

TRAFFICKING OF PERSONS IN NIGERIA—*QUO VADIS?*

Being A Position Paper
Presented
By

Women organization for
Gender issues
(Wogi)

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1. INTRODUCTION

Quo Vadis is a latin expression which applied for the purpose of this treatise translates as, *Where are we going?* With respect to trafficking in persons in Nigeria, and the associated extant laws and regulations, that is, the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015, as well as its spinoff, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), and the intervention of other law enforcement agencies like the Nigeria Police Force, Nigeria Immigration Service, National Intelligence, there is a need for us to ask the questions: *Where are we going? And how far have we gone?*

The increase in the incidence of human trafficking across the length and breadth of West Africa, with Nigeria being the epicentre of human trafficking related activities begs the further question, *quod erat demonstrandum*, that is, what is that which must be critically examined and proven, so as to establish and demonstrate detours on the path to successful policy implementation needed for reorganizing the country's legal and institutional framework on prohibition, prevention, and punishment of acts and offences related trafficking in persons, and for eliciting concerted efforts, compliance and co-operation by all and sundry across the Nigerian social structure and milieu.

Human trafficking is not only a Nigerian or African problem, it is a global problem. No one else has captured the endemic nature and threats that human trafficking poses to global peace and humanity as a whole than the former President of the United States, Barrack Obama, who in September, 2015 asserted that:

It ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime. I'm talking about the injustice, the outrage, of human trafficking, which must be called by its true name—modern slavery”.

The Nigerian government since 2003 has been at the fore front among the committee of African nations in the fight against trafficking in persons. As properly referred to by President Barrack Obama, this form of modern slavery is not only focused at just smuggling people (especially women and young girls for sexual exploitation) outside the borders of Nigeria, human trafficking in its various forms and shades has also become a thriving industry within and across the various State territories in the Nigerian polity. This led to the enactment of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003.

At present the Act is operation being implemented as amended in 2015, with an expansive provision for the Establishment of the National Agency for the

Prohibition of Trafficking in Persons (NAPTIP). The aim of this treatise is to present a position paper, which among other things intends to achieve the following objectives:

- i. *Explore the practical angle to the enforcement and administration of the Act as amended.*
- ii. *Examine various critical and strategic provisions in the Act with a view to identifying grey areas that could possibly portend as institutional barriers and encumbrances that stifle the enforcement and administration of the Act.*
- iii. *Enumerate and elucidate upon factors and key enablers that account for the prevalence of trafficking in persons in Nigeria.*
- iv. *Highlight and comment upon important sections in the act that need to be reviewed to match the present socioeconomic and sociocultural realities of present day Nigeria, as well as the global realities pertinent to trafficking in persons.*
- v. *Finally suggest recommendations to improve the robustness of outcomes and results of policy implementation with significant traction across the nation.*

2. PROBLEM ANALYSIS

The Act as amended in 2015 defines trafficking or traffic in persons as:

“The recruitment, transportation, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power of a position of vulnerability or giving or receiving payments or benefits to achieve the consent of a person having control over another person or debt bondage for the purpose of placing or holding the person whether for or not involuntary servitude (domestic, sexual or reproductive) in forced or bonded labour, or in slavery-like conditions, the removal of organs or generally for exploitative purpose”.

Within the Nigerian State just as the case is across the global economy, the crime of human trafficking, with specific reference to either of the acts encapsulated in the definition above or acts which can be described in any generally accepted definition, seems to be on the increase. Globally, the situation is exacerbated with the rise in multidimensional poverty, income inequality, gender discrimination, forced migration and political unrest in almost every region of the world. It thus becomes very important to define, state and practically understand the core problem as it pertains to the Nigerian situation, so as to be in a position to advise the various state apparatus on how to mitigate against the myriad of both the long and short-term social, economic, moral and psychological effects of trafficking in persons.

The position put forward in this paper on this subject matter of the core problem underpinning trafficking in persons in Nigeria is that—Besides the numerous general factors and variables ranging from abject poverty and illiteracy, to porous borders and poor public enlightenment on the dangers of trafficking in persons, the core of the Nigerian problem with regard to trafficking in persons are:

- i. The failure of a legal and institutional framework to recognize trafficking in persons as a global business operation, and consequently, this leads to the inability to maintain an effective law enforcement synergy to disrupt the business model of traffickers, hence the increase of trafficking incidences in multiple dimensions.
- ii. What appears to be the singular but erroneous focus on the acts of trafficking women and young Nigerian girls overseas solely for the purpose of sexual exploitation and prostitution. This assumption and unidirectional focus, tends to neglect other related acts and offences that are engraved in the global definition and perception of trafficking in persons.
- iii. Dysfunctionality of policy implementation in the fight against all forms of trafficking in persons caused by insufficient funding, lack of public awareness on the dangers of trafficking in persons, little or no publicity of litigations and convictions, the settlement subculture, and a lack of collective

will of the people and the State to combat aggressively the tide of human trafficking.

- iv. Finally, lack of holistic country specific policies that accommodate the uniqueness of the Nigerian social structure, milieu, and other dynamics connected to our diversity and sociocultural context as Nigerians and Africans.

The above stated multidimensional core problem will form the fulcrum for further scrutiny and positions in this paper pursuant to stated objectives of the paper *ab initio*. The paper is divided into sections that will examine in précis related issues, themes and perspectives on trafficking in persons in Nigeria and across the globe; factors responsible for increase of trafficking in persons in Nigeria, and key enablers sustaining the trends of trafficking in persons in Nigeria; an overview of the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015; advocacy recommendations and conclusions.

3. TRAFFICKING: THE NIGERIAN AND GLOBAL ACCOUNT

Exploring the Nigerian problem of trafficking in persons will have better outcomes when there is an accommodation of the new paradigm shift in the perception of trafficking in persons. This shift has gained global attention and adoption. It connotes and necessitates viewing trafficking in persons as modern slavery. In this

paper, the terms trafficking in persons, human trafficking and modern slavery will be used interchangeably.

It may appear that the deeply engraves pains and struggle for survival that over 60% of Nigerians have to cope with owing to the general poverty level in the country isolates the debate on the dangers of human trafficking. For many, anyone of the acts classified as human trafficking is a means to an end of some sought, be it forced child labour, sexual exploitation or selling of human beings. The major contribution of this paper which focuses on key enablers of human trafficking in Nigeria will help convey a better understanding on why there exist a deep level of apathy and conspiracy responsible for trafficking of persons in Nigeria despite campaign against its related acts.

The picture in the next page captures one of such outcomes of the scourge of human trafficking. This picture takes centre stage in the latest Report on Trafficking in Persons published by the United States Department of State, in June, 2017. It features three Nigerian ladies described as sex trafficking survivors, looking over the Mediterranean sea after leaving Italy were they were being sexually exploited.



