
A COMPARATIVE ANALYSIS OF VICTIM PROTECTION PROVISIONS UNDER THE PALERMO PROTOCOL AND NIGERIA'S TRAFFICKING IN PERSONS (PROHIBITION) ENFORCEMENT AND ADMINISTRATION ACT, 2015

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ABSTRACT

Trafficking in persons (commonly referred to as human trafficking) is a global criminal activity afflicting millions of victims worldwide. It is a species of transnational organized crime. It is both an international crime and a transnational crime. The end of the Cold War saw to the relaxation of travel restrictions in the former Communist Bloc and liberalization of international travel. This, in turn, resulted to the rise of transnational crimes including trafficking in persons. The international community responded by adopting the United Nations Convention against Transnational Organized Crime (General Assembly Resolution 55/25) in November 2000. The Convention was accompanied by three supplementary protocols one of which is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the Convention against Transnational Organized Crime. This protocol is commonly called the Palermo Protocol. Although the Convention and its Protocols are essentially criminal law-focused instruments, they have made some provisions for victim protection. Nigeria domesticated the Convention and enacted the Trafficking in Persons (Prohibition) Enforcement and Administration Act (TIPPEA) to give effect to its international obligations under Resolution 55/25 and the Palermo Protocol. The TIPPEA is also a criminal statute but makes some provisions for victim protection too. The objective of this paper is to compare the Palermo Protocol's approach to victim protection vis-à-vis the TIPPEA. The paper uses the doctrinal methodology in its research. The paper consults primary sources like statutes and subsidiary legislations as well as secondary sources like scholarly articles and media reports. The paper finds that the Palermo Protocol and the TIPPEA share some similarities in relation to victim protection. The areas of similarity include the provisions in both instruments on non-discrimination of victims, provision of health services,

shelter, legal aid and consular services to victims of human trafficking, non-detention or prosecution of victims among many other victim relief provisions. The paper also finds significant differences between the Palermo Protocol and the TIPPEA. They include the creation by the TIPPEA of specific crimes and punishment for various forms of human trafficking and the Victim of Trafficking Trust Fund (VTTF) both of which are absent in the Palermo Protocol. The paper makes salient recommendations aimed at further promoting and protecting the interests of victims of human trafficking the principal of which recommendations is the call for the establishment of a non-conviction-based victim compensation and reparation system in Nigeria.

Keywords: Human trafficking, Palermo Protocol, Victim Protection, TIPPEA.

1.0 INTRODUCTION:

Trafficking in persons (TIP) or human trafficking as it is colloquially called is a species of crime of serious concern to the international community as a whole. It is endemic in many parts of the world including the West African sub-region of which Nigeria forms a part. It is a crime which effect is felt on a global scale. The exact number of victims of TIP worldwide is still unknown but estimates vary depending on the source of the data used.¹ Some data sources put the number of people living in slavery and servitude worldwide at 49.6 million people.² The International Labour Organization (ILO) estimated that some 27.9 million people were engaged in forced labour in 2021³

TIP can take place entirely within the territory of a single country and sometimes occurs across national frontiers thereby involving more than one national jurisdiction making some form of international cooperation necessary in order to successfully tackle it. The international community in the 1990s saw the need for adopting common stance against transnational TIP. This realization led to the adoption by the United Nations' General Assembly of the United Nations Convention against Transnational Organized Crime (General Assembly Resolution 55/25) in November 2000. The Convention has three supplementary protocols including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

¹ *Stop the Traffik, Definition and Scale*, (March 3, 2026, 6:30pm), <https://stopthetraffik.org/what-is-human-trafficking/definition-and-scale/>

² *supra*

³ ILO, *Understanding the scale of human trafficking for forced labour*, (March 3, 2026, 6:30pm), <https://ilostat.ilo.org/blog/understanding->

Children, supplementing the United Nations Convention against Transnational Organized Crime. This supplementary protocol is what is commonly called the Palermo Protocol.

