

**POVERTY**  
Article 25: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including housing and medical care and necessary social services; and the right to

security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Motherhood and childhood are entitled to special care and assistance. All

children, whether born in or out of wedlock, shall enjoy the same social protection.

POLICY PAPER  
**No 14.2 (E)**

# Human Trafficking in Nigeria:

ROOT CAUSES  
AND RECOMMENDATIONS



# Human Trafficking in Nigeria: Root Causes and Recommendations

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The choice of the material contained in this report and the opinions expressed therein do not necessarily represent the views of UNESCO and do not commit the Organization.

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# Foreword

UNESCO contributes to the global fight against human trafficking by encouraging more effective and culturally appropriate responses based on research and community participation.

This policy-paper is a combination of the qualitative analysis of interviews with stakeholders in 2004-2005 with a critical review and analysis of available literature on human trafficking, especially of women and children in Sub-Saharan Africa.

The target locations for this study included Kano State in the Northern Zone, Ebonyi, Rivers, Cross River, Enugu and Imo States in the South Eastern Zone and the States of Oyo, Edo, Lagos and Ogun in the South Western Zone. These States share international borders with Republics of Benin and Togo on the West, Cameroon and Gabon on the East and South, and Niger on the North. These locations are sources, transit and destinations of trafficked persons.

Information was gathered in the targeted locations mentioned above and from the following key actors:

- Government agencies, the Ministries of Justice, Women Affairs and Youth Development (including the child development units);
- Law enforcement agents such as the police and immigration;
- Traditional rulers, community leaders and religious leaders who play an important role in shaping the opinion of civil society;
- Trafficked persons and traffickers;
- Children;

- NGO representatives;
- Lawyers who are part of the administration of the justice system;
- Ordinary citizens.

This policy-paper was validated at the regional workshop on “Human Trafficking in West Africa (Benin, Togo and Nigeria): Root Causes and Policy Recommendations” organized by UNESCO and WOCON in Lagos, Nigeria on 26-28 September 2005.

This policy-paper is intended to serve as a tool for advocacy and awareness-raising to fight human trafficking in Nigeria, with concrete recommendations to be implemented in by policy-makers, legislators, civil society organizations, community leaders and other relevant stakeholders.

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## ACRONYMS

DFID:	(UK) Department for International Development
ECOWAS:	Economic Community of West African States
FEAP:	Family Economic Advancement Programme
GNP:	Gross National Product
GPI:	Girls Power Initiative
HDI:	Human Development Initiatives
ILO:	International Labour Organization
IPEC:	The International Programme on the Elimination of Child Labor
NAPEP:	National Poverty Eradication Programme
NAPTIP:	National Agency for Prohibition of Traffic in Persons and other related matters
NEEDS:	National Economic Empowerment Development Strategy
NGO:	Non Governmental Organization
SEEDS:	States Economic Development Strategies
TAMPEP:	Transnational aids/std prevention among migrant prostitutes in Europe/ Project
UBE:	Universal Basic Education
UNICEF:	United Nations Children's Fund
UNICRI:	United Nations Interregional Crime and Justice Research Institute
UNIFEM:	United Nations Development Fund for Women
UNODC:	United Nations Office on Drugs and Crime
USAID:	US Agency for International Development
WARDC:	Women Advocates Research Center
WOCON:	Women's Consortium of Nigeria
WOTCLEF:	Women Trafficking and Child Labor Eradication Foundation



Map of Nigeria



## 1

# Introduction

## 1.A SUMMARY

**T**rafficking in human beings, especially women and girls, is not new. Historically it has taken many forms,

but in the context of globalization, has acquired shocking new dimensions. It is a complex, multi-faceted phenomenon involving multiple stakeholders at the institutional and commercial level. It is a demand-driven global business with a huge market for cheap labour and commercial sex confronting often insufficient or unexercised policy frameworks or trained personnel to prevent it.

Nigeria has acquired a reputation for being one of the leading African countries in human trafficking with cross-border and internal trafficking. Trafficking of persons is the third largest crime after economic fraud and the drug trade. Decades of military regimes in Nigeria have led to the institutionalized violation of human rights and severe political, social and economic crises. This negatively impacts the development of community participation, especially of women and children, despite international institutions designed to advance their causes. In addition, the oil boom in the 1970s created opportunities for migration both inside and outside of the country. This created avenues for exploitation, for international trafficking in women and children, for forced labor and for prostitution.

Nigeria is a country of origin, transit and destination for human trafficking. There is also evidence of internal trafficking. Destinations for trafficked Nigerians include the neighboring West African countries (Côte d'Ivoire, Mali, Benin, Equatorial Guinea, Cameroon, Gabon and Guinea), European countries (Italy, Belgium, Spain, the Netherlands, Germany and

the United Kingdom), North Africa (Libya, Algeria and Morocco) and Middle Eastern countries (Saudi Arabia). Recently, South America has also become a point of destination for trafficked persons, particularly Venezuela. Primarily women and girls, but also boys are trafficked for purposes of sexual exploitation, forced labour and organ harvesting. Poverty is the principle driving force behind this trade, propelling vulnerable people into the hands of traffickers, who belong to both small-scale, local enterprises with extensive criminal networks and to large scale multi-commodity businesses.

Nigeria ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2001 and passed a national law against trafficking entitled “Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003.” Nigeria is one of the few African countries that passed such a law. Nigeria also passed the Child Rights Act in 2003, which deals comprehensively with the issue of child trafficking. Economic empowerment and reintegration programmes have tried to address the problem of human trafficking but they did not achieve the expected results. Awareness-raising activities proved to be more vigorous. Despite these initiatives, human trafficking remains a critical problem in Nigeria. There is a continuing need for the further ratification and implementation of international legislation along with the use of national legal tools currently available to fight against trafficking in human beings. The persistence of harmful cultural practices, the growth of the reach and influence of organized crime and the persistent loss of young women and children to sexual and forced labour exploitation require concerted and constant attention. To better combat human trafficking in Nigeria, and the attendant damaging effects throughout Nigerian society, will require the energy, talents and resources of government, international organizations, NGOs and civil society.

## 1.B. KEY FACTS

### Country Profile<sup>1</sup>

Total Population	128,771,988 (2005 est.)
Urban population	46.6% (2003 est.)
Ethnic groups	More than 250 ethnic groups; the following are the most populous and politically influential: Hausa and Fulani 29%, Yoruba 21%, Igbo (Ibo) 18%, Ijaw 10%, Kanuri 4%, Ibibio 3.5%, Tiv 2.5%
Life expectancy at birth	Female: 47.29 years Male: 46.21 years (2005 est.)
Infant mortality (under 1 year)	98.8 deaths/1000 live births
Adult literacy	Female: 59.4 % Male: 74.4 % (2002 est.)
Population living on less than US \$1/day	60 % (2000 est.)
Children (10-14 years)in labour force	23 % (2003 est.) <sup>2</sup>
Undernourished population	9 %
Children under height for age (under 5)	38 %
Population with sustainable access to improved sanitation	38 % (2002 est.)
Population with sustainable access to improved water source	60 % (2002 est.)
Births attended by skilled health personnel	35 %
Doctors	27 per 100,000
Maternal mortality	800 per 100,000 live births
Women in government at ministerial level	10 %
Girls in education	60 % primary, 26 % secondary
Women in legislative, managerial, professional and technical; professions	No information available
Prevalence of HIV and AIDS in adult population	5.4 % (2003) <sup>3</sup>
AIDS orphans <sup>4</sup>	1,800,000 (2003 est.)
Human Development Index rating	158/177

1. Information in this table is combined from both the UNDP (2005) Human Development Report, [http://hdr.undp.org/reports/global/2005/pdf/HDR05\\_HDI.pdf](http://hdr.undp.org/reports/global/2005/pdf/HDR05_HDI.pdf) and the CIA World Factbook, <http://cia.gov/cia/publications/factbook/geos/mz.html>
2. The World Bank (2005) *World Development Indicators*, <http://devdata.worldbank.org/wdi2005/Cover.htm>
3. UNAIDS, HIV Data per country: Mozambique, [http://www.unaids.org/en/Regions\\_countries/countries/mozambique.asp](http://www.unaids.org/en/Regions_countries/countries/mozambique.asp)
4. UNAIDS, UNICEF, USAID (2004) *Children on the Brink 2004: a joint report of new orphan estimates and a framework for action*: [www.unicef.org/publications/index\\_22212.html](http://www.unicef.org/publications/index_22212.html)

### 1.B.1. Human Trafficking: International

- 2004 US State Department figures indicate that 600,000-800,000 women and children are trafficked annually across international borders. Approximately 80% are women and up to 50% are minors. The vast majority of those trafficked under 18 years of age are girls.<sup>5</sup> Male minors account for only 2% of trafficking cases.
- The United Nations estimates a figure closer to 4 million as a total for internationally and internally trafficked people.<sup>6</sup>
- UNICEF estimates 1,200,000 children were trafficked globally in 2000.<sup>7</sup>
- Men, women, and children are trafficked for many purposes – sexual exploitation, begging, underpaid and exploited forced labour in the agricultural, manufacturing and construction industries, domestic service and organ harvesting.
- Trans-national organized criminal syndicates and networks are responsible for the bulk of human trafficking, which is linked to a range of other trafficking such as drugs, firearms, consumables, and other criminal activities including money laundering, smuggling and political bribery and corruption.
- Trafficking in humans is a highly lucrative business. Estimated profits are between US \$7-10 billion annually.<sup>8</sup> Crime networks are well organized, flexible and responsive to demand.
- Weak state structures, resulting from the upheaval of transitional economies, contribute to an environment that favors predatory criminal organizations. Parallel structures that substitute for state security dominate such economies and flourish through fear and intimidation.
- The widespread reach of these networks and perceptions of their ability to retaliate against trafficked persons<sup>9</sup> and their families reinforces their clandestine nature, difficulty of investigation and lack of prosecutorial evidence.
- Armed conflicts destroy livelihoods, severely damage national economies and cause mass population movements. Through height-

5. U.S. State Department (2005) *Trafficking in Persons Report*.

6. USAID (February 1999) "Women as Chattel: The Emerging Global Market in Trafficking" in *Gender Matters Quarterly*, N° 1 .

7. UNICEF (2006) *State of the World's Children: Excluded and Invisible* <http://unicef.org/sowc06/index.php>

8. U.S. State Department, *Ibid*.

9. The word 'victim' is typically regarded as disempowering. The term 'trafficked people/ persons' is the term of choice on this report.

ened insecurity, wars increase the vulnerability of women and children, promote dramatic survival strategies such as prostitution and often involve the abduction of women and children into armed groups/factions. Increased poverty of survivors, particularly widows and female headed-households, is an endemic feature of armed conflicts.

- Migration as a response to armed conflict and insecurity results in large refugee populations, exposing the most vulnerable to an array of dangers including discrimination, sexual violence, intimidation, recruitment into armed forces and trafficking.
- Stringent entry requirements have increased the regulation of population movements. When would-be migrants fail to meet these requirements, they may resort to illegal means of immigration, giving rise to people smuggling and trafficking.
- The increase in demand for cheap labour continues to attract people from poorer regions. As a result, with populations moving in search of employment and with the attendant opportunities for exploitation, there is often overlap between trafficking sources, transit and destination sites.<sup>10</sup>
- The commercial sex industry greatly expanded as it was globalized and integrated with other aspects of modernization. The demand factors dominating commercial sex work requires a constant supply of women and children. The commercial sex industry is inextricably linked with tourism, both domestic and foreign, and some countries are specifically promoted for “sex tourism”.<sup>11</sup>
- Widespread gender discrimination that denies women their rights, as well as attitudes that tolerate violence against women and consider women and girls inferior result in objectification and support the existence of trafficking that delivers women and girls into appalling living and working conditions.
- Destitute families are vulnerable to persuasion to hire out or sell their children because they lack adequate resources to provide for their family. Girls are most vulnerable to this form of commercial exploitation.
- Despite international conventions, there remains indifference and a lack of domestic commitments to protect those most at risk through

10. D’Cunha, Jean (2002) *Expert Meeting on Trafficking in Women and Girls*, Glen Cove, New York.

11. Corner, Lorraine (2002) “A Gender Perspective to Combat Trafficking,” *Strategy Paper on an Integrated Approach to Livelihood Options for Women & Girls*, Seminar on Promoting Gender Equality to Combat Trafficking in Women and Children, Bangkok.

legislation, awareness, information, and training of the authorities responsible to provide protection.

