INSECURITY AND TRANS-BORDER CRIMES: THE STATE AND MANAGEMENT OF TRANS-BORDER HUMAN TRAFFICKING IN NIGERIA, 2003-2013

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Abstract
This paper examines the interface between the Nigerian state and trans-border trafficking in persons in Nigeria between 2003 and 2013. Specifically, it aims to ascertain whether the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003, which established the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), an agency saddled with curtailting the menace of human trafficking in Nigeria was able to curtail the incidence of trans-border human trafficking in Nigeria within the study period. Based on the Marxian theory of the state and relying on documentary method of data collection, the study found that despite the several successes recorded by the agency, it failed to significantly reduce the incidence of cross-border human trafficking in Nigeria between 2003 and 2013. Nigeria is still both a source, transit and a destination country for human trafficking. The study finally suggested measures that could be used to improve the situation.

Keywords: Human trafficking, NAPTIP, trans-border crimes, enforcement, Marxian theory of the state.

Introduction
Nigeria has the unenviable reputation for being among global leaders in the infamous trafficking in humans. Worried by Nigeria’s status as origin, transit and destination country for trafficked persons, the civilian administration that came into power in 1999 after prolonged military rule characterized by human rights abuses, of which trafficking in humans was but an extreme form, ratified the ‘UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children’ in 2001. The administration further enacted the ‘Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003’ as the major national framework for combating the nefarious trade in humans. Historically the crime of human trafficking has taken many forms, but in the context of globalization, it has acquired shocking new dimensions. According to UNESCO (2006), the current form of globalization has occasioned an upsurge in human trafficking, resulting in 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. 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 labour and for prostitution (UNESCO, 2006).
According to the UNESCO report:
That Nigeria is a country of origin, transit and destination for human trafficking and that 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) (UNESCO, 2006, p.12).

Primarily women and girls, but also boys are trafficked for purposes of sexual exploitation, forced labour and organ harvesting. Poverty is the principal 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.

With the return to civilian rule in 1999, expectations were that the problem of human right abuses, of which trafficking in humans is but one extreme form, would be greatly reduced even if not eliminated. In keeping with this expectation, Nigeria, under the new civilian administration, ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2001. It also passed a national law against trafficking entitled ‘Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003’ making Nigeria one of only a few African countries that passed such a law at the time. Nigeria also passed the Child Rights Act in 2003, which deals comprehensively with the issue of child trafficking. Moreover, the government has at various times implemented economic empowerment and poverty reduction programmes to address issues of economic inequality and eliminate the conditions that make for human trafficking.

Also at the non-governmental level, Nigerian NGOs have also been actively involved in efforts to combat human trafficking. Some NGOs which have been prominent in this regard include the National Council of Women Societies (NCWS), International Federation of Women Lawyers (FIDA) and WOTCLEF among others. Agbu (2003) noted that the activities of these NGOs have gone a long way in exposing the various dimensions of this trade in Nigeria and bringing relief to many of the victims but that despite these initiatives, human trafficking remains a critical problem in Nigeria.

Despite these initiatives, however, human trafficking remains a critical problem in Nigeria. At the end of 2010, for instance, National Agency for the Prohibition of Trafficking in Persons (NAPTIP) disclosed that it had recorded nearly 5000 victims of trafficking, and that in 2009 alone the Government provided care for 1,109 victims. This has prompted calls for further ratification and implementation of international legislation along with the use of national legal tools currently available to fight against trafficking in human beings. Such calls argue that 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, and that to better combat human trafficking in Nigeria, and the attendant damaging effects throughout the Nigerian society, will require the energy, talents and resources of government, international organizations, NGOs and civil society.

In the light of the above, a more systematic documentation of the challenges of global interventions, government policies and programmes in addressing the problem of human trafficking in Nigeria forms the basis of this study. Thus, this study examines the interface between the state and trans-border trafficking in persons in Nigeria between 2003 and 2013. Specifically, this paper therefore aims to empirically ascertain how the establishment of NAPTIP has impacted on the incidence of trans-border human trafficking in Nigeria between 2003 and 2013.

**Methodological and Theoretical Orientation**

The study used the documentary method of data collection. As such, it made use of secondary data sourced from books, journals, conference papers and official documents. Data were analyzed using content analysis, rooted on logical deductions. In terms of theory, it is anchored on the Marxist theory of the state. The theory arose as a counter to the proposition of the western liberal theory that the state is an independent force and an impartial arbiter that not only caters for the overall interest of every member of the society but also regulates equitably their socio-economic transactions and processes (Okolie, 2006). On the contrary, Marxist theorists maintained that the state is the product and a manifestation of the irreconcilability of class antagonisms (Lenin, 1984). What this implies is that the state that arose from the conflict between classes is, as a rule, the state of the most powerful and economically dominant class that also becomes the politically dominant class and thus acquires new means of holding down and exploiting the oppressed (Jakutowski, 1973).
In applying the Marxian theory of the state to the explication of the role of the state in the control of cross-border trafficking in persons therefore, the analyst needs bear in mind Marx’s central proposition that the mode of production determines, significantly, the amount and kinds of crime found in each, and that each mode of production also reproduces a criminal justice system after its kind. Contemporary trafficking in human beings is to be understood as a natural derivative of the capitalist mode of production in its present ultra-exploitative form which, beyond the commodification of labour power, has also commodified the human person. It is a crime of the elite perpetrated by or for the elite and is therefore subject to the more velvety side of the criminal justice system. It is as a result of this that in spite of the enactment and enforcement of the ‘Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003’; the ratification of the ‘UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children’ in 2001; the establishment of the ‘National Agency for the Prevention of Trafficking in Persons (NAPTIP)’; the enactment of the ‘Child Rights Act’ in 2003, which deal comprehensively with the issue of child trafficking and child abuse, the incidence of cross border trafficking in persons in Nigeria has not abated, instead, it appears to have been on the rise.

The State of Trans-Border Human Trafficking in Nigeria Prior to 2003

It is estimated that between one and two million people are trafficked around the world every year – mostly women and children, but increasingly, men and boys as well – generally for forced labour, agricultural bondage, prostitution, or other forms of indentured servitude (Lyday, 2001; Agbu, 2003). Globally, Agbu (2003) and UN (2006) have carefully provided staggering statistics on human trafficking. According to the U.S State Department (2005), six hundred thousand to eight hundred thousand women and children are trafficked annually across international borders. Approximately, 80 per cent are women and up to 50 per cent are minors, while the vast majority of those trafficked under 18 years of age are girls (see Figure 1). In his account, Agbu (2003) estimates that in the year 2000, a conservative count of people trafficked to all parts of the globe, especially the United States, Western Europe, the Middle East, Japan, North America and Australia, included 250,000 persons from Southeast Asia; 150,000 from South Asia; 100,000 each from the defunct Soviet Union and Latin America; 75,000 from Eastern Europe, and another 50,000 from Africa.

Figure 1: Share of Child Victims among Total Trafficking Victims Detected in Nigeria, January 2008-March 2010

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Adult Victims Detected</th>
<th>Number of Child Victims Detected</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>611</td>
<td>628</td>
</tr>
<tr>
<td>2009</td>
<td>710</td>
<td>540</td>
</tr>
<tr>
<td>January-March 2010</td>
<td>202</td>
<td>168</td>
</tr>
</tbody>
</table>


In Nigeria, figures and statistics on the number of Nigerians involved have been most inconsistent. This however, does not negate the fact that human trafficking is in the increase in Nigeria. For instance, it was reported by the Nigerian Police Force and the Women Trafficking and Child Labour Eradication Foundation (WOTCLEF) that between March 1999 and April 2000, about 1,126 women trafficked out of the country were deported from various countries. Further statistics released by WOTCLEF, put the figure of trafficked Nigerian women deported as at December 2001 at about 5000 (Agbu, 2003; Daily Times, 14 June 2001, p.4).
An ILO/IPEC report found that 40 per cent of Nigerian street children and hawkers are trafficked persons (ILO/IPEC, 2000). In March, 2002, WOTCLEF in a seminar organized by the International Federation of Women Lawyers (FIDA), reported that there are about 20,000 Nigerian women involved in the sex industry in Italy. The Daily Champion of July, 2002 reported that 80 per cent of foreign prostitutes in Italy were Nigerian women. According to Agbu (2003), most of the trafficked women were from Edo, Delta and Lagos States with an average age range of between 15 and 35 years. Also, Uzor (2001) reveals that in one instance, 12 prominent businessmen suspected of trafficking 13 Nigerian women for prostitution abroad were intercepted at the Nigeria’s Seme border with Benin Republic.

Similarly, it has been reported that 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 labour and prostitution, with incidents of human trafficking and forced labour particularly prevalent in Lagos. Here, we are however concerned with cross-border, or more appropriately, trans-border human 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 (Institute for Foreign Policy Analysis, 2010).

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. Nigerian women and girls en-route to Europe spend many months in the deserts of North Africa and are forced into labour 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.

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 (UNESCO, 2006, p.23).

Between 1999 and July 2000, about 454 trafficked Nigerians, mostly women and children, were deported from Saudi Arabia. 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 women and young girls recruited from Dapaong (about 600 km
from the capital Lomé) and from Bassar, Lama-Kara Sokodé and Namtougou 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 Cross River 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 (UNESCO, 2006).

**Nigeria as a Destination Country**

As a destination country, Nigeria receives Togolese women and young girls who are recruited mainly from Dapaong (about 600 km from the capital Lomé) and from Bassar, Lama-Kara Sokodé and Namtougou in the central region of the country, and children from Benin, Liberia, Mali, Burkina Faso and Ghana. Over the years Buzu women, which is another word for Tuareg, 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.

No doubt human trafficking is a menace in the country. For several years now, rather than abate, the scourge, both at the domestic and international levels, has continued to thrive. Although a lot has been done towards eradicating the menace, but the traffickers have perfected the act. According to reports, traffickers are more organised in carrying out their activities and thus making the fight a serious challenge. According to statistics, 45,000 Nigerian women are trafficked to Europe yearly to engage in a dehumanizing means to eke a living such as prostitution forced on them by barons while young children are moved across borders to mainly Gabon and Benin Republic to provide cheap labour by criminal networks (UNESCO, 2006).

What is particularly disturbing to some analysts is that the focus is shifting from trans-border trade in adults to impressionable young people, because they are easier to exploit and manipulate. That is why, almost on a regular basis, Nigeria is confronted with harrowing reports of the interception of lorry loads of kids packed like sardines being moved into virtual slavery in neighbouring countries, or even destinations in Nigeria. The socio-economic consequences of this ugly trend to the country are enormous.

Here in the country, children who should ordinarily be in school are moved from rural areas to the big cities where they serve as nannies and house-workers. These children are subjected to harrowing experiences by the people who engage their services. To a lot of these people, various reasons are attributed to this inhuman behaviour which are premised on poverty. Most times, the victims often cite deepening poverty as constituting some of the main reasons why they engage in the practice, and why it is difficult to curtail it. Some families knowingly and willingly permit their children to engage in cross-border illicit trade with the hope that doing so would reduce their economic burden. In other instances, parents encourage their female children to embark on the sometimes hazardous journey to Europe where they end up as prostitutes or virtual slaves. Earnings from such trade are thereafter sent back home. The need might be to build a house, pay for the education of siblings, or simply to aspire into a higher social status.

Though the setting up of the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) may have helped in reducing the menace, but to analysts, more still need to be done in tackling the menace. For instance, the 2012 annual trafficking report, which was released in the US indicated that Nigeria dropped on the ranking list. According to the United States Department of State, the Trafficking in Persons (TIP) Report is the US Government’s principal diplomatic tool to engage foreign governments in the global anti-human trafficking campaign. The report places each country into one of three tiers, based on the extent of their governments’ efforts to comply with the minimum standards for the elimination of human trafficking, which are enshrined in Section 108 of the Trafficking Victims Protection Act of 2000 (TVPA).

Despite the news from the US, to many local observers, there hasn’t been anything to show the menace is abating. Speaking during the Child Welfare Orientation Network’s campaign against child trafficking on how human traffickers operate, its National Coordinator, Mr. Lucky Chukwuemeka Durueke, stated that traffickers usually make promises of better life, employment and education to people. According to him, these promises are not true as they are ploys to recruit children and girls whom they will later introduce into prostitution and child slavery. He cautioned parents against strangers with good promises of better lives for their children, stating that:
There is a need to be careful at this time as I consider it a dangerous time as human traffickers consider this the best time to recruit children by promising to take them to a place where life is easy, they deceive parents by giving them offers that has nothing in it at the end. The bottom-line is that lots of children are trafficked at the start of a new year (Thisday live Thursday 19 June, 2014, p.2).

In the same manner, The National Director, Media Campaign Against Human Trafficking, Mrs. Anne Abok, revealed that the manner in which the human traffickers operate is simple and it spreads to all communities. According to her:

The way these people work is very simple and it applies to all communities. What happens is that we have a source community which is where the traffickers go to recruit the girls and sometimes take them to a transit community which is not a final destination for the girls to start practicing prostitution. It is actually a place where they keep them until they are ready to take them to the next place which is the destination. Most source communities are vulnerable villages (Thisday Live, Thursday 19 June, 2014, p.2).

Stating why human trafficking is still a serious threat to the society, a representative of Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), Mrs. Jummai Madaki who was also present at the workshop acknowledged human trafficking to be an illegal but lucrative business.  She noted that:

…human trafficking is bad and should be fought on all sides. We must consider the fact that it is a drain on our economy. Some of these girls who are prostituting outside would have given their best in this country and contribute to the growth and development that could make Nigeria a better place. Human trafficking kills us politically and economically as these people travel out and do just anything to make money. But if they can return back to Nigeria and channel this energy back to the nation, Nigeria will become a better place (Thisday Live, Thursday 19 June, 2014, p.3).

Giving insights into strategies that could be adopted in combating the societal menace, the Programme Officer with the West Africa Civil Society Forum, Mr. Kop’ep Dubugat, listed advocacy as part of the strategies which could be used in combating human trafficking. According to him, the most effective strategy in combating human trafficking is advocacy. It is important that advocacy begins from the communities, goes round and comes back to the communities. It begins from identifying the problems of a community and goes on to defining and understanding those problems. It also goes on to empower communities to act on solving the problems. Another area where advocacy is important is that it also takes up issues at a higher level beyond the communities.

The Impact of the Implementation of the NAPTIP Act 2003 on the Incidence of Cross-Border Human Trafficking in Nigeria

In addition to the international legal instruments discussed above there are various domestic legal instruments that address the problem of human trafficking in Nigeria. Certain chapters of the 1999 constitution, for instance, 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 (UNICEF Report on Nigeria, 2001). Trafficking in women was criminalized in Nigeria by the criminal code in 1904 and the penal code in 1960. However, the criminal penal codes did not deal with the issue comprehensively enough, 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, for instance, 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 (Section 279, Nigerian Penal Code).
More importantly, 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 established the National Agency for Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), which the Nigerian Government set up in August 2003. NAPTIP as a focal agency in Nigeria responsible for combating human trafficking in all its ramifications was established on the 8th of August, 2003, with the appointment of its pioneer Executive Secretary/Chief Executive (Egede, n.d). The agency which was the creation of Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, is the Federal Government response to addressing the scourge of trafficking in persons in Nigeria and its attendant human abuses. This is also in fulfillment of her international obligation under the Trafficking in Persons Protocol supplementing the United Nation’s Transnational Organized Crime Convention (TOC). Section 4 of the Nigerian Trafficking law empowers the NAPTIP to coordinate all the laws 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.

UNESCO (2006) observed that 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 (i.e. the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 2000), but deals more extensively with trafficking for prostitution and sexual exploitation than with trafficking for other forms of labour. 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 labour, as well as meeting the modern day complexity of human trafficking. 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 (Global Alliance against Traffic in Women, 2001). 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 (UNESCO, 2006).

In accordance with the national law allowing individual states the right to amend, Edo State has since 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, who facilitate the secret oath ceremony to be culpable. The Edo State amendment also criminalized prostitution, thereby alienating trafficked persons working in prostitution. 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.

Also, 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.

To Nigeria’s credit, the country is one of the few African countries to pass the Child Rights Act in 2003, which deals comprehensively with the issue of child trafficking. And apart from these legal frameworks, economic empowerment and reintegration programmes have been tried to address the problem of human trafficking in Nigeria. There have also been several awareness-raising activities. At the non-governmental level, Nigerian NGOs are involved in efforts to combat human trafficking. Worthy of mention according to Agbu (2003) are National Council of Women Societies (NCWS), International Federation of Women Lawyers (FIDA), and WOTCLEF. The activities of these NGOs have gone a long way in exposing the various dimensions of this trade in Nigeria and bringing relief to many of the victims. It has however been strongly contended that despite these initiatives, human trafficking remains a critical problem in Nigeria (See for instance, Duru and Obonnayaa, 2012).

Nigeria has in fact continued to be classified as a source, transit, and destination country for women and children subjected to forced labour and sex trafficking, according to the 2012 Trafficking Report by Country. According to the report, trafficked Nigerians are recruited from rural, and to a lesser extent urban, areas within the country: women and girls for domestic servitude and sex trafficking, and boys for forced labour in street vending, domestic service, mining, stone quarries, agriculture, and begging.
Nigerian women and children are taken from Nigeria to other West and Central African countries, as well as South Africa, where they are exploited for the same purposes. Children from West African countries, primarily Benin, Ghana, and Togo, are forced to work in Nigeria, and many are subjected to hazardous labour in Nigeria’s granite mines. Nigerian women and girls, primarily from Benin City in Edo State, are subjected to forced prostitution in Italy, while Nigerian women and girls from other states are subjected to forced prostitution in Spain, Scotland, the Netherlands, Germany, Turkey, Belgium, Denmark, Finland, France, Sweden, Switzerland, Norway, Ireland, Slovakia, the Czech Republic, Greece, and Russia. Nigerian women and children are recruited and transported to destinations in North Africa, the Middle East, and Central Asia, where they are held captive in the sex trade or in forced labour. Nigerian women are trafficked to Malaysia where they are forced into prostitution and to work as drug mules for their traffickers. Nigerian traffickers rely on threats of voodoo curses to control Nigerian victims and force them into situations of prostitution or labour. Nigerian gangs traffic large numbers of Nigerian women into forced prostitution in the Czech Republic and Italy, and EUROPOL has identified Nigerian organized crime as one of the largest law enforcement challenges to European governments. It went on to suggest that the Government of Nigeria does not fully comply with the minimum standards for the elimination of trafficking, but is making significant effort to do so. During the reporting period, the government did not demonstrate sufficient progress in its anti-trafficking law enforcement efforts. Roughly a third of convicted traffickers received fines in lieu of prison time, and despite identifying 386 labour trafficking victims, the government prosecuted only two forced labour cases. The National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), established by the 2003 Anti-Trafficking in Persons Law to coordinate and facilitate the government’s anti-trafficking agenda, did not increase its funding for protective services and its victim shelters offered limited reintegration services and were not always well maintained. The report further contended that despite documentation of a staggering number of Nigerians trafficking victims identified in countries around the world, the government inconsistently employed measures to provide services to repatriated victims. It nonetheless acknowledged that NAPTIP did execute its first joint law enforcement exercise with the Government of Mali which led to the arrest of trafficking perpetrators and to the rescue of Nigerian trafficking victims. Meanwhile, the records of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) show that since inception in 2003, the Agency has successfully prosecuted more than 1000 cases and obtained 108 convictions and the traffickers are serving various jail terms in different states of the federation and abroad and other cases that are pending in various courts are at different stages of disposal/judgment. The agency has also established eight (8) shelters in Abuja, Lagos, Benin, Uyo, Enugu, Kano, Sokoto and Maiduguri for the rehabilitation of victims of trafficking.