The Convention and its protocols deal primarily with transnational organized crimes necessitating the enactment of their municipal counterparts to domesticate their provisions within the States Parties. In Nigeria, the Trafficking in Persons (Prohibition) Enforcement and Administration Act (TIPPEA) was enacted in 2003 and re-enacted in 2015 to give effect to Nigeria's obligations under the Palermo Protocol.

Although both the Palermo Protocol and the TIPPEA are primarily anti-crime legislations, they have made provisions for victim protection and civil remediation of damages suffered by the victim from their trafficking experiences. This paper conducts a comparative analysis of the victim protection provisions of the Palermo Protocol and the TIPPEA. The paper is presented in six parts including this introduction which forms the first part. The second and third parts comprise a discussion of the meaning of TIP and an overview of the Palermo Protocol and its victim protection provisions, respectively. The fourth part is a discourse of victim protection under the TIPPEA while the fifth part compares and contrasts the victim protection provisions of the Palermo Protocol and the TIPPEA. The sixth part is the conclusion.

2.0 MEANING OF TRAFFICKING IN PERSONS:

TIP (in this paper used interchangeably with “human trafficking”) is a class of human exploitation that seeks to benefit from the vulnerability of others. Its definition differs from one authority to another. For example, Sean Byrne offers a lay definition of human trafficking thus: “the use of force and/or coercion to compel individuals to perform labour or sex acts.”⁴ The Oxford Advanced Learner's Dictionary proffers another lay definition of human trafficking as “the crime of illegally transporting people across international borders, especially for the sex trade or other forms of forced labour.”

More technical definitions can be found in statutes and other formal documents. For example, the TIPPEA defines it as “All acts and attempted acts involved in the recruitment, transportation within or across Nigerian borders, purchases, sales, transfer, receipt or harbouring of a person involving the use of force, deception, coercion, or debt bondage for the

⁴ Sean Byrne, *Human Trafficking: An Enduring Problem*, (Routledge Taylor & Francis Group), (February 29, 2026, 2:pm) <https://www.tandfonline.com/doi/epdf/10.1080/15564886.2025.2528884?needAccess=true>

purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in forced or bonded labour, or in slavery like condition.”⁵

However, the globally accepted definition is the one provided by Article 3 of the Palermo Protocol which defines TIP as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” The two formal definitions contained in the TIPPEA and the Palermo Protocol are sufficient for the purpose of this paper.

Notwithstanding the definition adopted, one common thread runs through the concept of human trafficking which is that it invariably involves the exploitation of the vulnerability of the victim.⁶ There are three elements of TIP under the Palermo Protocol definition. The first is the “Act.” This is the physical activity of recruiting, transportation, transfer, harbouring or receipt of persons. The second element is the “means” which is the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person. The third element of trafficking is the “purpose” i.e. exploitation.⁷

TIP takes two forms. It can occur wholly within the confines of the borders of a country. This is internal trafficking. It can also take the form of the transportation of persons across international borders which is known as external or transnational trafficking. The Palermo Protocol concerns itself with transnational trafficking. The TIPPEA is broader in scope than the Palermo Protocol in that it addresses both internal and transnational TIP. The Palermo Protocol creates obligations for states with regard to counter-trafficking measures while the

⁵ Section 82 of the Trafficking in Persons (Prohibition) Enforcement and Administration Act (TIPPEAA) 2015

⁶ Deanna Longjohn, *Four Dimension of Human Trafficking Prevention*, (Journal of Global Justice and Public Policy), (March 5, 2026, 9:am) <https://jgipp.regent.edu/four-dimensions-of-human-trafficking-prevention/>

⁷ Jacqueline Bhabha, *Human Trafficking-An Organized Crime Challenge in Contemporary Latin America*, (ReVista Harvard Review of Latin America, (April 28, 2012), March 3, 2026, 10am) <https://revista.drclas.harvard.edu/human-trafficking/>

TIPPEA provides the details on the implementation of those obligations.

Unlike the Palermo Protocol, the TIPPEA does not include organ harvesting in the definition of human trafficking although it is a crime under it.⁸ The Palermo Protocol defines TIP in general terms with broad references to slavery and organ harvesting while the TIPPEA's definition of TIP is reflective of some Nigerian culture-specific aspects of TIP like debt-bondage, bonded labour and domestic servitude.

3.0 OVERVIEW OF THE PALEMO PROTOCOL AND ITS VICTIM PROTECTION PROVISIONS:

The Palermo Protocol is a significant milestone in the world's response to the scourge of human trafficking. It is the first legally binding instrument with an internationally accepted definition of human trafficking.⁹ It has become the global standard legal definition of human trafficking which has influenced law enforcement and other anti-trafficking laws around the world.¹⁰ The Palermo Protocol is one of the most accepted and acceded to treaties in the world. As at March 2025, there were 182 States Parties to the Palermo Protocol.¹¹

The Palermo Protocol is anchored on three pillars, namely prevention, prosecution and protection.¹² The prevention aspect of the Palermo Protocol deals with the obligation of states to emplace measures mostly through law enforcement to prevent acts of trafficking within or across their borders.¹³ The second pillar (i.e. prosecution) requires states parties to criminalize the acts that constitute TIP as defined in Article 3 of the Palermo Protocol.¹⁴ In this wise, States Parties cooperate with each other to extradite traffickers to the appropriate jurisdictions for purposes of prosecution. In Article 5 (2) (a)-(c), States Parties are further required to criminalize attempts to commit acts of TIP, being accomplices to TIP and organizing and directing the commission of TIP within their territory. This implies the investigation, arrest and prosecution of persons involved in these activities by the legal and law enforcement machinery

⁸ Section 20 TPPEA

⁹ UNODC, *Trafficking in Persons Protocol*, (March 3, 2026, 2:pm) <https://www.unodc.org/unodc/en/human-trafficking/protocol.html>

¹⁰ La Strata International, *Palermo Protocol: 25 Years on, the Fight Goes on*, (March 3, 2026, 2:pm) <https://www.lastradainternational.org/news/palermo-protocol-25-years-on-the-fight-goes-on/>

¹¹ UNODC, *Supra* note 9

¹² Hannah Lyons, *Human Trafficking: An Examination of Policies and the Impact of Trafficking on Victims*, (Research Journal of Justice Studies and Forensic Science), P.10, (March 2, 2026, 3:45pm) <https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=1142&context=themis>

¹³ Article 9 Palermo Protocol

¹⁴ Article 5 (1), Palermo Protocol

of States Parties. The third pillar of the Palermo Protocol covers the protection of victims of trafficking.¹⁵ States Parties are enjoined to shield victims of trafficking from stigmatization, re-victimization and where appropriate facilitate their safe passage to places of safety.

The Palermo Protocol comprises twenty articles divided into four major parts. Articles 1-5 are the general or introductory provisions. Articles 6 and 7 form the second part dealing with victim protection. Articles 9-12 address issues of international cooperation and preventive measures against transnational trafficking. Articles 13-20 make up the concluding provisions.

With reference to victim protection, Articles 6, 7 and 8 are relevant provisions for consideration. The Palermo Protocol is silent on the definition of “victim” leaving the meaning of that term to be gleaned from external sources. One such external source is Article 1 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Declaration of Basic Principles) (General Assembly resolution 40/34), which defines 'victims' as 'persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those proscribing criminal abuse of power.’’

Article 2 of the Declaration provides that a person may be considered to be a victim even in the absence of the identification, arrest, prosecution or conviction of the perpetrator and irrespective of the familial relationship with the perpetrator. It also extends the meaning of victim to accommodate members of the direct victim’s immediate family or dependents or persons who suffer harm while intervening to assist victims in distress or to prevent victimization.