### 1.B.2. Human Trafficking: Nigeria

- Although Nigeria has enormous natural and human resources (Nigeria is the 11<sup>th</sup> largest producer of oil in the world)<sup>12</sup>, debt burden and institutionalized corruption takes a serious toll on the country's economy. Nigeria has been rated one of the six poorest countries in the world with a per capita GNP of about US \$280 Dollars for a population of about 133 Million.<sup>13</sup> Nigeria is a country rich in resources but with widespread poverty.
- Hope of continuing education or working abroad, traditional migration patterns of labour within the country, the practice of children being loaned/sent to better-situated family members to be raised and casual border procedures all contribute to acceptance and expectations of unregulated movement.
- Poverty is the most visible cause of the vulnerability of women and children to trafficking in Nigeria.
- An ILO/IPEC report found that 40% of Nigerian street children and hawkers are trafficked persons.<sup>14</sup>
- Within Africa, the main destinations for trafficked persons from Nigeria are Côte d'Ivoire, Equatorial Guinea Island, Cameroon, Gabon, Guinea, Mali and Benin. Italy<sup>15</sup>, Belgium, Spain, the Netherlands, Germany and the United Kingdom are the main European destinations. Saudi Arabia is also a country of destination.

12. <http://www.cia.gov/cia/publications/factbook/rankorder/2173rank.html>

13. World Bank Report 2003 available at [http://www.worldbank.org/annualreport/2003/download\\_report.html](http://www.worldbank.org/annualreport/2003/download_report.html).

14. International Labour Organisation/IPEC (2000), *Combating trafficking in children for labour in West and Central Africa*, Geneva, p 13.

15. One of the factors could be traced to the historical business transactions between some of the natives from Edo State with Italians when the Nigerian economy was more robust. These Nigerians visited Italy to buy gold, shoes and clothing to sell in Nigeria. When the Nigerian economy began to dwindle, some of these businessmen and women stayed longer to pick potatoes for quick returns before returning home. As the economic situation in Nigeria worsened and the business of picking potatoes was taken over by immigrants from Eastern Europe, the growing sex industry became more lucrative for Nigerian women. Naturally, those Nigerians from Edo State started human trafficking activities using their relatives, friends and community members as commodities. Human trafficking being a clandestine criminal activity, the gang members feel safer recruiting from trusted family members. This could explain why to date over 80% of trafficked persons for prostitution to Europe, especially Italy, are from Edo State where the trend started.

- Road links between northern Nigeria and the Niger Republic provide routes to North Africa, the Middle East and Europe. In particular, the Malam Aminu Kano International Airport is a key transit point providing international air links for criminal gangs flying trafficked persons to the Middle East and other parts of Europe.
- Despite the widespread nature of the phenomenon, research on human trafficking is concentrated on southern Nigeria with Delta, Edo and Cross Rivers States being the main focal points. Consequently, the northern sector of the country has received relatively little attention. This incorrectly suggests that human trafficking is not a problem in northern Nigeria. The trade in human beings is as prevalent in northern Nigeria as in other parts of the country.
- Extensive land and sea boundaries are difficult and expensive to patrol effectively.
- There is an estimated 1,800,000 AIDS orphans living in Nigeria, particularly vulnerable to being trafficked.<sup>16</sup>
- There exists well-organized and established criminal groups within Nigeria that primarily deal in drugs and smuggled commodities, as well as less organized groups that deal in trafficking of humans.
- Nigeria ratified the UN Convention Against Trans-national Organized Crime and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) in 2001.
- There is domestic anti-trafficking legislation in Nigeria: the “Trafficking in Persons (Prohibition) Law Enforcement and Administration Act” of 2003.

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16. UNAIDS, UNICEF, USAID (2004) *Children on the Brink 2004: a joint report of new orphan estimates and a framework for action*: [www.unicef.org/publications/index\\_22212.html](http://www.unicef.org/publications/index_22212.html)

# 2 Context and Issue

## WHAT IS TRAFFICKING?

The first internationally agreed upon definition of trafficking is embodied in the *UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime (2000)*, as follows:

*The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.*

*Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*

*The consent of a victim of trafficking in persons to the intended exploitation...shall be irrelevant where any of the...[fore-mentioned] means...have been used.*

*The recruitment, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons,' even if it does not involve ...[any of the above listed means].*

*"Child" shall mean any person under eighteen years of age (Art. 3).*



### Key Features of the Protocol:

- Defines trafficking as a crime against humanity, marked by the intent to deceive and exploit;<sup>17</sup>
- Expands the range of actions considered part of the trafficking process including recruitment, transportation, transfer, harboring, and receipt of persons in end-institutions;
- Addresses a wide range of means used, from blatant force to subtle inducements that capitalize on vulnerability, to achieve ‘consent’;
- Makes consent to the intended exploitation irrelevant, where any of the means outlined in the definition are used;
- Acknowledges men are also trafficked, though it emphasizes trafficking in women and children;
- Recognizes a range of purposes of trafficking, in addition to sexual exploitation;
- Contains rights-based and protective social, economic, political and legal measures to prevent trafficking, protect, assist, return and reintegrate trafficked persons, and to penalize trafficking and related conduct;
- Calls for international cooperation to prevent and combat trafficking.

While its human rights provisions needs to be expanded, enriched and made obligatory for all States, this UN Protocol is nonetheless an important step towards locating trafficking within a rights framework.<sup>18</sup>

*The following table provides additional detail on the rights violated in the context of human trafficking and the corresponding legal instruments.*<sup>19</sup>

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17. See International Criminal Court, Rome Statute: Article 7: Crimes Against Humanity.  
 18. UNIFEM Asia (2002) *Trafficking in Persons: A gender and rights perspective*, Briefing Kit.  
 19. This table is adapted from the *Human Rights Standards for the Treatment of Trafficked Persons* published by the Global Alliance Against Trafficking in Women (GAATW) and from *International Perspectives and Nigerian Laws on Human Trafficking*, Olaide Gbadamosi Esq, Network for Justice and Democracy.

Human Rights Usually Violated in the Context of Human Trafficking	Corresponding International Legal Instruments and Articles
<b>Right to Health and Social Services</b>	<ul style="list-style-type: none"> <li>• Articles 22 and 25 (1) of the Universal Declaration of Human Rights (UDHR)</li> <li>• Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)</li> <li>• Article 24 of the Convention on the Rights of the Child (CRC)</li> <li>• Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</li> <li>• Article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)</li> </ul>
<b>Right to Education and Training</b>	<ul style="list-style-type: none"> <li>• Article 26 of the Universal Declaration of Human Rights (UDHR)</li> <li>• Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)</li> <li>• Article 18 of the International Covenant on Civil and Political Rights (ICCPR)</li> <li>• Articles 28, 29 of the Convention on the Rights of the Child (CRC)</li> <li>• Article 10 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)</li> <li>• UNESCO Convention Against Discrimination in Education</li> </ul>
<b>Right to Liberty of Movement and Freedom to Choose one’s Residence</b>	<ul style="list-style-type: none"> <li>• Article 13 (1) of the Universal Declaration of Human Rights (UDHR)</li> <li>• Article 12 (1) of the International Covenant on Civil and Political Rights (ICCPR)</li> </ul>
<b>Right to a Decent Work</b>	<ul style="list-style-type: none"> <li>• Article 23 of the Universal Declaration of Human Rights (UDHR)</li> <li>• Article 8 (3) of the International Covenant on Civil and Political Rights (ICCPR)</li> <li>• ILO Convention 29</li> <li>• Article 23 (1) of the Universal Declaration of Human Rights (UDHR)</li> <li>• Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)</li> <li>• Article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)</li> </ul>
<b>Right to Freedom from Slavery</b>	<ul style="list-style-type: none"> <li>• Article 4 of the Universal Declaration of Human Rights (UDHR)</li> <li>• Article 8 of the International Covenant on Civil and Political Rights (ICCPR)</li> <li>• United Nations Slavery Convention Supplementary Convention on the Abolition of Slavery, the Slave Trade and institutions and Practices Similar to Slavery</li> </ul>
<b>Right not to be Tortured and/or Submitted to Other Cruel, Inhuman or Degrading Treatment or Punishment</b>	<ul style="list-style-type: none"> <li>• Article 5 of the Universal Declaration of Human Rights (UDHR)</li> <li>• Article 7 of the International Covenant on Civil and Political Rights (ICCPR)</li> <li>• Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</li> </ul>
<b>Right to Peace and Security</b>	<ul style="list-style-type: none"> <li>• Article 3 of the Universal Declaration of Human Rights (UDHR)</li> </ul>
<b>Right to Non-Discrimination</b>	<ul style="list-style-type: none"> <li>• Articles 1, 2 and 7 of the Universal Declaration of Human Rights (UDHR)</li> </ul>
<b>Right to Access to Justice</b>	<ul style="list-style-type: none"> <li>• Article 6 of the Universal Declaration of Human Rights (UDHR)</li> </ul>
<b>Right to Freedom of Expression and Participation</b>	<ul style="list-style-type: none"> <li>• Articles 19 and 21 of the Universal Declaration of Human Rights. (UDHR)</li> </ul>

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## 2.A. WHAT IS THE CONTEXT OF HUMAN TRAFFICKING IN NIGERIA?

### 2.A.1. Geographical Dynamics of Human Trafficking in Nigeria

#### Internal Trafficking

In the last two decades there has been an increase in the internal trafficking of Nigerian women and children. An increased number of people are trafficked from rural communities (Oyo, Osun and Ogun States in the South-West; Akwa-Ibom, Cross River, Bayelsa States in the South-South; Ebonyi and Imo in the South East; Benue, Niger, and Kwara States in the Middle Belt) 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, with incidents of human trafficking and forced labour particularly prevalent in Lagos.

#### Cross-Border Trafficking

##### *Nigeria as a Source Country*

Internationally trafficked Nigerians come from all parts of Nigeria but some States tend to provide more trafficked persons than others. These States include Akwa Ibom, Cross River, Delta, Edo, Imo, Ebonyi, Kano, Delta, Ogun, Oyo and Lagos.

West African destination countries for Nigerian trafficked women and children are Republic of Benin, Togo, Côte d'Ivoire, Equatorial Guinea, Cameroon, Gabon and Guinea where trafficked persons are destined to work mostly as domestic servants and on farm plantations. More specifically, women and children recruited from Shaki in Oyo State are mainly trafficked to Guinea, Mali and Côte d'Ivoire to work as hawkers and domestic servants. Recently, Nigerian women and young girls were also trafficked to Benin for prostitution. Most of these trafficked persons find themselves deceived into believing that their destination would be Europe.

Common European destinations for trafficked women and children from Nigeria are Italy, Belgium, Spain, the Netherlands, Germany and the United Kingdom. There is a noticeable and growing trend in the trafficking of Nigerian women and young girls to the United Kingdom to work as domestic servants. An increasing number of young girls claiming

asylum in the United Kingdom are, in fact, trafficked persons.<sup>20</sup> Nigerian women and girls en-route to Europe spend many months in the deserts of North Africa and are forced into labor and prostitution to survive during the journey. About 92% of Nigerians trafficked to Europe for prostitution come from Edo State of Nigeria. Initially, most came from Benin City, the capital of Edo State, and from cities in Delta State. With the mounting anti-trafficking campaigns, however, traffickers are moving away from urban centers and into the countryside. There are also records of recruitment from other Nigerian states, such as Imo, Enugu, Lagos, Ogun, Anambra and Akwa-Ibom.<sup>21</sup>

The Middle East is another destination, especially Libya and Saudi Arabia. The recruitment of girls trafficked to Saudi Arabia comes predominantly from the northern part of Nigeria, especially Kano, Kwara Kaduna, Niger, Borno, Taraba, Yobe, Nassarawa, Plateau, Kebbi, Kwara, Sokoto, Katsina, Adamawa, Zamfara, Jigawa, Gombe and Bauchi States. Improved immigration records have helped debunk the erroneous impression that human trafficking for prostitution does not occur in the northern part of Nigeria. Based on such sources, a paper from the Nigerian Immigration Service reported that:

“From March 2002-April 2004, the Saudi Arabia authorities deported 9,952 women and 1,231 underage unaccompanied children. Investigations revealed that the majority of the women deported from Saudi Arabia are from: Kano, Borno, Adamawa, Yobe, Nassarawa, Plateau, Niger, Kebbi, Kwara, Sokoto, Katsina, Zamfara, Jigawa, Gombe, Bauchi and Taraba States.”<sup>22</sup>

Between 1999 and July 2000, traffickers deported about 454 trafficked Nigerians, mostly women and children, from Saudi Arabia.<sup>23</sup>

Recently, South America has also become a point of destination for trafficked persons, particularly Venezuela.

### **Nigeria as a Transit Country**

As a transit country, Nigeria is the centre for distribution of trafficked persons to West Africa and to Gabon and Cameroon. Some Togolese

20. Daily Telegraph March 9, 2001.

21. *Report from the Nigerian Division of the International Criminal Police Organization*, report dated 25<sup>th</sup> August 2000.

22. Mohammed Ali Mashi, Deputy Superintendent of Immigration Services (DSI), presented this paper at a workshop in Bauchi, organized jointly by Nigerian Immigration Services and UNICEF.

