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DANISH IMMIGRATION SERVICE



## **Protection of victims of trafficking in Nigeria**

**Report from Danish Immigration Service's fact-finding mission to  
Lagos, Benin City and Abuja, Nigeria**

*9 to 26 September 2007*

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## Introduction

The Danish Immigration Service (DIS) and the British Home Office undertook a joint fact-finding mission to Nigeria in November 2004, and in December 2006 the DIS undertook an additional fact-finding mission to the country. Both missions included issues related to trafficking in persons.<sup>1</sup>

However, due to a need for updated and additional information on the protection of victims of trafficking who have given evidence in courts or have cooperated with police abroad in order to prosecute traffickers in Denmark, the DIS undertook a fact-finding mission to Lagos, Benin City and Abuja, Nigeria. The mission took place between 9 and 26 September 2007.

Based on DIS's experience from its two previous visits and its consultations in Nigeria, as well as recommendations from the Danish NGO Reden - STOP Kvindehandel, the researcher Michelle Mildwater and the Norwegian Country of Origin Information unit, Landinfo, the Danish delegation decided to consult the following NGOs in Nigeria: Women's Consortium of Nigeria (WOCON), Lagos; Catholic Secretariat of Nigeria/Caritas Nigeria, Lagos; Committee for the Support of the Dignity of Women (COSUDOW), Benin City; Girls' Power Initiative (GPI), Benin City; International Reproductive Rights Research Action Group (IRRRAG), Benin City; Idia Renaissance, Benin City; Women Trafficking & Child Labour Eradication Foundation (WOTCLEF), Abuja; and Legal Resources Consortium, Abuja.

In addition to this the delegation also consulted the Nigerian government's National Agency for the Prohibition of Traffic in Persons and other related matters (NAPTIP) at its zonal offices in Lagos and Benin City as well as at NAPTIP's headquarters in Abuja. The International Organisation for Migration (IOM) and the embassies of Italy, Switzerland and Norway were all consulted in Abuja.

Before its departure to Nigeria, the Danish members of the delegation held a meeting with Reden - STOP Kvindehandel and head of the NGO, Trine Lund-Jensen, who was requested to comment on the delegations Terms of Reference (ToR). These comments have been included in the delegations ToR to the extent that this was considered relevant and practical.

All sources consulted during the mission to Nigeria were advised that the delegation's report would be public and all sources were informed of the purpose of the mission. The sources were also informed that their statements would be presented in an accurate and transparent way in the report. All sources agreed to have their identity disclosed and their statements attributed to them in the report.

The report is available on the website of the Danish Immigration Service: [www.newtodenmark.dk](http://www.newtodenmark.dk)

A list of organisations, authorities and individuals consulted in Nigeria is attached at the end of this report.

The delegation to Nigeria comprised Jens Weise Olesen, Chief Adviser – Africa, and Jan Olsen, Regional Adviser – Africa, both Documentation and Project Division, DIS.

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<sup>1</sup> Danish Immigration Service and Home Office, *Report on human rights issues in Nigeria; Joint British-Danish fact-finding mission to Abuja and Lagos, Nigeria, 19. October to 2. November 2004*, Copenhagen January 2005; ... Udlændingetjenesten, *Rapport om menneskehandel (trafficking) i Nigeria; Rapport fra fact-finding mission til Lagos og Abuja, Nigeria, 12. – 21. december 2006*, København marts 2007, (in Danish only)

It should be noted that this report on protection of victims of trafficking only embrace such topics that are related to protection in Nigeria of returning victims who have given evidence in courts abroad or have cooperated with the police in order to facilitate prosecution of traffickers and/or who are still indebted to their traffickers. The report also includes, but does not cover in detail, such topics as recruitment, reintegration and rehabilitation facilities as well as other support mechanism that are in place in Nigeria.

## 1 Background

The extent of trafficking from Nigeria is difficult to estimate but the problem is a major concern for the authorities and a number of non-governmental organisations (NGOs) in the country. The Government of Nigeria has recognised the problem and since 2003 the legal and institutional foundation for combating trafficking and support victims of trafficking has been in place in Nigeria.

The vast majority of female victims of trafficking are from Edo State in the South-South, i.e. the southwestern part of Nigeria. A number of Nigerian NGOs are based in Benin City – the capital of Edo State – and they are addressing the problem of trafficking, and NAP TIP has a Zonal Office in the city.

In 2006, the United Nations Office on Drugs and Crime (UNODC) reported that the true magnitude of the trafficking problem is difficult to gauge.<sup>2</sup> In part this is due to varying definitions used as well as to other factors such as the accepted practice of the placement of children with relatives or other families both within and outside the country, and the hidden economies in which the children work. Other reasons for the lack of accurate data include a lack of anti-trafficking legislation in many countries, the reluctance of victims or their parents to report their experiences to the authorities and the slowness of government agencies to respond to the problem. Statistics may be generated by NGOs, governmental and international organizations, law enforcement and immigration (statistics on interceptions) and NGOs and embassies (statistics on repatriations). Rarely are these data sources linked and where statistics are even collected, they often include estimates and portray only the tip of the iceberg.

According to the U.S. Department of State, no government or NGO estimates on the extent of trafficking from Nigeria were available, but the magnitude of the problem was believed to be significant. The majority of the victims rescued by NAP TIP originated in Akwa Ibom and Edo states. Victims are being trafficked to Europe, the Middle East and other countries in Africa. Girls and women are being trafficked for forced prostitution to Italy, Spain, Norway, Belgium, the Netherlands, Ivory Coast, Benin, and Niger.<sup>3</sup>

The United Nations Office on Drugs and Crime (UNODC) reported in 2006 that with respect to Nigerian women trafficked for commercial sexual exploitation to Europe, an estimated 94% are from Edo State in Nigeria while the remaining are from Delta, Kano and Borno states.<sup>4</sup>

Rev. Sister Florence (Florence Nwanuoma), Coordinator, COSUDOW, Benin City explained that widespread poverty in Nigeria has forced many families to traffic one or more family members abroad, and she considered that at least eight out of 10 victims of trafficking in Nigeria are from

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<sup>2</sup> It should be noted that UNODC's study of trafficking comprised Benin, Nigeria and Togo. UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, September 2006, p. 34. [http://www.unodc.org/pdf/human\\_trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/pdf/human_trafficking/ht_research_report_nigeria.pdf)

<sup>3</sup> U.S. Department of State, *Nigeria, Country Reports on Human Rights Practices – 2006*, Released by the Bureau of Democracy, Human Rights, and Labor, March 6, 2007.

<sup>4</sup> UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, September 2006, p. 30. [http://www.unodc.org/pdf/human\\_trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/pdf/human_trafficking/ht_research_report_nigeria.pdf)

Edo State. Nwoha Roland Chigozie, Public Relations Officer, Idia Renaissance, Benin City confirmed that about 70 per cent of all victims of trafficking who travel to Europe originate from Edo State. However Jane Osagie, Edo State Co-ordinator, IRRRAG, Benin City, did not agree that as many as seven or eight out of 10 of all victims of trafficking are from Edo State.

Grace Osakue, Co-ordinator Edo State, GPI, Benin City, explained that many Nigerians from Benin City lived in Europe up till the 1980s with the purpose of education and when the sex work became a prosperous business, there were already many people from Benin City in Europe. Today, many of these Nigerians are Madams and they recruit the girls or women through their ties to their former home area.

Rev. Fr. Benedict Ejeh, Canon Law Secretary/Research Officer and Victor Agbogun, Programme Officer, Human Rights & Good Governance, Catholic Secretariat of Nigeria/Caritas Nigeria, Lagos, explained that many unemployed Nigerians consider a life abroad as far better than the life they can expect in Nigeria. The absolute poverty that is the reality in Nigeria is the driving force for many of the victims of trafficking to go abroad and some of these may not be fully aware of what a life in Europe as a sex worker encompasses.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) found it very hard to believe that anyone in Benin City would not know that the purpose of being trafficked is to work in the sex business abroad. The vast majority of victims of trafficking are from Benin City; about 70% of the victims are from that area. A main problem with trafficking is that some victims of trafficking return to Nigeria with money earned abroad and they easily become role models to others in Nigeria. Those who are successful do not hide the fact that the money they bring back to Nigeria stems from prostitution and this has become socially acceptable in Edo State.

## 2 Organisations and agencies engaged in support and protection of victims of trafficking

### 2.1 Non-governmental organisations

UNODC reported in 2006 that, “In all countries [Benin, Nigeria and Togo] there are numerous<sup>5</sup> NGOs involved in the area of human trafficking. A small number of NGOs seem to have established themselves as well-known, reliable and serious NGOs in each of the three countries involved in the study. They tend to work well with each other. There remains some competition with respect to funding, but it appears that many NGOs seem to have carved out their niche within which they work well with other organizations. It is not clear from this analysis whether the cooperation exists on a structural rather than on an incidental level.”

“It is these same NGOs, which tend to coordinate their activities with government ministries and agencies. The working relationship between NGOs and government ministries varies depending upon the ministries and their functions. As can be seen from the data provided by the NGOs in Nigeria and Togo, the working relationship tends to be closest with the ministries providing social services. These include the Ministries of Education, Social Affairs, Women’s and Children’s Affairs. NGOs in Nigeria also appear to have a good working relationship with the police and NAPTIP.”<sup>6</sup>

A number of NGOs are assisting victims of trafficking in Nigeria. Among the most prominent of those are GPI, COSUDOW, IRRRAG, WOCON, WOTCLEF, AWEG, Idia Renaissance and the Catholic Secretariat of Nigeria/Caritas Nigeria.

GPI was conceived by Grace Osakue and Bene Madunagu in 1993 but became fully operational in July 1994 with the main aim of providing a forum for adolescent girls to meet and share information, speak out and identify their needs, aspirations, as well as learn options from which they adopt solutions to their problems. GPI is a non-governmental, not-for-profit, youth development organisation that equips girls between the ages of 10 and 18 years with human rights, comprehensive sexuality education (from a gender perspective); leadership, economic and other life skills to cope with growing up, thus laying the basis for ensuring the enjoyment of healthy sexuality, womanhood and social justice for future generations of Nigerian women

GPI offers guidance and information to assist girls to make the right decision to overcome problems of growing up and supports girls in handling relationships and family problems. Furthermore, GPI give support in cases of rape, sexual abuse, trafficking in girls and any other forms of abuse.

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<sup>5</sup> UNODC explained “During the training mission in Benin [Republic of Benin] the research consultant and UNODC staff were told that there are over 200 NGOs in Benin, which claim to be involved in fighting human trafficking. As a direct result of the fact that money is now available from the international community for work in the area of trafficking, NGOs were literally created overnight. A volunteer who was working for and collecting data for a report for the NGO ESAM provided this information.”

<sup>6</sup> UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, September 2006, p. 100. [http://www.unodc.org/pdf/human\\_trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/pdf/human_trafficking/ht_research_report_nigeria.pdf).

Finally, GPI collaborates with selected clinics and firms in their localities for referral of girls who require clinical and legal services.

The national headquarter of GPI is located in Cross River and state centres can be found in Edo State, Akwa Ibom and Delta State.<sup>7</sup>

Regarding the NGO COSUDOW, which is headed by Rev. Sister Florence, Tommaso De Cataldo, Chief of Mission, IOM, Abuja, considered that this NGO and NAPTIP are two of the key institutions in Nigeria fighting trafficking and assisting victims of trafficking. COSUDOW is a well-established institution that has been present in Nigeria for a number of years and will continue to be so for years to come. The catholic orientation of COSUDOW is also beneficial, as many victims will feel confidence in a religious NGO. De Cataldo (IOM) added that COSUDOW is a strong organisation and Rev. Sister Florence is fully aware of the entire and intricate problem of trafficking.

Bisi Olateru-Olagbegi, Executive Director, Women's Consortium of Nigeria (WOCON), Lagos, explained that WOCON has been involved in the battle against human trafficking in Nigeria since 1996. Olateru-Olagbegi (WOCON) added that she was also one of the two researchers appointed to conduct a study on the issue of human trafficking in Nigeria, which was commissioned by the UN Special Rapporteur on violence against women. Towards the end of the 1990s, IOM contacted WOCON concerning reception in Lagos of returned victims of trafficking from Italy, as IOM then facilitated voluntary return of Nigerian victims from Italy.

According to UNODC, WOTCLEF is a national NGO established by Mrs. Titi Atiku Abubakar, wife of the [former] first vice president of Nigeria. WOTCLEF was responsible for drafting and advocating the adoption of the anti-trafficking legislation that is currently in force in Nigeria.<sup>8</sup>

Mrs. Umaru (WOTCLEF) stated that WOTCLEF links up with governmental agencies, and cooperates very closely with NAPTIP. WOTCLEF is participating in the work on formulating a national policy for counselling and the rehabilitation of victims of trafficking.

Mrs. Umaru (WOTCLEF) explained that WOTCLEF is a part of a network called Network of Non-Governmental Organisations against Child Trafficking, Abuse and Labour (NACTAL) that comprises 32 civil society groups, including COSUDOW. These groups are all engaged in the fight against trafficking in humans in Nigeria. NACTAL was initiated three years ago and UNICEF supports it. Each political zone in Nigeria has a focal civil society organisation and WOTCLEF in Abuja serves as the national secretariat for NACTAL. Idia Renaissance in Benin City is the focal point in the South South, WOCON in Ebonyi State is the focal point for the South East, Human Development Initiative in Lagos is the focal point for South West and Center for Women, Youth and Community Action (NACWYCA) in Nassarawa is the focal organisation for the North Central zone.

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<sup>7</sup> <http://www.gpinigeria.org/gpi.htm>

<sup>8</sup> UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, September 2006, p.93. [http://www.unodc.org/pdf/human\\_trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/pdf/human_trafficking/ht_research_report_nigeria.pdf)

According to Mrs. Umaru (WOTCLEF), one of the main objectives of NACTAL is to provide a platform for a countrywide referral system, in order to be able to refer victims of trafficking to an NGO in the vicinity of their home area, if this is their wish, and in order to prepare and counsel the victim's families.

According to UNODC, NGOs in Nigeria also appear to have a good working relationship with the police and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP).<sup>9</sup>

Olateru-Olagbegi (WOCON) explained that a number of NGOs and other organisations in Nigeria have formed a network of anti-trafficking groups, including child trafficking. Olateru-Olagbegi (WOCON), mentioned the following groups:

- National coalition Against Trafficking in Persons (NACATIP)
- An anti-child trafficking unit comprising United Nations Children's Fund (UNICEF) and WOTCLEF known as Network of Non-Governmental Organisations Against Child-Trafficking, Labour and Abuse (NACTAL)
- National Task Force Committee comprising civil society organisations and NAPTIP. The Task Force Committees are also present at state level in some states.

Olateru-Olagbegi (WOCON) added that NACATIP is especially active in Edo State. Among other things NACATIP undertakes awareness campaigns, victims support programmes, social services, skills training, legal advice, counselling and support to potential victims. NACATIP is coordinated by WOCON and it comprises 24 organisations.

Rev. Sister Florence (COSUDOW) explained that COSUDOW is part of an umbrella organisation of NGOs and governmental bodies that address the problem of trafficking. This umbrella is a cooperation of Bonded Labour in Nederland (BLinN), Government and NGOs. The different groups that make up the cooperation carry out activities together with each contributing their strength to finding lasting solution to the problem of human trafficking. COSUDOW is also a member of the NGO Coalition in Benin City combating trafficking in human beings, as well as a member of a national organization that works to combat trafficking, especially child trafficking and abuse. The name of the organization is Network of Non-Governmental Organisations Against Child-Trafficking, Labour and Abuse (NACTAL).

Veronica K. Umaru, National Coordinator, Women Trafficking & Child Labour Eradication Foundation (WOTCLEF), Abuja, explained that NAPTIP is the federal government agency responsible for investigation, prosecution and protection; however WOTCLEF and other NGOs also offer other services such as counselling, rehabilitation and integration.

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<sup>9</sup> UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, September 2006, p. 15. [http://www.unodc.org/pdf/human\\_trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/pdf/human_trafficking/ht_research_report_nigeria.pdf)

## 2.2 National Agency for the Prohibition of Traffic in Persons and other related matters (NAPTIP) and anti-trafficking units

### 2.2.1 The legal framework

UNODC reported in 2006 that in order to successfully combat trafficking and protect victims, countries must have adequate legislation criminalizing trafficking in persons as such and also protects and extends rights to victims while handing down punishment commensurate with the seriousness of the offence. In order to fully implement and enforce the national law and requirements under sub-regional and international conventions, protocols and agreements, governments must have the political will and commitment, resources, (financial and personnel), and expertise to address the complex phenomenon of trafficking in persons.<sup>10</sup>

De Cataldo (IOM) noted that in the process of evaluating the responsiveness of a country to the crime of trafficking, the existence of specific counter trafficking legislation and an administrative framework is key to understanding if the said country is effectively engaged in fighting this type of crime.

De Cataldo (IOM) explained that the Federal Republic of Nigeria enacted the *Trafficking in Persons (Prohibition) Law Enforcement Administration Act, 2003* [hereafter the Law] (amended in 2005), and established NAPTIP in 2003. This Act is the fulfillment of international obligations under the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* supplementing the *United Nations Convention against Transnational Organized Crime* (Palermo Convention). The Law seeks to address trafficking in persons with its associated problems by creating a specific multi-disciplinary crime-fighting agency to address them.

Section 8 of the Law creates four specialized operational units to implement the mandate of the Agency: Investigation; Prosecution; Counseling & Rehabilitation; and Public Enlightenment.

The Law grants NAPTIP powers of arrest, search and seizure in relation to suspected incidences of human trafficking, which are also powers shared with police, immigration and customs officials in Nigeria. The Federal High Court, the High Court of a State and the High Court of the Federal Capital territory have concurrent jurisdiction to try any of the offences under the Law.

The Counseling & Rehabilitation Unit is charged with the responsibility of care giving, counselling, and rehabilitating and reintegrating the victims. NAPTIP coordinates victim assistance with the State-level Ministries of Women Affairs, NGOs, IOM, UNODC, the International Labor Organization (ILO), UNICEF and other partners through six Zonal Offices (Lagos, Uyo, Benin City, Enugu, Kano and Sokoto). The Agency is expanding its coordination to include the poverty reduction programmes of the government.

Between December 2004 and 2007 NAPTIP processed approximately 1000 trafficked persons. It is indicative that the NAPTIP IOM Lagos Shelter in 2005 processed 174 trafficked persons while in 2006 the number increased to 324.

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<sup>10</sup> UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, September 2006, p.76. [http://www.unodc.org/pdf/human\\_trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/pdf/human_trafficking/ht_research_report_nigeria.pdf)

De Cataldo (IOM) shared with the delegation statistics indicating the activities of NAPTIP as an illustration that the counter trafficking agency is well into the process of establishing its operations throughout the country. NAPTIP regularly shares data with the partners and informs the public of their activities through the media.

In UNDOC's 2006 report *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, UNODC commented that Nigeria enacted the *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act*, in August 2003 commonly referred to as the Act. Prior to the passage of the Act, Nigeria depended on laws in the penal or the criminal code to deal with offences related to trafficking in humans. Trafficking cases were dealt with under provisions of the law applicable to the offences of slave trading, forced prostitution, abduction, sexual exploitation, deprivation of liberty, and forced labour. The most important elements of the *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003* are briefly outlined below.

The law defines the act of trafficking as:

“All acts involved in the recruitment, transportation within or across Nigerian borders, purchases, sale, transfer, receipt or harbouring of a person, involving the use of deception, coercion or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in forced or bonded labour or in slavery-like conditions”.

Twenty-six different sections of the Act define offences related to human trafficking. Sections 11–28 define the specific offences of exporting and importing minors for prostitution purposes; the procurement of minors (with or without their consent) for forced seduction/prostitution; procuring minors or causing or encouraging the seduction or prostitution of minors within or outside Nigeria; procuring any person for prostitution/pornography, drug trafficking or armed conflict; organizing foreign travel for prostitution; unlawful detention of any person with intent to defile; procuring/defiling of minors by means of threats, fraud or administering of hard drugs; kidnapping of minors from guardianship; kidnapping/abduction of persons for culpable homicide; buying and selling of persons for any purpose; unlawful forced labour; trafficking in slaves and slave-dealing.

Even when the offences are committed abroad by Nigerians, the offenders are liable to punishment and forfeiture of assets in Nigeria upon their repatriation or return for “bringing the image of Nigeria to disrepute” in spite of having served an earlier punishment for the original offence abroad (Section 25). Alien offenders resident in Nigeria are punishable under the Act by imprisonment and subsequent deportation (Section 26). Attempts to commit any of the substantive offences are punishable under the Act (Section 27), and corporate bodies and their management staff are also punishable under the Act for attempts or commission of any of the offences created by the Act (Section 28).

In terms of punishment, the Act makes provisions for sanctions ranging from heavy monetary fines, imprisonment with or without option of fines, forfeiture of assets, forfeiture of passport by convicted offenders (Section 34), deportation or repatriation and liability for compensation to victims in civil proceedings. Jail terms range from 12 months (for attempts) to two years to life imprisonment depending on the degree of seriousness of the offence, while fines range from N50,000.00 (US\$ 379) and N200,000.00 (US\$ 1,517) for individual traffickers or managerial staff of corporate bodies.

The Act makes provision for the humane treatment, protection, and non-discriminatory practices towards victims of trafficking. These include access to rehabilitation facilities, temporary stay without valid documents and medical attention. (Sections 36–37). Trafficked victims even have rights to institute civil actions against their traffickers irrespective of their immigration status (Section 38).

Additionally, the law creates an agency charged with the responsibility of enforcing, administering and managing the law prohibiting human trafficking and other related matters.

The *National Agency for the Prohibition of Trafficking in Persons and other related matters* (NAPTIP), known as the Agency, is in charge of:

- The enforcement and administration of the provisions of the Act;
- The coordination and enforcement of all existing laws on trafficking in persons and other related offences;
- The adoption of measures to increase the effectiveness of eradication of trafficking in persons;
- The facilitation or encouragement of the presence or availability of persons in custody who consent to assist in investigations or participate in proceedings relating to trafficking in persons and other related offences;
- Enhancing the effectiveness of law enforcement agents to suppress trafficking in persons;
- Establishing, maintaining and securing communication to facilitate the rapid exchange of information concerning offences; conduct research and improving international cooperation in the suppression of trafficking in persons by road, sea and air;
- Reinforcing and supplementing measures in such bilateral and multilateral treaties and conventions on trafficking in persons as may properly be adopted by Nigeria to counter the magnitude and extent of trafficking in persons and its grave consequences;
- Taking such measures and or in collaboration with other agencies or bodies that may ensure the elimination and prevention of the root causes of the problem of trafficking in any person;
- Strengthening and enhancing the effective legal means for international cooperation in criminal matters for suppressing the international activities of trafficking in persons;
- Strengthening of cooperation between the office of the Attorney-General of the Federation and all law enforcement agencies involved in the eradication of trafficking in persons; and
- Taking charge, supervising, controlling and coordinating the rehabilitation of trafficking victims and participating in proceedings relating to trafficking in persons.

The Agency has the power to institute investigations into suspected cases of trafficking as well as into the activities of suspected traffickers or persons engaged in activities related to trafficking (Section 5).

To assist the Agency in the exercise of its powers and functions, the Act also establishes in Sections 8 and 9 respectively, the following units with their specific duties:

- Investigation Unit
- Legal Unit
- Public Enlightenment Unit
- Counselling and Rehabilitation Unit
- Other relevant units, technical committees and task forces<sup>11</sup>

According to GPI's website<sup>12</sup> the legal framework to combat and assist victims of trafficking is a great improvement on the situation that prevailed before 2003. GPI stated in 2005<sup>13</sup>:

Although Nigerian legal instruments have always contained legislation on trafficking, the laws were formulated in pre-colonial times and were so archaic that they did not even acknowledge that traffickers could be women nor that trafficking may be internal and that the issue of consent on the part of the victim should be disregarded.

In Edo State, a law amending the sections of the Criminal Code on trafficking in persons was passed in year 2000. The law however criminalizes prostitution as a result of which victims of trafficking have become less willing to bring their traffickers to book and traffickers, their agents and other service groups such as native doctors are now cautious in their dealings. While this state of things may seem advantageous, criminalizing of prostitution has been shown elsewhere to only increase the abuses that sex workers experience and not reduce the incidence of prostitution. Rather than seek to punish trafficked girls who in reality are the victims, the law further victimises them by disregarding the International Protocol that the consent to being trafficked is void because no one can consent to becoming a slave.

At the national level, the National Assembly in May 2003 passed a national Act on trafficking that provides for the setting up of a special agency, recognises that trafficked girls are victims and seeks to attach same level of seriousness to the prosecution of traffickers of persons, as is presently the case with drug traffickers. Its implementation modalities have commenced with the opening up of offices of the agency in states of the federation. The Edo State office of the agency led the prosecution and first ever conviction of a trafficker in the State recently.

The impact of the efforts made by government and non-governmental agencies and organisations so far are enormous and include:

- Heightened awareness of the problem. Prior to the research by IRRRAG and WOCON documenting the incidence of trafficking in girls in 1999, though the indicators were visible, not many recognised that children and women were being trafficked both internally and

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<sup>11</sup> UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, September 2006, pp.68-70. [http://www.unodc.org/pdf/human\\_trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/pdf/human_trafficking/ht_research_report_nigeria.pdf)

<sup>12</sup> <http://www.gpinigeria.org/gpi.htm>

<sup>13</sup> A presentation by Grace Osakue Co-ordinator, GPI Edo/Delta States at a Panel Discussion on 'Best practice and Strategies to Combat Trafficking of Women and Children in Africa' on March 8th, 2005 during the 49th Session of the CSW in New York, 28 Feb - March 11, 2005

externally. Since then however especially with the emergence of more NGOs addressing the issues including those of the wives of the Vice President and Governor of Edo State, interventions of international governmental and non-governmental agencies like UNODC, UNICEF and IOM, many urban dwellers are now aware of the difference between migration and trafficking and the resistance to the wiles of the traffickers has led them to move to rural areas for recruitment of new victims.

- Legal reform arising from the efforts of anti-trafficking organisations include a national Act on trafficking, state laws on it and establishment of a federal agency to implement the provisions of the act.
- Increased prosecution of traffickers although mostly unsuccessful due to the non-cooperation of victims and corruption can still be cited as an impact of anti-trafficking efforts. Daily, the traffickers change tactics and routes just to beat the law.
- School curriculum adaptation to make for the teaching of information and skills to address the susceptibility of girls and children. The IOM in collaboration with Edo State government has tested this curriculum.
- Reintegration and rehabilitation of victims. Many returned girls and others considered to be vulnerable to trafficking have received counselling, skills training and micro finance support to become self-employed and fully reintegrated into the society.
- Research and publications on the issue are more available now than in the past as a result of the involvement of many groups.
- Creation of networks and coalitions at local, state and national levels are a direct effect of the work done so far.

### *2.2.2 Funding for NAPTIP's activities*

Lily N. Oguejiofor, Director, Counselling & Rehabilitation, NAPTIP Abuja Headquarters, explained that besides government funding, other sources for funding NAPTIP's activities are UNICEF, UNODC/United Nations Interregional Crime and Justice Research Institute (UNICRI), USAID, American Bar Association - Africa (ABA-Africa), ILO and the Canadian International Development Agency (CIDA). The governments of Italy, France, Norway and the Netherlands also provide funding for NAPTIP. Finally, IOM, the Italian NGO TAMPEP Onlus and Terre des Hommes are also providing funding.

Oguejiofor (NAPTIP Abuja Headquarters) added that funding of NAPTIP by the Government has increased during the last years.

Carol N. Ndaguba, Executive Secretary/Chief Executive (NAPTIP Abuja Headquarters) informed that NAPTIP now owns the building of the headquarters of NAPTIP in Abuja, including NAPTIP's shelter in the city. This implies that the financial situation has improved as NAPTIP in Abuja no longer has to pay rent and that the continuity and stability of the agency has been secured.

### 2.2.3 NAPTIP's Zonal Offices

Godwin E. Morka, Head, NAPTIP Lagos Zonal Office, informed that NAPTIP's Zonal Office in Lagos was established in December 2004. Since then 600 victims have received psycho-social and medical counselling and also family tracing. However, 350 victims are still awaiting rehabilitation.

Morka (NAPTIP Lagos Zonal Office) added that the Lagos Zonal Office has established a Zonal Working Group, which meets four times annually. This group comprise the Nigeria Police Force (NPF), the Nigeria Immigration Service (NIS), State Ministries of Women Affairs, various NGOs and the mass media.

Morka (NAPTIP Lagos Zonal Office) explained that NAPTIP has six Zonal Offices throughout Nigeria. These offices are located in Lagos, Benin City, Enugu, Kano, Sokoto and Uyo, apart from the Abuja Headquarters.

A.O. Abiodun, Barrister, Head, NAPTIP Benin Zonal Office explained that the Benin Zonal Office was the first zonal office to be established by NAPTIP. The U.S. Department of State reported that UNICEF continues to support additional funding for NAPTIP zonal offices.<sup>14</sup> Barrister Abiodun (NAPTIP Benin Zonal Office) added that the Benin Zonal Office was established in 2004 and at the same time the first case against a human trafficking took place in Benin City. NAPTIP prosecuted the case and got a judgement in its favour when the first human trafficker was convicted in November 2004.

Barrister Abiodun (NAPTIP Benin Zonal Office) emphasized that the Benin Zonal Office is confronted with a lot of challenges. First and foremost is the need for more operational vehicles. The present vehicle cannot cope with the volume of operational requirements in the Zone. There is also a need for more training for staff so as to be exposed to best practices. Both local and international training is important in this regard.

Barrister Abiodun (NAPTIP Benin Zonal Office) explained that there are an increasing number of victims of trafficking that seek assistance from the Benin Zonal Office.

According to Barrister Abiodun (NAPTIP Benin Zonal Office) the Benin Zonal Office has tried to meet up with its mandate of NAPTIP, to prevent, suppress and punish trafficking in persons. The Benin Zonal Office comprises a Public Enlightenment Department, a Legal and Prosecution Department, a Counselling and Rehabilitation Department and an Investigation and Monitoring Department.

#### Public Enlightenment Department

Barrister Abiodun (NAPTIP Benin Zonal Office) explained that in November 2005, the Public Enlightenment Department kicked off a public enlightenment campaign with a number of secondary schools in Edo State. In October 2006, the enlightenment campaign was extended to in-and-out of schools children, adolescents, young people, community women, and youth leaders in 14 local government areas of Edo and Delta states with the collaboration of UNICEF.

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<sup>14</sup> U.S. Department of State, *Nigeria, Country Reports on Human Rights Practices – 2006*, Released by the Bureau of Democracy, Human Rights, and Labor, March 6, 2007.

The Public Enlightenment Department collaborates with the local media as it is seen an important communication machinery and a vital tool in the fight against human trafficking. The department collaborates with 20 media establishments within the Zone. These media include newspapers, radio and television stations. The department also collaborates with many civil society organisations and NGOs. These NGOs include COSUDOW, GPI, IRRRAG, AWEG, WOTCLEF and Idia Renaissance.

It was added that there is also an NGO coalition against human trafficking in Edo State called NGO Coalition against Human Trafficking.

In addition there is an NGO – NAPTIP Cooperation Against Human Trafficking. This cooperation is made up of BLinN, four Nigerian NGOs (GPI, COSUDOW, Lift Above Poverty Organization (LAPO), IRRRAG) and NAPTIP. Generally, the cooperation involves working together on trafficking in persons, prevention and return. Barrister Abiodun (NAPTIP Benin Zonal Office) explained that as a result of the strong collaboration between NAPTIP and Idia Renaissance, the Benin Zonal Office sent 30 girls, victims of human trafficking and vulnerable ones to the Youth Resource Centre in Benin City. This centre is a collaborative effort between the Idia Renaissance and UNICEF. The Youth Resource Centre offers various skills acquisition courses such as hotel and catering management, computer and secretarial courses as well as fashion and design. The courses are free and the 30 girls are expected to graduate in November 2007. The programme has also received assistance from the American Bar Association.

#### Legal and Prosecution Department

Barrister Abiodun (NAPTIP Benin Zonal Office) explained that the Legal and Prosecution Department has concluded six cases. NAPTIP got judgement in its favour in most of the cases. Five cases are pending and are at various stages of hearing at the High Court.

#### Counselling and Rehabilitation Department

Barrister Abiodun (NAPTIP Benin Zonal Office) explained that the Counselling and Rehabilitation Department had received 299 victims of trafficking since 2004. 58 of those have been rehabilitated while 241 victims are still awaiting rehabilitation. It was stressed that NAPTIP would greatly appreciate it if funds and equipments were made available for the reintegration of the remaining 241 victims.

#### Investigation and Monitoring Department

Barrister Abiodun (NAPTIP Benin Zonal Office) explained that in 2007 so far, 10 cases have been received by the Investigation and Monitoring Department. Nine of them are cases of human trafficking, while one case is of abduction/forced marriage. It was added that in July 2007, the Benin Zonal Office had a ‘harvest’ of victims of trafficking. A total of 62 victims in a containerised truck were intercepted at Ekhiadolor, Benin City. The number of victims became a challenge on how to accommodate, cloth and feed them. The Benin Zonal Office finally reintegrated the victims to their state of origin, Cross River State.

De Cataldo (IOM) explained NAPTIP is the country’s focal point in the fight against trafficking in persons and its associated social problems.

#### 2.2.4 Anti-human trafficking units

According to the U.S. Department of State, the NPF Anti-trafficking Task Force was established in 2005, and 22 units have been staffed in states with the worst trafficking problems. However, officials complained of inadequate resources, citing insufficient funding to support investigative fieldwork.

Since 2004 NAPTIP has led the establishment of state-level anti-trafficking committees that consist of immigration officials, civil society organisations, law enforcement agents, and federal ministries in 22 states.<sup>15</sup>

Oguejiofor (NAPTIP Abuja Headquarters) explained that there is state-level anti-child trafficking committees in 26 states, while the following 10 states are yet to establish anti-child trafficking committees: Kaduna, Osun, Zamfara, Gombe, Jigawa, Bauchi, Plateau, Ekiti, Enugu and Nasarawa states.

Olateru-Olagbegi (WOCON) explained that from early 1996 WOCON cooperated with Interpol on trafficking issues. However, in 1998 when the head of Interpol in Nigeria left her office and rejoined NPF's anti-human trafficking units that were instituted within NPF and NIS. WOCON collaborated with both these anti-human trafficking units.

When the Nigerian law against trafficking was approved by parliament in 2003 and NAPTIP was created in 2004, this agency set up its own investigation and prosecution unit. WOCON still cooperates with all three units but the normal procedure by the anti human-trafficking units of the NIS and the NPF is that these units refer their trafficking cases to NAPTIP's National Investigation Task Force (NITF) unit for further investigation and prosecution and in the end NAPTIP is responsible for investigation and prosecution in all cases concerning human trafficking. Altogether NAPTIP has six zonal offices in Nigeria, and in areas where NAPTIP is not present, one of the two anti-human trafficking units will be referred to.

Rev. Sister Florence (COSUDOW) explained that the Anti-Human Trafficking Police Unit does not wear uniforms as they are dressed as civilians. Furthermore, this unit is equipped with support from Italy and the unit has offices, supplies and vehicles. The Anti-Human-Trafficking Unit investigates cases of trafficking and hand over the cases for prosecution by NAPTIP.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) explained that a special unit within the NPF called the anti-human trafficking unit assists NAPTIP in the initial part of investigation, but that NPF unit then refers the cases to NAPTIP. Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) agreed that the anti-human trafficking unit of NPF is much less marred by corruption than the rest of NPF. The anti-human trafficking unit is also responsible for most cases that are prosecuted at the court of first instance.

### 2.3 Corruption

The U.S. Department of State reported that the Nigerian government did not facilitate or condone trafficking. However, there are reports that law enforcement officers and individuals in the

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<sup>15</sup> U.S. Department of State, *Nigeria, Country Reports on Human Rights Practices – 2006*, Released by the Bureau of Democracy, Human Rights, and Labor, March 6, 2007.

immigration and airport authorities collaborated in trafficking persons across Nigeria's borders. The majority of instances were attributed to ignorance of the trafficking law and difficulties overcoming traditional practices. NAPTIP was very active in providing sensitisation, including to police and customs in attending training. However, NAPTIP and NPF had found no evidence of official complicity, and no officials were prosecuted, tried, or convicted of trafficking-related charges during 2006.<sup>16</sup>

The delegation asked IOM if the problem of corruption could have security implications on the trafficked person upon return. De Cataldo (IOM) noted that Nigeria is well aware of the problem of corruption and is working toward its eradication. The question should focus on whether a specific case might encounter security problems also as a result of corrupt practices linked to the individual trafficking case. De Cataldo (IOM) suggested addressing the issue in the context of the threat assessment. Regarding the issue if NAPTIP is affected by corruption, De Cataldo (IOM) noted that the Agency has a record of investigations and convictions. IOM has a positive cooperation with the Agency and plan to expand its cooperation, as other UN agencies and countries are doing.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) considered that the NPF has the capacity to protect victims from traffickers. However, as the NPF is known to suffer from prevalent corruption, there is no guarantee that the victims will be protected. However, it was emphasized that NAPTIP is a fairly new agency and it is not plagued by corruption.

Olateru-Olagbegi (WOCON) confirmed that the Anti-Human Trafficking Units of NIS and NPF are not flawed by corruption as the NPF is, and the two Anti-Human Trafficking Units are better trained and informed about the trafficking issue which means that they show empathy in their approach to the victims of trafficking. However, many ordinary police officers in the NPF are often unaware about the problem of trafficking and they do not understand questions related to this issue.

Barrister Abiodun (NAPTIP Benin Zonal Office) totally discarded of the view that the Anti Human-Trafficking Police Unit in Benin City is corrupted in any way and she stated that no member of this unit is involved in trafficking. Therefore, Barrister Abiodun (NAPTIP Benin Zonal Office) did not understand why someone would say that victims of trafficking would be very reluctant or completely against cooperating with the Anti-Human Trafficking Police Unit, or giving evidence in court cases related to trafficking. When informed that victims of trafficking in many European countries very often express an extreme degree of fear about returning to Nigeria, Barrister Abiodun (NAPTIP Benin Zonal Office) stated that these victims will do all they can to remain in the country to where they have been trafficked.

Olawale Fapohunda, Managing Partner, Legal Resources Consortium (LRC), Lagos/Abuja agreed that the Anti-Human Trafficking Unit of the NPF is efficient as to how it performs its work. The Anti-Human Trafficking Unit in the NPF investigates cases against traffickers and is present throughout the whole country. After initial investigation the Anti-Human Trafficking Unit refers its cases to the NITF of NAPTIP.

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<sup>16</sup> U.S. Department of State, *Nigeria, Country Reports on Human Rights Practices – 2006*, Released by the Bureau of Democracy, Human Rights, and Labor, March 6, 2007.

Roland Chigozie (Idia Renaissance) stated that some people in Nigeria do not go to the police to seek legal redress because the police may be considered to be corrupt and in general any trafficker who has the means is able to bribe the police and avoid further investigation and possible prosecution.

Rev. Sister Florence (COSUDOW) emphasized that the Anti-Human Trafficking Police Unit in Benin City is not infected by corruption. The Anti-Human Trafficking Police Unit is a special police force that is not influenced by the corruption that prevails in the Nigerian Police Forces.

Concerning whether or not elements in the NPF are involved in trafficking Barrister Abiodun (NAPTIP Benin Zonal Office) explained that the NPF have very little to offer traffickers. First of all, the police do not investigate cases of trafficking as these are handed over to NAPTIP and secondly, they do not have the responsibility of issuing passports nor do they work in the airports.

### 3 Traffickers' network and recruitment procedures

The U.S. Department of State has reported that women and children are especially at risk of being trafficked from Nigeria. According to the U.S. Department of State, UNODC has reported that individual criminals and organized criminal groups conducted trafficking, often involving relatives or other persons already known to the victim. The traffickers employ various methods to undertake their business. Some specialize in document and passport forgery, while others take care of recruitment and transportation. To recruit young women, traffickers often make false promises of legitimate work outside the country. