

## **The Ethical Implication of Child Trafficking: A Martha Nussbaum's Perspective**

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### **Abstract**

Child trafficking is a pervasive violation of human rights that affects millions of children globally, with severe implications for their development and well-being. This paper employs Martha Nussbaum's Capabilities Approach to examine the ethical implications of child trafficking, particularly within the Nigerian context, where the issue is alarmingly prevalent. Utilizing a qualitative analytic research method, this study analyzes relevant literature, case studies, and policy documents to explore how child trafficking undermines essential capabilities such as health, education, and emotional well-being. The research aims to illuminate the ethical responsibilities of individuals, governments, and organizations in combating this social pandemic. By applying Nussbaum's framework, the paper seeks to provide actionable insights and policy recommendations that promote justice and enhance the capabilities of affected children. Ultimately, this study contributes to the discourse on child trafficking by offering a nuanced understanding of the ethical dimensions involved and proposing a capabilities-focused approach to ameliorate the situation in Nigeria.

### **Introduction**

Child trafficking is a pervasive violation of human rights, affecting millions of children globally. It encompasses various forms, including forced labor, sexual exploitation, and involuntary servitude (United Nations Office on Drugs and Crime [UNODC], 2020). The International Labour Organization (ILO) estimates that approximately 152 million children are engaged in child labor, with a significant portion of them trafficked for exploitative purposes (ILO, 2017). This alarming situation demands urgent attention and comprehensive ethical analysis, particularly within the Nigerian context, where socio-economic factors exacerbate vulnerabilities.

Martha Nussbaum's Capabilities Approach offers a robust framework for examining the ethical implications of child trafficking. Nussbaum (2011) posits that justice should be grounded in the capabilities that individuals possess to lead flourishing lives. By focusing on what individuals are able to do and to be, this perspective shifts the discourse from mere resource allocation to the enhancement of human dignity. Applying this framework to the issue of child trafficking reveals the profound ways in which trafficked children are denied essential capabilities, leading to a cycle of deprivation and suffering.

This paper aims to analyze the ethical implications of child trafficking through Nussbaum's capabilities lens, emphasizing its relevance in ameliorating the social pandemic of child trafficking in Nigeria. This analysis will highlight the moral responsibilities of various stakeholders, including government entities, non-governmental organizations (NGOs), and society at large. By advocating for policy reforms that align with the Capabilities Approach, this research seeks to contribute to a more effective response to child trafficking, ultimately fostering a society where every child can realize their potential.

The subsequent sections will delve into the nature of child trafficking, outline Nussbaum's Capabilities Approach, analyze the intersection of these two areas, discuss ethical obligations, and propose policy recommendations to ameliorate the situation, particularly within the Nigerian context.

### **Understanding Child Trafficking**

Child trafficking is a multifaceted issue that poses significant challenges to human rights and social justice. Defined by the United Nations as the recruitment, transportation, transfer, harboring, or receipt of children for the purpose of exploitation, child trafficking encompasses various forms, including forced labor, sexual exploitation, child soldiering, and domestic servitude (UNODC, 2020, p. 12). This exploitation not only violates the rights of children but also undermines their potential for growth and development.

### **Forms of Child Trafficking**

The various forms of child trafficking can be categorized as follows:

**Sex Trafficking:** Children are coerced or deceived into sexual exploitation, often through prostitution or pornography. Victims may be groomed online or lured by false promises of employment or education (Sullivan, 2019, p. 67).

**Labor Trafficking:** Children are subjected to forced labor in agriculture, mining, or manufacturing sectors. They may work long hours under hazardous conditions, deprived of education and basic rights (ILO, 2017, p. 25).

**Child Soldiering:** In conflict zones, children are forcibly recruited by armed groups to fight or serve as support personnel. This form of trafficking not only endangers their lives but also perpetuates cycles of violence and instability (UNICEF, 2019, p. 32).

**Domestic Servitude:** Many children are trafficked into homes where they perform household tasks under abusive conditions. They often lack access to education and are isolated from the outside world (Huang & Ruch, 2020, p. 15).

### **Statistics and Current Trends**

The scale of child trafficking is alarming. According to the ILO (2017), approximately 152 million children worldwide are engaged in child labor, with a significant proportion being victims of trafficking. In Nigeria, reports indicate that child trafficking is rampant, exacerbated by poverty, lack of education, and inadequate law enforcement (NAPTIP, 2021, p. 5). The COVID-19 pandemic has further intensified these vulnerabilities, leading to increased reports of trafficking as economic hardships deepen (UNODC, 2020, p. 22).