23. See Akon Bassey's report on *This Day News Paper*, issue of 3<sup>rd</sup> August 2000.

women and young girls recruited from Dapaong (about 600 km from the capital Lomé) and from Basser, Lama-Kara Sokodé and Namtogou in the central region of the country get trafficked to Europe, mainly through Nigeria. Nigeria also serves as point of transit for trafficked persons from Republic of Benin to Europe and the Middle East. There are transit camps in Akwa Ibom, Cross River and Ondo States. Border States are points of transit for those being taken abroad. This transit may take days, months or years under arduous and deplorable conditions. For example, trafficked Togolese children en-route to Gabon via Nigeria stay in the Cross Rivers State waiting for boats to ferry them across the seas. In most cases they lack the necessary means during the wait and some of the Togolese girls prostitute themselves in order to survive.

### *Nigeria as a Destination Country*

As a destination, Nigeria receives Togolese women, young girls<sup>24</sup> and children from Benin, Liberia, Mali, Burkina Faso and Ghana. Over the years Buzu women<sup>25</sup> from the Niger Republic have been trafficked into affluent homes in northern Nigeria to serve as household helpers and concubines. Occasionally, some of the trafficked Buzu women end up marrying their employers who are often affluent business people.

## **2.A.2. Main Agents of Human Trafficking**

### **Traffickers**

The trafficker is the link between supply and demand, on the one hand increasing supply through the recruitment, deception, transportation and exploitation process, and on the other hand boosting demand by providing easy access to the trafficked persons. This includes recruiters as well as transporters, receivers, pimps, brothel-keepers, corrupt border guards, and producers of false documentation, all of whom benefit as the trafficked persons pass through their hands. The trafficker is often part of the extended family, has links with the family nucleus, or is someone known within the local community.

Whatever the scale and means of the operation, the process is a systematic, well-organized economic phenomenon, involving the displacement and movement of persons solely to profit from the exploitation of the trafficked person's labour. Nigerian traffickers abroad have established

24. These women and young girls are recruited from Dapaong (about 600 km from the capital Lomé) and from Basser, Lama-Kara Sokodé and Namtogou in the central region of the country.

25. Buzu is another word for Tuareg.

mafia-like organizations of control in most destination countries. They are well-connected and operate in cartels and networks which are difficult and risky to infiltrate. They are ruthless and will sacrifice anyone to cover their tracks and remain hidden. They use codes for communication among themselves. Traffickers do not always operate in groups, however, and some engage in solo operations.

The high profits and low risks of punishment for human trafficking make it an attractive business. African traffickers face low risk of arrest, prosecution or other negative consequences. They have exploited the lack of rule of law, the non-implementation of existing anti-slavery laws, and corruption of judicial systems.<sup>26</sup> These lapses allow perpetrators to go unpunished. Prosecutions are rare and fraught with difficulties.

### The Trafficked Persons

These include all the women, children and men who are deceived, transported and delivered into the hands of those who exploit them for profit.

Poverty, war, lack of information, gender inequality and high demand for cheap labor put demographic populations such as women and children at high risk. The general lack of prospects in rural areas often leads to trafficking, and many of those trafficked come from poor communities. One common dynamic is the following: in times of cutbacks in State services and subsidies, women assume the considerable burden of diminished resources as they are subject to the rigid gender-based division of labor assigning them the household<sup>27</sup> and men tend not to devote their earnings to the household, leaving the women responsible for the survival of their families. These women then seek to diversify their sources of income<sup>28</sup> which increases their risk of being trafficked. Furthermore, they are more likely to send their children either to live with other family members in wealthier communities or to seek employment outside of the family network. This thereby increases the risk that those children will be trafficked, as the traditional practice of child fostering has been manipulated by traffickers in order to exploit children.

26. Fitzgibbon, Kathleen (2003) "Modern Day Slavery? The Scope of Trafficking in Persons in Africa" in *Africa Security Review* Vol 12 No 1.

27. Truong, Thanh-Dam (2006) *Poverty, Gender and Human Trafficking in Sub-Saharan Africa: Rethinking Best Practices in Migration Management*, UNESCO, p.42.

28. *Idem*. Also see Chant (2003) *The 'Engendering' of Poverty Analysis in Developing Regions: Progress Since the United Nations Decade For Women, and Priorities for the Future*, New Working Paper Series, Gender Institute, London: London School of Economics.

## The Users

The users of trafficked persons are at the end of a long chain. They can be either the users of sex workers or the heads of farms or shops needing access to cheap labor. Sometimes, prospective employers of trafficked persons directly approach the agents who negotiate with the trafficked persons or their relatives. According to UNICEF, “very often they do not perceive themselves as part of the trafficking network, although they are, in fact an engine in the machinery of exploitation. Every aspect of the various roles of users requires further research.”<sup>29</sup>

Users may act as individuals or are networked through access to other illegal activities such as prostitution and sexual abuse of children and forced labour. They may be unaware or unconcerned about trafficking or not perceive themselves as part of the trafficking network.<sup>30</sup>

### 2.A.3. Means of Transportation

*Road transportation* is an increasingly popular means of transport for the trafficking of Nigerians to Europe. Traffickers going to North Africa, the Middle East and Europe use the road links between northern Nigeria and Niger. According to Father Don Orestse Benzi<sup>31</sup> at the Pan African Conference on Human Trafficking (Abuja, Nigeria, 2001):

“Until two years ago they used to come to Europe by airplane, now they come by land, by foot and by car, going through various countries to Morocco, through the Gibraltar they arrive in Spain and then by train they reach Italy or other European countries.”<sup>32</sup>

*Transportation by sea* takes place mostly under deplorable conditions. The traffickers use boats or canoes, referred to as “pirogues,”<sup>33</sup> to cross oceans and seas without sufficient preparation for the feeding and the well-being of the persons on board. Sea transport is used to traffic persons from Nigeria, Benin and Togo to countries in central Africa such as Gabon, Equatorial Guinea, Guinea and Cameroon.

29. UNICEF Innocenti Research Center (2003) *Trafficking in Human Beings, Especially Women and Children, in Africa*, p.9.

30. *Idem*.

31. Dan Orestse Benzi is the president of the “Community Pope John XXIII,” and a catholic priest working with the Nigerian trafficked persons for prostitution in Italy.

32. “The Rape of the Innocents, a Report of the Proceedings of the Pan African Conference on Human Trafficking in Abuja” (2001) p. 179.

33. See ILO/IPEC (2001) *Synthesis Report on Trafficking in West and Central Africa*, Geneva, ILO.

*Transportation by air* is increasingly difficult due to heightened security controls. Nonetheless traffickers still manage to get through without being caught. Those going to Europe have to explain why they are taking the trip, but those going to Saudi Arabia justify their travel under the guise of Islamic pilgrimage. As previously mentioned, the Malam Aminu Kano International Airport in Kano<sup>34</sup>, serving the largest city in northern Nigeria, is a key transit point to the Middle East and other parts of Europe.

Human trafficking naturally involves the issue of border controls. Border controls within the ECOWAS region are weak and border-crossing relatively easy; the whole area is replete with the unregulated circulation of people moving informally from one country to another.

Strengthening border controls is a potential strategy, as less porous borders make the traffickers' job far more difficult. One should note, however, that tighter borders simultaneously increase demand for the illegal transport provided by traffickers among migrants and smugglers.<sup>35</sup> Thus, any controls must be implemented carefully and intelligently.

## 2.A.4 Purposes of Trafficking in Human Beings, Especially Women and Children

In Nigeria, persons are trafficked for prostitution, to work as domestic servants, bus conductors, and street traders. They are exploited in agricultural work, brass melting, stone digging and scavenging.

### Prostitution

Nigerian women and children are trafficked both internally and externally for sex. In the last decade, thousands of women and young girls were trafficked into the sex industry, especially into Europe, so that many people in Nigeria came to equate trafficking with prostitution alone and not with other forms of labor.

Traffickers recruit girls from countryside markets, salons and other public places. Usually such persons are instructed not to tell their parents that they are planning to travel out of the country. With the help of corrupt immigration officers, traffickers switch pages from stolen passports having valid visas with those of the trafficked persons, giving fake names, ages

34. In the Southern sector however, the Murthala Mohammed airport is the key transit point for human traffickers traveling to Europe and other parts of Europe.

35. According to the UN Protocol Against the Smuggling of Migrants by Land, Sea or Air, **smuggling** is "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident."



and other particulars. The trafficked persons are then coached to claim that they have been traveling in and out of the country, whereas they may never have even left their villages.

Upon arriving at their destinations, they are deprived of their travel documents and made to sign agreements to pay back their Madams.<sup>36</sup> In addition, prior to their travels or on reaching their destinations trafficked persons' body parts such as pubic hairs, finger nails, menstrual flows, as well as underwear and photographs are taken from them and sent to Juju priests in Nigeria to ensure obedience. Many of the girls are also coerced with threats to kill their parents and other relatives if they do not cooperate.

Prostitution in Nigeria is perceived as an aberrant and immoral act and is considered a sin, especially according to the religious teachings of Islam and Christianity prevalent in the country. In the northern part of Nigeria, the penal code is fashioned along Islamic laws and criminalizes prostitution.<sup>37</sup> In the southern part of Nigeria, the criminal code does not criminalize prostitution but does prohibit the operation of brothels and forbids anyone from living on the earnings of prostitutes.<sup>38</sup> Overall, the degree of tolerance of prostitution differs from community to community. For example, many communities in Edo State trivialize the issue. Trafficking for prostitution is only publicly recognized as an external phenomenon while internal trafficking for prostitution, which has been going on for decades, is not publicly recognized.

Extensive literature on the trafficking of Nigerians for sex in Europe and the Middle East has drawn national and international attention to the issue. Interventions targeted at the known sources of recruitment for trafficked persons often focus on Edo State, to the disadvantage of other parts of the country also implicated.

### Domestic Help

Urban migration and poverty have saturated the labor market, especially the informal labor market, and led to the systematic reduction of the cost of

36. Also called "*Maman*", they are female traffickers who meet all travel expenses (including the purchase of illegal documents when necessary) and all necessary costs in the first phases of the settlement abroad. They give their psychological support to the selected woman throughout the process of decision to expatriate, they advise her on how to behave in the foreign country, they provide her with useful addresses, such as that of the future working place, that of other *Maman* ready to receive and help her solving possible problems.

37. Nigerian Penal Code (Cap 345) Laws of the Federation of Nigeria (1990) Section 405(d). Applicable in the northern part of Nigeria

38. Criminal Code Act, Cap 77 Laws of the Federation of Nigeria (1990) Section 225A Applicable in the southern part of Nigeria.

labor. As a result, cheap labor in the informal sector, particularly domestic labor, grew as the economic crisis obliged every member of the family to work outside their homes to sustain family finances. The following narratives capture the experiences of trafficked children in Nigeria for domestic help.<sup>39</sup>

Elizabeth, a native of Benue State in the Middle Belt of Nigeria, never had any form of education because her parents were poor. Her brother brought her to Lagos along with other girls for domestic service work. She is employed by a Madam to work in a food joint. With this “Madam”, she earns Naira 2, 000 (US \$15) monthly. The money is kept by her brother for her father in Benue State, for the upkeep of the family. Elizabeth wakes up at 4.30 a.m. and is asleep by 1.30 a.m. She is running a 21 hour work day, 7 days a week. She is also responsible for taking care of the house on return from the restaurant. Often her employer beats and curses at her. Obviously, Elizabeth is under a lot of pressure, she has not seen her brother since she started work and her Madam told her that she had a two-year contract with her. The young girl summed up her feeling like follows: “I wish I had a place I can go to. This suffering is too much to bear.”

Bisi, now 14 years old, is the only child of her mother. She has worked as house help for three years. Her father has three wives, and Bisi’s mother left her because she did not have enough money to care for her child. Bisi left her last Madam because she was raped by one of the Madam’s children who also warned her not to tell anyone. She became pregnant and moved to another Madam. “I was too afraid to tell them who impregnated me because my Madam will not believe me and Uncle Bayo will kill me... Nobody can care for me like my parents.”

Pre-pubescent girls are recruited from States in the north with a promise to their parents that they will be trained or will work and accumulate a dowry for when they get married. Girls, some as young as seven years old, are thus brought to places like Lagos and Ibadan and given out as domestic servants, beggars or street traders. They are usually paid N 3,000 (around US \$ 23) a month, half of which goes to the traffickers as a “fee”. One such female trafficker was intercepted by the police in Lagos in March 2005 with 40 girls between the ages of 7 and 17 years old.

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39. These are excerpts from interviews made for this study.

