

THE INTERNATIONAL MOVEMENT AGAINST ALL FORMS OF DISCRIMINATION AND RACISM

October 2015
Geneva

Human Trafficking in Nigeria

Briefing paper for the Special Rapporteur on trafficking in persons, especially in women and children.

This briefing paper is prepared for the Special Rapporteur on Trafficking in Persons, especially in women and children, in preparation for her mission to Nigeria. It provides an overview of the issue of trafficking in Nigeria, including:

1. The main forms and manifestations of human trafficking in Nigeria
2. The Nigerian setting
3. The legislative, policy and institutional framework
4. Countering Boko Haram
5. Conclusion and priorities for reforms
6. Recommendations

1. The main forms and manifestations of human trafficking in Nigeria

In the West African sub-region, the phenomenon of trafficking in persons is widespread and Nigeria occupies a central position as a country of origin, transit and destination for victims of trafficking¹. There is also evidence of internal trafficking from rural zones to cities².

1.1 Origin

Nigerian women and girl victims of trafficking are mainly recruited for domestic servitude and sex trafficking while boys are generally forced to work

on plantations or in commercial farming, construction, quarries and mines, or engage in petty crimes and the drug trade. Nigerian victims are taken to other West and Central African countries (Côte d'Ivoire, Mali, Benin, Equatorial Guinea, Cameroon, Gabon and Guinea), as well as to South Africa. Women and girls - primarily from Benin City in Edo state - subjected to forced prostitution are trafficked mainly in Italy³ but as well in Spain, Scotland, the Netherlands, Germany, Turkey, Belgium, Denmark, Finland, France, Sweden, Switzerland, Norway, Ireland, Slovakia, the Czech Republic, Greece and Russia. According to the 2014 trafficking report, trafficking of young women from Nigeria to Europe for the purpose of sexual exploitation is one of the most persistent trafficking flows, as it is very well organized and

¹ United States Department of State, Office To Monitor and Combat Trafficking in Persons, 2014 *Trafficking in Persons Report - Nigeria*. <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226790.htm>

² Nigeria is the largest and most populous country in Sub-Saharan African and shares borders with the Chad, Cameroon, Benin and Niger. Central Intelligence Agency, *Nigeria*, <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html> (accessed September 2015).

³ It was estimated that 60-80 percent of all immigrants working in the commercial sex industry in Italy were Nigerians with a substantial number in Netherlands and Spain. Olujuwon O. "Combating Trafficking in Person: A Case Study of Nigeria European". *Journal of Scientific Research*, 2008; 24(1): 23-32.

difficult to detect⁴. Victims of sex trade and forced labor are also transported to North Africa (Libya, Algeria and Morocco), the Middle East (Saudi Arabia) and Central Asia.

An important characteristic of the Nigerian trafficking system is the use by the traffickers of threats of voodoo curses to control Nigerian victims and force them into situations of prostitution⁵. In fact, once arrangements for victims' trips abroad are completed, traffickers seal the deal by taking the victims to shrines of voodoo priests for oath taking. During the ritual, in which body parts such as fingernails, blood and/or pubic hairs are recollected, the woman is made to swear an oath to repay her debt, never to report her situation to the police or reveal the identities of her traffickers. Fear of breaking the pact is so strong that it creates a powerful hold over the victims and impedes them to seek help. According to the Nigerian National Agency for Prohibition of Traffic in Persons about 90 per cent of girls that are been trafficked to Europe are taken to shrines to take "oaths of secrecy"⁶.

1.2 Destination

The country remains a destination point for victims of human trafficking. Nigeria receives women and children from Togo, Cameroon, Chad, Niger and Central African Republic, Benin, Liberia, Mali, Burkina Faso and Ghana⁷. Boys are mainly forced to work in Nigeria's granite mines and women and young girls are forced to prostitution or exploitative domestic work.