Source: US Department of State, (2017). Report on Trafficking.

According to the Global Slavery Index (GSI) 2016, which examined slavery in 167 countries, Nigeria inclusive, as at 2016, a global estimate of **45.8 million** people

were living in one form or the other in conditions that pass for modern slavery.¹ Of this number, a total of **875, 500** are estimated to be living modern slavery in Nigeria, accounting for **0.481%** of the total. This figures position Nigeria with the ranking of 8th among 167 countries. More pathetic is the vulnerability ratio of Nigerians per hundred citizens to modern slavery. The ratio stands at **62.34/100**. Overall, on the *Prevalence Index Rank*, Nigeria was ranked **23** out of 167 countries. The GSI also indicated the Nigerian government's response rate to the modern slavery pandemic with a **B-rating**, which on a rating scale of High (10) – Low (1) represents **5**, and indicates an average of **40-49.9%**.

The Nigerian GSI estimates for 2017 are not available as at the time of preparation of this paper is not available. However, with the recent economic recession in Nigeria, and the attendant consequences of increase in unemployment, poverty, inflation and depleting income rates, as well as, social unrest across all geo-political zones in the country, which most recently has led to the increase in the rate of internally displaced persons (IDPs), one is inclined to assume and that the rate and prevalence of domestic trafficking and modern slavery in Nigeria would by September 2017 have increased in arithmetic leaps and bounds. The same cannot be said of the entire global estimates as the next paragraph will reveal.

1. www.globalslaveryindex.org

In September, 2017, a report released from the International Labour Organization (ILO) and the Walk Free Foundation reduced the figures of those who in 2016 were victims of modern slavery, putting the estimate at **40.3 million**. What is interesting about this report is the dichotomy that was introduced in categorizing what forms of slavery these persons were victims of. According to the report, of these 40.3 million, **24.9 million** people were in forced labour, that is, were being forced to work under threat or coercion as domestic workers, on construction sites, in clandestine factories, on farms and fishing boats, in other sectors and in the sex industry. The remaining **15.4 million** were victims of forced marriage.²

Of the total number of people living in forced labour, **16 million (64%)** were exploited for labour, **4.8 million, (19%)** were sexually exploited, and **4.1 million (17%)** were exploited in state-imposed forced labour. The more alarming statistic is that **71%** of trafficking victims in the world are “women” and “girls” while children made of **21%** of victims who were force into commercial sexual exploitation.

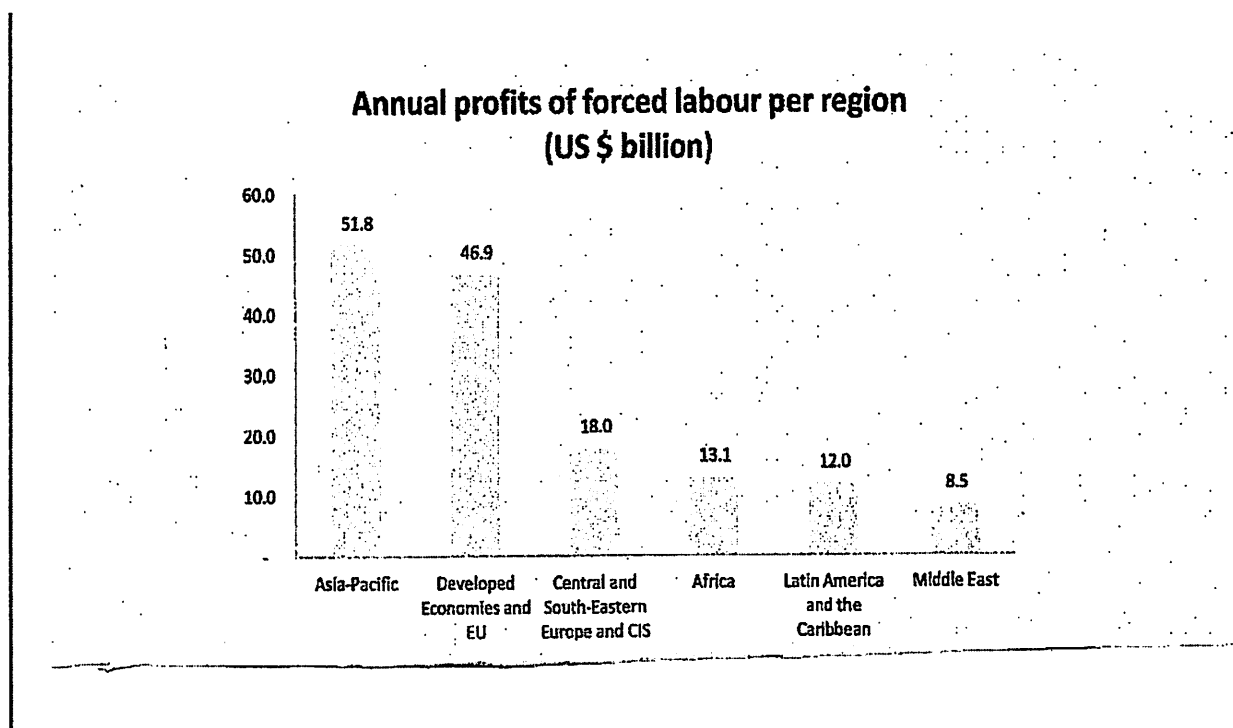
There is no doubt that trafficking in persons is a big global problem, but even much more it is a big global business connecting different facets of a supply chain

2. ILO & Walk free foundation (2017). *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*. International Labour Office, Geneva.

of transnational organized crimes. To buttress this fact, figures released by the ILO in 2014 on the profits and poverty that emanate from the economics of forced labour, showed that trafficking in persons which is the major vehicle for bringing victims into forced labour earns an estimated **\$150 billion (USD)** a year for traffickers and beneficiaries, with two-thirds of the profit pie generated from forced sexual exploitation.

Figure 1 and Table 1 below show the breakdown of profits per region and per sector respectively.

Figure 1



Source: ILO, (2014).

The figure above shows the illegal profits obtained from forced labour per region, which amounts to a total of **US\$ 150.2 billion** a year. Africa ranks 4th in the profit distribution pie.