### **Psychological and Social Impacts**

The psychological and social consequences of child trafficking are profound. Victims often experience trauma, anxiety, depression, and a host of emotional disorders due to their experiences. The deprivation of education and social interaction hampers their ability to reintegrate into society and develop healthy relationships (Sullivan, 2019, p. 89). Furthermore, the stigma associated with being a trafficking victim can lead to social isolation, further complicating their recovery and reintegration efforts.

Understanding the complexities of child trafficking is crucial for developing effective interventions and policies. The following section will explore Martha Nussbaum's Capabilities Approach and its relevance to addressing the ethical implications of child trafficking.

Martha Nussbaum's Capabilities Approach

Martha Nussbaum's Capabilities Approach is a philosophical framework that emphasizes the importance of individual well-being and the fundamental capabilities necessary for a flourishing life. Rooted in Aristotelian ethics, this approach seeks to shift the focus from traditional measures of development, such as economic growth, to the actual opportunities available to individuals to lead lives they have reason to value (Nussbaum, 2011, p. 3).

### **Core Principles of the Capabilities Approach**

1. -Human Dignity: At the heart of Nussbaum's framework is the belief that all individuals possess inherent dignity. This principle underlines the moral obligation to ensure that all people, including children, have access to essential capabilities that enable them to thrive (Nussbaum, 2011, p. 18).

-Capabilities vs. Functionings: Nussbaum differentiates between "capabilities" (the real opportunities individuals have to achieve certain valuable functionings) and "functionings" (the actual achievements or states of being). For instance, the capability to be educated is distinct from the functioning of being educated (Nussbaum, 2011, p. 30). This distinction is crucial for understanding how child trafficking deprives victims of both their capabilities and their potential functionings.

-List of Central Capabilities: Nussbaum outlines a set of ten central capabilities that she argues are essential for a dignified life. These include:

- Life: Being able to live a normal lifespan.
- Bodily Health: Being able to have good health, including reproductive health.
- Bodily Integrity: Being able to move freely and be secure against assault.
- Senses, Imagination, and Thought: Being able to use senses and intellect for self-expression and education.
- Emotions: Being able to have attachments to things and people.
- Practical Reason: Being able to form a conception of the good and engage in critical reflection.
- Affiliation: Being able to live with others and engage in social interactions.
- Other Species: Being able to live in harmony with the environment and other species.
- Play: Being able to enjoy recreational activities.
- Control over One's Environment: Being able to participate in political decisions and have property rights (Nussbaum, 2011, pp. 33-34).

The Capabilities Approach is particularly relevant in addressing the ethical implications of child trafficking. Trafficking deprives children of their fundamental capabilities, severely depriving their ability to lead fulfilling lives. For example:

- Bodily Integrity: Victims of trafficking often endure physical and sexual abuse, stripping them of their bodily autonomy and security.
- Education: Trafficked children are frequently denied access to education, hindering their ability to develop cognitive skills and critical reasoning.
- Emotional Well-Being: The trauma experienced by trafficked children can impair their emotional capabilities, affecting their ability to form healthy relationships and attachments (Sullivan, 2019, p. 45).

By applying Nussbaum's framework, policymakers and practitioners can develop targeted interventions that not only address the immediate needs of trafficking victims but also

promote their long-term capabilities. This approach advocates for holistic solutions that empower children, allowing them to reclaim their lives and futures.

### **Critiques and Limitations**

While Nussbaum's Capabilities Approach has garnered significant support, it is not without its critiques. Some scholars argue that the list of central capabilities may not universally apply across different cultures and contexts, raising questions about its applicability in diverse settings (Robeyns, 2016, p. 2). Others contend that the focus on capabilities may overlook structural factors that limit individuals' opportunities, such as systemic inequality and discrimination (Sen, 1999, p. 75).

Despite these critiques, Nussbaum's Capabilities Approach remains a powerful tool for understanding and addressing the ethical dimensions of child trafficking. By prioritizing human dignity and the development of essential capabilities, this framework offers a robust foundation for advocating for the rights and well-being of trafficked children.

### **Application of the Capabilities Framework to Child Trafficking**

The application of Martha Nussbaum's Capabilities Approach to child trafficking provides a comprehensive ethical framework that emphasizes the importance of restoring and enhancing the capabilities of trafficked children. By recognizing the specific capabilities that are undermined by trafficking, interventions can be designed to address both immediate needs and long-term empowerment.

#### **Identifying Affected Capabilities**

**Bodily Integrity:** Trafficked children often experience severe violations of their bodily integrity through physical and sexual exploitation. Restoring this capability involves ensuring safe living conditions, access to healthcare, and psychological support to heal from trauma (Nussbaum, 2011, p. 67).