1.3 Transit

As a transit country, Nigeria is the

⁴ "During the 2007-2012 period, Nigerian victims constantly accounted for more than 10 per cent of the total number of detected victims in Western and Central Europe, making this the most prominent transregional flow in this subregion. Present in different European countries since the late 1990s, one of the reasons of its endurance may be the structured organization of the trafficking rings." UNODC, *Global Report on Trafficking in Persons*, 2014, p. 56

⁵ K. Siddharth. *Sex Trafficking: Inside the Business of Modern Slavery*. Colombia University press. p.90

⁶ E Willmott. *A bewitching economy: witchcraft and human trafficking* (17 September 2012, Think Africa Press. <http://thinkafricapress.com/society/african-witchcraft-contemporary-slavery-human-trafficking-nigeria>

⁷ Akpomera EI, "A Critical Evaluation Nigerian Policy on Human Trafficking". *Nig. J. Pol. Pub. Pol.*, 2009; 5(1&2): 48-63

center for distribution of trafficked persons to West Africa and to Gabon and Cameroon. Nigeria also serves as a point of transit for trafficked persons from Republic of Benin and Togo to Europe and the Middle East.

1.4 Internal Trafficking

In the last two decades, there has been a growth in the internal trafficking of Nigerian women and children⁸. An increased number of people are trafficked from rural communities to cities such as Lagos, Abeokuta, Ibadan, Kano, Kaduna, Calabar and Port Harcourt. Trafficking to these regions is predominantly for exploitative domestic work, farm labor and prostitution.

2. The Nigerian setting

The context in Nigeria formed by decades of military regimes, leading to severe political, social and economic crises⁹, is fundamentally a contributory factor of human trafficking. First of all, although Nigeria is rich in natural resources, political instability and widespread corruption have facilitated trafficking in persons and hampered the progress towards reducing poverty. Nigeria is plagued by corruption at every level of society. A 2015 report by Human Rights Watch noted that "*Endemic public sector corruption continued to undermine the enjoyment of social and economic rights in Nigeria.*"¹⁰ Corruption can facilitate trafficking, for instance it can ease the transportation of victims within countries and across borders without detection or requests for paperwork. Economically disempowered and destitute families, aiming to escape poor conditions of living, are vulnerable to traffickers. Women and young girls, owing to the feminization of poverty and discriminatory cultural practices, are even more exposed to the tactics of

⁸ UNESCO, *Human Trafficking in Nigeria: Root Causes and Recommendations*, 2006, Policy Paper Poverty Series n° 14.2 (E).

⁹ *ibid* Human Trafficking in Nigeria: Root Causes and Recommendations.

¹⁰ Human Rights Watch. *World Report 2015: Nigeria* <https://www.hrw.org/world-report/2015/country-chapters/nigeria>

traffickers¹¹. Secondly, the political system characterized by institutional weakness and fragility, has created fertile ground for organized criminal groups to thrive¹². According to the 2015 United State Trafficking in Persons Report¹³, "EUROPOL has identified Nigerian organized crime related to trafficking in persons as one of the greatest law enforcement challenges to European governments." Finally, following the oil boom in the 1970s, opportunities for migration, both inside and outside the country, created avenues for exploitation and international trafficking¹⁴.

3. The legislative, policy and institutional framework

3.1 Legislative framework

- *International and regional legislative framework*

Nigeria is party to the *Protocol to Prevent, Suppress and Punish Trafficking in persons, especially women and children (Trafficking Protocol)* supplementing the *United Nations Convention against Transnational Organized Crime*, as well as to a number of international human rights instruments, including the *United Nations Slavery Convention (1927)*, the *Convention for the suppression of trafficking in Persons and of the Exploitation of the Prostitution of Others (1949)*, the *ILO Forced Labour Convention (1930, No. 29)*, the *ILO Abolition of Forced Labour Convention (1957, No. 105)*, the *ILO Worst Forms of Child Labour Convention (1999, No. 182)*.

Nigeria also ratified other international instruments which have provisions that

¹¹ It is important to note that the widespread practice of entrusting poor children to more affluent friends or relatives may create vulnerability in Nigeria. This practice consists in "giving" children away, often in exchange of money, with the motivation to give more opportunities to children to escape a situation of chronic poverty and access a better life. When misused, this custom can be a significant windfall for traffickers. See *Human Trafficking in Nigeria: Root Causes and Recommendations*.

