



**(Borders, Bodies and Broken Laws)**  
**Transnational Human Trafficking of Women: A**  
**Comparative Study of**  
**Legal Enforcement and State Accountability in**  
**the USA, India & Nigeria.**

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## Abstract

This study examines transnational human trafficking of women as a critical failure of legal enforcement and state accountability, through a comparative analysis of the United States, Nigeria, and India. While all three countries formally align with international frameworks such as the Palermo Protocol, significant gaps persist between legal provisions and their implementation. The research highlights systemic challenges including weak enforcement, judicial delays, inadequate border governance, and the re-victimization of survivors within legal processes. It argues that human trafficking is not merely a criminal issue but a reflection of deeper governance failures. The study concludes that without stronger accountability mechanisms and a shift towards victim-centered approaches, existing legal frameworks will remain ineffective in delivering justice and deterrence.

## Keywords

Transnational Human Trafficking; State Accountability; Enforcement Paradox; Comparative Jurisprudence; Organized Crime; Palermo Protocol; Judicial Inertia; Institutional Failure; India; Nigeria; USA

## Introduction

The United Nations defines human trafficking as a recruitment, transportation, and transfer, harboring, or receipt of people through force, fraud, or deception with the aim of exploiting them for profit. Though the victims include men, women, and children from all ages and from all backgrounds, women are considered the most vulnerable. This vulnerability is never accidental, rather produced by various socio-economic factors including poverty, age and unequal power relations. The trafficking of women across the world follows a similar structure where victims are silenced, perpetrators are protected, and justice gets trapped in procedural delay. When institutions fail to act, trafficking does not remain hidden, it becomes normalised. In this way women's exploitation continues not because of lack of laws, but because systems repeatedly choose power over protection.

Despite the proliferation of international legal instruments designed to address transnational human trafficking, a persistent and troubling gap endures between normative commitments and their practical implementation. Structural factors such as judicial paralysis, inadequate border monitoring, and fragmented coordination among law enforcement and immigration agencies collectively diminish the perceived costs and risks of trafficking for perpetrators, rendering formal legal compliance symbolic rather than substantive. This enforcement deficit is not incidental; it reflects deeper failures of institutional design, political will, and resource allocation that undermine the protective function of anti-trafficking law. Against this backdrop, the present study undertakes a comparative legal analysis of anti-trafficking frameworks and enforcement mechanisms across three jurisdictions: the United States, India, and Nigeria. These countries were selected for their distinct structural positions within global trafficking chains as destination, internal-transit, and source countries respectively.

By examining both the architecture of relevant legal provisions and the conditions under which these provisions succeed or fail in practice, this paper addresses the following three research questions

## Research Questions

1. How do different countries define and legally address transnational human trafficking of women.
2. What are the key differences in enforcement mechanisms across selected countries (USA, India & Nigeria)
3. How do socio-economic and political contexts affect enforcement outcomes across countries.



This study argues that human trafficking persists less as a failure of lawmaking and more as a failure of enforcement, accountability, and institutional will. The research relies on a combination of legal documents, government reports, and international data sources such as the UNODC and U.S. Trafficking in Persons Report. It also draws on academic studies to connect legal findings with broader social and economic realities.

## Research Methodology

This study uses a qualitative comparative approach to understand why strong anti-trafficking laws often fail to produce strong outcomes. Instead of focusing only on legal provisions, it looks at how these laws actually function in real-world settings, especially in courts and enforcement systems. The selection of India, Nigeria, and the United States is intentional and reflects different roles in the global trafficking chain, making the comparison more meaningful.

India is chosen because it represents a country where trafficking is both internal and cross-border, and where strong laws exist but implementation remains weak. It helps in understanding how delays and systemic pressures affect justice at the ground level.

Nigeria is included because it is a major source and transit country, especially in trafficking routes to Europe. It highlights how limited resources, corruption, and weak enforcement systems can undermine even targeted anti-trafficking efforts.

The United States, on the other hand, represents a destination country with relatively strong institutional capacity. Studying the U.S. helps reveal a different kind of gap where systems are efficient on paper but still face challenges like under reporting, reliance on plea bargaining, and hidden cases.

Together, these three countries provide a balanced perspective across origin, transit, and destination contexts, allowing the study to identify patterns that go beyond any single national system.

The analysis compares these countries across key areas such as the gap between laws and convictions, the role of courts in delivering justice, the use of technology in investigations, and the extent to which victims are supported throughout the legal process. This helps in identifying not just legal differences, but deeper structural issues that affect enforcement globally.

## Review of Literature

### *The Global Standard: The Palermo Protocol*

At the international level, the most comprehensive legal framework addressing this phenomenon is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

This framework, commonly known as the Palermo Protocol was adopted by the United Nations General Assembly in 2000 and entered into force in 2003. The Protocol is significant because it provides a general and shared definition of trafficking and consequently sets international standards. In particular, in Article 3(a) defines trafficking 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.”