In the context of TIP, victims may be regarded as persons who have been the objects of any of the acts that constitute TIP. But that is merely a simplistic definition. Other factors are taken into consideration in the determination of victimization. According to Dr. Alexis Aronowitz, victimization in the context of human trafficking involves self-acknowledgement of their victimization by the victims.¹⁶ Where the victims deny their status, especially where they are adults, the status of ‘victim’ should not be imposed on them by fiat. Another scholar has

¹⁵ Article 6 Palermo Protocol

¹⁶ Alexis A. Aronowitz, *Victims of Human Trafficking: A complex Issue, Dossier of Analysis: Human Trafficking*, (2015), Global Initiative against Transnational Organized Crime, (March 3, 2026, 2:40pm) <https://globalinitiative.net/profile/alexis-a-aronowitz/>

developed some criteria for the determination of victimization. According to Srikantiah, to qualify as victim, a person should satisfy the following conditions:

- (i) Female and must be trafficked for sexual exploitation;
- (ii) assessed to be good witnesses by law enforcement;
- (iii) fully cooperative with law enforcement investigations; and
- (iv) rescued from the traffickers rather than escaping.¹⁷

It should be noted that the criteria for the determination of victimization propounded by Srikantiah do not find support from the clear wording of the Palermo Protocol and several other statutes derived from it.

The victim protection arrangement in the Palermo Protocol can be discussed under three distinct sub-heads i.e. the general obligation of States Parties to protect victims of trafficking within their borders;¹⁸ victim protection in asylum situations¹⁹ and victim protection in cases of repatriation.²⁰

Article 6 of the Palermo Protocol provides for States Parties obligations to assist and protect victims of trafficking within their territories. It creates specific obligations for States Parties subject to their ability. These include:

1. Protection of the privacy and identity of victims of TIP, including ensuring the confidentiality of legal proceedings relating to such victims.²¹
2. Provision to victims, in appropriate cases, of: information on relevant court and administrative proceedings as well as assistance to participate in such relevant proceedings without prejudice to the rights of the defence.²²

¹⁷ Jayashri Shrikantiah, *Perfect Victims and Real Survivors : The Iconic Victim in Domestic Human Trafficking Law*, (Vol. 87, Boston University Law Review), (March 2, 2026, 5:pm) <https://www.bu.edu/law/journals-archive/bulr/volume87n1/documents/SRIKANTIAHV.2.pdf>

¹⁸ Article 6 Palermo Protocol

¹⁹ Article 7 Palermo Protocol

²⁰ Article 8 Palermo Protocol

²¹ Article 6 (1) Palermo Protocol

²² Article 6 (2) (a) and (b) Palermo Protocol.

3. Implementation of measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, the provision of:

(a) Appropriate housing;

(b) Counselling and information, in particular as regards their legal rights, in a language that the victims of TIP can understand;

(c) Medical, psychological and material assistance; and

(d) Employment, educational and training opportunities.²³

4. Provision for the physical safety of victims of trafficking in persons in their territory.²⁴

6. Legal arrangements to provide for victim compensation and reparation.²⁵

The second sub-head of victim protection framework under the Palermo Protocol deals with a situation where it is unsafe for victims of TIP to leave the territory of a State Party. Article 7 (1) of the Palermo Protocol provides as follows:

“In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.”

In all cases involving the question of whether or not to let victims of TIP remain on their territories, States Parties are enjoined to “give appropriate consideration to humanitarian and compassionate factors.”²⁶ The provision of Article 7 (1) of the Palermo Protocol on treatment of asylum seekers is a re-statement of the principle of non-refoulement under international refugee law which discourages the return of victims of rights abuses to places where they are likely to be re-victimized.²⁷

The third sub-head of victim protection in the Palermo Protocol is in the area of repatriation of

²³ Article 6 (3) Palermo Protocol

²⁴ Article 6 (5) Palermo Protocol

²⁵ Article 6 (6) Palermo Protocol

²⁶ Article 7 (2) Palermo Protocol

²⁷ Articles 6 and 9 (1) (b), Palermo Protocol

victims of trafficking. Article 8 of the Palermo Protocol lays down the basic principles or rules governing repatriation of victims of TIP. These principles can be summarized as follows:

1. All decisions pertaining to repatriation should be done with the safety of the victim as the primary consideration.²⁸
2. The State Party of which a victim of TIP is a national or in which the person had a right of permanent residence at the time of entry into the territory of the receiving State Party is obliged to facilitate and accept the return of that person without undue or unreasonable delay.²⁹ Therefore, a State Party cannot arbitrarily refuse or reject the return of its citizen or permanent resident who has been trafficked abroad.
3. Return of a victim of TIP to their State of nationality or where they have a right of permanent residency should preferably be voluntary.³⁰ Expulsion and other forms of forced repatriation is discouraged.
4. Where the victim of TIP is without proper travel documents, their State of nationality or where they have a right of permanent residency should issue the necessary travel documents to enable them re-enter its territory.³¹

In concluding this section of the paper, it is noteworthy that the Palermo Protocol does not create enforceable rights exercisable by victims of TIP. Rather it creates obligations for States Parties which, if domesticated can be enforced by victims of TIP through the municipal legal system of the relevant State Party. Thus, the realization of the ideals of the Palermo Protocol depends largely on the internal capacity and processes of each State Party.

4.0 OVERVIEW OF THE VICTIM PROTECTION PROVISIONS OF THE TIPPEA:

The TIPPEA represents part of Nigeria's effort to implement the provisions of the Palermo Protocol. Like the Palermo Protocol, its primary focus is crime (TIP) prevention, detection and punishment. However, it has also made some provisions for humane treatment of victims of TIP. The TIPPEA uses the term "trafficked person" in lieu of 'victim'³². However, the TIPPEA

²⁸ Article 8 (1) and (2) Palermo Protocol

²⁹ Article 8 (2) Palermo Protocol.

³⁰ Article 8 (3) Palermo Protocol

³¹ Article 8 (4) Palermo Protocol

³² Article 82 TIPPEA

defines “trafficked person” in a circuitous way to mean victim. Section 82 of the TIPPEA defines “trafficked persons” as “a victim of trafficking in persons”. This paper will stick with the commonly used terminology: “victim”.

There are several ways in which the TIPPEA provides for the protection of victims of TIP. These include:

- (i) **Non-Discrimination/Confidentiality:** Section 61 (1) of the TIPPEA provides that National Agency for Prohibition of Trafficking in Persons (NAPTIP), the agency responsible for the administration and implementation of the TIPPEA, shall ensure that “a trafficked person is not subjected to discriminatory treatment in practice on account of race, colour, gender, sex, age, language, religion, political or other opinion, cultural beliefs or practices, national ethnic or social origin, property, birth or other status, including his status as a victim of trafficking or having worked in the sex industry.”

Victims are to be protected from stigmatization on account of them having been trafficked. Thus, victims’ identity and proceedings relating to them are to be kept confidential.³³ It also places the duty of protecting and safeguarding victims and members of their families from threats, intimidation and reprisals from traffickers and their associates. The identities of victims of TIP should be redacted in public reports of proceedings concerning them.

- (ii) **Provision of Transit Shelter:** Where victims are rescued from traffickers, they are entitled to a temporary shelter. Section 64 of the TIPPEA provides for the provision of transit shelters for rescued victims of TIP. The transit shelters are to be run by NAPTIP and should provide protection, assistance, counselling, rehabilitation and training for the rescued victims preparatory to their reintegration into the society.
- (iii) **Criminal Immunity:** Section 62 of the TPPEA provides that victims of TIP shall not be detained or prosecuted for offences relating to being a victim of trafficking including non-possession of valid travel documents or use of false travel documents. Thus, victims of TIP are immune from criminal proceedings in relation to immigration offences like use of false passports or other travel documents.