Table 1
Breakdown of Profits from Forced Labour (Modern Slavery)

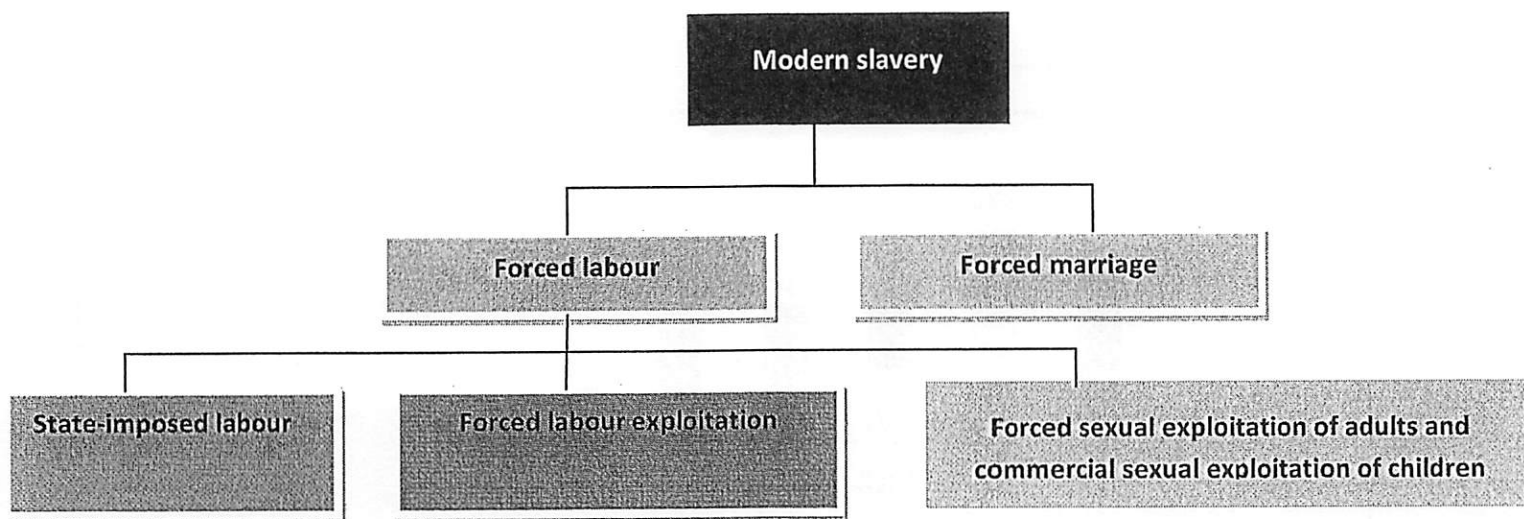
| Amount in Billions (\$) | Sector |
|-------------------------|---|
| \$ 99 bn | Commercial sex exploitation |
| \$ 34 bn | Construction, manufacturing, mining and utilities |
| \$ 9 bn | Agriculture, forestry and fishing |
| \$ 8bn | Employment of domestic workers in households under conditions of forced labour. |

Source: <http://www.humanrightsfirst.org/sites/default/files/TraffickingbytheNumbers.pdf>

The data supports the position that trafficking in persons is a big business generating returns on investments (ROI) that almost competes with the GDP of the entire West African countries in 2014 excluding Nigeria.

How then should countries cooperate to prevent this crime against humanity? We also need to ask, how do even encourage it? These questions are in critical need of examination as new data presented in the publication on *Global Estimates of Modern Slavery*, brings to the front burner new issues, themes and perspectives that expand the definition of trafficking in persons. Figure 2 below capture the new dimension to defining modern slavery cum trafficking in persons.

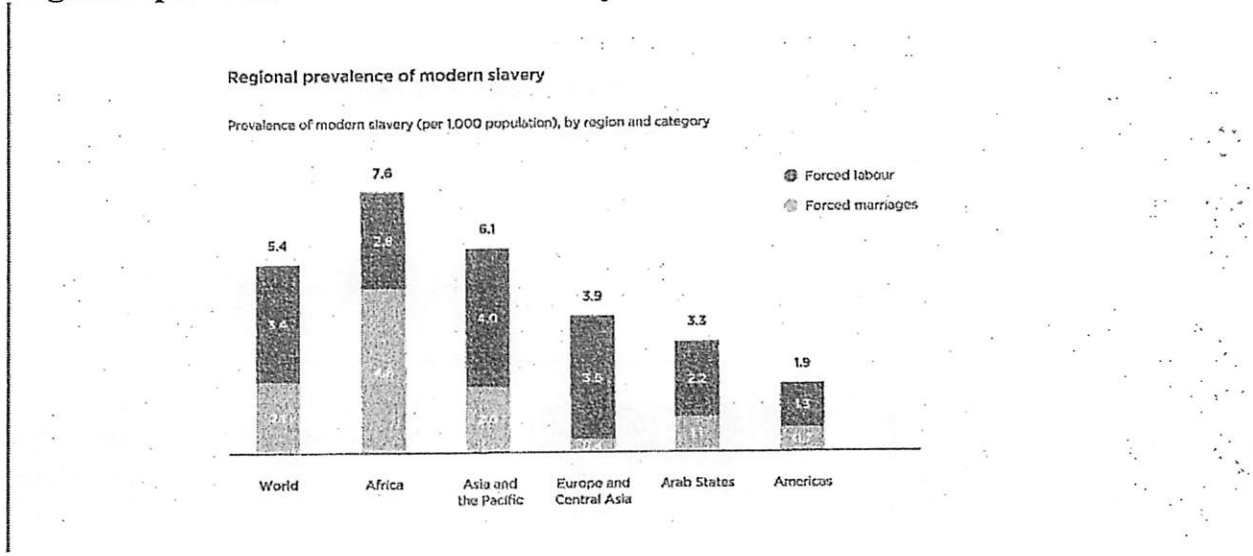
Figure 2



Source: ILO & Walk Free Foundation (2017). *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*. International Labour Office, Geneva.