### “Diya” or “Blood Money”

A form of trafficking currently under investigation takes place in the northern part of Nigeria and involves the luring of young children to Saudi Arabia to be killed for blood money known as “*diya*”. The method is quite simple: the trafficker, often female, takes a child trafficked to Saudi Arabia to go shopping; when she spots an affluent Arab’s car, she pushes the child in the path of the car to get run over and possibly killed. There are two types of penalties for anyone who kills another human being in Saudi Arabia. The first is the death penalty; the second is the offering compensation to the relatives of the dead victim, if the relatives accept (“*diya*”). The trafficker opts for the second option and obtains an equivalent of about Naira 3,500,000 (local currency, equivalent to some US \$27,000). The trafficker returns to Nigeria and informs the parents of the trafficked child that the child died of natural causes. The trafficker pays the parents about Naira 100,000 an equivalent (about US \$775) as the wages of the child while in Saudi Arabia. Parents do not typically probe the trafficker’s story, often accepting the death of the child as the will of Allah. Many simply accept the supposed wages. There is little research on this form of trafficking, but our interviews suggest that those recruited are women and children from poor family backgrounds and rural communities.<sup>40</sup>

### Begging

Another type of trafficking in northern Nigeria is the trafficking for organized begging. Physically challenged or disabled persons, such as the blind and crippled, are lured into the begging business in major Nigerian cities, such as Lagos, Ibadan, Kano and Kaduna. Recently, this type of trafficking has spread beyond the country’s borders to the Middle East, in particular to Saudi Arabia. Contractual beggars are often adults of both sexes.

Physically challenged or handicapped persons are hired on a daily basis for begging assignments with a token fee of often no more than Naira 500 (some US \$3.8). There are rampant abuses involved with this kind of arrangement. The ‘investor’ only releases the trafficked person when he has made sufficient profit. The physically challenged are often carried on their back, in a wheel burrow or wheel chair and taken around town from sunrise to sunset, often under harsh weather and dangerous traffic conditions.

Furthermore, experienced adult beggars traffic children under their

40. Interview of Mallam Mohammed Garuba by Dr. Yakubu Zachariah during the UNESCO research on human trafficking in West Africa 2004.

custody. These children are then compelled to lead the handicapped into organized begging. They are forced to do this for practically nothing or without any financial reward other than the daily meals that may be handed out to them along the streets. These trafficked children who lead beggars across the major cities of Nigeria are denied access to formal education and proper social upbringing

In 1995, the Saudi Arabian authorities deported 18 Nigerian men for running a ring that trafficked in women and beggars.

### Baby Harvesting

In States like Abia, Ebonyi and Lagos, many cases have been reported to clinics, doctors, nurses and orphanages who help pregnant teenagers and other women who do not want to keep their babies after birth. They care for these women during pregnancy and provide money and shelter. Upon delivery the babies are sold to couples who pay a premium for the babies of their choice. The young mothers are paid off after having signed papers repudiating their claims on the babies or swearing oaths of secrecy.

Officials recently handled a case of two sisters who approached a doctor in Lagos with an offer to sell the unborn child of one of the sisters. They demanded N 500,000 (about US \$3875) and N 300,000 (about US \$ 2325) for a baby boy and baby girl respectively. Later they raised the price of a baby girl to N 400,000 (about US \$3100) because of “the rising cost of living.”

Another case was that of the Good Shepherd Orphanage which engaged in the illegal adoption of babies. Young girls with unwanted pregnancies were sheltered at the orphanage and their babies sold at birth, with official cover from the administration.

There is no trace of many of the babies that are sold, and one cannot be sure exactly how they are used.

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## 2.B. WHAT ARE THE ROOT CAUSES OF HUMAN TRAFFICKING IN NIGERIA?

The **supply and demand** equation is typically described in terms of “**push**” and “**pull**” factors. These factors have a global resonance, but vary in local emphasis and scale. While armed conflict distorts and magnifies conditions of hardship and insecurity and creates fertile conditions for trafficking in all commodities, it is ultimately poverty, high unemployment and lack of opportunity, the quest for a means of survival, that is the engine

driving trafficking in humans. The push/pull factors - two sides of the same coin - factors that make women and girls particularly vulnerable are rooted in systemic gender discrimination. It is important to remember that these explanatory factors can be mutually reinforcing and that some of the causes can also be the consequence of others. More research is required into the mechanics of these causes.

Women and girls are **more vulnerable to being trafficked** because of:<sup>41</sup>

#### Factors contributing to supply (push factors)

- **unequal access to education** that limits women's opportunities to increase their earnings in more skilled occupations;
- **lack of legitimate and fulfilling employment opportunities** particularly in rural communities;
- **sex-selective migration policies** and restrictive emigration policies/laws, instituted often as a "protective" measure, limit women's legitimate migration. Most legal channels of migration offer opportunities in typically male-dominated sectors (construction and agriculture work);
- **less access to information** on migration/job opportunities, recruitment channels, and a greater lack of awareness of the risks of migration compared to men;
- **disruption of support systems** due to natural and human created catastrophes; and
- **traditional community attitudes** and practices, which tolerate violence against women.

#### Factors contributing to demand (pull factors)

- **women's perceived suitability** for work in labour-intensive production and the growing informal sector which is characterized by low wages, casual employment, hazardous work conditions and the absence of collective bargaining mechanisms;
- the **increasing demand for foreign workers** for domestic and care-giving roles, and lack of adequate regulatory frameworks to support this;

41. UNIFEM Asia (2002) *Trafficking in Persons: A gender and rights perspective*, Briefing Kit.

- the **growth of the billion-dollar sex and entertainment industry**, tolerated as a ‘necessary evil’ while women in prostitution are criminalized and discriminated against;
- the **low risk-high profit nature** of trafficking encouraged by a lack of will on the part of enforcement agencies to prosecute traffickers (which includes owners/managers of institutions into which persons are trafficked);
- the **ease in controlling** and manipulating vulnerable women;
- **lack of access to legal redress** or remedies, for victims of traffickers; and
- **devaluation** of women and children’s human rights.

### 2.B.1. Push Factors

#### Poverty

Although Nigeria has enormous natural and human resources (Nigeria is the largest oil producer in Africa and the eleventh largest in the world),<sup>42</sup> it is rated as one of the poorest countries in the world with a GDP per capita of about US \$1,000 (2005 est.) for a population of about 130 Million.<sup>43</sup> There is massive unemployment and a general lack of opportunities for economic ventures, low standards of living, devalued local currencies and a failure to meet the health, food, habitat and security needs of the people.

Populations living in political and economic instability often seek to migrate elsewhere in search of better opportunities. The destination of that migration is usually into bigger cities.<sup>44</sup> The rural areas of Nigeria, where the bulk of the population resides, are not industrialized. There are few job opportunities or institutions of higher learning. Consequently, even when the children do receive some education up to secondary school, there are no jobs at the end of their schooling nor additional institutions for them to attend. The economic situation is such that most parents are unable to care and properly feed their families. Parents subject their children to various forms of labor, including trafficking for economic gains.

42. <http://www.cia.gov/cia/publications/factbook/rankorder/2173rank.html>

43. <http://www.cia.gov/cia/publications/factbook/geos/ni.html>

44. This poverty factor also explains in part human trafficking and exploitative migration from less endowed countries such as Togo, Benin to Nigeria. The same economic factors have driven Chadians, Malians and people from Niger to Nigeria.

Urban migration in Nigeria is not only internal. It also involves migration from poorer neighboring countries, especially from West Africa facilitated by the ECOWAS agreement on free movement of goods and persons. Political and economic instability in Nigeria's northern neighboring countries (Chad, Mali and Niger) creates an influx of the displaced into Nigeria.

The massive migration from rural communities to urban centers has had a negative impact on society. In urban centers it has created a vast supply of human capital, especially in the informal labor market (domestic labor in particular), that greatly outweighs the demand. This has led to a systematic reduction in the cost of labor.

During the dry season, or "cin rani", there is also a mass movement of peasants from the North to the South and newcomers to this seasonal trek are particularly vulnerable to traffickers. Traffickers promise lucrative job opportunities in the cities.<sup>45</sup> The majority of dry season migrants who fall prey to traffickers are unskilled males. They often migrate to work on plantations in Côte d'Ivoire, the Republic of Cameroon and Gabon. When they end up in the cities, most of the unskilled migrants find work as security guards or watchmen of workplaces and the homes of the affluent. Due to poor wages and exploitative contracts, these migrants often end up in perpetual bondage, unable to return home.

There are also historical relationships that have degraded with the economic downturn: witness Edo State. There were myriad business transactions between some of the natives from Edo State with Italians when the Nigerian economy was buoyant. These Nigerians visited Italy to buy gold, shoes and clothes to sell in Nigeria. When the Nigerian economy began to dwindle, some of these businessmen and women stayed longer to pick tomatoes for quick returns before returning home. As the economy in Nigeria worsened and the tomato picking was taken over by immigrants from Eastern Europe, the sex industry became a more lucrative venture for Nigerian women. People from Edo State started trafficking from among their own families, friends and communities as they felt it was safer to recruit from sources they knew.

### **Perversion of Cultural Traditions**

In Nigeria, as in much of Africa, the childcare is the responsibility of the extended family. This practice provides social balance and is meant to cushion the effects of poverty among the extended family members

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45. Zachariah, Yakubu (Dr) (2004) *The Almajirci Lurch, and Disguised Forms of Human Trafficking in Northern Nigeria*, p.3-8.

and to stop the cycle of poverty by placing the children of the poor with wealthier relatives for proper care and upbringing. In recent years, this form of cultural or traditional fostering has been exploited by traffickers to recruit children. Sometimes, the parents or guardians solicit the help of traffickers themselves; this often happens out of ignorance as to what the conditions will be for the children, and in the naïve hope that they will be well-educated or will acquire other skills for future advancement.

### Manipulation of Religious Rituals

Some forms of trafficking are underplayed and not typically regarded as human trafficking. In northern Nigeria, for example, human trafficking is often disguised as institutionalized migration known as “peripatetic scholarship”<sup>46</sup> or “almajirci” and sometimes through religious pilgrimage, called “hajj” or “umra” (a lesser form of pilgrimage).<sup>47</sup>

Traditional scholarship, “almajirci”, when conducted in the pupil’s hometown, is subject to parental care and does not fall under the definition of trafficking. It can, however, involve the movement of large numbers of pupils, often teenage males, by an Islamic teacher (or Malam) during the dry season from their hometown to somewhere far away from home and sometimes even unknown to the parents. The pupils learn from the scholar as they move from one town to another. They are often inadequately prepared for such a journey. The Malam is frequently too poor to sustain his family or the pupils entrusted to him. Consequently, both the Malam and his pupils often rely on the benevolence of the community in which they happen to be guests. In most instances, the Malam lives on the support of his pupils who beg or perform menial tasks for food sellers and shopkeepers in public places and motor parks all over northern Nigeria.

The rationale for traveling to the city, the quest of Islamic knowledge, is often forgotten when hunger and neglect begin to take their toll.<sup>48</sup> Unfortunately, both the benefactors and the pupils are often unaware that this constitutes an aberration from international norms: this “almajirci” is like trafficking because of the servitude and exploitation that goes along

46. Peripatetic scholarship is a traditional educational system in which a pupil or student straddles between two schools. One school is more permanent and the other a more ad hoc or seasonal school, involving travel away from home under the tutelage and guidance of a teacher or *Malam*.

47. The report by This Day Newspaper, issued July 28<sup>th</sup>, 2004, that the Education and Tax Fund (ETF) has commissioned studies on ways to rehabilitate the *Almajirci* in the North, “Area Boys” in the South-West etc., is a heart-warming exercise.

48. Until the introduction of Sharia and the closure of many brothels and houses of prostitutes in some States in Northern Nigeria, the almajirci were found running errands for prostitutes or handling their house chores.



with it. Though not all Koran teachers in the northern Nigeria are involved in this practice, which is becoming old-fashioned and quite unpopular, it remains common among teachers in the rural areas.

Children and young women are also lured into exploitative migration and sex work via their desire to go to Saudi Arabia for pilgrimage. This is another example of Islam being manipulated for the purpose of trafficking. Young girls from nearly all the northern states are potentially vulnerable, contrary to the common belief that trafficking for commercial sexual exploitation is limited to the southern part of Nigeria. In the North, religion is used as a means to lure the innocent just as it is in the South, where the majority of trafficked persons are Christians.

Traffickers and sponsors also exploit religion to ensure that trafficked persons honor agreements and pay their debts. Recruited girls and women are sometimes forced to swear oaths of secrecy before voodoo priests in traditional shrines. This practice of oath-taking has greatly complicated the investigation into incidents of human trafficking from Nigeria to Europe.