³³ Section 50 (f) and (g) TPPEA

Equally, the fact that a person was trafficked cannot be a basis for detention or prosecution.

- (iv) **Victims of Trafficking Trust Fund:** Section 67 of TIPPEA creates the Victims of Trafficking Trust Fund (VTTF) into which shall be paid assets and proceeds of crimes under the TIPPEA. The VTTF is also funded by budgetary allocations, aids, grants, donations, gifts, etc. from the government, Non-Governmental Agencies (NGOs) donor agencies and the private sector. The VTTF is meant to be used to pay compensation, restitution and damages to victims of TIP and for other victim support services for victims of TIP.
- (v) **Provision of health services, Legal Aid/Consular Support:** Section 61 of the TIPPEA enjoins NAPTIP to ensure that a rescued victim of TIP has access to adequate health services and temporary residence visa during their stay in Nigeria pending the conclusion of any investigation or legal proceedings relating to their case. Section 63 (b) of the TPPEA provides that a victim of TIP shall be afforded assistance to present their views and for those views to be considered at appropriate stages of criminal proceedings against their traffickers. Section 61 (c) of TPPEA provides that victims of TIP be assisted to access the embassy or consulate offices of the country of their nationality or the diplomatic representative that takes charge of the state of the victim's diplomatic or consular affairs.
- (vi) **Compensation/Restitution:** Section 65 TIPPEA provides for the right to compensation or restitution of victims of TIP irrespective of their immigration status. The damages are to be assessed and paid out of the forfeited assets of their convicted traffickers. The compensation is meant to cover economic, physical and psychological damages suffered by the victim from the act of trafficking. In addition to compensation drawn from the forfeited assets of a convicted trafficker, a court can order the convict to pay compensation to their victims.
- (vii) **Civil action:** A victim of TIP retains the right to institute and maintain a civil action against his trafficker including any public officer who might have exploited his person. However, in computing the amount to be awarded as compensation the civil court shall take into consideration any prior compensation awarded by the criminal

court.³⁴

5.0 SIMILARITIES/DIFFERENCES OF VICTIM PROTECTION MECHANISMS UNDER THE PALERMO PROTOCOL AND THE TIPPEA:

There are several similarities and differences between the Palermo Protocol and the TIPPEA.

5.1 SIMILARITIES:

Both instruments are criminal statutes aimed at combatting TIP. They both seek to discourage and punish TIP whether internally or transnationally. With regard, to victim protection, the two laws do not provide a concise definition of “victim” of TIP. They merely make passing references to victim without providing an authoritative definition of the term. Both the Palermo Protocol and the TIPPEA recognize the right of victims of TIP to a number of remedies and protective measures. For example, both laws acknowledge the right of victims to privacy, confidentiality and stigma-free reintegration into the society.

The Palermo Protocol and the TIPPEA both provide for non-detention and immunity from prosecution of victims of TIP. The two instruments seek to save victims of TIP from being exposed to criminal liability on account of them having been trafficked. This position holds true even when the victims might have technically committed immigration offences such as travelling without valid travel documents or using false travel documents to travel.

Moreover, both the Palermo Protocol and the TIPPEA provide for the humane treatment of rescued victims of TIP including the provision of shelter, access to health services and shielding the victims from re-victimization. They also recognize the victims’ right to access consular services and legal aid. Also, both instruments provide for granting victims of TIP access to information pertaining to court and administrative proceeding relating to them.

Both the Palermo Protocol and the TIPPEA make provisions for ease of safe repatriation of victims of TIP. To this end, both instruments disavow unreasonable delays in the processing and issuance of travel documents to victims of TIP for purpose of their safe passage to their countries of nationality or permanent residency.

³⁴ Section 65 TIPPEA.

