also for law enforcement agencies. Also, the state of child trafficking in Nigeria has not improved despite the creation of the Public Enlightenment Department under NAPTIP and two amendments to the human trafficking law.

Some socio-economic realities, as well as traditional perceptions, are critical challenges to law enforcement. Due to the scarcity of resources, poor parents make decisions concerning the education and care of their children in which the children have no chance of expressing an opinion. These involve fostering arrangements for children between parents who cannot support their children and relatives who assist in caring for their children [41]. Indeed, peasants often stress the economic utility of their children in activities around the home and the family farm. They also speak of the economic difficulties they would encounter with fewer offspring, among other challenges that need to be considered as hindering law enforcement.

CONCLUSION

Modern slavery is seen as the most despicable practice in the 21st century after the slave trade that took place in the previous centuries. In recent years, modern slavery has become a serious matter of concern. The problem is so rampant in Nigeria and the United Kingdom that it was necessary to undertake a comparative analysis to unveil the similarities and differences as well as common strategies put in place by the two countries to eradicate modern slavery. The evaluation of the legal and institutional environment of both Nigeria and the UK shows that there are adequate laws, policies and institutions to address the lingering problem. However, the complexity of the phenomenon constitutes a real challenge for the eradication of modern slavery. Although each country has its own challenges, the violation of victims' human rights is the core issue underpinning modern slavery. The United Kingdom and Nigeria have decided to work together to eradicate modern slavery in all its forms. Indeed, the United Kingdom is fighting this problem by investing a considerable amount of money to ensure that laws and policies are implemented and enforced effectively.

⁴¹ See Chuma Himonga, 'The Rights of the Child to Participate in Decision Making: A perspective from Zambia' in Welsham Ncube (ed) 'Law, Culture, Traditions and Children's Rights in Eastern and Southern Africa' (Ashgate-Dartmouth, Aldershot 1998) 121.