Investigations

A total of Four Hundred and Seven (407) cases of human trafficking and other related matters were reported to the Agency in the year 2013. Of the 407 cases reported, 266 (65.4%) were successfully investigated. External trafficking out of Nigeria for sexual exploitation had the highest number of cases reported to the Agency in the year under review. Almost a quarter (23.6%) of total cases reported to the Agency was external trafficking for sexual exploitation. About one-fifth (19.2%) of the total reported cases was that of child abuse while cases of child labour had 13.3% of the total cases reported. Table 1 depicts this.
A total of 2,726 cases of human trafficking had been reported to the Agency since inception, and a total of 293 suspected traffickers were apprehended in the year 2013. Of the total, 66 (22.5%) were arrested for child abuse. External trafficking for sexual exploitation had 53 (18.8%) while child labour had a total of 47 (16.0%).

**Table 1: Cases of Human Trafficking Reported to NAPTIP in 2003**

<table>
<thead>
<tr>
<th>Cases</th>
<th>Reported</th>
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<th>Investigated</th>
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<tr>
<td></td>
<td>No.</td>
<td>%</td>
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<td>%</td>
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<tr>
<td>External trafficking for sexual exploitation</td>
<td>96</td>
<td>23.6</td>
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<td>17</td>
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<td>External trafficking for labour exploitation</td>
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<td>1.2</td>
<td>2</td>
<td>40.0</td>
</tr>
<tr>
<td>Child labour</td>
<td>54</td>
<td>13.3</td>
<td>41</td>
<td>75.9</td>
</tr>
<tr>
<td>Child abuse</td>
<td>78</td>
<td>19.2</td>
<td>54</td>
<td>69.2</td>
</tr>
<tr>
<td>Child abduction from guardianship</td>
<td>38</td>
<td>9.3</td>
<td>32</td>
<td>84.2</td>
</tr>
<tr>
<td>Forced marriage</td>
<td>3</td>
<td>0.7</td>
<td>1</td>
<td>33.3</td>
</tr>
<tr>
<td>Rape/sexual abuse</td>
<td>14</td>
<td>3.4</td>
<td>9</td>
<td>64.3</td>
</tr>
<tr>
<td>Others</td>
<td>47</td>
<td>11.5</td>
<td>24</td>
<td>51.1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>407</strong></td>
<td><strong>100.0</strong></td>
<td><strong>266</strong></td>
<td><strong>65.4</strong></td>
</tr>
</tbody>
</table>

**Source:** NAPTIP, 2013, p.1

Rescued Victims of Human Trafficking
The Agency rescued a total of Nine Hundred and Sixty Four (964) victims of human trafficking in 2013. Child labour had the highest number of rescued victims with a total number of Two Hundred and Twelve (212) which represents 22.0% of the total number of victims rescued. External trafficking for sexual exploitation had One Hundred Eighty Six (186) which is 19.3% and internal trafficking for labour exploitation had Ninety Six (96) representing 10.0% of the total victims rescued.

A total of Seven Thousand Five Hundred and Twenty Nine (7,529) victims of human trafficking have been rescued and rehabilitated by the Agency since inception. 61.3% of the total victims rescued during the year under review were children under 17 years of age as against 50.9% that were rescued in the previous year. This represents an increase of 10.4% over what was recorded in the year 2012.

Regardless, of the modest achievements of NAPTIP as reflected in the body of data above, it has been argued that the Government of Nigeria did not demonstrate adequate progress in its anti-trafficking law enforcement efforts in that year. After a severe reduction in prosecutions in 2010, the percentage of investigations of suspected trafficking offenses that resulted in court proceedings increased slightly in 2011; however the number of cases prosecuted remained low compared to the large numbers of trafficking investigations. Furthermore, sentencing of offenders was inadequate and, despite large numbers of
identified forced labour victims, the government continued to neglect the prosecution of labour trafficking crimes.

The 2003 Trafficking in Persons Law Enforcement and Administration Act, amended in 2005 to increase penalties for trafficking offenders, prohibits all forms of human trafficking. The law prescribed penalties of five years’ imprisonment or a fine not to exceed the equivalent of $645 or both for labour trafficking offenses; these are sufficiently stringent, but the law allows convicted offenders to pay a fine in lieu of prison time for labour trafficking or attempted trafficking offenses, which is a penalty that is not proportionate to the crime committed. The law prescribes penalties of 10 to 15 years’ imprisonment for sex trafficking offenses and a fine of the equivalent of $1,250, or both. For sentences that include only a fine, penalties are not sufficiently stringent.

