AN APPRAISAL OF HUMAN RIGHTS AND CONTEMPORARY ENSLAVEMENT

BY

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ABSTRACT

Slavery is a relationship between two or more persons. It is a social and economic relationship with certain characteristics and rules. This paper appraises human rights and contemporary enslavement using judicial decisions and statutes.

Everyone has a right to live in freedom, but the bitter truth is that slavery is not a thing of the past. The fight against human trafficking must be global, slavery is usually used to exploit

someone in some kind of economic activity, enslaves another person just to be mean; people are enslaved to make a profit and money .

It was the findings of this paper that Slavery is unlawful in nearly every nation, and that means it is usually hidden from public knowledge. Slavery is a global problem, There are several campaigns,by intergovernmental organizations, and non-profit organizations that also have been directed toward researching and monitoring the existence of contemporary slavery. Contemporary slavery remains difficult to identify across international boundaries and cultures. Although, policies and international laws have been created, there has yet to be an effective method create to curb contemporary slavery, that are enforceable in international law . Accordingly, it was recommended amongst others that International governing body, should have the requisite political power over sovereign nations to properly enforce the international laws on contemporary slavery. There should greater global awareness of modern slavery. The fight against global slavery should be well funded, the prosecution and conviction rates for slavery offences must be intensified and increased. There must be adequate support for the victims, especially vetted support and monitored by responsible and accountable agencies, The various government, parliaments and courts must be pragmatic and proactive in fighting slavery worldwide. Problems of massive unemployment and poverty are to be combated by creating enabling environment for entrepreneurship so as to eliminate the tide of human trafficking. The government of different nations as well as their parliaments/legislatures should enact pragmatic laws in these areas and there should be more public enlightenment campaigns on human rights. The judiciaries in African nations must be proactive and do substantive judicial activism in promoting human rights in their judicial decisions in courts arising from enslavement.

Keywords: Slavery, Enslavement, Ownership, Human rights , Violence.

INTRODUCTION

Since the abolition of legal slavery in the nineteenth century, the word “slavery” has been used to describe many different things: prostitution, prison labor, even the sale of human organs. More than 300 international slavery treaties have been signed since 1815, but they rarely used the same definition. Before we can define “slavery,” we need to recognize the characteristics and conditions that make it what it is. Slavery is a relationship between two people. It is both a social and economic relationship and, like all relationships, it has certain characteristics and rules. The key characteristics of slavery are not about ownership but about how people are controlled. Throughout history, the core characteristic of slavery, whether it was legal or not, is violence. The slave master or slaveholder controls a slave by using or threatening violence. Slavery is about no choices at all, no control over your life, and a constant fear of violence. This is the key to slavery. Violence brings a person into slavery. Many people who become slaves are tricked into it. Many people, following a trail of lies, walk into enslavement, but what keeps them there is violence. Once enslaved, there are all sorts of ways that slaves are held in slavery—sometimes

it is the way the slave gives up and gives in to slavery, sometimes it is about the personal relationships that develop between slaves and slaveholders—but the essential ingredient is violence.[1]

Everyone has a right to live in freedom, but slavery is closer than we think. The uncommon truth is that slavery is not a thing of the past. Modern slavery and human trafficking is seen in the uncomfortable truth sewn into the clothes we wear, the debt bondage in the tea and coffee we drink, it is the secret inside the battery of the cell phones we all carry about. It is the silent but evident killer in the shrimp industry that the world consume daily. To examine the fight against human trafficking which cuts across the entire globe, we must examine the causes of the crisis in view of the fact that slavery was abolished by the British in 1807 when the British Parliament made it illegal for British ships to transport slaves and for British colonies to import them. Prior to this however in 1803, Denmark-Norway became the first country in Europe to ban the African slave trade, forbidden trading in slaves and ending importation of slaves into Danish dominions.[2]

The essential features of slavery is loss of free will; slaves are under the complete control of someone else. There is no other person, authority, or government the slave can turn to for protection. Slaves must do as they are told or they will suffer. Another one is that slavery is normally used to exploit someone in some kind of economic activity. No one enslaves another person just to be mean; people are enslaved to make a profit. Most slaveholders see themselves as normal business people. They have little interest in hurting anyone, in being cruel, or torturing people; it is just part of the job. Slavery is about money.

No one knows exactly how many slaves are in the world. Slavery is illegal in virtually every country, and that means it is usually hidden from view. But if we carefully review all the information available about slaves around the world, we can estimate that there are perhaps 27 million slaves alive today. Where are all these slaves? The biggest part of that 27 million, perhaps 15 to 20 million, is in India, Pakistan, and Nepal. Slavery is also concentrated in Southeast Asia, Northern and Western Africa, and parts of South America, but there are some slaves in almost every country in the world, including the United States, Japan, and many European countries. To put it in perspective, today's slave Background and History population is greater than the population of Canada and six times greater than the population of Israel. Slaves tend to be used in simple, non-technological, traditional work that feeds into local economies. The largest proportion works in agriculture. Other kinds of work include brick making, mining and quarrying, textiles, leather working, prostitution, gem working and jewelry making, cloth and carpet making, domestic service, forest clearing, charcoal making, and working in shops. Much of this work is aimed at local sale and consumption, but slave-made goods filter throughout the global economy. Carpets, fireworks, jewelry, metal goods, steel

[1] Kelvin Bale , *NEW SLAVERY* 2ND EDITION

[2] https://www.freetheslaves.net>slaves

(made with slave-produced charcoal), and foods like grains, rice, cocoa, and sugar are imported directly to North America and Europe after being produced using slave labor. [3]

DEFINITION OF SLAVERY

Slavery is a social and economic relationship in which a person is controlled through violence or its threat, paid nothing, and economically exploited. In some ways this is a narrow definition. It excludes many things that people have called "slavery" (like the selling of human organs), but it includes all those relationships that most people agree are slavery, and it is broad enough to include many kinds of slavery around the world. A definition that works for many different types of slavery is important because slavery, like all human relationships, changes over time. The main characteristic of slavery is control through violence, but that can take many forms. In those few places where old styles of slavery are still practiced, like Mauritania, there are long-term, often lifelong relationships between slave and master. In most countries, slavery is more short term and dangerous.

Slavery is an umbrella term for activities involved when one person obtains or holds another person in compelled service.[4]

Someone is in slavery if they are:

i. forced to work through mental or physical threat

ii. owned or controlled by an 'employer', usually through mental or physical abuse or the threat of abuse

iii. dehumanized, treated as a commodity or bought and sold as 'property'

iv. physically constrained or have restrictions placed on his/her freedom

The following definitions are encompassed within the term 'modern slavery' for the purposes of the Modern Slavery Act 2015.These are:

a. 'slavery' is where ownership is exercised over a person

b. 'servitude' involves the obligation to provide services imposed by coercion

c. 'forced or compulsory labour' involves work or service extracted from any person under the menace of a penalty and for which the person has not offered himself voluntarily

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[3] ibid

[44] Modern slavery/ modern slavery available at https://www.unseenuk.org/modern-slavery/modren slavery accessed 17th August 2023.

d. 'Human trafficking' concerns arranging or facilitating the travel of another with a view to exploiting them.

MODERN SLAVERY

How Slavery Changed into Its Modern Form There are three key factors in the emergence of this new kind of slavery. The first is the dramatic increase in world population since How Slavery Changed into Its Modern Form World War II, which has increased the supply of potential slaves. In a classic example of supply and demand, the increase in population has also driven down their price. Since 1945, the world population has tripled from about 2 billion people to over 6 billion. The greatest part of that increase has been in those countries where slavery is most prevalent today. In some of these countries, over half the population is under the age of fifteen. In countries that were already poor, the sheer weight of numbers sometimes overwhelms resources. Especially in those parts of the world where slavery still existed or had been practiced in the past, the population explosion increased the number of people who could be enslaved.

The second key factor is rapid social and economic change. This has been caused in part by the population explosion that created global conditions that make new forms of slavery possible. In many developing countries, the postcolonial period brought immense wealth to the elite and continued or increased the poverty of the majority of the population. Throughout Africa, Asia, and much of South America, the past fifty years has been scarred by civil war and the wholesale looting of resources by dictators, who were often supported by the powerful nations of Europe and North America. Countries with little to sell on the world market have been put deeply into debt to pay for the weapons the dictators needed in order to hold on to power.