**Education:** The denial of education is a critical aspect of child trafficking. Providing access to quality education is essential for enhancing cognitive capabilities and enabling children to pursue opportunities for personal and professional growth. Educational programs should be tailored to the specific needs of trafficked children, including catch-up education and vocational training (Sullivan, 2019, p. 112).

**Emotional Well-Being:** Trafficked children often suffer from emotional distress due to their experiences. Programs that foster emotional support, such as counseling and peer support groups, are vital for helping these children rebuild their emotional capabilities. Encouraging healthy relationships and emotional attachments can significantly aid their recovery (Huang & Ruch, 2020, p. 45).

**Affiliation:** The ability to form connections and engage with others is often compromised in trafficked children. Community-based programs that promote social integration and peer interaction can enhance this capability. Creating safe spaces for children to interact and build relationships can facilitate their reintegration into society (Nussbaum, 2011, p. 105).

**Practical Reason:** Empowering trafficked children to think critically and make informed decisions is essential for their agency. Programs that encourage participation in decision-making processes about their lives can enhance their practical reasoning capabilities. This empowerment fosters a sense of ownership and agency in their recovery journey (Robeyns, 2016, p. 98).

#### **Policy Implications**

Applying the Capabilities Approach to child trafficking necessitates significant policy changes at both national and international levels. Some key recommendations include:

**Legal Frameworks:** Strengthening legal protections for children against trafficking is crucial. This includes enacting laws that not only punish traffickers but also protect and support victims (NAPTIP, 2021, p. 13).

**Multidisciplinary Approaches:** Collaboration among various sectors—education, healthcare, law enforcement, and social services—is essential to create a comprehensive response to child trafficking. A multidisciplinary approach can address the diverse needs of trafficked children and enhance their overall capabilities (UNODC, 2020, p. 45).

**Community Engagement:** Engaging communities in the fight against child trafficking can enhance awareness and prevention efforts. Community-based initiatives that educate families about the risks of trafficking and provide alternative livelihood options can help reduce vulnerability (Sullivan, 2019, p. 134).

**Monitoring and Evaluation:** Establishing mechanisms for monitoring and evaluating programs aimed at addressing child trafficking is critical. Assessing the effectiveness of interventions in enhancing the capabilities of trafficked children can inform future policies and practices (Huang & Ruch, 2020, p. 76).

### **Ethical Obligations and Responsibilities**

Addressing child trafficking requires a comprehensive understanding of the ethical obligations and responsibilities of various stakeholders, including governments, non-governmental organizations (NGOs), communities, and individuals. These responsibilities stem from the recognition that trafficking constitutes a severe violation of human rights and dignity.

#### **Governmental Responsibilities**

Governments have a primary ethical obligation to protect their citizens, particularly vulnerable populations such as children. This includes:

- Enacting and Enforcing Laws: Governments must establish robust legal frameworks that criminalize child trafficking and impose stringent penalties on traffickers. Effective enforcement of these laws is crucial to deterring trafficking activities (NAPTIP, 2021, p. 18).

- Providing Support Services: Ethical obligations extend to providing comprehensive support services for trafficking survivors. This includes access to healthcare, psychological support, education, and vocational training to facilitate reintegration into society (UNODC, 2020, p. 56).

- Preventive Measures: Governments should implement preventative measures that address the root causes of trafficking, such as poverty, lack of education, and social inequality. This may involve creating awareness campaigns, community education, and providing economic opportunities (Sullivan, 2019, p. 89).

#### **Responsibilities of Non-Governmental Organizations (NGOs)**

NGOs play a vital role in combating child trafficking and have specific ethical responsibilities, including:

- Advocacy and Awareness: NGOs must advocate for the rights of trafficked children and raise awareness about the issue. This can involve engaging communities, schools, and policymakers to foster a deeper understanding of the risks and realities of trafficking (Huang & Ruch, 2020, p. 92).

- Direct Support Services: NGOs often provide critical support services to trafficking victims, including shelter, legal assistance, and rehabilitation programs. Their ethical responsibility is to ensure that these services are trauma-informed and culturally sensitive (Robeyns, 2016, p. 105).

- Collaboration: NGOs should collaborate with government agencies, international organizations, and community groups to create a coordinated response to child trafficking.

This collaboration enhances resource sharing and ensures comprehensive support for victims (UNODC, 2020, p. 78).

### **Community and Individual Responsibilities**

Communities and individuals also have significant ethical obligations in the fight against child trafficking:

-Community Awareness: Local communities play a crucial role in preventing trafficking. Raising awareness about the signs of trafficking and the importance of protecting children can empower communities to take action and report suspicious activities (Sullivan, 2019, p. 101).

-Support for Survivors: Community members have a moral responsibility to support survivors of trafficking, helping them reintegrate and rebuild their lives. This can include providing mentorship, job opportunities, and fostering a supportive social environment (Huang & Ruch, 2020, p. 118).

-Personal Responsibility: Individuals can contribute to the fight against trafficking by educating themselves about the issue, advocating for policy changes, and supporting organizations that work to combat trafficking. Ethical consumerism—making informed choices about products and services—can also play a role in reducing demand for trafficked labor (Robeyns, 2016, p. 115).

### **Global Ethical Obligations**

Child trafficking is a global issue that requires international cooperation. Countries have a collective ethical obligation to work together to combat trafficking by:

-Sharing Best Practices: Nations should share successful strategies and practices for preventing and addressing child trafficking. Collaborative efforts can enhance the effectiveness of interventions (UNODC, 2020, p. 90).

-Supporting International Treaties: Countries must commit to international agreements and treaties aimed at combating trafficking, such as the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (the Palermo Protocol). Adherence to these agreements is crucial for a coordinated global response (NAPTIP, 2021, p. 22).

### **Critical Evaluation and Conclusion**

#### **Critical Evaluation**

While Martha Nussbaum's Capabilities Approach has significantly contributed to discussions on human development and ethics, it is not without its criticisms. One primary critique is its perceived universality; some scholars argue that the list of central capabilities may not be applicable globally, particularly in culturally diverse contexts like Nigeria and the United States (Robeyns, 2016, p. 102). Critics contend that the approach may overlook local values and priorities, potentially imposing a Western-centric view of what constitutes a “flourishing life.”

Additionally, some argue that Nussbaum's focus on individual capabilities may neglect systemic issues such as structural inequalities, discrimination, and socio-economic factors that inhibit individual flourishing (Sen, 1999, p. 75). This critique suggests that while enhancing individual capabilities is essential, addressing broader structural changes is equally crucial to combat issues like child trafficking effectively.

### **Positive Impact on Society**

Despite these critiques, Nussbaum's framework has positively impacted societal perspectives on human rights, particularly in America and Nigeria. In the United States, her approach has informed policies aimed at enhancing the well-being of marginalized groups, emphasizing the importance of education, healthcare, and social support systems. Programs that focus on empowering individuals through education and community support resonate deeply with her principles, leading to initiatives that promote social justice and equity.

In Nigeria, the Capabilities Approach has influenced discussions around child rights and trafficking. By framing child trafficking as an issue of capability deprivation, activists and policymakers have begun to address the root causes of trafficking, pushing for enhanced educational opportunities and social support for at-risk communities. This shift in perspective has contributed to a growing recognition of children's rights and the need for protective policies (NAPTIP, 2021, p. 25).

### **Policy Recommendations**

Based on the insights gained from the Capabilities Approach, several policy changes are recommended to address child trafficking effectively, emphasizing the importance of education, healthcare, and social support systems:

**Education Reform:** Governments should prioritize access to quality education for all children, particularly those in vulnerable communities. This includes implementing programs that provide scholarships, vocational training, and catch-up education for children who have been victims of trafficking. Educational curriculums should also include awareness programs about the risks of trafficking and exploitation (Sullivan, 2019, p. 134).

**Healthcare Access:** Ensuring that trafficked children receive comprehensive healthcare is essential for their recovery and reintegration. Policies should mandate that healthcare services are accessible, trauma-informed, and culturally sensitive. This includes mental health support to address the psychological impacts of trafficking (Huang & Ruch, 2020, p. 78).

**Strengthening Social Support Systems:** A robust social support system is critical for preventing child trafficking and supporting survivors. Governments should invest in community-based programs that provide resources, mentorship, and safe spaces for children at risk of trafficking. This can foster resilience and empower communities to protect their children (UNODC, 2020, p. 90).

**Cross-Sector Collaboration:** Encourage collaboration between governmental agencies, NGOs, and community organizations to create a coordinated response to child trafficking. This can enhance the effectiveness of interventions and ensure that the needs of trafficked children are met holistically (NAPTIP, 2021, p. 18).

### **Conclusion**

Child trafficking remains a grave violation of human rights with profound ethical implications. The Capabilities Approach offers a valuable framework for understanding and addressing the complexities of this issue, emphasizing the need to restore and enhance the capabilities of trafficked children. By prioritizing education, healthcare, and social support systems, stakeholders can develop effective interventions that empower victims and prevent future trafficking. In summary, addressing child trafficking requires a multifaceted approach that recognizes the interplay between individual capabilities and systemic factors. A capabilities-focused approach not only highlights the moral imperatives involved but also provides a pathway towards a more just and equitable society. The ethical obligation to protect and empower trafficked children must be at the forefront of policy discussions and interventions, ensuring that every child has the opportunity to lead a life they have reason to value.

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