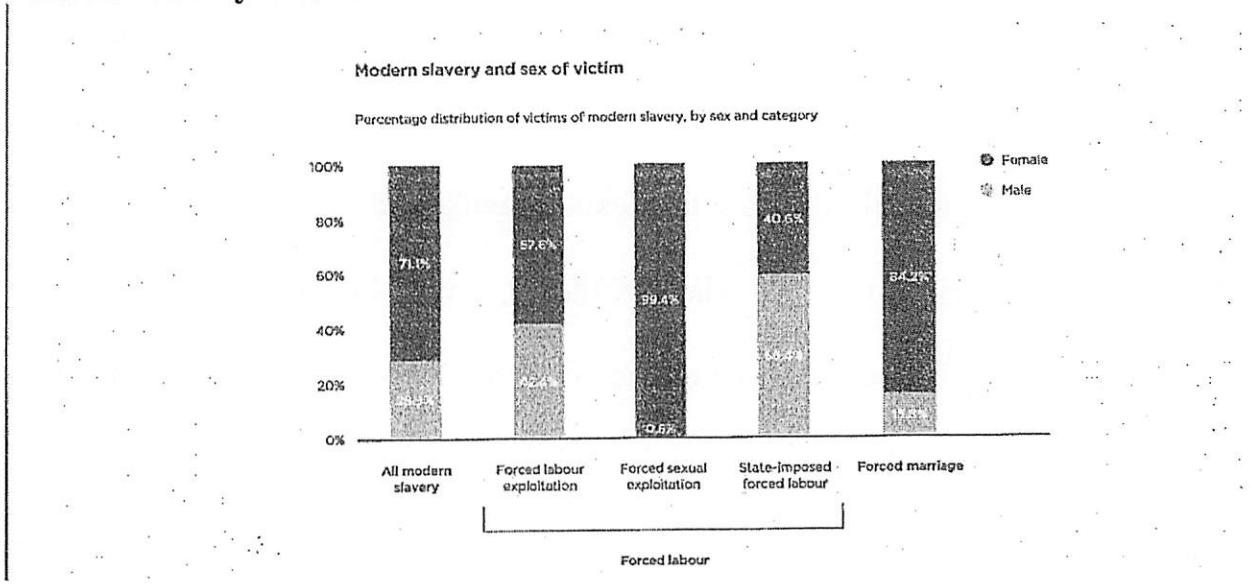
How does the information represented in Figure 1 above connect to the subject matter of the paper, which is, trafficking in persons. Simply put, when people, especially women and children are trafficked, the likely destination is either one or two of the categories of modern slavery, that is, forced labour or forced marriage or one or more of the two sub-categories of forced labour. (We note that forced labour being more prevalent in Nigeria and forced marriage is on the rise). The position in this paper is that—Human trafficking is the major gateway to modern slavery, and as such, these expanded dimensions on modern slavery ought to be given serious attention in Nigeria and in Africa. To appreciate the gravity of this problem let us examine two data sets below.

Figure 3
Regional prevalence of modern slavery



Source: ILO, (2017).

Figure 4
Modern slavery and sex of victims



Source: ILO, (2017).

The figures above presents a very bizarre set of data and information on modern slavery which aligns with one of the positions presented in this paper. The data

encompasses statistics which indicate the prevalence and propensity for the perpetuation of the two categories of modern slavery in different regions of the world. Not surprising is the fact the fact that as at 2016, Africa has the highest prevalence of ratio per 1,000 persons prone to and living in modern slavery. For every 1,000 persons, there are **7.6 victims** in Africa.

Also of important note, is the data pointing to Africa as also having the highest ratio of victims living in and/or prone to forced marriage with a ratio of **4.8 victims** per 1,000 persons. Figure 4 accounts for the general victimization of women in the business of modern slavery cum trafficking in persons. Women remained the highest victims in 2016-2017 of modern slavery in all spheres with the exception of state-imposed forced labour which to a large extent is a rare phenomenon in Nigeria and Africa. The data reiterates the obvious, **99%** of women are victims of forced sexual exploitation all over the world.

On the whole, whether in Nigeria or anywhere else in the world, those who suffer the most from the threats and inhumanity emanating from the global business and supply chain of trafficking in persons are women, and the girl child. Though te statistics may be pointing to progress in the global battle against trafficking in persons, the logic says otherwise in Nigeria. If poverty and social inequality are on the increase, the likelihood of resorting to trafficking will also be on the increase.

4. FACTORS RESPONSIBLE FOR TRAFFICKING IN PERSONS— A NIGERIA SPECIFIC EXPOSE

This section will examine an overview of factors and categories of factors that engender acts of trafficking in persons in Nigeria with a view to establishing : (i) what category of factors are most likely the most significant predictors of trafficking in persons in Nigeria, (ii) how both significant and latent factors contribute to systemic dysfunctionality of legal and policy driven efforts to prohibit, prevent, suppress and punish trafficking in persons related acts and offences, and (iii) key specific enablers that promote human trafficking in Nigeria.

An adapted methodology has been chosen which looks at selected categories and factors. For the purpose of this paper they have been rated on a 4-point Likert Scale of (4 - Very High to 1 - Very Low). Furthermore, the total factors displayed in Table 2 have been rated as objectively as possible as they apply to the Nigerian socio-political environment.

They are grouped under four categories/dimensions namely:

- (i) Civil and political protection,*
- (ii) Social, health and economic rights,*
- (iii) Personal security, and*
- (iv) Refugee populations and conflict.*

Table 2
Rating of Factors that Predict Trafficking in Nigeria
Categories of Factors

| Categories of Factors | Factor Ratings | | | |
|--|----------------|---|---|---|
| | 4 | 3 | 2 | 1 |
| 1. Civil & Political Protections | | | | |
| • Confidence in judicial system | √ | | | |
| • Political instability | √ | | | |
| • Weapons access | | √ | | |
| • Sexual discrimination | √ | | | |
| • Displaced persons | | √ | | |
| • Government response | | √ | | |
| • Political rights | | √ | | |
| 2. Social, health and economic rights | | | | |
| • Financial inclusion: borrowing money | | √ | | |
| • Financial inclusion: received wages | | √ | | |
| • Social safety net | √ | | | |
| • Undernourishment | | √ | | |
| • Improved access to water | | | √ | |
| 3. Personal security | | | | |
| • Financial inclusion: Availability of emergency funds | √ | | | |
| • Violent crimes | | √ | | |
| • Women's physical security | √ | | | |
| • Discrimination: intellectual disability | | | √ | |
| • Discrimination: immigrants | | | √ | |
| • Discrimination: minorities | | √ | | |
| 4. Refugee populations and conflict | | | | |
| • Impact of terrorism | | √ | | |
| • Internal conflict | | √ | | |
| • Refugees resident | | | | √ |

Source: Adapted from: globalslaveryindex.org.
 Rating by WOGI, (October, 2017).

Seventeen (17) factors out of the total of 21, fall under the Very high – High factor rating, while four (4) fall under the Low – Very low factor rating. The following as

highlighted in Table 3 can therefore be said to be the most significant and most latent factors that predict the prevalence of trafficking in persons in Nigeria.

Table 3

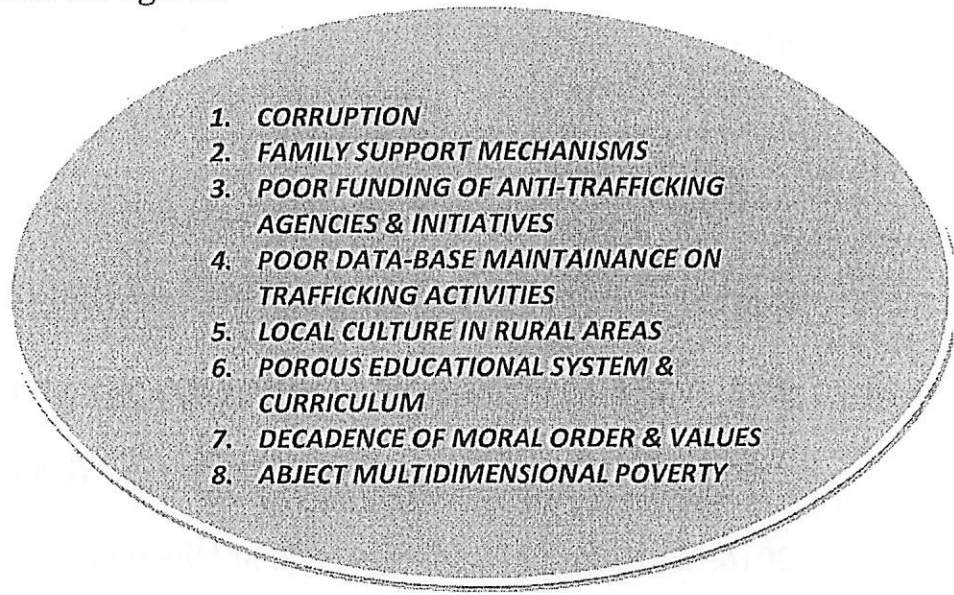
| Significant Factors | Latent Factors |
|---|--|
| <ul style="list-style-type: none"> • Low confidence in judicial system • Political instability • Sexual discrimination • Poor social safety net • Lack of availability of emergency funds • Women’s physical insecurity • Proliferation of weapons • Increase in internally displaced persons • Unenforceable political rights • Low financial inclusiveness of the poor • Undernourishment and high hunger index • Violent crimes • Discrimination against minorities • Impact of terrorism • Internal conflict | <ul style="list-style-type: none"> • <i>Access to water</i> • <i>Discrimination against immigrants</i> • <i>Refugees population</i> |

Source: WOGI, (2017).

While the above are good enough to be considered as factors that promote trafficking in Nigeria, we posit and propose what we consider to be—8 *key enablers of trafficking in persons in Nigeria*.

Figure 5

**8-KEY ENABLERS OF
TRAFFICKING IN NIGERIA**



1. CORRUPTION

One of the major problems hindering the all round success in the battles and war against human trafficking in Nigeria is corruption. The sub-culture of “settlement” plays a major role in this setback. In cases where big time traffickers have been caught, little or nothing is heard of as outcomes from their prosecution. Many willing victims and traffickers are also able to settle their way through State and National borders on their various trips out of the country. Corruption also assumes a more pathetic dimension through administrative and bureaucratic protocols in the appropriation, allocation and utilization of resources meant for funding the anti-

trafficking fight and various other initiatives. As long as the endemic problem of corruption persists within government and law enforcement cycles, combating and abating the scourge of trafficking in persons in Nigeria will only be an optical illusion.

2. FAMILY SUPPORT MECHANISMS

It is not surprising to find many families especially within the rural poor of Nigeria giving up, encouraging and in the worst cases sponsoring their wards/children to get involved in trafficking either as victims (beneficiaries) or as traffickers. In 2016, for example, more than 11,000 Nigerian women and girls were said to have arrived Italy by sea for sex trafficking. Some of the accounts given by these willing and unwilling victims would usually reveal that, their family members paid huge amounts of money to secure their trip to Europe in the promise of a better life and in the hope that they become economic saviours of their families when things turn around. Back home, most families give up young children to domestic traffickers who introduce them into forced labour especially for domestic/private homes for a monthly stipend which in most cases never gets to the parents. Law enforcement agencies have in the recent past had to rescue a good number of children and teenagers from such hostile labour and inhumane conditions of living the children

become subjected to. Some have even been report to have been exposed to sexual exploitation.

3. POOR FUNDING OF ANTI-TRAFFICKING AGENCIES & INITIATIVES

One of the major challenges that NAPTIP has had to face over the years is that of budget appropriation and adequate funding. This makes it impossible for them to execute full operations that would usually involve the mobilization of other para-military law enforcement agencies like the Nigeria Police and the Nigeria Immigration Service. Most recently, the allocations for NAPTIP has been downward owing to a cash-strapped government that had to become overtly frugal when the economy hit a recession and the National Income from export of oil and gas went down. Thus government allocation for NAPTIP in 2016 was approximately ₦1. 7 billion naira compared to the ₦2.5 billion allocated in 2015. This problem and its multiplier effect has also had its negative toll on other initiatives especially those pursued by NGOs that work hand in hand with NAPTIP and other law enforcement agencies in performing functions like public enlightenment, intelligence gathering, investigation, prosecution and advocacy.

4. POOR DATA-BASE MAINTENANCE ON TRAFFICKING ACTIVITIES

Maintenance of an accessible data-base is very important for operational efficiency and effectiveness of any law enforcement agency. A perusal of the facts behind the

figures of human trafficking in Nigeria doesn't impress the officious by-stander or inquisitive researcher as most of these details cannot even be obtained from NAPTIP website or from their administrative office. Another dimension to this challenge is the sharing of intelligence and data on traffickers and trafficking activities between agencies like the NAPTIP, the Nigeria Police, Nigeria Immigration Service and the National Intelligence Agency. The absence of such level of cooperation and collaboration on data gathering and sharing poses a major threat to combating human trafficking especially at points of exit and points of entry, that is, borders and airports.

5. LOCAL CULTURE IN RURAL AREAS

Close to **55%** of the total Nigerian population of about 180 million people live in rural areas, and their practical way of life serves as a major contributor to the increase in human trafficking in Nigeria. The extended family system is the hallmark of that culture, where it has become a cultural pattern and trend for families to send their children to go and “work” for more privileged members of the community now living in urban centers. This is done to reduce the number of mouths to be fed in the hitherto large rural family, number of persons to cater for by the way of providing for them to receive basic education and generally reduces the responsibilities of bread winning in the family. This culture still persist and most of such children end up being trafficked with parents not knowing

whereabouts of their wards or hearing for them for many years and sometimes close to a decade. However, the trend seems to be abating with the dissemination of more information on the dangers of trafficking and the attempts to bring more development to the rural areas.

6. POROUS EDUCATIONAL SYSTEM & CURRICULUM

The educational system and curriculum in the country in our own view has also contributed and continues to human trafficking in Nigeria. With a literacy rate of estimated to be 61%, and an overburdened higher institutions infrastructure regime, the curriculum in Nigeria seems not to cater for the transformation of individuals into good and responsible citizens but instead focuses on preparing individuals to graduate by all means and then eke out a living in the Nigerian labour market. Confused and bewildered by an education system which hasn't equipped them with the requisite skills necessary for global competition, it is easy to fall prey to advances and allures from human traffickers as leaving the country becomes the only options for young mal-educated men and women to be assured a good standard of living. In other cases, some higher institutions of learning have become breeding grounds for practicing miniature domestic trafficking of girls for escort and prostitution related acts.

7. DECADENCE OF MORAL ORDER AND VALUES

The Nigerian society seems to have lost a definition of what is right and what is wrong. Tragic activities like persons maintaining baby factories where young girls are impregnated and made to sell their babies, queries the existence of a moral order and conscience in the Nigerian society. Another case in question is the very popular trend of parents encouraging their young girls to travel abroad and go and “work”, the work being “prostitution”. Many parents go as far as selling their properties or borrowing money from money lenders to sponsor their daughters on such diabolic trips, and in rare cases some men persuade their wives to embark on such trips. This indicates a clear erosion of values. Apparently, within some communities, families compete on who has the most children living abroad. This has become a very disturbing trend. The statistic previously mentioned of 11, 000 Nigeria women and girls arriving Italy in 2016 for sexual exploitation affirms that the trend is not about to abate any time soon.

8. ABJECT POVERTY

Nigeria is one of the poorest countries in the global south. Women have been dubbed the poorest of the poor. With over **65%** of the Nigeria population living below the poverty line of \$2 a day, and with women and children making up a large percentage of this number, we conclude that the all defining enabler of trafficking in human persons in Nigeria is abject multidimensional poverty of

which women, young girls and children especially those living in the rural areas are the most affected by, and thus making them the most prone to all forms of human trafficking and modern slavery both within and outside the shores of Nigeria.

5. AN OVERVIEW OF TRAFFICKING IN PERSONS (PROHIBITION) ENFORCEMENT AND ADMINISTRATION ACT, 2015.

Nigeria's fight against trafficking in persons has been commended world over. Some quarters have come to agree that Nigeria remains the first and only sub-saharan country to institutionalize the battle against human trafficking. While we acknowledge that most of the battles are been won and some lost, we must bear in mind the latin mantra: *vincimur in praelio sed non in bello*, literally translated as, though we lose some battles, it is most important we finally win the war.

This section is aimed at highlighting facets of the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015. The major point of emphasis revolves around the identification of core aspects of the Act that could be overhauled, because in our view, they contribute in marginal and significant proportions to impeding the actual implementation and execution of the Act, thereby, reducing the effectiveness of law enforcement agencies pursuant to the

United Nations deadline of eradicating all forms of modern slavery and human trafficking by the year 2030.

The presentation in this section proceeds with viewpoints on the six (6) core sections and provisions of the Act that will culminate into a synopsis on the traction so far gained with, prohibition, prevention and punishment of acts of trafficking in human persons in Nigeria. This process in our view will help to build a narrative that explains and consequently explores the reasons for the dysfunctionality of the overall enforcement and administrative inefficiency and ineffectiveness pursuant to the subject matter, trafficking in persons in Nigeria.

5.1

PART I—OBJECTIVES

The objectives of the Act are to-

- a) Provide an effective and comprehensive legal and institutional framework for the prohibition, prevention, detection, prosecution, and punishment of human trafficking related offences in Nigeria;
- b) Protect victims of human trafficking; and
- c) Promote and facilitate National and International co-operation in order to meet objectives (a) and (b).

Comment:

- These objectives seem to be laudable, but could be more achievable when time-bounds like that declared by the United Nations to end trafficking by the year 2030 are included in the objectives. Such time-bounds help with an institutionalized strategic approach to and for: (i) measuring progress, (ii) allocation of resources, and (iii) escalation of government commitment vis-à-vis changing socioeconomic realities and global dynamics.

5.2 PART II—ESTABLISHMENT OF THE NATIONAL AGENCY FOR THE PROHIBITION OF TRAFFICKING IN NIGERIA

For the purpose of the paper, the above will refer to as NAPTIP or generally as “the Agency”. The establishment of NAPTIP is a major focal point of this Act. As previously mentioned, and in tandem with one of the objectives of this position paper, core aspects of PART II of the Act which we consider critical will be highlighted. The goal here is to suggest ways in which overhauling such aspects/provisions in the Act can become tantamount to improving the robustness of implementing the Act and enhancing the long-term efficiency of NAPTIP in view of the year 2030. It is our view that this time-frame for Nigeria should be shortened to the year 2025.

5.2.1. Composition of NAPTIP Governing Board

The Act makes a provision for the composition of the governing board of NAPTIP to include persons recommended to the President, representatives of law enforcement agencies and some other stakeholders.

Comment

- The governing board of a corporate body as the Act so designates NAPTIP in Section 2 (2), is to ensure a proper system, structure and style that align with laid down rules and regulations for overseeing the activities of an organization. Within the business cycles, the buzzword, is “Corporate Governance”. A good number of scholars opine that the concept is an expression that cannot be precisely defined, and that the definition is embedded in the concept. Whatever the case, it is assumed that, “An effective corporate governance system should provide a mechanism for regulating the duties of directors in order to restrain them from abusing their power and to ensure that they act in the best interest of the organization in the broadest sense”.³ We identify four key corporate governance principles to be: (i) accountability, (ii) transparency, (iii) full disclosure, and (iv) stakeholders’ involvement.

3. Chandratre, K.R. & Navare, A.N (2010). *Corporate Governance: A Practical Handbook*. New Delhi, Bharat Law House.

- A position put forward in this paper is that, the corporate governance practice as provided for in the Act, is not benchmarked against best global practices from three angles. First, is the modality for appointing members of the board, a responsibility solely vested in the President of the Federation, based on the recommendation of the Minister. Second, considering the proliferation of Civil Society based organizations (CSO), the question will arise as to how best to select which organizations/CSO representatives for appointment into to the board of NAPTIP with little or no room for bias or favoritism. Thirdly, the Act provides for three federal ministries and three law enforcement agencies, as well as the National Planning Commission to be represented on the board.
- However, giving the fourth key governance principle of stakeholders' involvement, the composition of the NAPTIP as provided for by the Act begs the questions: *How stakeholder inclusive is the NAPTIP governing board? To what extent can the process and procedures for appointment to the board be said to ensure accountability, transparency and full disclosure in the day-to-day operations of the agency?*

5.2.2.

Functions of the Agency

The Act provides for 21 major functions to be performed by NAPTIP. These functions spread across either one or a combination any of the following categories: (i) enforcement, (ii) coordination, (iii) communication, (iv) public enlightenment, (v) treaties and conventions implementation, (vi) inter-agencies collaboration, and (vii) financial control and management. These categories are generated for the purpose of this paper.