¹² Osumah Oarhe & Enabunene Sylvester, "Women Trafficking and Violations of Right to Life in Nigeria", *Online Journal of Social Sciences Research*, 2012, Volume 1, Issue 2, pp. 62-68

¹³ United States Department of State, Office To Monitor and Combat Trafficking in Persons, *2015 Trafficking in Persons Report - Nigeria*.

¹⁴ *Ibid Human Trafficking in Nigeria: Root Causes and Recommendations*.

can apply by extension to the protection of the human rights of trafficked persons, including: the *Convention on Elimination of All Forms of Discrimination against Women (1979)*, the *Convention on the Rights of the Child (1989)*, the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)*, the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)*, the *Convention on the Elimination of All Forms of Racial Discrimination (1965)*, the *UN General Assembly Declaration on the Elimination of Violence against Women (1993)*, the *Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)*, the *ILO Conventions 97 and 143 on Migrant Workers and 181 on Private Employment Agencies*.

- *Nigerian Constitution*

Section 34 of the Constitution of the Federal Republic of Nigeria (1999) guarantees the right to the dignity of the human person thus prohibiting the subjection of any person to slavery and servitude. It prohibits the subjection of any person to slavery or servitude providing that:

"Every individual is entitled to respect for the dignity of the person and accordingly; no person shall be subjected to torture or to inhuman or degrading treatment; no person shall be held in slavery or servitude; and no person shall be required to perform forced or compulsory labour."

Other relevant provisions in the Constitution are those that safeguard the rights to movement (Section 41), personal liberty (Section 35), and those that prohibit torture and inhuman or degrading treatment, slavery, servitude and forced labour (Sections 34(1)(a) (b) and (c) respectively)¹⁵.

- *Criminal code and Penal Code*

Nigeria has two codes of criminal law; the Criminal Code covering the Southern states of Nigeria and the Penal Code applying to the North.

The Criminal Code does not define what constitutes trafficking nor does it deal

¹⁵ ILO, *Action Programme against Trafficking and Forced Labour in West Africa, Review of legislation and policies in Nigeria on Human Trafficking and Forced Labour*, 2006.

with the various forms of trafficking. However, it deals with the offences which may constitute external trafficking for prostitution and slavery. For example the Criminal Code makes it an offence to procure women and girls for prostitution in or outside Nigeria (223(2)). There are also provisions dealing with offences of unlawful deprivation of liberty, slave dealing, forced labour, and sexual offences. For instance, section 365 deals with unlawful confinement or detention against a person's will while Section 366 covers compelling someone to do something by threats, surveillance or other intimidation and is punishable by one year of imprisonment¹⁶. If this involves assault, the penalty increases to five years. The Criminal Code prohibits slave dealing, and Section 369 punishes slave dealing with imprisonment for 14 years upon conviction of any offender¹⁷.

The Penal Code contains similar provisions on trafficking. Section 275 prohibits to induce girls below 18 to incitation of prostitution and others similar practices. Section 278 provides that any person who buys, sells, hires, lets to hire or otherwise obtains possession or disposes of any person below 18 years with intent that the person will be or is likely to be employed or used for prostitution or other unlawful or immoral purposes is guilty of an offence punishable with imprisonment up to ten years and liable to pay a fine in addition. Section 279 creates the offence of slave dealing and provides that any person who exports, imports, removes, buys, sells, disposes of, traffics or deals in any person as a slave or accepts, receives or detains such person is liable to imprisonment for a maximum of 14 years and a fine. Section 280 punishes forced labor with a fine and one year imprisonment; enticement or leading away of any woman or girl (with or without her consent); for immoral purpose with imprisonment of up to 7 years and a fine. The Penal Code does not define the term traffic.