This definition looks at three things: what happens to the person (recruitment, transportation, transfer, harbouring or receipt of persons), how it happens (coercion, abduction, fraud, deception, abuse of power or vulnerability, or payments/benefits) and for what purpose (exploitation: sexual labour, slavery, organ removal). It's important to highlight that the Palermo Protocol recognises exploitation as the defining criterion of the crime, distinguishing it from earlier instruments such as the 1949 UN Convention, which treated any form of prostitution as trafficking.



### *Legal Frameworks by Country and Region*

Having examined the global framework, this section turns to a comparative analysis of how India, the United States, and Nigeria have translated international standards into national law, and with what degree of effectiveness.

#### **India**

India's anti-trafficking legal framework is dispersed across multiple instruments. The Immoral Traffic Prevention Act (ITPA, 1956) and Section 370 of the Indian Penal Code form the primary statutory basis, alongside the Bharatiya Nyaya Sanhita (2023) and approximately 25 further IPC provisions.

Despite a nominally robust statutory framework, the regulations frequently concentrate on sexual exploitation while neglecting labour trafficking; victim protection is at times made conditional on cooperation with prosecutors, undermining a genuine rights-based approach.

#### **United States**

The primary federal law in the USA is the Trafficking Victims Protection Act (TVPA, 2000), repeatedly reauthorised. The TVPA encodes the 3P model and distinguishes between "severe forms" of trafficking and other labour issues. Its 2003 Reauthorisation created a federal civil cause of action for victims and extended benefits to qualifying family members.

#### **Nigeria and West Africa**

Nigeria is primarily characterised as a source country, supplying victims predominantly to Europe. A distinctive institutional feature is the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), which represents an enforcement model unique to West Africa. Criminal networks in the region exploit weak state infrastructure, porous borders, and trade integration; more than 75% of detected trafficking victims in West Africa are children. In several African states (Angola, Comoros, DRC), trafficking is legally confined to sexual exploitation only, creating significant enforcement gaps for labour trafficking.

Global efforts to combat human trafficking face significant challenges despite widespread criminalization. Most countries have laws aligned with the UN Palermo Protocol, yet enforcement is uneven and often inadequate. Low prosecution and conviction rates persist, and victim protection is inconsistent, with some countries treating victims as offenders. Institutional capacity gaps, resource constraints, and fragmented responses hinder progress, especially in developing countries. Strengthening enforcement, improving victim support, and enhancing inter-agency coordination are key to addressing these disparities and making progress in combating trafficking.

### *Source Taxonomy and Comparative Tensions*

As before mentioned, researchers classify countries by their structural role: India and the United States as destination countries; Nigeria as a source country.

Across all regions, recurring fault lines emerge in the literature: the US and EU tend toward broad definitions covering both labour and sexual exploitation, while parts of Africa legally confine trafficking to sexual exploitation only. Globally, women and girls constitute approximately 61% of trafficking victims, yet convictions for forced labour, which is statistically the predominant form, lag far behind those for sexual exploitation. Countries that treat trafficking primarily as a criminal enforcement problem consistently underperform compared to those that address it as a broader governance failure.



## Research Gaps

Despite the volume of existing scholarship, several significant lacunae remain. The four major gaps that persist in the literature are:

### 1. *Conceptual conflation of Sex Work and Trafficking*

A persistent conceptual and legal problem is the failure to distinguish between consensual sex work and coerced trafficking. This conflation means that the victims are often punished by the people who are doing the trafficking. The Journal of Comparative Social Welfare, a peer-reviewed outlet specializing in the intersection of social policy, welfare systems, and vulnerable populations, has documented how legislative frameworks can produce unintended harms for the very people they claim to protect, particularly when anti-trafficking laws conflate consensual sex work with coercion. This misalignment not only exposes victims to criminalization but also diverts enforcement resources away from genuine trafficking cases.

### 2. *The Prosecution Gap*

While the normative architecture of anti-trafficking law is comparatively well documented, the literature offers limited insight into the prosecutorial decision-making process. The question of why prosecutors fail to secure convictions even where strong legal frameworks exist remains insufficiently theorized. Farrell et al. (2014) address this issue directly in the U.S. context, but comparative research, particularly in non-Western jurisdictions, continues to be limited.

### 3. *Adult Victims and Gender Dis-aggregation*

Research is disproportionately focused on child trafficking, which means we do not know much about how adult women are targeted and controlled. This leaves a substantial gap in both the empirical and policy literature.

### 4. *Technology, Investigation, and Conviction Rates*

Traffickers increasingly exploit digital platforms, social media, and cryptocurrency for recruitment and financial flows. Investigative methodologies for tracking these means exist, but rigorous evaluation of their effectiveness particularly in terms of leading to actual convictions is almost entirely absent from the literature.