Comment

- An attempt has been made above to classify these functions. However, it is suggested that in view of the need to achieve functional integration and efficiency, certain functions should be accorded more priority, and directorates created within the agency to oversee the nation-wide performance of the functions. The categories we suggest are: **(i) enforcement, (ii) public relations/enlightenment, and (iii) inter-agencies collaboration.** The Act only provides for the creation of a special department for Public Enlightenment.
- A creation of an inter-agency collaboration directorate will reduce one of the major problems that the agency has to grapple with, which is, the coordination of law enforcement agencies, i.e., the Nigeria Police, Nigeria

Immigration Service, and the National Intelligence Agency. This problem arises especially because the various law enforcement agencies strive for control, try to exhibit superiority and relevance.

5.2.3. Powers of the Agency

Seven (7) key powers are given to the Agency, ranging from the powers to investigate to the power to seek and receive information from any person, authority, corporation or company without hindrance in respect of the enforcement of any of the provisions of the Act.

Comment

- While we reckon that it is one thing for an Act to grant an organization certain powers, it is yet another thing for an organization to enjoy the flexibility that comes with “**autonomy**” to operate seamlessly. NAPTIP is generally viewed as an agency heavily dependent for its operations on the Ministry/Ministers of Justice and Finance.
- The position put forward in this paper on the above subject matter is that— All efforts should be made to grant NAPTIP the almost 100% autonomy an agency like the Economic and Financial Crimes Commission enjoys and other associated benefits that come with such autonomy especially in terms

of funding, and independent decision-making. This will help to exert the enforcement and administrative powers of NAP TIP.

5.2.4. Establishment of Special Departments

The Act provides for six (6) major departments to be established namely: (i) investigation and monitoring, (ii) public enlightenment, (iii) counseling and rehabilitation, (iv) research and programme development, (v) training and manpower development departments. These departments are meant to enhance the effective conduct of the functions of the Agency.

Comment

- The setting up of these special departments to enhance functional effectiveness is a good decision and provision. However, the questions must be asked: *To what extent do these six departments ensure functional agency-wide efficiency?*
- We therefore posit that, too many departments could lead to the duplication of functions, and consequently the escalation of resources. As such we consider four (4) departments to be the most pivotal to the operations of the agency: (i) Public enlightenment department, (ii) Research and programme

development department, (iii) Investigation and monitoring, and (iii) Legal and prosecution department.

5.3 PART III—PROHIBITION OF THE ACTS OF TRAFFICKING IN PERSONS

The part of the Act specifies all acts that come under human trafficking related activities in Nigeria as prohibited.

Comment

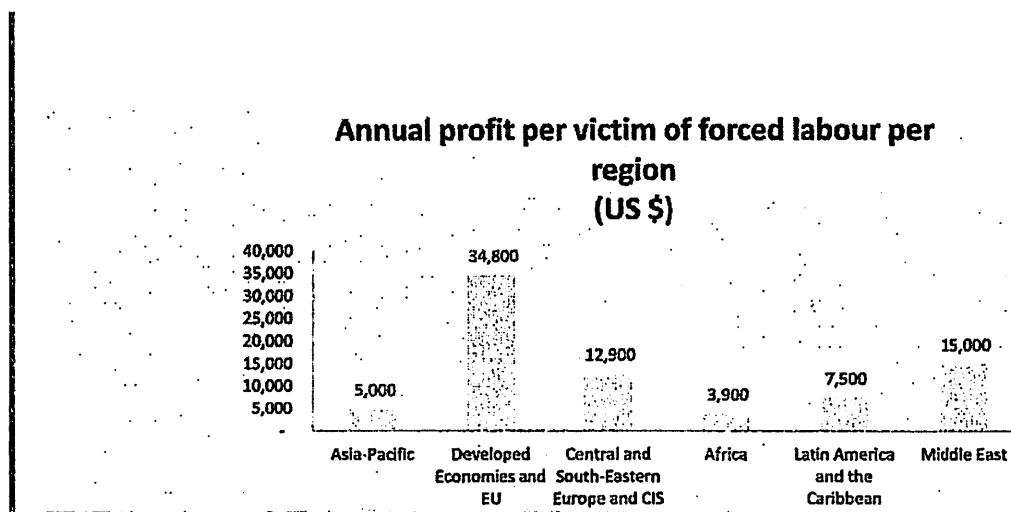
- The mentioned acts of human trafficking as prohibited in Nigeria are quite broad. But a perusal of these acts vis-à-vis the increase in the rate of trafficking of persons in Nigeria, leads to the suggestion of the following hypothesis for exploration:

Is it possible that, there is a relationship between the short imprisonment terms of between 2 - 5 years, as stipulated in the Act, as well as, the affordable fines of between ₦250, 000. 00 - ₦1, 000, 000. 00 (Two hundred and fifty thousand to One million naira, an estimate of between \$700 [USD] to \$2, 500 [USD]), and the lack of determent on the part of traffickers thereby increasing their risks considering high rate of returns to be gained from human trafficking.

- This hypothesis is very valid and a good subject for discussion and research especially when considered against the ILO statistics that revealed that as 2016, the average profit on one victim trafficked in Africa is \$3,900 (USD). See, Figure 6 below.

Figure 6

Annual profit per victim of force labour per region



Source: ILO, (2017).

- We posit, therefore, that, the fines and prison terms stipulated in the Act are too meager, lenient and short, particularly when we come to terms with the fact that a porous judiciary makes hard the possibilities for obtaining justice for victims and justice against traffickers.
- We also want to strongly comment that, the stipulation of acts of trafficking as contained in the Act, in our view falls shorts of international standards, because, the Act appears to be silent on the second major category of modern slavery which is , **forced marriage**. Though some aspects of the Act as described, may implicitly refer to marriage, there remains no explicitly clear reference to combating forced marriage. The silence of the Act on

forced marriage is disturbing chiefly because, Africa as a region has the highest rate of victims of forced marriage per 1,000 persons.

5.4 PART IV—OFFENCES AND PENALTIES

Part IV of the Act gives details on close to 21 different offences and penalties connected to them. Section 22 specifically mentions forced labour, while provisions for offences related to sexual exploitation, prostitution, pornography, armed conflict, organ harvesting, selling of human beings, employment of children, slavery and so on are given attention.

Comment

- This aspect of the Act must be commended for being all encompassing. However, we strongly note as the case is with the previous overview of Part IV, the Act explicitly remains silent on forced marriage, and refuses to designate it as an act of human trafficking or modern slavery.
- The hypothesis mentioned in the overview of Part III also comes into play under this section. Thus, for all offences mentioned, the penalties seem to be encouraging of recidivism, that is, they hardly discourage traffickers from embarking on the high risks, high returns venture of human trafficking.