Oaths of secrecy are administered to the soon-to-be trafficked persons and their families at the point of recruitment in Nigeria, especially in Edo and Delta States.<sup>49</sup> These traditional oaths involve the use of body parts of the trafficked persons, such as blood, fingernails, and hair from the genitalia or the head. Traditional priests prepare ceremonial drinks in their shrines that are taken by the future trafficked persons and their relatives. This traditional oath-taking is designed to instill fear, promising death, madness or terrible harm in the event that the trafficked persons reveal the trafficker's secrets. According to Father Oreste Benziin, the trafficked girls are made to repeat several times "If I don't pay I will go crazy or I will be killed".<sup>50</sup> The concoctions taken during the oath are also believed to help attract sex customers while protecting the trafficked persons from contracting HIV, or to prevent detection by immigration authorities.<sup>51</sup> Some returnees cited the taking of these ceremonial drinks as a reason for their having the confidence to go in the first place, thereby illustrating their psychological potency; believing in their efficacy they will neither claim to be trafficked nor reveal the identity of their traffickers. The churches where the oaths are administered are referred to as "spiritual churches" where special prayers are also made for members to succeed in business ventures.

49. There are also for example, churches in Benin City (Edo State of Nigeria), that persons intending to be trafficked to Italy (called 'Italios') visit to pray against being repatriated and for protection against violent customers. Cf. Grace Osakwe and Bisi-Olateru Olagbegi (1996) *A Primer of Trafficking in Women, The Nigerian Case*.

50. *Ibid*, p. 177-178.

51. Women's Consortium of Nigeria (WOCON) (2000) Report on *Research on Trafficking in women in Nigeria*, Study commissioned by the Dutch Embassy, Lagos.

### Harmful Cultural and Social Realities

A significant portion of females in Nigerian society could be seen as culturally submissive. Despite recent urbanization, many traditional social norms remain intact, and even well-educated women can still have marginal status. Women cannot inherit property, even if they are the only remaining heir. Thus, women are trapped within a rigid hierarchy where the will of men is to be respected. This makes them extremely vulnerable to the manipulation and influence of traffickers.

Another area requiring further investigation is the impact of broken homes on the vulnerability of children to trafficking. Profiles of trafficked persons interviewed revealed that most of the trafficked children were products of broken homes and/or orphaned children. In 2003, there were 7,000,000 orphans in Nigeria, which represents 10% of all children between 0 and 17 years old.<sup>52</sup> Whereas in the past parents cared for their children regardless of marital status, today many abandon their children when the marriage ends in separation.

### Lack of Information

Traffickers usually recruit the vulnerable with promises of better conditions elsewhere. The typical bait is a job opportunity with higher earnings than those available in the local community. Traffickers also use the opportunity of further education or the acquisition of skills. They promise potential marriage or guarantee jobs overseas, mostly in the informal and unregulated sectors, such as hairdressers, nannies, or domestics. In the case of children, traffickers approach the families in rural communities with promises of education, better living conditions and lucrative work. The traffickers or their agents sometimes add incentives such as a provision of money or clothing.

The majority of trafficked persons are unaware of the forms of labor to which they will be subjected. Most people trafficked to Europe for prostitution did not foresee entry into the sex industry. A study on the impact of the reintegration programme of the ALNIMA project of TAMPEP in Nigeria showed that most of the women and girls trafficked to Italy were in-fact shocked by the nature of the job they had to perform there.<sup>53</sup> As

52. UNAIDS, UNICEF, USAID (2004) *Children on the Brink 2004: A joint report of new orphan estimates and a framework for action*, [www.unicef.org/publications/index\\_22212.html](http://www.unicef.org/publications/index_22212.html). It is important to note that in 2003, 26% of all orphans in Nigeria were orphans due to AIDS.

53. The Transnational AIDS/STI Prevention Among Migrant Prostitutes in Europe project (TAMPEP) started in 1993, and organise, co-ordinate, facilitate and carry out in the participating countries the activities related to the implementation of HIV/STI prevention among migrant sex workers in Europe. In 2003, TAMPEP raised funds for a new project,

for the trafficked persons who were aware of the nature of their future job, they were either ignorant of or failed to anticipate their lack of freedom or the extreme conditions of servitude and human rights abuse they were to encounter. This ignorance is in part a catalyst for the escalation of human trafficking in Nigeria

There is also an ignorance of the health dangers lying at the core of human trafficking. In March 2002, a study on the plight of domestic workers in Lagos conducted by Banke Akinrimisi found that over half of the respondents were ignorant of HIV and AIDS and other sexually transmitted diseases, including prevention.<sup>54</sup> Despite the recent increase in awareness-raising programmes about HIV and AIDS by the government, NGOs and international agencies, the curbing of the spread of the disease has been marginal due to the economic and socio-cultural factors already mentioned.

The general public in Nigeria lacks overall knowledge of the human trafficking phenomenon. Most people interviewed for the study, while admitting that they recently became aware of the issue of human trafficking, hold different perceptions as to what it actually entails. Other respondents were clearly ignorant of what constitutes human trafficking, especially child trafficking.<sup>55</sup>

With regards to the trafficking of women for sexual purposes, the general perception is that those trafficked are adult women who knowingly choose sex work and thus should face whatever consequences they encounter. When interviewed, a Nigerian Lawyer in Enugu State said the following about her understanding of the issue of human trafficking:

“We talk about human trafficking when we have grown up ladies, who we call adults who should know what is right and what is wrong and they decide to go into prostitution. They have at times what we call pimps or madams who take care of them and make sure that they get what they call ‘customers’ who when they visit them they are paid and the madam or whoever is in charge gets his or her own cut.”

Trafficked women working in prostitution are regarded as immoral and are presumed to have contracted HIV and AIDS. This stigmatization is

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ALNIMA (Albania Nigeria Morocco), which seeks to improve the lives of foreign prostitutes once they are deported back to Nigeria, Morocco and Albania. For more information <http://www.tampep.com/>

54. Adebamke Akinrimisi (2002) *The Plight of Domestic Servants in Lagos*.

55. The following response from an immigration officer in Abakaliki in Ebonyi State: “It is the white people that call it trafficking he said. These people think they are getting help to train their children, who will in turn assist them.”

particularly felt by those deported from European countries after they were trafficked for prostitution or sexual exploitation. The probability of these former trafficked persons getting into serious relationships is diminished and they may never receive marriage proposals. In addition, they are not likely to find employment which only worsens their economic condition and drives them once again into the hands of traffickers.

### Peer Pressure

Children fall victim to human trafficking because of peer pressure and lack of alternative opportunities within their impoverished home communities. They often seek out traffickers on their own initiative and are thus recruited. At a consultative forum with strategic stakeholders in the Shaki community in Oyo State of Nigeria, a child explained how peer pressure makes them more vulnerable to traffickers. He attributed the peer pressure to the desire for an opportunity to enjoy the good things of city life and/or for adventure saying,

“I am really very attracted to travel to the city and do whatever it takes because when my primary school classmate Bose came back from Lagos she had nice clothes to wear and told us that at about 8 pm she usually watches the soap opera ‘Super Story’ on television. Now we do not have electricity or television in our house and I will like to go to Lagos to be able to watch the programme which Bose described so well.”<sup>56</sup>

Consequently, some children run away with friends to find and be recruited by traffickers so as to “enjoy” the big city life.

### HIV and AIDS, AIDS Orphans

HIV and AIDS wreak havoc in the country. In 2003, 26% of all orphans were orphaned due to AIDS.<sup>57</sup> Consequently, most of these children left on their own are easily recruited by traffickers. A vicious cycle thus ensues: HIV and AIDS prevalence increases the number of persons trafficked as illustrated in the case of the AIDS orphans. Simultaneously, trafficking increases the number of HIV infections.

56. The name of the child has been changed so as to maintain anonymity. Sensitization campaign against child trafficking and child labor in Shaki Community by WOCON with support from ILO/IPEC in 2001.

57. UNAIDS, UNICEF, USAID (2004) *Children on the Brink 2004: A Joint Report of New Orphan Estimates and a Framework for Action*, [www.unicef.org/publications/index\\_22212.html](http://www.unicef.org/publications/index_22212.html).

In general, women and girls are more vulnerable to HIV and AIDS infection, thus trafficked girls and women are most at risk. In the case of those trafficked for purposes of commercial sex work, vulnerability is increased in myriad ways:

- Trafficked persons are unable to insist upon condom use.
- Trafficked persons may be forced to perform those sexual practices most associated with AIDS transmission.
- Trafficked persons are forced to have sex with multiple partners.
- Violence in commercial sex is common, especially where women or children are forced to have sex against their will. Injuries sustained during forced sex may increase vulnerability to HIV transmission.
- The physically immature bodies of young girls are extremely vulnerable to sexual injury. Such injuries increase their risk of infection.
- Many trafficked persons have other sexually transmitted diseases (STDs) due to forced and unsafe sexual activities. This heightens the risk of contracting HIV by up to a factor of 10.<sup>58</sup>

The vulnerability of trafficked persons to sexually transmitted diseases is compounded by their inability to receive medical testing, treatment, counseling or other health services. Their inability to understand or speak the language in a foreign land, their high poverty and their lack of freedom may also impede access to health care.<sup>59</sup>

### Weak Legal Framework

Human trafficking has flourished due to the lackluster attitude of law enforcement and a weak legal framework which mainly focuses on trafficking for sexual exploitation. Generally, law enforcement agents are ill equipped and lack the technical know-how and gender sensitivity to handle cases.

Trafficked persons often allege that some Nigerian officials collude with traffickers by assisting them with forged documents and then facilitate their movement across borders and through ports.<sup>60</sup> Law enforcement agents are usually reluctant to investigate violent crimes, especially those against women and children who are unable to pay the costs of investigations

58. Burkhalter, Holly (June 25, 2003) *Sex Trafficking and the HIV/AIDS Pandemic*, Physicians for Human Rights, Testimony before the House International Relations Committee, p. 1-2 ([www.phrusa.org/campaign/aids/news062403](http://www.phrusa.org/campaign/aids/news062403))

59. *Ibid*, p. 2.

60. The *Situation Assessment and Analysis Report* (2001, p. 234-235) jointly prepared by UNICEF and Nigeria makes specific references to criminal and penal codes of southern and northern Nigeria that talk about the protection of vulnerable groups without the provision of adequate mechanisms for enforcement.

or bribe the investigating officers. Thus, perpetrators of rape, sexual assault, domestic violence and human trafficking largely go unpunished in Nigeria. As for foreign trafficked persons, they are often treated as illegal immigrants and deported without thorough investigation. As a result, a combination of corrupt officials, complicit authorities, and weak laws combine to guarantee impunity for traffickers while increasing the plight of trafficked persons.<sup>61</sup> Many non-governmental organizations and women's right organizations continue to protest against the government's inability to prosecute well-known traffickers: the conviction of traffickers is quite rare, and even if convicted they are typically released within a short period of time.

### Restrictive Migratory Policies

The global economic inequality between the northern and southern hemispheres is another important factor underlying human trafficking. Because of their relative wealth, those from the North can easily migrate while those from the South, coming from relative poverty, face stronger migratory barriers. When, in the 1970s, the Nigerian Economy was booming, Nigerians had easy access to many countries in the North. For those businessmen and women from Edo State who spent huge sums of money in Italy, an Italian visa was not difficult to obtain. Today, migration for Nigerians is much more difficult.

More generally, people living in states of deprivation seek to improve their lives. This creates opportunity for exploitation by traffickers who capitalize on their misfortune. Restrictive migratory policies contribute to human trafficking in Nigeria as migrants often rely on traffickers offering false hopes of future gains. Moreover, the intensification of border controls in wealthier countries elevates the risks associated with illegal migration, thereby creating demand for the perceived sophistication of human traffickers. Thus, the greater the barriers to migration, the more sought after and expensive the traffickers' services and the more lucrative the trafficking business becomes. It should therefore be explored whether the creation of more open and legal channels of migration to western countries might not greatly reduce human trafficking.

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61. See Human Rights Watch (2002) *Women's Human Rights, World Report*, p.8.

## 2.B.2. Pull Factors

### Need for Low-Skilled Labor

The global reach and scale of trafficking in humans is the “underside of globalization.”<sup>62</sup> Globalization has created powerful market demand for cheap, low-skilled labour in sectors such as agriculture, food processing, construction, domestic service, labour-intensive manufacturing, home health care, sex work, the service sector in general,<sup>63</sup> and the entertainment sector (circuses, begging, camel jockeying). Such demand exists in both industrialized and developing countries. The types of work where trafficked labour is used tend to be located in sectors where it is easier to maintain highly exploitative working conditions that are gross violations of human rights and labour standards, in locations and conditions that are difficult to monitor.

### High Profits

Modern day slavery thrives because of its profitability.<sup>64</sup> The UN estimates it generates US \$7-\$10 billion annually, the third largest profits behind arms dealing and narcotics. It is also easier to move human cargo across borders than drugs or weapons which are seized when found. Human beings can be constantly re-used and re-trafficked – not so for drugs. Trafficking is, by definition, a complex, clandestine, underground business, constantly changing and evolving both in response to demand and to remain sufficiently flexible to elude arrest and prosecution.

### Low Risk

By its very nature trafficking is secret and dangerous, (which helps explain the inadequacy of reliable information). Victims for retaliation by traffickers or recrimination within their families and villages (which often provided the funds for the journeys they anticipated and take the woman to a job that could help support the family), and the stigma of prostitution. As a result few will bear witness against the traffickers. Fear and mistrust

62. Stopping Forced Labour: Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Conference, 89<sup>th</sup> session 2001, ILO Geneva.

63. Taran and Moreno-Fontes (2002) *Getting at the Roots. Stopping Exploitation of Migrant Workers by Organized Crime*, Paper presented at an international symposium on The UN Convention Against Transnational Organized Crime: Requirements for Effective Implementation, Turin, Italy, 22-23 February 2002, ILO.

64. Pimps can make 5 to 20 times as much from a woman as what they paid for her, according to Katerina Levchenko, (1999) *Combat of Trafficking in Women and Forced Prostitution: Ukraine, Country Report*, Vienna: Ludwig Boltzmann Institute of Human Rights.

of police, the lack of documentation and fear of complicity also play a part in maintaining the victim's silence. Most victims are poor, illiterate, from marginalized populations and are ignorant of their rights. Traffickers exploit not only bodies but the deepest anxieties and disadvantageous life conditions of the victims.

The adoption trade, the demand for organs and body-parts and the need for child-soldiers in armed conflict are other common pull factors that would require more research to conclude if they apply for the Nigerian case.

The infrastructure and trends associated with a rapidly globalizing world such as increasingly open borders, better transport and increased overall migration flows complement the forces of supply and demand that underlie trafficking. Globalization has provided the impetus to both those who wish to migrate and those who traffic.



# 3 Policies and Programmes

## 3.A. CURRENT LEGAL FRAMEWORK

### 3.A.1. Nigerian Status Regarding the International Instruments Addressing Aspects of Human Trafficking

Relevant Legal Instruments with Regard to Human Trafficking	Signature	Ratification
ILO Convention No.182 on the Worst Forms of Child Labour (1999)		2 October 2002
UN Convention against Trans-national Organized Crime (2000)	13 December 2000	28 June 2001
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) (2000), supplementing the United Nations Convention against Transnational Organized Crime	13 December 2000	28 June 2001
1989 UN Convention on the Rights of the Child (CRC)		16 April 1991
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)	8 September 2000	No ratification
Rome Statute of the International Criminal Court (2002) Article 7-1 <sup>65</sup>	1 June 2000	27 September 2001
UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)		26 June 1961
Hague Convention no.33 on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993)	No signature	No ratification
Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)	No signature	No ratification

65. According to the article 7.1 of the Rome Statute of the International Criminal Court, "For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: [...] (c)enslavement; [...] 'Enslavement' means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children [...]."

Convention on the Elimination of All Forms of Discrimination against Women (1979)	23 April 1984	13 June 1985
Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (1999)	8 September 2000	22 November 2004
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)	No signature	No ratification

### 3.A.2. Regional Legal Instruments

African Charter on the Rights and Welfare of the Child (1990)	13 July 1999	23 July 2001
African Charter on Human and People’s Rights (1982)	31 August 1982	22 June 1983
Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (2003)	16 December 2003	16 December 2004

The main network of collaboration for West African countries is the ECOWAS<sup>66</sup> Plan of Action of 2002. This Plan calls for countries to ratify and fully implement crucial international instruments of ECOWAS and the United Nations that strengthen laws against human trafficking and protect trafficked persons, especially women and children. This plan is made up of the following actions:

- Prevention and awareness raising
- Protection and support of trafficked persons
- Collection, exchange and analysis of information
- Specialization and training
- Establishment of efficient mechanisms of travel and identity documents delivery
- Monitoring and evaluation of the initial Plan of Action

At the sub regional level, Nigeria is a leading member of ECOWAS and has endorsed the ECOWAS Interim Plan of Action to combat trafficking in human beings 2002-2003.<sup>67</sup> Nigeria is also committed to upholding the Plan of Action as specified in the Libreville Common Platform Declaration to Combat Trafficking in West and Central Africa.<sup>68</sup> Nigeria also subscribed

66. Created in 1975, the Economic Community Of West African States (ECOWAS) is a regional organization of 15 West African nations. The initial objective of ECOWAS was to achieve economic integration and shared development so as to form a unified economic zone in West Africa. Later on, the scope changed to include socio-political interactions and mutual development in related spheres. The following countries are part of ECOWAS: Benin, Burkina Faso, Cape Verde, Côte d’Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

67. Adopted by the Heads of States at the 25<sup>th</sup> ECOWAS Session in Dakar, December 2001.

68. Common Platform for Action of the Sub-Regional Consultation on the Development of Strategies to Fight Child Trafficking for Exploitative Labour Purposes in West and Central Africa, 22 - 24 February 2000, Libreville, Gabon. The declaration can be found at: <http://www.unicef.org/media/newsnotes/platform.pdf>

to the Ouagadougou Action Plan to combat trafficking in human beings especially women and children adopted on 28<sup>th</sup> November 2002.<sup>69</sup>

Additional agreements with other governments in the region have also been reached. There is a Memorandum of Understanding (MOU) between the governments of Benin Republic and Nigeria<sup>70</sup>, which compels the two governments to:

- a) Work out effective cooperation on human trafficking;
- b) Identify, investigate and prosecute agents and traffickers;
- c) Protect trafficked persons and return them promptly to their countries of origin.

This process began in Lagos in March 2004. A second meeting was held in Cotonou in June 2004. An inter-country commission should be created as well as mechanisms of collaboration in the struggle against trafficking. More recently in July 2005, Côte d'Ivoire, Liberia, Burkina Faso, Guinea, Niger, Mali, Nigeria and Benin signed a multilateral agreement on child trafficking in West Africa.

The Nigerian government also recently started working with destination countries such as Italy and Great Britain in its bid to protect trafficked persons and punish traffickers. A Memorandum of Understanding was signed in November 2004 between Nigeria and Great Britain, allowing for the extradition of offenders to their home countries to face appropriate charges and punishment.

Nigeria also signed a Memorandum of Agreement with Italy in September 2000. This agreement established a comprehensive legal framework for the repatriation of illegal Nigerian immigrants, and especially women, from Italy to Nigeria. According to this agreement, the Italian government provides technical training for Nigerian policemen while also helping in the fight against HIV and AIDS. The HIV and AIDS programme focuses on Nigerian women involved in prostitution who were illegally trafficked into Italy. Since these women are repatriated to Nigeria, the programme provides them with psychological and medical support, thus encouraging them to consider repatriation as a way of starting a new life.

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69. In 2002, the 2<sup>nd</sup> Africa-Europe Ministerial Meeting was held in Ouagadougou. During this meeting the "Action Plan to Combat Trafficking in Human Beings Especially Women and Children" also known as "The Ouagadougou Action Plan" was drafted. The complete draft can be found at: [http://europa.eu.int/comm/development/body/eu\\_africa/docs/council\\_outcome\\_ouaga\\_2002\\_en.pdf](http://europa.eu.int/comm/development/body/eu_africa/docs/council_outcome_ouaga_2002_en.pdf). This plan was adopted at the third Africa-Europe Meeting held in Addis Ababa in 2004.

70. Signed on 14th August 2003.

### 3.A.3. National Legal Instruments

Certain chapters of the constitution provide protection for vulnerable groups including women and children. However, the sanctions against infringements of these provisions are too weak. Criminals are frequently allowed to escape serious human rights abuses with impunity.<sup>71</sup> The result is a distrust of the legal system and its punishments. Consequently, there is a need for strong institutional tools to identify and punish human traffickers.

The Convention on the Rights of the Child was ratified by Nigeria and implemented by the Child Rights Act of 2003. The Child Rights Act deals comprehensively with the issue of child trafficking in Nigeria. Unfortunately, this Act has not been adopted by all the States of the Federation and so its effectiveness cannot be fully measured.

Trafficking in women was criminalized in Nigeria by the criminal code in 1904 and the penal code in 1960.<sup>72</sup> However, the criminal penal codes did not deal with the issue comprehensively enough,<sup>73</sup> failing to accurately define what constitutes trafficking and leaving its various forms unaddressed. Instead, they only defined those offences related to the external and internal trafficking for prostitution and slavery. Section 279 of the Penal Code reads:

“Whoever imports, exports, removes, buys, sells, disposes, traffics, or deals in any person as a slave or accepts, receives or detains in any person against his will any person as a slave shall be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to a fine.”

Nigeria is one of the few countries in Africa to have passed a national law against trafficking, the “Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003” enacted by the National Assembly. This law addresses the issue of human trafficking in Nigeria in a comprehensive manner. It also establishes the “National Agency for Prohibition of Traffic in Persons and Other Related Matters” (NAPTIP), which the Nigerian Government set up in August 2003. Section 4 of the Nigerian Trafficking law empowers the NAPTIP to coordinate all the laws

71. UNICEF Report on Nigeria (2001) *The Situation Assessment and Analysis Report*, p. 234-245.

72. The Penal Code is the criminal law applicable in the northern Part of Nigeria. The Criminal Code is the criminal law applicable in the southern part of Nigeria.

73. Sections 272, 273, 275 & 276 of the Penal Code. Sections 223(2), 224 & 225A of the Criminal Code.

on trafficking in persons in the country. Thus, all laws on human trafficking at the state level became subordinate to the national law on trafficking.

Although Nigeria's trafficking law provides a unified approach for the first time, it is not without its shortcomings. The law adopts the definition of trafficking in persons as contained in the Palermo Protocol<sup>74</sup> but deals more extensively with trafficking for prostitution and sexual exploitation than with trafficking for other forms of labor.<sup>75</sup> This greatly limits its scope. Moreover, there are lapses in the provisions of the Nigerian trafficking law for the protection of trafficked persons and witnesses. It thereby falls short of the recommended human rights standard approach.<sup>76</sup> While it is noteworthy that the law criminalizes the transport of potentially trafficked persons by any commercial carrier with knowledge of the trafficking transaction, no commercial carrier has ever been charged.

Though still young and in need of necessary infrastructures for the effective execution of its mandate, NAPTIP has succeeded in effecting some arrests and prosecutions. In August 2004, for example, the Agency prosecuted and convicted a woman trafficker in the Benin City High Court in Edo State of Nigeria and as at February 2006, NAPTIP's efforts have yielded seven convictions: three in Benin City and two in Kano. Two in Ijebu-Igbo Ogun State. There are also multiple cases pending that raise public awareness.

NAPTIP also collaborates with the Nigerian Immigration Office, the police and NGOs and has established offices across the country. To date a total of four offices have been created: one each in Lagos, Benin City, Uyo and Kano. Two shelters were also set up in Lagos and Benin City in addition to a mini-shelter in Abuja. There is also a National Anti-Child Trafficking Network operating in 22 states of Nigeria with the support of the United States Department of State and UNICEF.

Finally, both the police and immigration service have established Anti-Trafficking Units located at exit and entry points for trafficking and the Kano Immigration Command now issues annual reports of repatriations through the Kano Airport.

74. The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 2000.

75. It is important to note that the Nigerian authorities have continued to regard trafficking as being exclusively for prostitution. As a result, a wide gap has been created in the existing criminal laws on trafficking for other forms of labor, as well as meeting the modern day complexity of human trafficking.

76. Global Alliance Against Traffic in Women (2001) *Human Rights Standards For the Treatment of Trafficked Persons*, Third edition. See also Annex 2 United Nations High Commissioner for Human Rights (2002) *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council.

NAPTIP carries out the following actions:

- Research projects to discover new and emerging trends and while better clarifying the old.
- Preventive measures, awareness raising campaigns.
- Deterrent strategic arrests, investigation, court prosecution and conviction of offenders.
- Team approach to complex, multi-dimensional, multi-faceted and underground criminal activity.
- Bilateral and multilateral efforts. NAPTIP works closely with foreign embassies and consulates in Nigeria and Nigerian embassies and consulates abroad, ECOWAS and the United Nations.
- Counseling and rehabilitation of trafficked persons.

### 3.A.4. Legal Instruments at States Level

In accordance with the national law allowing individual states the right to amend, Edo State recently added new provisions to the criminal code. These provisions had some positive effects: for the first time they made it a crime for third parties, i.e. sponsors and traditional priests, to facilitate the secret oath ceremony and/or to participate in it. Unfortunately, the Edo State amendment also criminalized prostitution, thereby alienating trafficked persons working in prostitution.<sup>77</sup> Since the adoption of this law, there is no evidence that trafficking for prostitution in Edo State has been reduced. In fact, as of April 2004 the majority of repatriated trafficked persons for prostitution from Europe and West Africa were from Edo State. Also, 25 trafficked Nigerian women were recently deported from the Republic of Benin and 23 of them were from Edo State. There have been no convictions since the enactment of this law.

The amendment also provided for compulsory STDs and HIV tests for deported trafficked persons. This provision violates international human rights standards<sup>78</sup> which permit testing for HIV only with the informed consent of the individual. Nonetheless, state liaison offices are given details of trafficked persons including their HIV and AIDS status for record purposes and “there is a standing order that such deportee victims should be prevented from traveling outside Nigeria.”<sup>79</sup>

77. Sections 222, 223, 225, 226, & 233 of the Criminal Code Amendment Law of Edo State 2000.

78. United Nations HIV/AIDS Standards. Articles 54 & 58-61 United Nations Commitment on HIV/AIDS-Global crisis-Global Action.

79. See Anti Slavery Interview with Nigerian Immigration Services Lagos 2002.

Anti-migratory policies such as not issuing passports to single females from Edo State below the age of 25 years have not had any effect on the trafficking of Edo girls. Instead, traffickers have found other means of getting passports and visas for trafficked persons. However, the policy has succeeded in discouraging and frustrating women from Edo State from traveling out of the country to pursue legitimate ventures, violating their fundamental rights.

With an increased awareness of human trafficking, other Nigerian States are creating laws in response. There is already a law in Enugu State against child abuse that bans child trafficking. Efforts are also underway to arrest and prosecute traffickers. Unfortunately, few cases have been fully prosecuted.

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### 3.B. CURRENT PROGRAMMES

#### 3.B.1. Attempts to Address Poverty

Poverty is a major cause of human trafficking and measures addressing poverty are crucial. Though the Nigerian government has created many programmes to alleviate poverty the results have not had a significant impact on the people, particularly women and children.

During the military rule that lasted until 1999 there were successive Government initiated policies and programmes such as the People's Bank, the National Directorate for Employment (NDE) and the Family Economic Advancement Programme (FEAP). Since civilian democratic rule, the following programmes were also introduced: the National Poverty Eradication Programme (NAPEP), loans for the purchase of shares in companies, micro-credit for farmers and small and medium scale entrepreneurs. More recently, the Nigerian government introduced the National Economic Empowerment Development Strategy (NEEDS) to address the economic situation of the people and each State is simultaneously developing States Economic Development Strategies (SEEDS).

Women are rarely involved in the planning, implementation and monitoring of the various government programmes that address poverty. Consequently, the programmes fail to take into account the needs of women. Thus, the government is struggling to implement the roads, potable water, housing and electricity that enhance the economic productivity of women, especially in the rural communities, because it is doing so without their

input. These failures undermine the political will to reduce poverty in the country.

Other factors also impede the access of women to the programmes for economic advancement. These include large family sizes, lack of education, lack of land ownership, and various forms of institutionalized and cultural violence against women's rights. Although the Nigerian constitution technically guarantees the socio-economic rights of its citizens, it is difficult for women to challenge the infringements of their rights in the courts.

Another major challenge lies in the effective implementation of programmes addressing the needs of children. Since the 1990s there have been policies for free education that have not been effectively implemented. As a result, parents still pay fees for classes, uniforms and supplies. In 2003, the federal government adopted the Universal Basic Education (UBE) policy. The UBE policy made it free and compulsory for every child to attend school up to the junior secondary level. It also punishes the parents or guardians of children who are found on the streets and not attending school during school hours with imprisonment.

Since the adoption of this policy, however, no parents have been arrested or prosecuted despite the thousands of children, including trafficked children, found hawking on the streets. None of these trafficked children have been questioned as to their parents or guardians. The UBE policy has the potential to help prevent child trafficking. If the UBE policy were to be correctly implemented, more children could be put back into the classroom and removed from states of extreme vulnerability to traffickers. This law is still at the experimental stage, however, and many states complain about inadequate funding.

International organizations as well as foreign governments have actively cooperated with the Nigerian government and NGOs to alleviate poverty in Nigeria. Agencies such as UNICEF, ILO, UNIFEM, USAID, DFID, the European Union Commission and the British Council have various programmes that tackle the problem of poverty in the country.

As for the NGOs, their efforts are manifold. Seed loans, grants for shares acquisition, micro-credit, skills training, initiation of accounting for women's work in the GDP, personal empowerment and adult literacy education schemes are just some of the programmes offered.

### **3.B.2. Research and the Creation of Awareness**

The Government recognizes the role that a lack of awareness plays in the escalation of human trafficking in Nigeria and established the National



Agency for Prohibition of Traffic in Persons and other Related Matters (NAPTIP), an agency charged, among other things, with the research of, and raising of awareness about, the issue of human trafficking in the country.

Until recently in Nigeria, research on trafficking in persons was either inadequate or unavailable. Media reports were the main sources used to estimate the extent of trafficking in persons and those reports often underestimated the issue. The overall lack of adequate gender-specific data and statistics on the prevalence of trafficking in persons still makes it difficult to monitor the evolution of the phenomenon and design strategies to combat it.

In March 2005, the Women's Consortium of Nigeria (WOCON) and Women Advocates Research and Documentation Center (WARDC) were among the four non-governmental organizations in Lagos commissioned by the International Labor Organization's Action Program against Human Trafficking and Forced Labor in West Africa (ILO/PATWA) to conduct a baseline study in Lagos on trafficking in persons for the purpose of child labour. Such studies are of tremendous value and enhance the available data on human trafficking in Nigeria, thus allowing for awareness-building campaigns based on solid facts.

International organizations, in collaboration with NGOs, have also implemented awareness-raising campaigns to prevent human trafficking in Nigeria. The project "Trafficking from Nigeria to Italy: Program of action against trafficking in minors and young women from Nigeria to Italy for the purpose of sexual exploitation" implemented by the United Nations Interregional Crime and Justice Research Institute (UNICRI), in collaboration with United Nations Office on Drugs and Crime, and supported by the Italian Ministry for Foreign Affairs (Italian Development Cooperation) is particularly noteworthy. This project raises awareness across Nigeria and Italy. In particular, it includes:

- a campaign in Italy in cooperation with RAI (Italian National Television) for the production of a video spot targeting both the male/potential clients of trafficked persons and audience at large (broadcast on the RAI channels starting on 3 April 2004);
- three campaigns in Edo State (Nigeria), one of which is specifically intended to reach minors. A network of six local NGOs (Coalition Against Human Trafficking) was created for the organization of this campaign. It includes the Committee for the Support of the Dignity of Women (COSUDOW), the International Reproductive Rights Research Action Group (IRRRAG), the African Women Empowerment

Guild (AWEG), the National Council of Women Societies (NCWS), Idia Renaissance and Girls Power Initiative (GPI).

Apart from the use of training and education workshops and materials, both the Government and NGOs use the media, newspaper, on-line journals, radio and television, to sensitize the population to the issue of human trafficking. A television drama entitled “IZOZO” runs on national television under the sponsorship of two NGOs and deals with human trafficking.<sup>80</sup> Radio programmes and informational announcements are aired by some NGOs in Benin City, Edo State and other parts of Nigeria.<sup>81</sup> The Government Agency NAPTIP also airs informational announcements on television and radio nationwide.

#### Good Practice

A useful preventive measure is the direct sensitization of communities identified as sources of and destinations for trafficked persons. Informational campaigns are used effectively by NGOs in Nigeria and Benin. These sensitization campaigns involve the organization of market and open-air outreaches with town criers and musical parades in targeted communities. These activities are typically followed by a consultative forum with strategic stakeholders in the community. These stakeholders include the representatives of the traditional and community leaders, the religious leaders, market men and women, transporters (such as the motorcycle operators), children and youths, government officials from the Ministry of Women and Children, development, immigration and police officers. The participants at the forum are educated on the issue of trafficking. They deliberate on the root causes of child trafficking in their community and offer solutions. They then enter into social contracts to combat human trafficking. For sustainability, the community creates monitoring committees (with local appointees) to follow up actions and monitor the implementation of the social contracts/agreements.

### 3.B.3. Reintegration Programmes

To date, there is no significant programme for the reintegration of internally trafficked or repatriated children. As for foreign children trafficked to Nigeria, the policy is that of a quick return to their home country without adequately assessing their needs or choice or willingness to return. Many trafficked children have lost touch with their home or may

80. Women Trafficking and Child Labor Eradication Foundation (WOTCLEF).

81. Idia Renaissance airs the programme. Girls Power Initiative (GPI) airs jingles. Women's Consortium of Nigeria (WOCON) aired radio jingle in Ogun and Enugu States as part of sensitization campaigns against child trafficking.

not have any left. Lacking the necessary social services, many trafficked children do not receive the necessary assistance to help recover from the abuses suffered. This help is essential though because deported trafficked persons are at a higher risk of being re-trafficked and are often severely traumatized.

NGOs, in collaboration with their international partners, have attempted to facilitate the reintegration of trafficked persons and their relatives through education, both formal and informal, skill acquisition, and the establishment of income generating cooperatives and seed grants. Between 2001 and 2003, the International Labor organization (ILO) / International Programme for the Elimination of Child Labor (IPEC) in collaboration with Nigerian NGOs<sup>82</sup> engaged in a programme for the removal and rehabilitation of children involved in the worst forms of labor such as domestic work, prostitution, bus driving, street children and beggars. Most of these children had been trafficked. The programme also targeted the economic empowerment of parents and relatives of trafficked children.

Similarly the ILO/IPEC, under its capacity-building programme, targeted the trafficked children and their parents through the provision of formal education and skill acquisition as well as income generation and support. These efforts helped to reintegrate some trafficked persons and to prevent further human trafficking by improving the economic conditions in rural areas. Some of the children returned to schools and have since continued with their education. Parents in rural communities of Idiroko and Ajegunle in Ogun State of Nigeria also started businesses producing tie-dyed cloth in commercial quantities as members of cooperative groups. Cooperative groups producing bar and powdered soap as well as body cream also formed in Nkalagu, Ntezi and Ezilo in Ebonyi State and have turned a profit. These activities generate income and improve the local economy, thereby making the community less susceptible to traffickers.

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82. Women's Consortium of Nigeria (WOCON), Human Development Initiatives (HDI), Galilee Foundation.

# 4

## Recommendations

Trafficking has a complex socio-economic and political basis linked to larger, global processes. It is not simply a social or moral problem to be treated with casual initiatives, as they do not address poverty or related issues of vulnerability and discrimination in strategic or sustainable ways. Trafficking is a development concern, which requires a balanced, layered and integrated approach, built on a foundation of rights-based principles and standards.

UNESCO focuses its recommendations on the prevention side of the fight against human trafficking.

Prevention requires long-term thinking and interventions on three levels, primary (stopping things before they happen), secondary (limiting the number of cases that occur) and tertiary (limiting the extent of the cases and their damaging impact.)

The following recommendations are proposed in compliance with this requirement:

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### 4.A. LEGAL ACTIONS

- Further ratify international legal instruments aimed at protecting human rights and combating human trafficking, including the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (2000).

- Effectively implement all of the ratified international laws and regulations, in particular the Palermo protocol (2000), the UNCRC, the ILO Convention No. 182 and the CEDAW, in order to provide an environment conducive to the elimination of human trafficking in Nigeria. The focus must be on all forms of trafficking including trafficking in children, and not limited to trafficking for prostitution and sexual exploitation.
- Implement the Memorandum of Understanding signed between the Federal Government and transit and destination countries.
- Continue regional and international cooperation between NGOs and government institutions and honor the existing bilateral agreements to uphold international human rights.
- Harmonize laws against trafficking at the regional level, especially between English and French speaking countries, and encourage all the countries in the region to enact laws to fight trafficking in persons where they have not done so.
- Adopt and implement the Child Rights Act of 2003 in all Nigerian States.
- Revise anti-trafficking measures and laws so as to address all forms of trafficking as well as the protection of trafficked persons. Replace anti-migratory policies with policies that inform and empower citizens migrate safely. At the national level it may be too early to rush into immediate reform as the laws are still in an early stage, thus some further experience is necessary in order to identify grey areas.
- Link up local law enforcement agencies with Interpol when dealing with the more complex problems associated with human trafficking.

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#### 4.B. POLICY CHANGES

- Give a human face to the poverty alleviation programmes with active participation and access available to *all*, especially women at the lowest level of poverty.
- Implement a peer review mechanism at the ECOWAS level to ensure that every member state is working hard to improve its economy in order to eradicate poverty.
- Carry out more policy-oriented research on the various manifestations of human trafficking in Nigeria, in particular on socio-cultural factors increasing vulnerability.

- There is a need for the different agencies including the Hajj Board, the Department of Immigration and the police to check the harmful effects of the annual pilgrimage on human trafficking in Nigeria.
- Develop concerted and clearly articulated strategies to combat human trafficking in Nigeria along with a national plan of action and reliable information with the active collaboration of all strategic stakeholders such as the government, NGOs, international agencies, as well as representatives from urban and rural communities.
- Create anti-trafficking watchdog committees in rural areas across Nigeria. Such efforts should require the cooperation of community based organizations (CBOs) and law enforcement agents such as the Police and Immigration Departments.
- Give funds to all anti-trafficking agencies including NAPTIP, the police and immigration to support their actions and improve efficiency. This measure would enable NAPTIP to ensure speedy prosecution of trafficking cases.
- Establish witness protection programmes to encourage and protect trafficked persons who act as witnesses.
- Set up policies to create jobs for young graduates and school drop-outs in Nigeria. The skill acquisition programmes of the government must be designed to meet the needs of the Nigerian people. Create resource centers for the skills acquisition of rescued trafficked persons.
- Develop facilities and social services for the reception, protection and reintegration of trafficked persons to prevent as much as possible the re-trafficking of the trafficked persons.
- Further strengthen NGO networks and build alliances with migrant workers, including those in domestic work or prostitution, for the protection of the trafficked persons amongst them.

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#### 4.C. AWARENESS-RAISING AND TRAINING

- In cooperation with UN agencies (UNESCO, UNICEF), implement the Universal Basic Education (UBE) Programme, which mandates free and compulsory education for every child up to junior secondary school level.
- Establish a community education program for the prevention of child abuse and trafficking, with children as the main actors of the program. The initiative should consist of awareness-build-

ing in schools and elsewhere through drama, song, dance, sports, speeches and debates on harmful practices using children.

- Develop awareness raising and educational courses about HIV and AIDS and human trafficking to better inform the public about the mutually reinforcing effects of these two phenomena.
- Train community leaders regarding the manipulation of religious practice in human trafficking. Train community leaders on gender issues to address the perceptions of the role of women and men and how those perceptions relate to the phenomenon of trafficking.
- Involve traditional and religious leaders in the fight against trafficking and forced labor as these phenomena are often linked to customary practices and beliefs.
- Train paralegal staff to work in communities to assist trafficked persons. Provide adequate training for police officers to sensitive them about trafficking, in particular regarding the causes of trafficking, the modus operandi of syndicates, the profile of trafficked persons and traffickers and how to identify and investigate the legal and social implications of the problem within and outside the country.
- Educate recipient communities of repatriated trafficked persons so that they accept them without unnecessary and unfair stigmatization. This would prevent the re-trafficking of the repatriated persons.

## 5

## Conclusion

Populations vulnerable to trafficking are growing in Africa, which increases the supply of potential victims for traffickers and the damaging effects on all segments of African society. Some of the outcomes are likely to be:

### Irretrievable depletion of human capital

- Negative effect on labour markets.
- Denial of access to education necessary to break the cycle of poverty and illiteracy that creates trafficking conditions.
- National labour force ill-equipped to compete in global economy where success is based on skilled workers.
- Fewer people left to care for elderly and sick.
- Social demographic imbalances.
- Loss of human resources elsewhere, to other countries.

### Undermining public health

- AIDS cost to public health system.
- Exposure to AIDS, STDs, violence, dangerous working conditions, poor nutrition, addictions.
- Decreased participation in child immunization programmes.
- Psycho trauma from experiences.
- Life of crime, addiction and sexual violence.



### **Breakdown in social fabric**

- Loss of family support network makes trafficking easier, undermines relationships, weakens ties of family affection and influence, interrupts passage of cultural values and knowledge from one generation to the next, thus weakening the core of African society.
- Victims increasingly will have nowhere to go.

### **Crime**

- Links to other criminal networks, drugs, weapons.
- Profits funneled into other criminal activities, car theft rings, drugs, terrorist groups.

### **Undermining government authority**

- Thwarts government attempts to exercise authority, undermines public safety.
- The failure of government to meet its fundamental responsibility, undermines its ability to combat corruption in law enforcement and judiciary.

### **Human rights violations**

- Perpetuates social inequality and injustice.

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# ANNEX 1

## Excerpts from - Profile of Sexual Exploitation of Children<sup>83</sup>

There is no typical profile of those who sexually exploit children and they “cannot be distinguished by any specific inner quality, personality trait or even sexual proclivity.”<sup>84</sup> Their only distinguishing feature is that they sexually exploit children. This they do “in a range of social settings contexts, for a variety of reasons.”<sup>85</sup> The people who have sex with children vary from those who choose to engage in this activity, to those who do not care to those who do not realize that their sexual partner is a child. It “is (therefore) impossible to speak of *the* sex exploiter in the sense of a single type of person who possesses some particular or unique set of characteristics.”<sup>86</sup> (Emphasis in the original)

It is however possible to distinguish certain distinct categories of sex exploiters within this amorphous group. These categories are: pedophiles, situational sex exploiters, and preferential sex exploiters.

First and most easily distinguishable - but in the minority - are **pedophiles**, adults who have a marked preference for sex with pre-pubescent children.

Secondly, there are those who do not care whether or not their sexual partner is a child and have sex with children without questioning the age of the partner. Most noticeable in this group are those generally referred to as “sex tourists”. Whilst there are some among this group who travel specifically to have sex with children most however would, in “normal” circumstances, not choose to have sex with a child, but for a variety of reasons do so. These reasons include: the freedom of a holiday in a foreign “exotic” location, being drunk or affected by drugs, ignorance or lack of care in recognizing that an offered partner is under-age. This group is referred to as **situational sex exploiters**.

They engage in sex with children because they are usually morally and/or sexually indiscriminate and wish to ‘experiment’ with child sexual

83. Excerpt from the UNESCO research study (2005) *Human Trafficking, especially of Women and Children in Southern Africa (South Africa, Lesotho and Mozambique)*, coordinated by Elize Delpont, Mhlava Consulting Services (South Africa).

84. O’Connell Davidson, J. (2001) *The Sex Exploiter*, NGO Group for the Convention on the Rights of the Child, p. 7

85. *Ibid*, p.7.

86. Moela, S. (19 September 1999) “Not All Girls have the Luxury of a Real Childhood”, in *City Press*.

partners, or they have entered into situations in which children who match their ideals of physical attraction are sexually accessible to them. Alternatively, certain un-inhibiting factors are present which allow them to either delude themselves about the child's true age or about the nature of the child's consent.

However, the globalized flow of money has increased demand for commercial sex, and many exploiters are ... often regular-users of commercial sex workers, who do not distinguish on the basis of age. In the South African context they have been described as "men of all ages, colours, creeds and religions."<sup>87</sup>

Thirdly, there are those whose demand for sex with children is based on a belief that children are less likely to have had multiple partners, and so are less likely to transmit infection. This group falls into the category of those regarded as **preferential sex exploiters**.

... the majority of those who sexually exploit children are first and foremost **situational sex exploiters** who are regular prostitute users. They become child sexual exploiters through their prostitute use, rather the reverse. Unlike preferential sex exploiters and paedophiles, situational exploiters do not consistently or consciously seek out children as sexual partners, and it is often a matter of indifference to them whether their sexual partners are 14 or 24, providing they are 'fit' and 'attractive'. This type of offender cannot necessarily be described as sexually "perverse"<sup>88</sup> (in the sense of deviating from culturally prescribed sexual norms). The physical characteristics that he or she is attracted to often conform to cultural ideals of 'youthful' feminine or masculine beauty, and not to cultural ideals of childlike innocence.

Children mature physically at very different rates, so that a 14 or 15 year old girl, for example, can combine the physical characteristics associated with adult woman with attributes of youth that are much admired. It has been observed in this regard, "It is also worth noting here that many (of the) models used in the production of pornography aimed at 'normal', and not pedophile men, are actually under the age of 18, and an adult who is sexually aroused by the sight of someone who is legally and chronologically a child, but physically 'mature' and/or close to cultural ideals of sexual beauty, cannot necessarily be understood as sexually or psychologically 'aberrant'."<sup>89</sup>

87. *Idem*.

88. Kelly, L. (November 2001) *From Aspirations to Intervention: Trends, Issues, Priorities and Lessons Learned: Keynote to the COE Conference Protection of Children Against Sexual Exploitation*, European Preparatory Conference for Yokohama, Budapest.

89. See for instance Molo Songololo (2000) *Trafficking of Children for Purposes of Sexual*

## ANNEX 2

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### Human Rights Guidelines on Trafficking (OHCHR)

The *Recommended Principles and Guidelines on Human Rights and Human Trafficking* have been developed in order to provide practical rights-based policy guidance on the prevention of trafficking and the protection of the rights of trafficking victims. The aim of these Guidelines is to promote the mainstreaming of human rights into national, regional and international anti-trafficking laws, policies and interventions. The Principles and Guidelines are used as the main framework and reference point for the work of the Office of the UN High Commissioner of Human Rights. These Guidelines were presented by the High Commissioner for Human Rights to the UN Economic and Social Council in 2002.

**Guideline 1:** Promotion and protection of human rights mainstreamed in all activities to prevent and end trafficking in human beings.

**Guideline 2:** Identification of trafficked persons and traffickers, distinguishing between victims of trafficking and migrant smuggling and identifying traffickers, including those who are involved in controlling and exploiting trafficked persons.

**Guideline 3:** Research, analysis, evaluation and dissemination, for the elaboration of effective anti-trafficking strategies on the basis of accurate and current information, experience and analysis.

**Guideline 4:** Ensuring an adequate legal framework in accordance with international standards and instruments.

**Guideline 5:** Ensuring an adequate law enforcement response against trafficking, with the cooperation of trafficked persons and other witnesses.

**Guideline 6:** Protection and support for trafficked persons without discrimination, paying due attention to the needs of the victims

**Guideline 7:** Preventing trafficking in human beings, taking into account the trafficking demand as a root cause, and factors

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*Exploitation: A Report Cape Town*, p. 37. Koen, K. and Van Vuuren, B. [2002] *Children in Domestic Service the Case of the Western Cape*, Terre des hommes, Switzerland.



that increase trafficking vulnerability, such as inequality, poverty and all forms of discrimination and prejudice.

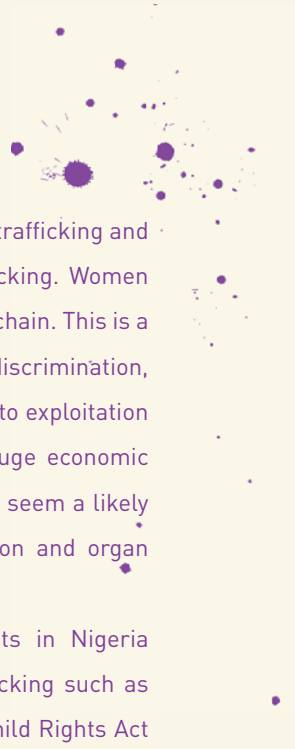
**Guideline 8:** Special measures for the protection and support of child victims of trafficking taking into account the best interest of the child and paying particular attention to the views of the child as well as to his or her rights and dignity in any action undertaken on his or her behalf.

**Guideline 9:** Access to adequate and appropriate remedies making trafficked persons more aware about their right to remedies.

**Guideline 10:** Obligations of peacekeepers, civilian police and humanitarian and diplomatic personnel to take effective measures to prevent their nationals and employees from engaging in trafficking and related exploitation.

**Guideline 11:** Cooperation at the international, multilateral and bilateral level and coordination between States and regions, in particular between those involved in different stages of the trafficking chain.

(From OHCHR (2002) *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, Geneva)



Nigeria is a country of origin, transit and destination for human trafficking and is subject to both national and international flows of human trafficking. Women and children make up the vast majority of the human trafficking chain. This is a result of push factors that are rooted in poverty, inequality and discrimination, resulting in survival strategies that expose the most vulnerable to exploitation and abuse. Pull factors include the lure of opportunity and huge economic differentials that make even relatively poor neighboring regions seem a likely source of livelihood; as well as the lucrative trade in adoption and organ transplants.

There are some national and international legal instruments in Nigeria which can be used to address certain aspects of human trafficking such as child labor and sexual offences. In 2003, Nigeria passed the Child Rights Act which comprehensively deals with the issue of child trafficking. Moreover, Nigeria ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2001 and passed a national law against trafficking in 2003 entitled "Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003". Nigeria is one of the few African countries to have passed such a law.

However, many challenges remain. There is a continuing need for the further ratification and implementation of international legislation along with the use of national legal tools currently available to fight against trafficking in human beings. The persistence of harmful cultural practices, the growth of the reach and influence of organized crime and the persistent loss of young women and children to sexual and forced labour exploitation require concerted and constant attention. To better combat human trafficking in Nigeria, and the attendant damaging effects throughout Nigerian society, will require the energy, talents and resources of government, international organizations, NGOs and civil society.