## Findings & Discussions

The comparative study of the United States, India, and Nigeria demonstrates that the persistence of transnational trafficking of women cannot be adequately explained by deficiencies in legal frameworks alone, but must instead be understood as a deeper crisis of state accountability embedded within broader structures of governance. Although all three countries formally adhere to international norms such as the Palermo Protocol, this formal compliance often masks a substantial gap between legal intent and lived reality.

The United States reflects a comparatively advanced enforcement regime, characterised by expansive legal provisions, intelligence driven policing, and higher conviction rates, alongside institutionalised victim protection mechanisms such as specialised visas and rehabilitation frameworks. However, even within this model, tensions persist where immigration enforcement can supersede victim protection, revealing the limits of a system that continues to balance control with care. In contrast, India's approach remains largely reactive and enforcement driven, relying heavily on raids and rescue operations that fail to disrupt underlying trafficking networks, while prolonged judicial delays and inconsistent sentencing dilute the deterrent effect of the law. Nigeria, on the other hand, illustrates the compounded impact of resource scarcity, institutional fragility, and corruption, where the presence of formal bodies such as NAPTIP does not necessarily translate into sustained prosecutorial success.



<b>Indicator</b>	<b>United States</b>	<b>Nigeria</b>	<b>India</b>
<b>Conviction Rate</b>	High, supported by federal coordination and specialized prosecution units (U.S. TIP Report 2025; Oliveira 2019)	Low, with inconsistent follow-through and resource constraints (UNODC 2024; NAPTIP data referenced in literature)	Moderate but undermined by judicial delays and low sentencing severity (NCRB 2022; Padath 2025)
<b>Average Case Duration</b>	1–2 years (Farrell et al. 2014)	Often prolonged due to weak judicial capacity (UNODC 2024)	Over 3 years on average (NCRB 2022; Padath 2025)
<b>Victim Protection</b>	Strong: T-visas, shelters, federal benefits (TVPA; TIP Report 2025)	Very limited; shelters and services underfunded (UNODC 2024)	Weak and sometimes punitive; protection conditional on cooperation (ITPA; Khan 2014)
<b>Institutional Capacity</b>	High: multi-agency coordination, intelligence-led investigations (TIP Report 2025)	Low: severe resource constraints, porous borders (UNODC 2024)	Medium: fragmented enforcement, reactive raid-based model (Padath 2025)
<b>Prevalence of Child Victims</b>	Lower proportion relative to adults (TIP Report 2025)	Over 75% of detected victims in West Africa are children (UNODC 2024)	Significant but varies by state (NCRB 2022)

These national differences are further shaped by structural vulnerabilities, including poverty, migration pressures, and demographic risks, with the UNODC Global Report on Trafficking in Persons (2024) highlighting the disproportionate representation of children among trafficking victims in West Africa. Across all three contexts, a critical pattern emerges in which trafficking is treated predominantly as a matter of criminal law enforcement, rather than as a multidimensional governance challenge linked to development, labour markets, and social protection systems. This narrow framing often results in secondary victimisation, where individuals are criminalised for offences such as illegal migration or prostitution that arise directly from their conditions of exploitation, thereby reinforcing cycles of silence and invisibility.



From a governance perspective, this reflects a fragmentation of accountability across legal, institutional, and political domains, where responsibility is diffused and enforcement outcomes remain inconsistent. Institutional capacity, inter agency coordination, and data transparency play a decisive role in shaping outcomes, yet these remain unevenly developed, particularly in India and Nigeria where gaps in reliable data and monitoring mechanisms constrain effective policy responses. Political accountability further complicates this landscape, as fluctuating policy priorities and limited resource allocation weaken sustained anti trafficking efforts, while in some cases informal economies linked to trafficking networks create disincentives for strict enforcement.