5.2 DIFFERENCES:

Although it is reasonable to surmise that the TIPPEA is premised on the general principles of the Palermo Protocol, there are glaring differences between the two laws stemming from their nature, subject and the objects each is directed at. The first point of divergence between the two laws is in their respective natures. The Palermo Protocol is an international treaty while the TIPPEA is a municipal legislation. The second difference between the two laws is that they are targeted at different classes of objects. While the Palermo protocol creates obligations aimed at sovereign States to implement within their borders, the TIPPEA is limited to Nigeria's internal counter-trafficking arrangements.

The Palermo Protocol does not create any crimes, but merely recommends conducts which States Parties should criminalize and penalize. But the TIPPEA creates specific crimes and attach penalties to them. Furthermore, the Palermo Protocol deals with transnational trafficking perpetrated by transnational organized criminal syndicates, the TIPPEA addresses both the activities of organized criminal gangs and individual criminals acting alone. The focus of the Palermo Protocol is transnational trafficking. But the scope of the TIPPEA is wider in that it covers both internal and cross border trafficking.

While the Palermo Protocol does not make the establishment of a Victim of Trafficking Trust Fund obligatory on States Parties, the TIPPEA has created the VTTF and provided for its funding and management in mandatory terms. The creation of the VTTF is a home-made innovation by the TIPPEA to assuage the pains of the victims of TIP resulting from their experience.

5.3 RECOMMENDATIONS:

Although both the Palermo Protocol and the TIPPEA make some provisions for victim protection, they are primarily fixated on perpetrator punishment. The focus on retribution relegates victim compensation to a secondary consideration. It is therefore suggested that the TIPPEA be amended to further provide for a more comprehensive and detailed victim-centred approach to combatting human trafficking.

This can be done through the introduction of a non-conviction-based reparation system that would not involve the regular court system. An administrative body should be established

either in NAPTIP or elsewhere with powers to award compensation against perpetrators of human trafficking who opt to settle out of court with their victims. The proceedings of the administrative body should focus more on victim compensation and remediation than on perpetrator retribution. Where the perpetrator successfully compounds with and adequately compensates the victim, the record of such administrative proceedings should operate as a bar against future prosecution for the same offence.

Moreover, NAPTIP should be given the jurisdiction to commandeer all national assets stationed abroad for the purpose of the rescue, repatriation and rehabilitation of Nigerian victims of transnational human trafficking. To this end, assets of agencies like the Nigerians in Diaspora Commission (NIDCOM), the Nigerian Immigration Service and intelligence agents in Nigerian embassies abroad should be placed at the disposal of NAPTIP for the rescue and repatriation of victims of human trafficking.

Victim support programmes should not terminate with the conclusion of a rehabilitation programme of victims. Rather a monitoring or follow-up system should be introduced to ensure the provision of continued support and evaluation of victim rehabilitation progress over an extended length of time. This will prevent re-victimization.

Public enlightenment campaigns should be embarked upon to educate the public on the acceptable standard of treatment of victims of human trafficking by the society. The public should be sensitized to the importance of non-discrimination and non-stigmatization of victims of human trafficking. If such public enlightenment programmes should fail to achieve the intended outcomes, the legislature should consider criminalizing such discriminating behaviours as hate crimes.

Finally, in appropriate cases and with due regard to their safety, victims should be used as vital sources of intelligence on activities of traffickers and paid competitive remuneration for credible intelligence obtained from them. This would transform them from victims to partners in the counter-trafficking effort and contribute significantly to containing human trafficking and associated crimes linked to it.

6.0 CONCLUSION:

Human trafficking is a crime that affects a large cross section of vulnerable people across the

world. The international community has introduced some measures to combat the menace. The United Nations Convention against Transnational Organized Crime (General Assembly Resolution 55/25) in November 2000 and the Palermo Protocol are the principal international instruments dedicated to the fight against human trafficking. Nigeria enacted the TIPPEA to give effect to the Palermo Protocol. The paper finds that the two enactments are similar in their drive to contain human trafficking. The paper finds that the TIPPEA is broader in scope and application than the Palermo Protocol. The paper has also made actionable recommendations for the effectual attainment of the aims and visions of the counter-trafficking campaigns.