NAPTIP initiated 279 new investigations during the reporting period, prosecuted 15 trafficking cases, and convicted 23 traffickers. Despite identifying almost 400 forced labour victims, NAPTIP only prosecuted two forced labour cases, in comparison with 13 forced prostitution cases. All cases were tried under articles within the 2003 Trafficking in Persons Law Enforcement and Administration Act. Sentences ranged from six months’ to 14 years’ imprisonment and fines ranged from the equivalent of $63 to $316 – below the maximum fines to the equivalent of $645 to $1,250. Of the 23 offenders convicted, eight received a jail sentence with the option of a fine in lieu of time served, 13 offenders received jail time with no option of a fine, and two received both jail time and a fine. NAPTIP officials held workshops with federal and state judges to educate them on the trafficking in person’s law, the particular challenges faced in prosecuting this crime, and on the need to apply stricter penalties in trafficking cases. NAPTIP proposed draft legislation to the National Assembly that would eliminate the option of handing down only a fine in trafficking convictions.

The National Assembly has yet to pass these amendments into law and judges continued to use fines in lieu of prison sentences. At the conclusion of the reporting period, 118 trafficking cases remained pending. NAPTIP’s funding levels have remained static for the past few years and the limited number of prosecutions indicates the Government of Nigeria needs to prioritize increased funding to the agency. Although NAPTIP demonstrated an ability to obtain convictions from the prosecutions it initiated, a small number of investigations conducted during the year resulted in prosecutions, suggesting a need to enhance the investigation and prosecution skills of relevant officials. NAPTIP funded the training of 90 senior NAPTIP officials at the Nigerian Defense Intelligence School in Karu in March and July 2011, where they received training in basic security and intelligence skills necessary for any law enforcement officer.

Throughout the reporting period, the Government collaborated with law enforcement agencies in Germany, the United Kingdom, Greece, Sweden, France, Slovakia, Belgium, The Netherlands, and Italy on trafficking investigations involving Nigerian nationals. In some cases this cooperation led to the successful prosecution of a suspect in the host country; however, specific details on these cases was unavailable. It is also instructive that the government did not initiate any investigations, pursue prosecutions, or obtain convictions of government officials for involvement in trafficking-related corruption during the reporting period, although such corruption was known to have occurred. This is obviously a very grave oversight, especially given Agbu’s cogent observation that any effort at addressing the problem of human trafficking would just have to revisit the issue of corruption in high and low places especially in government bureaucracy and other relevant agencies, and that the personnel of these agencies have to be made to understand the implications of their actions and inactions on issues pertaining to trafficking in women and children.

An ex-post-facto analysis of the foregoing data presentation shows that the enactment and implementation of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 has led to some laudable efforts towards combating trans-border human trafficking in Nigeria. Nevertheless, it has amply been demonstrated that in spite of these laudable efforts, the incidence of trans-border trafficking in persons in Nigeria has remained largely undiminished.

In the light of this body of evidence therefore, we conclude that in spite of the gallantry exhibited by NAPTIP operatives, the implementation of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 failed to significantly reduce the incidence of cross-border human trafficking in Nigeria between 2003 and 2013. Based on this, we recommend that the enabling laws against human trafficking in the country should be strengthened to enable NAPTIP execute its mandate fully without legal constraints. Furthermore, sensitization campaigns, especially in schools and religious organizations should be continuously carried out to educate the citizens on the dangers of human trafficking. The use of mass media should also be deployed to this end. To this end, the National Orientation Agency (NOA) should pick up the gauntlet and ensure that the campaign is effective. Finally, there should be inter-agency
collaboration to fight the menace. In other words, the job should not be left for the NAPTIP alone. The Police, military and para-military organizations should also help, especially in arresting the culprits, as NAPTIP officials cannot be everywhere at the same time.

References