Meanwhile,traditional ways of agricultural life and farming were sacrificed to concentrate on cash crops needed to pay off those foreign debts. As the world economy grew and became more global, it had a profound impact on people in the Global South and the small-scale farming that supported them. The shift from small scale farming to cash-crop agriculture, the loss of common land shared by all the people in a village, and government policies that pushed down farm income in favor of cheap food for city workers have all helped to bankrupt millions of peasants and drive them from their land. All across the Global South, the slums and shantytowns that surround big cities hold millions of these displaced people. They come to the cities in search of jobs but find they are competing with thousands of other people. With little income and no job security, they are powerless and very vulnerable. Some national and global policies and trends also threaten these vulnerable and displaced people. The United States government pays $19 billion annually to subsidize American farmers in the background. For example, it hands over $4 billion each year to cotton farmers in return for a crop that is valued at only $3 billion. This hits cotton farmers in Benin, Mali, Burkina Faso, and Togo—all countries with high levels of slavery and human trafficking. The European countries also pump money into the pockets of their own farmers, creating an unfair advantage on the world market. All this money pushes

down the price of crops, leaving the farmers in the Global South unable to compete and locked in poverty.

Although economic modernization may have good effects as well, particularly in improvements to health care and education, many developing countries concentrate on economic growth rather than on sustainable livelihoods for their people. While the rich people of the Global South grow richer, the poor have fewer and fewer options, and in the disruption that comes with rapid social change, slavery can become one of those options. The end of the Cold War and the ending of state control of the economy in the former Soviet Union also served to widen the opportunities for slavery. William Greider explained it well: One of the striking qualities of the post–Cold War globalization is how easily business and government in the capitalist democracies have abandoned the values they putatively espoused for forty years during the struggle against communism—individual liberties and political legitimacy based on free elections. Concern for human rights, including freedom of assembly for workers wishing to speak for themselves, has been pushed aside by commercial opportunity. Multinationals plunge confidently into new markets, from Vietnam to China, where governments routinely control and abuse their own citizens. Government corruption is the third key factor that supports this new form of slavery. Just having large numbers of vulnerable people doesn't automatically make them slaves. In order to turn vulnerable people into slaves on any scale, violence must be used. One of the basic ideas about democratic government is that it should have a monopoly on the means of violence. The military and the police are generally the only ones who can use weapons and commit violence legally, doing so to protect citizens from crime. But if anyone in a society can use violence for their own ends, without fear of being arrested and imprisoned. To do that on any scale requires government corruption, and especially police corruption. In some countries, the police act as slave catchers, pursuing and punishing escaped slaves. Often police require that people holding slaves pay them weekly for police "protection." For many slave-using businesspeople, payments to the police are just a normal part of making a living. When laws against kidnapping are not enforced, those who have the means of violence (often the police themselves) can harvest slaves. The Centre for Social Justice Report further states that the term 'modern slavery' includes the definitions below:

HUMAN TRAFFICKING:

Recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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; (where a child is involved, the above means are irrelevant).

For the purposes of exploitation, which includes (but is not exhaustive):

a. Prostitution

b. Other sexual exploitation

c. Forced labour

d. Slavery (or similar)

e. Servitude etc.

f. Removal of organs

Slavery means the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised (129 Convention; approved in defining

Art 4 ECHR: Siladin v France (ECHR, 2005).In the case of Silandin v France trafficking in human beings was considered by the European Court of Human Rights for the first time. The Applicant, a female Togolese national who lived in Paris, had served as an unpaid servant for several years as minor and her passport was confiscated. Relying on Article 4 of the ECHR prohibit slavery and forced labour. Conscription, national service. Prison labour, service exacted in cases of emergency or calamity, and normal civic obligation are excempted from this definition.

Article 4 prohibition of slavery and forced labour: provides as follows:

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. For the purpose of this article the term "forced or compulsory labour" shall not be include;

a. Any work required to be done in the ordinary cause of detention imposed according to the provisions of Article 5 of this convention or during conditional release from such detention.
b. Any service of a military character or, in case of conscientious objectors in countries where they are recognized, service exacted instead of compulsory military service.
c. Any service exacted in case of an emergency or calamity threatening the life or well being of the community.
d. Any work or service forms part of normal civil obligation.[5]

The Applicant submitted that French criminal Law did not afford her sufficient and effective protection against the "servitude, or at the very least against the forced and compulsory labour " which in practice had made her a domestic slave. In this case the court considered that the applicant had, at the least, been subjected to forced labour and held in servitude within the meaning of Article 4 of the convention. However, the court held that it could not be considered that the applicant had been held in slavery in the traditional sense of that concept.

In the case of Mrs. Hadijatou Mani Koraou V Republic of Niger
The applicant, Mrs. Hadijatou Mani Koraou[6], of Nigerien nationality, is a citizen of the ECOWAS Community. The applicant is jobless and lives in the village of Louhoudou, in the

[5] Article 4 paragraphs (a-d) of the European Convention on Human Rights.

Konni district. The defendant, the Republic of Niger, is a Member State of the ECOWAS Community.. The applicant claims that the defendant has violated her fundamental human rights. She asks the Court to acknowledge this violation and to condemn the defendant. The defendant presented preliminary objections to admissibility. The Court decided to merge the objections with the merits, in accordance with Article 87.al.5 of its Rules of Procedure.

PRESENTATION OF THE FACTS AND THE PROCEDURE

In 1996, while she was only twelve (12) years old, the applicant, Mrs. Hadijatou Mani Koraou, of the Bouzou custom was sold to the tribe chief, Mr. El Hadj Souleymane Naroua, of the Haoussa custom, aged 46 years old, for two hundred and forty thousand (240.000) CFA francs. 9. This transaction occurred in the name of the "Wahiya", a current practice in Niger consisting of acquiring a young girl, generally a slave, to work as a servant as well as a concubine. The slave woman who is bought under these conditions is called "Sadaka" or fifth wife, i.e. a wife who is not one of the legally married wives, the number of which cannot exceed four (4), according to Islam's Recommendations. In general the "Sadaka" does housework and is at the "master's" service. He can, at any time, day or night, have sexual relations with her. One day, as she was working in her master's field, he came and surprised her and then abused her. This first forced sexual act was imposed in these conditions while she was less than 13 years old. Thus the applicant was often the victim of acts of violence on the part of her master, as a result of genuine or supposed rebelliousness. For about nine (9) years, Hadijatou Mani Koraou was a servant in El Hadj Souleymane Naroua's household, doing all sorts of housework and serving as a concubine. Four (4) children were born out of relations with her master, two (2) of whom survived. On the 18 August 2005, El Hadj Souleymane Naroua gave Hadijatou Mani Koraoua a liberation certificate from slavery. This certificate was signed by the beneficiary, the master and countersigned by the chief of the village who stamped it. Following this liberation act, the applicant decided to leave the house of her former master. He refused, on the ground that she was and remained his wife. Nevertheless, under the pretext of a visit to her mother who was ill, Hadijatou Mani Koraou left El Hadj Souleymane Naroua's house never to go back. On 14 February 2006, Hadijatou Mani Koraou brought a complaint before the civil and customary tribunal of Konni, to have her desire to be totally free and live her life elsewhere recognised. The civil and customary tribunal of Konni, in judgment No. 06 of 20 March 2006, found "that the applicant and El Hadj Souleymane Naroua were never properly married, since the dowry was never paid for, there was no religious ceremony and Hadijatou Mani Koraou remains free to live her own life with the person of her choice." El Hadj Souleymane Naroua lodged an appeal of this judgment before the Court of First Instance of Konni, which by decision No. 30 of 16 June 2006 quashed the first judgment.