- *The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 and 2015*

The lack of adequate provisions regarding trafficking in Nigeria's criminal laws led the Federal Government to enact a new law on trafficking. In 2003, Nigeria became the first African country to enact an anti-trafficking legislation with the *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003*¹⁸. In March of this year, the *Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015* was passed and repealed the previous law. The new Act primarily intends to reflect recent developments in trafficking that were not included under the previous act. For instance, it ensures that the penalties for breaching the provisions of the law are consistent with the spirit of the Trafficking Protocol. Indeed, the penalties given for offences listed under the 2003 Act were severely inadequate for the purpose of dissuasion and deterrence¹⁹. The 2015 Act increases the penalties for trafficking offenders. It prescribes a minimum penalty of five years' imprisonment and a minimum fine of one million naira (\$5,470) for labor trafficking offenses. The law prescribes a minimum penalty of five years' imprisonment for sex trafficking offenses and a minimum fine of one million naira (\$5,470); the minimum penalty increases to seven years' imprisonment if the case involves a child. Moreover, the 2003 Act was found to be inadequate in effectively combating the evolving crime of Trafficking in Persons, with several new trends which were not taken into consideration at the time of enactment. The new law prohibits all forms of trafficking, including trafficking for organ trade or ritual murders.

3.2 Policy framework

Nigeria has entered into various bilateral agreements of understanding with individual countries within Africa that have a direct relationship with the problems of human trafficking, forced labor and migration in general. In 2006, the African Union adopted the *Ouagadougou Action Plan to Combat Trafficking in*

¹⁶ Kigbu and Hassan, Legal Framework for Combating Human Trafficking In Nigeria: The Journey So Far, *Journal of Law, Policy and Globalization*, Vol. 38, 2015.

¹⁷ *Ibid Review of legislation and policies in Nigeria on Human Trafficking and Forced Labour.*

¹⁸ The act was amended in 2005 to give practical translation to some of the enforcement powers of the National Agency for Prohibition of Traffic in Persons and Other Related Matters.

¹⁹ NAPTIP website:
<http://www.naptip.gov.ng/tiplaw2015.html>

Human Beings, Especially Women and Children. This Action Plan reaffirms international instruments on human trafficking and encourages African States to adopt legislative, administrative and institutional measures to combat trafficking in human beings. Additionally, it took sub-regional initiatives to combat human trafficking such as the *ECOWAS Initial Plan of Action against Trafficking in Persons* (2002-2003), the joint *ECOWAS/ECCAS Regional Plan of Action to Combat Trafficking in Persons, especially Women and Children* (2006-2009) and the *SADC Regional Plan of Action on Trafficking in Persons* (2009-2019).

At the national level, the *National Policy on Protection and Assistance to Trafficked Persons* was adopted in 2008 with the aim of increasing protection and rehabilitation efforts. Its goal is to provide "appropriate and relevant services that will empower victims of trafficking for effective integration into their various communities"²⁰. The national policy includes provision related to free and qualitative legal assistance to trafficked persons; non pursuit of prosecution of victims; respect for the rights of victims; none forcible return to countries of origin. It give also a broad definition of vulnerable persons; focusing on child victims' of trafficking and the demand for gender sensitive responses to trafficking.

3.3 Institutional framework

- *Inter-Ministerial Committee on Human Trafficking*

The *Inter-Ministerial Committee on Human Trafficking* has been established in 2001 with the objective to bring together representatives of Federal Government Ministries and Agencies to combat Trafficking in Persons and shape Nigeria's response to the phenomenon²¹. The committee includes: the Police, the Immigration Service, the Federal Ministry of Justice, the Federal Ministry of Women Affairs, the Ministry of Justice, the National Planning Commission, the Office

²⁰ NAPTIP, *National Policy on Protection and Assistance to Trafficked Persons in Nigeria*, 2008.

²¹ The Committee met regularly to appraise the phenomenon of Human Trafficking, and to shape Nigeria's response to the then emerging global phenomenon. See Godwin E. Morka, NAPTIP, *National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms in Addressing Trafficking in Person (NREMs): Institutional Framework - Nigeria's Perspective*, 2014.

of the Secretary to the Government of the Federation and the Customs Service. The *Office of the Special Assistant to the President on Human Trafficking and Child Labour* was set up to coordinate the work of the Committee. The work of the committee has been criticized for its absence of coordination, the presence of rivalry amongst members and competing demands of the agencies, and the absence of enabling legislation²².

- *National Agency for Prohibition of Traffic in Persons and Other Related Matters*

To address these issues, the *National Agency for Prohibition of Traffic in Persons and Other Related Matters* (NAPTIP) has been established in 2003²³. Section 8 of the Act, concerning the implementation Agency's mandate, created specialized operational departments, such as Investigation and Monitoring; Counselling and Rehabilitation; Public Enlightenment; and Legal and Prosecution. In order to address every aspect of the human trafficking phenomenon, NAPTIP adopted a 4P's strategy:

- 1) Prevention: The NAPTIP, using strategic tools such as conferences, workshops and mass media campaigns, promotes awareness within the population. It also conducts research on the root causes, magnitude and patterns of human trafficking in the country.
- 2) Protection: The NAPTIP is involved in activities with the aim to rehabilitate and reintegrate victims into the society. In 2013, it developed a National Referral Mechanism for Protection and Assistance to Trafficked Persons in Nigeria, which provides formal guidelines for law enforcement, immigration officials, and service providers to improve protection and assistance to trafficking victims²⁴.
- 3) Prosecution: The NAPTIP is involved in the investigation of human trafficking cases, monitors cross-border movements and prosecutes trafficking cases in law courts. Nigeria was the first country in Africa to record successful anti-

²² *ibid*

²³ *by The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003*

²⁴ United States Department of State, Office To Monitor and Combat Trafficking in Persons, *2015 Trafficking in Persons Report - Nigeria*.

trafficking prosecutions, with 258 convictions between December 2004 and December 2014. In 2014 only, a total of 603 cases of human trafficking and other related matters were reported to the Agency, which conducted 509 trafficking investigations, completed 56 prosecutions, and secured 30 convictions²⁵. In the first quarter of the year 2015, the NAPTIP received a total of 130 cases of human trafficking and other related matters²⁶.

- 4) Partnership: NAPTIP works in collaboration with other regional and international agencies or bodies that may ensure elimination and prevention of the root causes of the problem of traffic in any person in Nigeria and in the bordering countries.

4. Countering Boko Haram

5.1 Boko Haram

Boko Haram, the Islamic extremist group based in northeast Nigeria, also active in Chad, Niger and northern Cameroon, utilizes human trafficking as a primary method of self-sustainable funding²⁷. Boko Haram attacks include abduction on a massive scale; child recruitment; and extremely severe and widespread violations of the rights of women and girls, including sexual slavery, sexual violence, forced so-called "marriages", and forced pregnancy. Most of perpetrators are not being held accountable for their crimes and are free to live with impunity.

According to the United Nations High Commissioner for Human Rights, there is confirmation that adults, and even children, who have been abducted and enslaved by Boko Haram - and who have been delivered from captivity by government forces - are being subjected to detention, sometimes for lengthy periods, without charges. The Nigerian

²⁵ NAPTIP, *Data Analyse final*, 2014.

<http://www.naptip.gov.ng/databaseanalysis.html>

²⁶ NAPTIP, *First quarter report*, 2015.

<http://www.naptip.gov.ng/databaseanalysis.html>

²⁷ Daniel Agbiboa, "The Ongoing Campaign of Terror in Nigeria: Boko Haram versus the State International" *Journal of Security & Development*, 2013, Vol.2, Issue.3

<http://www.stabilityjournal.org/articles/10.5334/sta.cl/>

government denies access to their rights as victims of human trafficking²⁸. This situation is a further violation of their rights and must be stopped.

5.2 Civilian Joint Task Force

In June of 2013, the Borno state authorities set up a civilian militia, the Civilian Joint Task Force (CJTF). Their role is to assist the security forces in Borno state in order to identify and arrest Boko Haram members in the region²⁹. According to the 2015 TIP Report³⁰, the CJTF recruited and used child soldiers, sometimes by force. Although, the Government prohibited the recruitment and use of child soldiers and issued official statements condemning such use; the Borno state government continued to provide financial and in-kind resources to the CJTF.

5.3 Child Trafficking In Displaced Persons Camps

Nearly a million Nigerians have been displaced by Boko Haram. According to UNICEF, over half of them are children³¹. A freelance journalist from the Nigeria's International Centre for Investigative Reporting (ICIR), published a report on 29 January, 2015, saying that "*hundreds of young girls have been trafficked, raped, sold as unpaid domestic workers in the IDP camps in Borno, Adamawa and Gombe states*". To answer to these allegations, the country's National Emergency Management Agency has constituted a panel of key stakeholders and police, to investigate the alleged incidences. However, the concluding report found no evidence of child trafficking, but rather predisposing factors to human trafficking³².

²⁸ Human Rights Council 29th Session Oral Update on Boko Haram, Statement by Zeid Ra'ad Al Hussein United Nations High Commissioner for Human Rights, Geneva, 1 July 2015

²⁹ Amnesty International, *Stars on their shoulders. Blood on their hands: War crimes committed by the Nigerian military*, 2015.

³⁰ United States Department of State, Office To Monitor and Combat Trafficking in Persons, *2015 Trafficking in Persons Report - Nigeria*.

³¹ UNICEF. Press release : *800,000 children forced to flee violence in Nigeria and region* http://www.unicef.org/media/media_81518.html

³² Report of the Fact-Finding Committee on the Allegation of Rape and Child Trafficking in Internally Displaced Persons Camps in the North East of Nigeria.

5. Conclusion and priorities for reforms

While the Government has made some progress in addressing the problem, it can still do more to prevent trafficking and protect victims. According to the 2015 TIP Report, the Government of Nigeria does not fully comply with the minimum standards for the elimination of trafficking. For instance, the Government has to implement formal procedures for the return and reintegration of Nigerian victims to ensure that victims are afforded adequate care upon their return to Nigeria; take proactive measures to investigate and prosecute government officials suspected of trafficking-related corruption and complicity in trafficking offenses; and fully integrate anti-trafficking responsibilities into the work of the Nigerian Police Force and the Ministry of Labor³³. It is important to note that it is necessary, in order to effectively fight human trafficking, to address the long list of factors that facilitates human trafficking in Nigeria, such as poverty, limited educational opportunity, limited access to media, traditions of child labor and fostering, discrimination against women, and high rates of orphanhood due to HIV/AIDS³⁴.

Concerning the situation resulting from the activities to counter Boko Haram, more has to be done. First of all, it is of vital importance that the authorities ensure that every person who has been responsible for crimes of human trafficking will be held accountable in a court of law. Secondly, the authorities must insure that the rights of victims who have been enslaved by Boko Haram are respected. In particular, they need to assist women and girl survivors by encouraging their reintegration into their community, establishing accountability for sexual violence, and ensuring greater respect for women's human rights. Then, the State should immediately put an end to their support of CJTF and ensure that the group ceases the use of child soldiers in their militia.

³³ United States Department of State, Office To Monitor and Combat Trafficking in Persons, *2014 Trafficking in Persons Report - Nigeria*.

³⁴ Kathryn Cullen-DuPont, *Human Trafficking*, 2009, Infobase Publishing.

6. Recommendations³⁵

- Continue to vigorously pursue trafficking investigations, prosecutions of trafficking offenses, and adequate sentences for convicted traffickers;
- Take proactive measures to investigate and prosecute government officials suspected of trafficking-related corruption and complicity in trafficking offenses;
- Ensure the activities of the NAPTIP receive sufficient funding, particularly for prosecuting trafficking offenders and providing adequate care for victims; implement programs for the disarmament, demobilization, and reintegration of former child combatants that take into account the specific needs of child ex-combatants;
- Continue to provide regular training to police and immigration officials to identify trafficking victims among vulnerable populations, such as women in prostitution and young females traveling with non-family members;
- Cease provisions of financial and in-kind support to the CJTF until the group ceases the recruitment and use of children;
- Investigate and prosecute all individuals suspected of recruiting and using child soldiers and allegedly perpetrating other trafficking abuses against women and children;
- Assist women and girl survivors of Boko Haram by encouraging their reintegration into their community, establishing accountability for sexual violence, and ensuring greater respect for women's rights;
- Ensure that every person, including Boko Haram members, who has been responsible for crimes of human trafficking will be held accountable in a court of law.

³⁵ United States Department of State, Office To Monitor and Combat Trafficking in Persons, *2015 Trafficking in Persons Report - Nigeria*.