- The position put forward in this paper on the above subject is that—The penalties are too lenient with a minimum imprisonment term of 2 years and maximum of 7 years, and a minimum fine of ₦250, 000. 00 - ₦1, 000, 000. 00 (Two hundred and fifty thousand to One million naira, an estimate of between \$700 [USD] to \$2, 500 [USD]). Compared to the years of forced labour, suffering, and post trafficking disorder and trauma victims have to endure and live with almost the rest of their lives, and with an average return per trafficked victim in Africa of \$3,900 [USD], these prison terms and fines are not commensurate.

5.5

PART V—JURISDICTION

The Act states that the High Court shall have jurisdiction to try offences and to hear and determine proceedings arising under the Act.

Comment

- The low degree of confidence in the Nigerian judiciary has been identified in this paper as one of the major factors that contributes to the prevalence of human trafficking in Nigeria. However, it is important to note that with High Courts around the country having to attend to high profile cases, it may be necessary to devolve the jurisdiction of courts capable of handling trafficking in persons related offences to lower level courts like magistrate

courts. This is our view will enhance speedy delivery of justice and reduce the burden of and on High court proceedings and procedures.

5.6 PART VI— FINANCIAL PROVISION

Part VI deals with the management, accessing and appropriation of funds by the agency, and ensuing processes and procedures which are benchmarked against Financial Regulations applicable in the Nigerian Public Service. Fund appropriation and expenditure are controlled by the Minister of Finance, and though not explicitly stated, supervised by the Minister of Justice.

Comment

- The agency is expected to manage and generate its funds in accordance with the extant Financial Regulations of the Public service. While this in itself is a good practice for accountability, we note that a lack of financial autonomy and over-dependence on two ministries for financial supervisory, appropriation and allocation oversight will impede from many angles the fight and battle against trafficking in persons in Nigeria. This is most likely going to be due to the bureaucratic bottlenecks that slow down decision-making on allocation of resources.
- Astonishingly, the United States Department of State' 2017 Trafficking in Persons Report, captured this problem:

The government allocated approximately 1.69 billion naira (\$5.56 million) to NAPTIP in 2016, which was a significant decrease from 2.5 billion naira (\$8.22 million) allocated in 2015. As of December 2016, the national assembly had only reported disbursing 1.27 billion naira (\$4.17 million) of the 2016 funding to NAPTIP, and NAPTIP required approximately 1.3 billion naira (\$4.27 million) for personnel costs alone. The national assembly allocated an additional 208 million naira (\$683,760) to NAPTIP in 2016 specifically to assist trafficking victims and other vulnerable people in eight states; it was unclear how much of this funding was disbursed during the reporting period. Because this amount was significantly less than the 581million naira (\$1.91 million) allocated for victim protection in 2015 and the government identified more trafficking victims than the previous reporting period, it was unclear how NAPTIP maintained the same quality of victim services.

- Such dearth of funding as indicated above and the bureaucratic processes that involve funding NAPTIP will no doubt affect both the internal and external operations of the Agency.
- This will also affect the management of the Victims of Trafficking Trust Fund which the Act makes provision for in Sections 67 and 68 of the Act.

6. RECOMMENDATIONS

There is no doubt that the Nigerian government and the entire Nigerian society has in the last decade and a half paid attention to the global scourge of trafficking in persons. With the enactment of a Trafficking in Person in 2003 and the repealing

4. US Department of State, (2017). Report on Trafficking.

and expansion of the same in 2015, there is an indication of the seriousness of the problem as perceived by stakeholders.

In response to the question: Trafficking of persons in Nigeria-*Quo Vadis?* It can be said that some progress has been made. But more progress can be made. In view of this, we suggest the following recommendations:

1. NAPTIP should be given more administrative and financial autonomy and flexibility to operate and perform its functions as detailed in the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015.
2. The imprisonment terms and fines that are meant to prevent and punish offences related to violation of human trafficking laws should be increased. Imprisonment terms should range from 25 years to life and fines should be benchmarked against a naira (₦) equivalent of \$1 million (USD).
3. NAPTIP should have more operational presence in the rural areas from which a bulk of human trafficking activities are planned and perpetrated. Major offices should be established in Local Government Councils situated in rural areas as against maintaining the present structure of just having nine (9) zonal commands across the country.

4. NAPTIP should be encouraged to deploy more operational resources in the key States across the countries that are more prone to human trafficking activities.
5. NAPTIP on the behalf of the Federal government should prepare and circulate a yearly report of activities and data on trafficking in persons which meets international standards as this will help with information dissemination and public enlightenment.
6. NAPTIP should administratively and structurally evolve into a law enforcement agency capable of combat related activities like the National Drug Law Enforcement Agency (NDLEA). This will give members of staff more will-power and the necessary para-military cover to charge into territories hitherto unchallenged.
7. Religious institutions should be co-opted into the battle against human trafficking. As institutional leaders of thought and character builders, they would have more institutionalized influence in discourage parents, and would be victims from the business of trafficking.
8. United Nations should put more pressure on countries like Nigeria who are major transit centers for traffickers, to escalate and commit more resources to the global fight against human trafficking.

9. The Nigeria educational curriculum should be revised to include subjects that will teach morals and ethics and dedicated general lectures on the problems and dimensions of human trafficking.
10. The Act should be revised to include the designation of “**force marriage**” as an act of human trafficking.
11. Special courts should be set up to dispense quick justice in the punishment and violations of acts related to human trafficking and any aspect of the extant law on trafficking in persons.
12. Government should try to do everything possible to fight and eradicate the major enablers of trafficking in persons in Nigeria namely: corruption and abject multidimensional poverty.
13. A renewed focus on family as the basic unit of the society should be given attention, as the first point of call in sensitizing people on the evils of trafficking in persons.
14. More intense collaboration should be encouraged between NAPTIP and NGOs whose goals and mission are directed towards eradicating and ameliorating the human trafficking menace in our society. This would prove particularly useful in information dissemination to the rural areas and communities on trafficking related activities and its associated dangers to all.

7. CONCLUSION

This paper has examined the nature of trafficking in persons in Nigeria and the progress recorded so far. The highlight among several positions put forward in the paper is that—a successful battle and war against trafficking in persons in Nigeria can only be attained when country specific policies and programmes are designed to combat and where possible eradicate the 8-key enablers of human trafficking in Nigeria. Twelve (12) recommendations have been made to improve the traction so far gained in the anti-trafficking war from the Nigerian point of view. And so to the leading question informing the structure of the paper, that is, Trafficking of persons in Nigeria-*Quo Vadis?* We answer: Nigeria remains a work in progress, more could have been and can still be achieved.