Hadijatou Mani Koraou and her brother Koraou Mani were jailed in the prison of Konni by virtue of the warrant of arrest. 24. On 17 May 2007, while Hadijatou Mani Koraou was still in detention, the professional law firm CHAIBOU-NANZIR, her counsel, filed a complaint against Souleymane Naroua before the public prosecutor at the Court of First Instance of Konni for slavery in accordance with Article 270.2 and 3 of the criminal code as modified by Law No. 2003 – 025 of 13 June 2003. The case is examined by an investigating judge under the number R.P.22, R.I.53. 25. Concurrent to the criminal procedure, the Court of First Instance of Konni,

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[6] Hadijatou Mani Koraou v The Republic of Niger – unofficial translation of judgment No ECW/CCJ/JUD/06/08 of 27 October 2008 , ECOWAS Community Court of Justice http://www.courtecowas.org/

ruling after the transfer to the Supreme Court, "gives right to Hadijatou Mani Koraou's petition for a divorce;… says that she will respect a delay of three (03) months before any new marriage", by its decision No. 15 of 6 April 2007. El Hadj Souleymane Naroua lodged an appeal to the Final Court of Appeal against the latter decision. On 9 July 2007, the Criminal Division of Niamey Court of Appeal, ruling on Hadijatou Mani Koraou's appeal against the Criminal Court's decision, "rules as an interim order the temporary release of the applicant and her brother, decrees the Unofficial Translation 4 withdrawal of the warrant of arrest issued against Ladan Rabo sua sponte and defers a ruling until an absolute decision by the divorce judge". On 14 December 2007, Hadijatou Mani Koraou filed a submission before the ECOWAS Community Court of Justice on the basis of Articles 9.4 and 10.d) of Supplementary Protocol A/SP.1/01/05 of 19 January 2005 amending Protocol A/P.1/7/91 of 6 July 1991 relating to the Court, seeking to: a) Condemn the Republic of Niger for violation of Articles 1, 2, 3, 5, 6 and 18(3) of the African Charter of Human and Peoples' Rights; b) Request Niger authorities to adopt legislation that effectively protects women against discriminatory customs relating to marriage and divorce; c) Ask Niger authorities to revise the legislation relating to Courts and Tribunals in order to enable justice to fully play its part in order to safeguard victims of slavery; d) Urge the Republic of Niger to abolish harmful customs and practices founded on the idea of women's inferiority; e) Grant Hadijatou Mani Koraou a fair reparation for the wrong she was victim of during the nine (9) years of her captivity. The defendant presented preliminary objections on admissibility to say that: a) The complaint is not admissible because domestic remedies have not been exhausted; b) The complaint is not admissible because the case brought before the present Court is still pending before Nigerien domestic courts. The ECOWAS Court of Justice, in applying Art. 87(5) of its Rules of Procedure merged the preliminary objections to the merits, to render one, and single, judgment. At the hearing planned on 24 January 2008 to hear the parties, the applicant's counsel made submissions in relation to her dire financial situation and the need to hear witnesses living in Niamey, whose travel expenses to go to Abuja were not affordable for the applicant. Her counsel requested the transfer of the Court's session to Niamey or to any other place in Niger. The defendant's counsel said "that he did not see any problem for the session to be held outside the Court's seat." However it brought to the Court's attention "a possible negative media effect and politicization of the trial before concluding on the lack of utility of such a session in Niger." By interim order No. ECW/CCJ/APP/08/08 of 24 January 2008, the Court decreed the holding of the session in Niamey, in accordance with Art. 26 of the 1991 Protocol. At the hearing on 7 April 2008 in Niamey, the parties and their witnesses appeared.

ON THE MERITS

The applicant presented several grounds of violation of her human rights. First of all, she claimed that the defendant did not take appropriate measures to ensure rights and freedoms proclaimed in the African Charter of Human and Peoples' Rights, thus violating Article 1 of the Charter. She argued that this violation derives from other violations enshrined in other arguments submitted to this Court, since Article 1 of the African Charter gives Member States the obligation to respect those rights, and that under Article 1, "The Member States … shall recognize the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them." 58. Additionally, the applicant argued that according to Nigerien legislation, "the Republic of Niger respects the rule of law; it assures equality before the law, without any distinction on the grounds of gender, social, racial, ethnic or religious origin to all" (1996 Constitution, Article 11). "No one shall be submitted to torture or other cruel, inhuman or degrading treatment or punishment (1996 Constitution, Article 12). "Any

person … who would be responsible for acts of torture, … or cruel, inhuman or degrading treatment… will be punished in accordance with the law" (Constitutions of 1989 and 1992, Art. 14). 59. The applicant claims that despite this legislation, she was victim of discrimination on gender and social origin grounds since she was held in slavery for nearly 9 years; that after her liberation she could not enjoy her freedom despite her lawsuits; that she was detained and that all these actions contributed to the deprivation of her fundamental rights. Therefore she requests condemnation of the defendant for violating the aforementioned articles of the African Charter of Human and Peoples' Rights and urges adoption of new laws that better protect women's rights against discriminatory customs.

On this first ground, the Court affirms that its role is not to examine Community Member States' laws in abstracto, but rather to ensure protection of people's rights when they are victims of violations of those rights and that it must do so by examining concrete cases brought before it. More precisely, the Court asserts that such a review is done by other mechanisms, as it is with country situation monitoring, and periodic reports as provided for by some international instruments such as Article 62 of the African Charter of Human and Peoples' Rights, according to which: "Each state party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken with a view to giving effect to the rights and freedoms recognized and guaranteed by the present Charter." In that respect, the Court notes that such reviews have already taken place with regard to the Republic of Niger, notably before the United Nations Human Rights Committee and the Committee for the Rights of the Child, which contained recommendations. Therefore, the Court declares that it will not go beyond its jurisdiction, which mostly consists of reviewing concrete cases of human rights violations and sanctioning them.

ON THE DISCRIMINATION

The applicant claimed that she was a victim of discrimination on gender and social origin grounds, in violation of Articles 2 and 18(3) of the African Charter of Human and Peoples' Rights. She further argued that she did not enjoy equal protection of the law and equality before the law as provided for by Article 3 of the Charter. More precisely, she said that the Sadaka or the sale of a woman to a man to serve as a concubine is a practice that affects women only and therefore constitutes discrimination based on gender. Moreover, the fact that she could not consent freely to marriage or divorce represents discrimination based on her social origin. According to the sociologist Mr. Djouldé Laya's testimony, quoted by the defendant during the hearing held on Tuesday, 8 April 2008 in Niamey, "as far as the wahiya is concerned, it is not said that she is liberated since she is a slave. Thus she is someone's property… The wahiya or 5th wife system was set up by the slave owners… I consider that the woman cannot leave her wahiya state… It is a system that allows women to go from one status to another, which means that slavery continues elsewhere, since women have still to be caught, war had to be done, one must buy…"

Having examined the applicant's arguments on discrimination, equality before the law and of the law, the Court says, as underlined by Frédéric Sudre in his book: le droit international et européen des droits de l'homme, éd. 2005, page 259, "the nondiscrimination principle derives from the general statement that "all human beings are born free and equal in dignity and in rights" (Article 1 of the Universal Declaration of Human Rights). It is this principle that allows for a definition in the field of equality.

According to the texts invoked by the applicant, any discrimination based on race, ethnicity, gender, religion, or social origin, is prohibited and constitutes a violation of human rights,

recognised by Niger's different Constitutions (1989, 1992 and 1996), as well as provisions of the Nigerien criminal code. In this particular case, to determine whether the applicant was a victim of discrimination, the wahiya or sadaka practice must be analysed as it was described by witnesses, to find out if all women are equal in rights regarding marriage on the one hand, and if the man and the woman can equally enjoy rights and freedoms that are proclaimed in international instruments ratified by the defendant.

The Court noted that in Niger, the marriage celebration is established by the payment of the dowry, the woman's consent and a religious ceremony. In the present case, the Court observes that Mr. El Hadj Souleymane Naroua, former master of the applicant, refused to comply with the marriage obligations or conditions. Indeed, the applicant's witness Halidou Danda, farmer and breeder, declared at the hearing on Monday 7 April 2008: "we were convened by the Prefect in its cabinet to be told that he had received a paper from Niamey saying that we had to hand his wife over to El Hadj Souleymane Naroua. The Prefect asked him: do you want to remarry her since you have liberated her? If so, bring the cola and we will marry you again. El Hadl Souleymane Naroua said: no! I don't want to marry her since God has already married us." Besides, the applicant's witness Almou Wangara, farmer, declared: "when Hadijatou's former master was asked to bring the dowry, he said that it was God who had given him the woman and he was being asked money for the dowry! The Prefect told the former master: "since you have already liberated her, what you have to do is to give the dowry, we will beg her to accept the marriage. The former master stood up and said: no, how! I am going to buy that woman and I am going to be asked the dowry?... After this reaction the Prefect said: listen, I cannot do anything, you must leave."