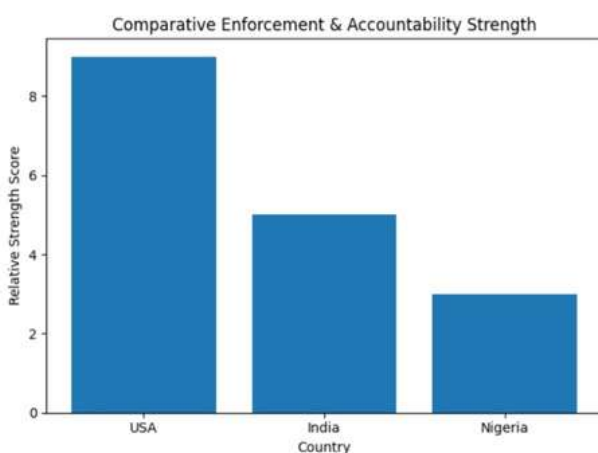


Figure 1: Comparative Enforcement and Accountability Strength

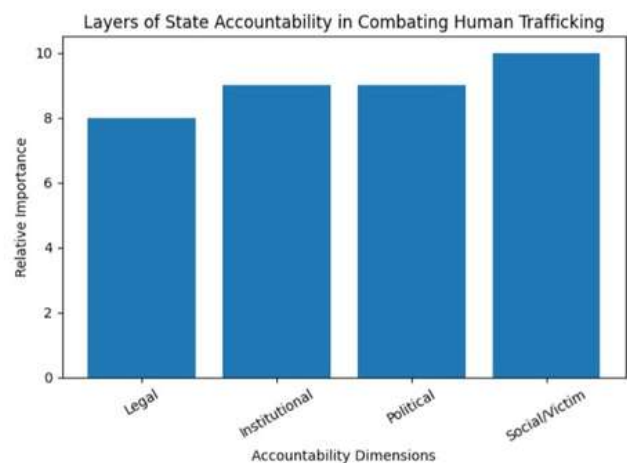


Figure 2: Layers of State Accountability in Anti-Trafficking Enforcement

The evidence therefore suggests that the endurance of trafficking is less a failure of law and more a failure of governance, where states are able to perform compliance at the level of legislation while falling short in ensuring substantive justice. Addressing this requires a fundamental shift from a purely procedural and punitive model toward a more integrated, victim centred and structurally informed approach that aligns criminal law enforcement with social policy interventions, economic safeguards, and robust accountability mechanisms capable of bridging the divide between legal promise and institutional practice.

## Recommendations

Based on the research results, the problem of improving the effectiveness of state accountability needs a multi-dimensional and all-around solution. Firstly, it is necessary to pay attention to improving the efficiency of judicial institutions through the timely processing of trafficking cases. The creation of special courts responsible for processing these cases may facilitate the reduction of delays and increase the number of successful convictions. Secondly, it is necessary to introduce the institution of mandatory deadlines for the trial process. Further, the creation of mechanisms to monitor the performance of the activities of judges and prosecutors will hold them responsible for the results of their actions.



It is very important to ensure that organisational and technological skills are adequately developed. In this respect, states must concentrate on forming special services in law enforcement institutions engaged in the fight against traffickers. There must also be independent commissions that will monitor their activities and punish any acts of corruption in the process. Efficient interaction among other authorities plays a vital role in solving this problem.

Accountability measures need to be established to enhance the government's commitment to combating trafficking. It can be done through the incorporation of an annual report on trafficking enforcement activities. Budgeting should be connected to the results achieved based on certain indicators, which will increase the incentive to work on the issue. Leaders should be accountable for both the process of developing laws and their efficient application.

One important way to ensure accountability is by adopting a strategy that prioritises victims' needs over everything else. Victims must be granted immunity from any crime they may have committed while being trafficked. Assistance can come in many different ways, it could range from medical, psychological, to job opportunities. The most important part, however, is that victims do not have to cooperate with the police in order to receive this assistance.

Increasing the transparency of and enhancing the monitoring systems would also be essential. Standardised national databases should be developed by government agencies to document the number of trafficking cases, and information on arrests, prosecutions, and conviction rates, as well as the fate of victims of such offences, should be documented in these databases and made accessible to the public. Accountability on an international level is essential to address the international element of trafficking.

Cooperation between countries that includes intelligence sharing, joint law enforcement initiatives, and similar policies will help disrupt trafficking organisations that function internationally. The use of international monitoring tools, such as those available within the framework of international organisations, needs to be improved to guarantee compliance and promote state action toward the fulfilment of their obligations. Improved state accountability is not just a technical process but represents a transformative change in the structure of governance systems. States need to transcend from being mere formalists when dealing with

international principles to become substantialists in enforcing international law, with a focus on transparency and responsibility, as well as the protection of victims.

## Conclusion

This study demonstrates that human trafficking is not simply a failure of law, but a failure of governance. While the United States, India, and Nigeria have all developed legal frameworks aligned with international standards, their effectiveness is undermined by weak enforcement, institutional inefficiencies, and lack of accountability. The persistence of trafficking reflects a deeper structural issue: the inability of states to translate legal commitments into tangible outcomes. Judicial delays, fragmented enforcement, and the re-victimization of survivors collectively erode trust in legal systems and reduce deterrence for traffickers. A critical shift is therefore required for viewing trafficking solely as a criminal justice issue to understanding it as a governance challenge rooted in inequality, institutional weakness, and policy fragmentation. Ultimately, without prioritizing victim-centered approaches, strengthening accountability mechanisms, and addressing socio-economic vulnerabilities, legal frameworks will continue to function as symbolic commitments rather than effective tools of justice. The fight against human trafficking, therefore, depends not only on stronger laws, but on stronger states capable of enforcing them.



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