The Court stated that, convened by the administrative authority, the Prefect, the applicant's former master refused not only to abide by the marriage formalities, but also to free her, despite the liberation certificate. In Niger, the marriage celebration is established by the dowry payment and the mandatory holding of a religious ceremony. However, in the present case, El Hadj Souleymane Naroua did not accomplish any of the customary or civil requirements with regard to the applicant. 70. Moreover, the Court observes that in her former master's family, the applicant was subject to a different treatment than the other wives. The Court notes that, while the argument based on discrimination, which was exposed by the applicant for the first time before this Court is founded, this violation is not Unofficial Translation 11 attributable to the Republic of Niger since it is due to El Hadj Souleymane Naroua, who is not party to the present procedure. Therefore the Court concludes that this ground is ineffective.

WAS THE APPLICANT HELD IN SLAVERY?.

The applicant claims that she was held in slavery in violation of Article 5 of the African Charter of Human and Peoples' Rights as well as other international human rights instruments that provide for the absolute prohibition of slavery. She declared that her parents were slaves themselves and she was always treated as such in her former master El Hadj Souleymane Naroua's household.

The defendant for its part rebutted the slavery argument and argues that the applicant, despite her slave status, was El Hadj Souleymane Naroua's wife, with whom she lived with more or less in happiness as any couple.

According to Article 1 of Geneva Slavery Convention of 1926, "Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are

exercised." "The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves." Slavery is considered as a serious violation of human dignity and is formally prohibited by all international human rights instruments. Other instruments, such as the European Convention of Human Rights (Art.1 para. 1), the American Convention of Human Rights (Art. 6), and the International Covenant on Civil and Political Rights (Art. Para. 1.2 ratified by the Republic of Niger) make prohibition of slavery an inviolable right, that is to say an absolute and non-derogable right. Similarly, the Nigerien criminal code, as revised by Law No 2003-05 of 13 June 2003, provides for a definition and punishment of the crime of slavery in its former Article 270.1 to 5.

According to the above, it is well established that Mrs. Hadijatou Mani Koraou was transferred in exchange for money at the age of twelve (12) by El hadji Ghousmane Abdourahmane for the sum of two hundred forty thousands (240.000) CFA francs to El Hadj Souleymane Naroua. She was brought to her purchaser. She was subject for nearly a decade to psychological pressure characterised by submission, sexual exploitation, hard labour in the house and the fields, physical violence, insults, humiliation and the permanent control of her movements by her purchaser who issued, on 18 August 2005, a Unofficial Translation 12 document entitled "liberation certificate (of slave)", mentioning that from the date of signature of the act "she (the applicant) was free and was nobody's slave."

These elements characterize the applicant's slave situation and show all the indicators of the slavery definition contained in Article 1 of the 1926 Geneva Convention, as interpreted by the International Criminal Tribunal for ex-Yugoslavia (ICTY) Appeals Chamber in Prosecutor V Dragoljub Kunarac, Radomir Kovac and Vukovic Zoran Case, Judgment of 12 June 2000, paragraph 119. According to this jurisprudence, apart from exercising the powers attached to the right of ownership typical of the notion of slavery, it also depends "on the operation of the factors or indicia of enslavement ... These factors include the "control of someone's movement, control of physical environment, psychological control, measures taken to prevent or deter escape, force, threat of force or coercion, duration, assertion of exclusivity, subjection to cruel treatment and abuse, control of sexuality and forced labour." The defendant, while acknowledging that slavery survives, observed that this practice has become more discreet and confined to very restricted social circles.

It argued that the applicant was El Hadj Souleymane Naroua's wife, with whom she lived with more or less in happiness as any couple until 2005, and that children were born from this union. The Court does not admit such an argument since it is now well-established that: "Slavery may exist even without torture. Slaves may be well fed, well clothed, and comfortably housed, but they are still slaves if without lawful process they are deprived of their freedom by forceful restraint. We might eliminate all proof of ill-treatment, overlook the starvation, beatings, and other barbarous acts, but the admitted fact of slavery - compulsory uncompensated labour - would still remain. There is no such thing as benevolent slavery. Involuntary servitude, even if tempered by humane treatment, is still slavery." cf. judgment of 3 November 1947, in Trials of Major War Criminals Before the Nuremberg Military Tribunals under Control Council Law No. 10, vol. 5, 1997, page 958 quoted by the ICTY in the United States v Oswald and Others. The Court notes that in the present case, apart from the material acts well established, the moral

element of enslavement lies in El Hadj Souleymane Naroua's intention to exercise the powers attached to the right of ownership over the applicant, even after the liberation act. Consequently, there is no doubt that the applicant, Hadijatou Mani Koraou, was held in slavery for nearly nine (09) years in violation of the legal prohibition of this practice. Under Nigerien criminal law, as in international instruments, the prohibition and repression of slavery are absolute and of public order. As stated by the International Court of Justice in the Barcelona Traction judgment (5 February 1970), "the outlawing of slavery is an obligation erga omnes imposed on all State's organs."

Therefore, the national judge, when having to rule on a matter relating to the state of persons, as in the case of Mrs. Hadijatou Mani Koraou before the Court of First Instance of Konni, should deal with this slavery case of its own volition and initiate the punishment procedure. In conclusion, on this point, the Court observes that the national judge, having to rule on Mrs. Hadijatou Mani Koraou's application against Mr. El Hadj Souleymane Naroua, instead of denouncing the applicant's slave status with its own motion as being a violation of Article 270.1 to 5 of the Nigerien criminal code as modified by Law No. 2003-025 of 13 June 2003, stated that "the marriage of a free man with a slave woman is lawful, as long as he cannot afford to marry a free woman and if he fears to fall into fornication…" The Court considers that recognizing the slave status of Mrs. Hadijatou Mani Koraou without denouncing this situation is a form of acceptance, or at least, tolerance of this crime or offence. The national judge had the obligation to bring a criminal prosecution or punish this crime or offence as need be. 85. Furthermore, the Court considers that the slavery situation of the applicant, although it was due to a particular individual acting in a so-called customary or individual context, gave her the right to be protected by the Nigerien authorities, be they administrative or judicial.

Consequently, the defendant becomes responsible under international as well as national law for any form of human rights violations of the applicant founded on slavery because of its tolerance, passivity, inaction and abstention with regard to this practice.. When failing to deal with a prohibited offence of its own volition and failing to take adequate measures to ensure punishment, the national judge did not assume its duty of protecting Hadijatou Mani Koraou's human rights and therefore, engaged the defendant's responsibility as the administrative authority's one when it declared: "listen, I cannot do anything, you must leave." . Besides, the applicant argues, on the basis of international texts, notably paragraph 1(c) and (g) of Article 7 of the International Criminal Court Statute, that her slave status is a crime against humanity. While it is true that slavery is among the constitutive elements of crimes against humanity, it should be noted that in order to constitute a crime against humanity, slavery must be committed "as part of a widespread or systematic attack", as provided for by Article 7 of the Rome Statute of the International Criminal Court. The jurisdiction to conduct such assessment is the one of other international mechanisms and more precisely of International Criminal Courts. The present Court does not have jurisdiction to assess this argument's merits.

WAS THE APPLICANT'S ARREST AND DETENTION ARBITRARY?

The applicant argued that her arrest on 9 May 2007, as well as her detention in Konni's prison are arbitrary and constitute a violation of Article 6 of the African Charter of Human and Peoples' Rights. According to her the offence of bigamy is not constituted since she was not married to El Hadj Souleymane Naroua. It is established that this detention is subsequent to his complaint; her arrest and detention were decided following this criminal complaint by her former master before the criminal court in Konni. Detention is arbitrary if it is not founded on any legal basis.

In this particular case, the applicant's arrest and detention intervened to implement a judicial decision rendered by the criminal court. This decision, whether ill-founded or not, constitutes a legal basis, that is not for the Court to assess. Therefore, the Court considers that this argument cannot prosper or hold water.

IS THE APPLICANT ENTITLED TO REPARATION?

In her brief of 07 April 2008, the applicant claims the payment by the Republic of Niger of the sum of fifty millions (50.000.000) francs as reparation for the harm she suffered.

In response, the defendant says that it is a new argument and invokes Article 37.2 of the Rules of Procedure of the Court and concludes that the reparation claim is inadmissible.

The Court recalls that the inadmissibility provided for in Article 37.2 of the Rules of Procedures is about new arguments invoked by a party during the proceedings. In this particular case, the quantification of the requested reparation does not amount to a new argument but rather is a detailed quantification of the reparation request contained in the initial submission. Therefore, the defendant's argument is rejected.

To support her reparation request, the applicant did not provide the Court with any calculation hint that would allow it to decide on a specific sum of money in reparation for the alleged harm. The Court concludes that an all-inclusive sum of money can be granted to her.

The analysis of the facts clearly shows that the applicant was subject to physical, psychological and moral harm due to the nine (09) years during which she was held in slavery. This justifies the allocation of compensation as reparation for the harm suffered.

CONSEQUENTLY

1. Where texts do not provide for particular admissibility conditions the Court does not impose more cumbersome ones.

2. The wahiya or sadaka practice founded on social origin considerations put the applicant in a disadvantageous situation and excluded her from the benefits of the equal dignity recognized to all citizens. Thus she was discriminated because of her social origin. However this discrimination is not attributable to the Republic of Niger.

3. The Court notes that the Republic of Niger did not sufficiently protect the applicant's rights against the practice of slavery.

4. This slavery situation caused the applicant physical, psychological and moral harm.

5. For this reason, the applicant is entitled to an all-inclusive compensation for the harm caused by slavery.

ON THESE GROUNDS The ECOWAS Community Court of Justice, ruling in public, in the presence of the parties involved, on human rights matters, in the first instance and last resort, - In view of the ECOWAS Revised Treaty of 24 July 1993, - In view of the Universal Declaration of Human Rights of 10 December 1948, - In View of the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979, - In View of the Slavery Convention of 25 September 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 7 September 1956, - In view of the African Charter of Human and Peoples' Rights of 27 June 1981, - In view of the Protocol of 06 July 1991 and the Supplementary Protocol of 19 January 2005 relating to the ECOWAS Community Court of Justice, - In view of the Court's Rules of Procedure of 28 August 2002, - In view of the interim decision N0. ECW/CCJ/APP/08/08 of 24 January 2008, ON THE FORM - Rejects the Republic of Niger's preliminary objections on inadmissibility on all points; - Declares Mrs. Hadijatou Mani Koraou's application admissible and says she is qualified to submit it;

ON THE MERITS

1. Says that the discrimination to which Mrs. Hadijatou Mani Koraou was subject is not attributable to the Republic of Niger;
2. Says that Mrs. Hadijatou Mani Koraou was victim of slavery and that the Republic of Niger is responsible because of its administrative and judicial authorities' inaction;
3. Accepts Mrs. Hadijatou Mani Koraou's request for reparation for the harmed suffered and grants an all-inclusive compensation of ten millions cfa francs (10.000.000);
4. Rules the payment of this sum to Mrs. Hadijatou Mani Koraou by the Republic of Niger;
5. Rejects all others grounds presented by Mrs. Hadijatou Mani Koraou;
6. Says the Republic of Niger has to pay the expenses, in accordance with Article 66.2 of the Court's Rules of Procedure.

THE INTERNATIONAL HUMAN RIGHTS (UN) INSTRUMENTS

Slavery is expressly prohibited in the key international rights instruments briefly mentioned below. According to the 1948 Universal Declaration of Human Rights " (UDHR) All human beings are born free and equal in dignity and Rights "" (Article 1) and that ""no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms"" (Article 4). Indeed The International Day for the Abolition of Slavery, 2 December, marks the date of the adoption, by the General Assembly, of the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (resolution 317 (IV) of 2 December 1949.

Article 8 (ICCPR) : provides that;

(1) No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited

(2) No one shall be in servitude, No one shall be required to perform forced or compulsory labour[7]

Article 6 (1), Art 7 of the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR) are all similar in their declarations against servitude and exploitation.

The UN Palermo Protocol Art 3 (a) also is in response to Human trafficking and defines it in similar terms

INTERNATIONAL LABOUR ORGANIZATION (ILO)

Following the creation of the UN, the ILO became a specialized agency in 1946. Its work focuses on labour issues. It has adopted several Conventions addressing forced and exploitative labour. For instance the International Labour Organisation Forced Labour Convention 1930 (No 29) has defined forced labour as "all work or service which is exacted from any person under the

[7] Article 8 of the International Covenant on Civil and Political Rights 1966 (ICCPR).

menace of any penalty" which has not been offered voluntarily. In June 2014, the ILO adopted a new legally binding Protocol to the Forced Labour Convention 1930. This is designed to strengthen global efforts to eliminate forced labour. It strengthens the international legal framework by creating new obligations to prevent forced labour, to protect victims and to provide access to remedy, such as compensation for mental and physical harm.

THE ROLE OF THE ECONOMIC AND SOCIAL COUNCIL

The Economic and Social Council within the United Nations was instrumental in monitoring the 1926 and 1956 Conventions, in addition to dealing with other issues of contemporary slavery. The 36 HUMAN RIGHTS & HUMAN WELFARE Economic and Social Council was responsible for the establishment of the Sub-Commission to explore ways in which the 1926 and 1956 Conventions could be carried out. Eventually, the Sub Commission realized the need for a governing body that would be solely responsible for exploring the information available on slavery. Then, based on that information, the Commission would create effective proposals on ways to address the issues uncovered. In 1974, the Sub-Commission, alongside the Economic and Social Council, went on to establish the United Nations Working Group on Slavery.[8]

UNITED NATIONS WORKING GROUP ON SLAVERY

The Working Group was established in order to see that the agreements of the Conventions were carried out. In addition, the Working Group was responsible for receiving information on slavery from states, along with researching and monitoring the existence of slavery globally. It continues to expand ways of addressing contemporary slavery by building upon present information through continual documentation, interviews, and work conducted by other organizations.[9]

REGIONAL HUMAN RIGHTS INSTRUMENTS

Regional human rights instruments contain provisions similar. The ECHR 1950, Article 4 of the European Convention on Human Rights. The Council of Europe Convention on Action Against Trafficking in Human Rights came into force. The Convention aims to prevent trafficking in human beings, protect victims of trafficking, prosecute traffickers, and promote coordination of national actions and international cooperation effective from 1 February 2008.

The American Convention on Human rights (ACHR) 1969 contains similar provisions to the ECHR 1950. It specifically also prohibits "traffic in women".

The African Charter on Human and People's Rights (ACHPR) 1981 presents a different approach to slavery. It treats slavery as a form of degradation alongside torture. Article 5 of the Banjul Charter states that "Every individual shall have the right to respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and

[8]Jessica Bell *Contemporary Slavery and International Law* .

[9] ibid

degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited"[10]

SERVITUDE:

An obligation to provide one's services that is imposed by the use of coercion, and is to be linked with the concept of 'slavery' described above (Siladin v France, ECHR (2005).

FORCED LABOUR

All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

"Trafficking in persons," "human trafficking," and "modern slavery" are used as umbrella terms to refer to both sex trafficking and compelled labor. The Trafficking Victims Protection Act of 2000 (Pub. L. 106-386), as amended (TVPA), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol) describe this compelled service using a number of different terms, including involuntary servitude, slavery or practices similar to slavery, debt bondage, and forced labor.

Human trafficking can include, but does not require, movement. People may be considered trafficking victims regardless of whether they were born into a state of servitude, were exploited in their home town, were transported to the exploitative situation, previously consented to work for a trafficker, or participated in a crime as a direct result of being trafficked. At the heart of this phenomenon is the traffickers' aim to exploit and enslave their victims and the myriad coercive and deceptive practices they use to do so.[11]

Human trafficking is the fastest growing means by which people are enslaved, the fastest growing international crime, and one of the largest sources of income for organized crime (The UN Office on Drugs and Crime) :Every year, thousands of men, women and children fall into the hands of traffickers, in their own countries and abroad. Some outstanding human trafficking statistics in India :[12]

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[10] Article 5 of the Banjul Charter.

[11] What is modern slavery available at https://www.state.gov/what-is-modern-slavery/accessed 02nd October, 2023.

[12] Over 18 million (estimated) people in India live in modern slavery (Global Slavery Index, 2016); Every 8 minutes, a child goes missing in India (National Crime Records Bureau);Between 2013-2015, 198,015 children went missing in India , of which 140,769 (71%) have not been traced. (Ministry of Home Affairs); Everyday about 200 girls and women in India enter prostitution -80% of them against their will. (CEDPA and PRIDE, 1997)

THE CAUSE(S)

1.The demand for cheap or free labour, and illegal trafficking is largely driven by consumer demand for cheap projects and services. For example. Children in India are kidnapped and forced to beg on the streets to make easy money for their kidnappers. Many young girls are trafficked into sex work, abused and enslaved to fulfil the demands of local or tourist workers who are willing to pay high price for these services to those who "öwn" the women.

People who are trafficked or enslaved are usually from a vulnerable situation to start with. They may be poor, isolated, neglected, uneducated, from conflict areas or areas prone to natural disasters, or they may have been previously abused. Desperate for hope, they are often coerced by false promises of opportunity, love or money. Children are often kidnapped or sold into trafficking by people they know.

The Global Slavery Index describes vulnerability as " a complex interaction of factors released to the presence or absence of protection and respect for rights, physical safety and security, access to the necessities of life such as food, water and healthcare and patterns of migration, displacement and conflict". [13]

2. Work Abroad Myths & Misconceptions

There are many misconceptions about THB (Trafficking Human Beings) especially as regards to misconception of the consent of victims. It is often assume that victims are women and are trafficked simply for sexual exploitation. At the time of giving the consent, victims often do not know the full extent of what they are consenting to. For instance they may have consented to working abroad in an agricultural job and that erroneously believed they will be able to keep their earnings in Europe. However upon arrival in the country of destination, say Italy, the victims might have their travel documentation confiscated by their traffickers and be forced to carry out prostitution, or agricultural duties without money or with very little money. Also it is extremely hard to believe anyone could give real and informed consent to forced labour, exploitation is usually carried out with violence ill treatment and blackmail.[14]

THE IMPACT

Victims of trafficking and slavery experience a great abuse both physically, emotionally and mentally. Once coerced and enslaved, oppression begins with stressful, unhygienic conditions and physical and mental abuse. They or their families may receive very real threats and they feel like they have no alternative. Los of identification is a huge problem, making escapes, rescues and rehabilitation very complicated. Often victims become despondent and in an effort to survive

[13] 2017 Global Estimates in Modern Slavery & Child Labour.

[14] Work Abroad Video (2018) produced by the United Nations Office on Drugs and Crimes

they conform to their captors demands. Victims may experience trauma, and suffer from fear, shame and hopelessness in the wake of their experiences.

SEX TRAFFICKING

When an adult engages in a commercial sex act, such as prostitution, as the result of force, threats of force, fraud, coercion or any combination of such means, that person is a victim of trafficking. Under such circumstances, perpetrators involved in recruiting, harboring, enticing, transporting, providing, obtaining, patronizing, soliciting, or maintaining a person for that purpose are guilty of sex trafficking of an adult. Sex trafficking also may occur through a specific form of coercion whereby individuals are compelled to continue in prostitution through the use of unlawful "debt," purportedly incurred through their transportation, recruitment, or even their "sale"—which exploiters insist they must pay off before they can be free. Even if an adult initially consents to participate in prostitution it is irrelevant: if an adult, after consenting, is subsequently held in service through psychological manipulation or physical force, he or she is a trafficking victim and should receive benefits outlined in the Palermo Protocol and applicable domestic laws.

CHILD SEX TRAFFICKING

When a child (under 18 years of age) is recruited, enticed, harbored, transported, provided, obtained, patronized, solicited, or maintained to perform a commercial sex act, proving force, fraud, or coercion is not necessary for the offense to be prosecuted as human trafficking. There are no exceptions to this rule: no cultural or socio-economic rationalizations alter the fact that children who are exploited in prostitution are trafficking victims. The use of children in commercial sex is prohibited under U.S. law and by statute in most countries around the world. Sex trafficking has devastating consequences for children, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and even death.

FORCED LABOR

Forced labor, sometimes also referred to as labor trafficking, encompasses the range of activities—recruiting, harboring, transporting, providing, or obtaining—involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception, or other coercive means to compel someone to work. Once a person's labor is exploited by such means, the person's prior consent to work for an employer is legally irrelevant: the employer is a trafficker and the employee a trafficking victim. Migrants are particularly vulnerable to this form of human trafficking, but individuals also may be forced into labor in their own countries. Female victims of forced or bonded labor, especially women and girls in domestic servitude, are often sexually abused or exploited as well.

Forced labour can be understood as work that is performed involuntarily and under the menace of any penalty. It refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as manipulated debt, retention of identity papers or threats of denunciation to immigration authorities. According to the ILO Forced Labour Convention, 1930 (No. 29) , forced or compulsory labour is:

"all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily."

The Forced Labour Protocol (Article 1(3)) explicitly reaffirms this definition.

This definition consists of three elements:

Work or service refers to all types of work occurring in any activity, industry or sector including in the informal economy.

Menace of any penalty refers to a wide range of penalties used to compel someone to work.

Involuntariness: The terms “offered voluntarily” refer to the free and informed consent of a worker to take a job and his or her freedom to leave at any time. This is not the case for example when an employer or recruiter makes false promises so that a worker take a job he or she would not otherwise have accepted.

Exceptions to the “forced labour” definition

Article 2(2) of Convention No. 29 describes five situations, which constitute exceptions to the “forced labour” definition under certain conditions (See General Survey on Forced Labour, ILO Committee of Experts, 2007):

Compulsory military service.

Normal civic obligations.

Prison labour (under certain conditions).

Work in emergency, situations (such as war, calamity or threatened calamity e.g. fire, flood, famine, earthquake).

Minor communal services (within the community).

Forced labour imposed by state authorities

The Abolition of Forced Labour Convention No. 105 adopted by the ILO in 1957 primarily concerns forced labour imposed by state authorities. It prohibits specifically the use of forced labour:

as punishment for the expression of political views,

for the purposes of economic development,

as a means of labour discipline,

as a punishment for participation in strikes,

as a means of racial, religious or other discrimination.

The scope of ILO Instruments on Forced Labour

Both Forced labour Conventions enjoy nearly universal ratification, meaning that almost all countries are legally obliged to respect their provisions and regularly report on them to the ILO's standards supervisory bodies. Not being subject to forced labour is a fundamental human right: all ILO member States have to respect the principle of the elimination of forced labour regardless of ratification.

In June 2014, governments, employers and workers at the ILO International Labour Conference (ILC) decided to give new impetus to the global fight against forced labour, including trafficking in persons and slavery-like practices.

They voted overwhelmingly to adopt the Protocol of 2014 to the Forced Labour Convention, 1930 and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203) which supplement the Forced Labour Convention, 1930 (No. 29), and complement existing international instruments by providing specific guidance on effective measures to be taken regarding prevention, protection and remedy to eliminate all forms of forced labour.

The reality of forced labour, trafficking and modern slavery. Forced labour can be imposed to adults and children, by State authorities, by private enterprises or by individuals. It is observed in all types of economic activity, such as domestic work, construction, agriculture, manufacturing, sexual exploitation, forced begging, etc. and in every country.

The forced labour definition encompasses:

"Traditional practices of forced labour, such as vestiges of slavery or slave-like practices, and various forms of debt bondage, as well as new forms of forced labour that have emerged in recent decades, such as human trafficking."1 also called "modern-slavery" to shed light on working and living conditions contrary to human dignity.

Forced labour is different from sub-standard or exploitative working conditions. Various indicators can be used to ascertain when a situation amounts to forced labour, such as restrictions on workers' freedom of movement, withholding of wages or identity documents, physical or sexual violence, threats and intimidation or fraudulent debt from which workers cannot escape.

In addition to being a serious violation of fundamental human rights and labour rights, the exaction of forced labour is a criminal offence.

BONDED LABOR OR DEBT BONDAGE

One form of coercion used by traffickers in both sex trafficking and forced labor is the imposition of a bond or debt. Some workers inherit debt; for example, in South Asia it is estimated that there are millions of trafficking victims working to pay off their ancestors' debts. Others fall victim to traffickers or recruiters who unlawfully exploit an initial debt assumed, wittingly or unwittingly, as a term of employment. Traffickers, labor agencies, recruiters, and employers in both the country of origin and the destination country can contribute to debt bondage by charging workers recruitment fees and exorbitant interest rates, making it difficult, if not impossible, to pay off the debt. Such circumstances may occur in the context of employment-based temporary work programs in which a worker's legal status in the destination country is tied to the employer so workers fear seeking redress.

DOMESTIC SERVITUDE

Involuntary domestic servitude is a form of human trafficking found in distinct circumstances—work in a private residence—that create unique vulnerabilities for victims. It is a crime in which a domestic worker is not free to leave his or her employment and is abused and underpaid, if paid at all. Many domestic workers do not receive the basic benefits and protections commonly extended to other groups of workers—things as simple as a day off. Moreover, their ability to move freely is often limited, and employment in private homes increases their isolation and vulnerability. Labor officials generally do not have the authority to inspect employment conditions in private homes. Domestic workers, especially women, confront various forms of abuse, harassment, and exploitation, including sexual and gender-based violence. These issues, taken together, may be symptoms of a situation of domestic servitude. When the employer of a domestic worker has diplomatic status and enjoys immunity from civil and/or criminal jurisdiction, the vulnerability to domestic servitude is enhanced.

FORCED CHILD LABOR

Although children may legally engage in certain forms of work, children can also be found in slavery or slavery-like situations. Some indicators of forced labor of a child include situations in which the child appears to be in the custody of a non-family member who requires the child to perform work that financially benefits someone outside the child's family and does not offer the child the option of leaving, such as forced begging. Anti-trafficking responses should supplement, not replace, traditional actions against child labor, such as remediation and education. When

children are enslaved, their exploiters should not escape criminal punishment—something that occurs when governments use administrative responses to address cases of forced child labor.

UNLAWFUL RECRUITMENT AND USE OF CHILD SOLDIERS

Child soldiering is a manifestation of human trafficking when it involves the unlawful recruitment or use of children—through force, fraud, or coercion—by armed forces as combatants or other forms of labor. Perpetrators may be government armed forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants. Others are made to work as porters, cooks, guards, servants, messengers, or spies. Young girls may be forced to "marry" or be raped by commanders and male combatants. Both male and female child soldiers are often sexually abused or exploited by armed groups and such children are subject to the same types of devastating physical and psychological consequences associated with child sex trafficking.

Modern slavery can affect people of any age, gender or race. However, most commonly, slavery affects people and communities who are vulnerable to being taken advantage of. It can be someone living in poverty and having no real prospects for a decent job, who will accept a good sounding offer of a job abroad that turns out something else that what was promised. It can be someone from a community heavily discriminated against, such as Dalits in India, who will have to borrow money for a medical treatment from a wealthy farmer, and will fall into debt bondage for decades with no hope of help from corrupted authorities.

Or it might be a young girl who happens to live in a society where early marriage is completely acceptable, who will have no choice over marrying an older man. Or it might be someone who happens to be born to a mother coming from a 'slave' cast, literally owned by their masters from the day they are born.

Slavery is also more likely to occur where the rule of law is weaker and corruption is rife. It can also happen to groups of people who are not protected by the law, for example migrants whose visa status is irregular are easy to blackmail with deportation. Many people think that slavery happens only in overseas, in developing countries. In fact, no country is free from modern slavery, even Britain. The Government estimates that there are tens of thousands people in modern slavery in the UK.[15]Definition of modern slavery and human trafficking The Modern Slavery Act 2015 consolidated and clarified previously existing law that related to slavery and human trafficking. The Act categorizes offences of 'slavery, servitude and forced or compulsory labour', and 'human trafficking'. These crimes include knowingly holding a person in a position of slavery, servitude, forced or compulsory labour, or facilitating their travel with the intention of exploiting them during or soon after. Although human trafficking often involves an international

[15] What is modern slavery? Available at https://www.antislavery.org/slavery-today/modern slavery.

cross-border element, it is also possible to be a victim of modern slavery or human trafficking without crossing a national border. [16]

THE WAY FORWARD

The practical solution to this enormous global issue is multi layered. Raising awareness brings this multi- billion dollar industry into the light and removes the misconceptions associated with it. Awareness and focus on community campaign and participation will beam light on the vulnerable factors that cause this modern slavery. Invaluable kindness, donations and generosity of NGO's and businesses supporting the work of anti- modern slavery initiatives around the globe would go a long way to providing solution to this malaise.

PREVENTION

To prevent trafficking and slavery, people must be aware of the issues and also be equipped to enjoy safe and sustainable livelihoods. Education is one of the best approaches in achieving this. It is essential to target individuals and communities who are particularly vulnerable and seek to help them identify and understand the risks. Part of the solution is also to provide a holistic education that will empower and equip people to support themselves with meaningful work. Vocational training and income generation opportunities area a great way to address this.[17]Additionally, to reduce the demand, the whole community must work together to fight these systemic injustices. Authorities, community leaders, families, business owners and consumers must all play their part in preventing modern slavery.

RESCUE

For those living in circumstances of slavery, escape or rescue is an obvious solution- but it proves to be highly risky and complicated. Depending on how long the victim has been in the situation, they may struggle to be motivated or hopeful of being freed. Rescue involves a team of people working together to negotiate a way out. The process is arduous and lengthy and not always successful (see Chibok girls in North East Nigeria). However, rescues are happening continuously all around the world, as victims are exposed and given an opportunity to change their circumstances. It is essential that these victims are provided with enough support they need not to relapse into abusive or harmful circumstances.

RESTORATION

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[16] Care Quality Commission: Modern slavery and human trafficking statement. At https://www.cqc.org.uk accessed 17th June 2023.

[17] UN-ACT (United Nations Action for Cooperation against Trafficking in Persons)

Once rescued, it is very important that the person is rehabilitated back into their lives, the community and society. If they are not given the proper support, care and opportunities to build a brighter future, there is a risk that they might get caught up in abusive situations in the future. Restoration involves a broad scope of initiatives ranging from emergency relief, food, shelter, counselling, education and training. The fundamental purpose of the process is to help them recover from their experiences and set them up to live a normal life with a positive future. It is a long process, but it is where we can see so much joy, hope, transformed lives and an impact on the wider community in the fight against injustice.

IDENTIFYING AND REPORTING SLAVERY & TRAFFICKING

Human trafficking and slavery comes in all shapes and sizes. We often think of it as an issue that only affects developing countries, however that is not the case. There are trafficking victims in 175 countries globally.[18] Sometimes there are warning signs, but sometimes it is very well hidden. However there are ways we can be aware of the main issues and trends. Since trafficking in human beings (THB) has a strong human dimension. It involves recruitment of the victim, transportation of the victim sometimes to another state or country or continent, exploitation of the victim. The key motivation for TBH is wealth. And certainly not the desire for adventure. Hence you find TBH in work in sweatshops, domestic labour, work in agriculture, mines, factories and fishing, forced marriages, organ transplants, sports (camel jockeys) adoption, begging.

GLOBAL COURT RESPONSE

From Europe to Africa and the Americas including the Asian countries cases abound of infractions into the 1948 Declarations. The European Court of Human Rights in Strasbourg heard the case of the 20 year old woman, an alleged victim of human trafficking who had died in Cyprus having been trafficked from Russia to Cyprus.[19] It was in response to this case that the Cypriot authorities ratified the Council of Europe's Convention on Action against Trafficking in Human Beings and promised to work with European anti trafficking experts. Also changes were made to Cypriot visa rules that had been hitherto manipulated to enable women to be trafficked for sexual exploitation. The Ecowas Community Court of Justice in the celebrated case of Mrs. Hadijatou Mani Koraou[20] declared that she was a victim of slavery and held the Republic of Niger responsible for her sufferings because of its administrative and judicial authorities inaction. Compensation and expenses were therefore awarded in accordance with Art 66.2 of the Court's Rules of Procedure accordingly. In its ruling it considered (I) the ECOWAS Revised Treaty of 24 July 1993 (ii) the Convention on the Elimination of All Forms of Discrimination

[18] Trafficking in Persons Report 2017

[19] Judgment ECHR Rantse V. Cyprus 2010

[20] Hadijatou Mani Koraou v. The Republic of Niger, ECW/CCJ/JUD/06/08, 27 October 2008

against Women of 18 December 1979 (iii) the Slavery Convention of 25 September 1926 (iv) the Supplementary Convention on the Abolition of Slavery, (v) the Slave Trade, and the Institutions and Practices Similar to Slavery of 7 September 1956 (vi)African Charter of Human and Peoples Rights of 27 June 1981 (vii) the Protocol of 6 July 1991 and the Supplementary Protocol of 19January 2005 relating to the ECOWAS Community Court of Justice (viii)the Court's Rules of Procedure of 28 August 2002 (ix) the Interim decision NO. ECW/CCJ/APP/08 of 24 January2008.

SLAVE TRADE IN NIGERIA (BADAGRY TOWN)

Badagry was an important slave route in West Africa. Badagry is one of five divisions created in Lagos State in l968. A darker historical era saw many people of West Africa leave their shores for plantations in Europe, North and South America and the Caribbean. The infamous slave trade in Nigeria is not known to many people like the slave trade in Ghana, Senegal, Togo and Benin. Nigeria and Ghana were former British colonies. Senegal, Togo and Benin were former French colonies.This ancient town of Badagry was founded around l425 A.D. Before its existence, people lived along the Coast of Gberefu and this area later gave birth to the town of Badagry. It is the second largest commercial town in Lagos State, located an hour from Lagos and half hour from the Republic du Benin. The Town of Badgry is bordered on the south by the Gulf of Guinea and surrounded by creeks, islands and a lake. The ancient town served mainly the Oyo Empire which was comprised of Yoruba and Ogu people. Today, the Aworis and Egun are mainly the people who reside in the town of Badagry as well as in Ogun State in Nigeria and in the neighboring Republic du Benin.

In the early 1500's, slaves were transported from West Africa to America through Badagry. It is reported that Badagry exported no fewer than 550,000 African slaves to America during the period of the American Independence in l787. In addition, slaves were transported to Europe, South America and the Caribbean. The slaves came mainly from West Africa and the neighboring countries of Benin and Togo as well as others parts of Nigeria. The slave trade became the major source of income for the Europeans in Badagry.[21]

Globalization has created serious inequalities in the society to the extent that migration of the poor to the richer regions of the world. Indeed increasing number of Nigerians drown in the Mediterranean seas in their bid to get to Europe at all costs after paying their trafficker. The Libyan Experience whereby people were sold at auctions was another grim episode, economic recession, poverty conflicts, weak legal systems and lack of adequate legislation and political will in the last two decades has made human trafficking to assume a new dimension not before witnessed . This modern form of slavery uses the twin weapons of deception and force to get at their victims. This organized crime industry continues to strive because of collusion among

[21] Badagry Nigeria- one of the first slave port … available at www.freeman institute.com/Nigeria.htm

security, immigration embassy airline officials and traffickers. In Nigeria the first notable idea drawn to this nefarious crime was by the then wife of the Vice President of Nigeria, MrsTiti Atiku.. WOTCLEF, her pet project was established in response. Whereupon a Bill was proposed to set up an Agency tasked with specific mandate to tackle the problem of human trafficking.

Thus the National Agency for the Prohibition in Persons and other Related Matters (NAPTIP) So monitoring , arresting and prosecution of traffickers and rehabilitation of victims became the duty of the Agency . The local practice of entrusting poor children to more affluent friends or relatives may create vulnerability. Some parents sell their children, not just for money but also in the hope that their children will escape the chronic poverty and have a better life, with better prospects and opportunities. Girls are similarly trafficked for domestic servitude and commercial sex exploitation whereas boys are trafficked to street and vending, stone quarries etc.

The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 defines trafficking as all acts and attempted acts involved in the recruitment, transportation within or across deception, coercion or debt bondage for the purpose of placing or holding persons whether for or not involuntary servitude (domestic, sexual reproductive) in forced or bonded labour or slavery or slave like conditions.[22]

The UK Modern Slavery Act 2015 ("the Act"). The Act which received Royal Assent on 26 March 2015 is designed to combat modern slavery in the UK and consolidates previous offences relating to trafficking and slavery. It extends to England and Wales.[23] The Act places obligations on businesses with a turnover of #36 million (thirty six million pounds only) or over to ensure that their business, and the supply chains used by the business, are free from modern slavery. The Act requires businesses to include annual "modern slavery statement" in each annual report. UK became the first country to pass legislation to combat modern slavery. Australia, Canada and Hong King have all passed or tabled similar Modern Slavery Act based laws and it is only a matter of time before we see plethora of supply chain transparency laws for human beings over the next decade or so.

CONCLUSION

From the groundwork laid by the League of Nations to the 1926 Convention to the 1956 Supplementary Convention, the United Nations Working Group on Slavery expanded the defining factors of slavery, creating a broader distinction of what comprises contemporary

[22] Assessment of Trafficking in Persons, for Labour Purposesin West and Central Africa, especially Children and Women (Nigeria- Cameroon Human TraffickingAssessment), A Research conducted for National Agency for the Prohibitionof Traffic in Persons and Other Related Persons (NAPTIP) by Okeshola, B.F. (2007)

[23] The bill was introduced to the House of Commons in draft form in October 2013 by James Brokenshire, Parliamentary Under Secretary for Crime and Security (https ://en.m.wikipedia.org>wiki

slavery. Parallel to the existence of the Working Group, there have been numerous campaigns, intergovernmental organizations, and non-profit organizations that also have been directed toward researching and monitoring the existence of contemporary slavery. However, contemporary slavery remains difficult to identify across international boundaries and cultures. Although new policies and international laws have been proposed and created, there has yet to be an effective method established for the proper identification of contemporary slavery, nor an effective means created by which international law can be enforced. This is, in part, a consequence of the lack of an international governing body, with the requisite political power over sovereign states to properly enforce the international laws on contemporary slavery mandated by international conventions and the Working Group on Slavery.
Although there has been greater global awareness of modern slavery, poor funding, the low prosecution and conviction rates for slavery offences, inadequate support to the victims, especially vetted support and monitored by responsible and accountable agencies continue to prevent further inroads, the slow uptake of the laws by the businesses and the failure of the courts to be courageous in their declaration and pronouncements are some of the challenges facing the eradication of modern slavery and the enjoyment of human rights by certain communities.

RECOMMENDATIONS

. Accordingly, it was recommended that(1) International governing body, should have the requisite political power over sovereign nations to properly enforce the international laws on contemporary slavery. (2) There should greater global awareness of modern slavery. (3) The fight against global slavery should be well funded. (4) The prosecution and conviction rates for slavery offences must be intensified and increased. (5)There must be adequate support for the victims, especially vetted support and monitored by responsible and accountable agencies. (6)The various government, parliaments and courts must be pragmatic and proactive in fighting slavery worldwide. (7) Problems of massive unemployment and poverty are to be combated by creating enabling environment for entrepreneurship so as to eliminate the tide of human trafficking. (8) The government of different nations as well as their parliaments/legislatures should enact pragmatic laws in these areas and there should be more public enlightenment campaigns on human rights. (9) The judiciaries in different Nations must be proactive and do substantive judicial activism in promoting human rights in their judicial decisions in courts arising from enslavement.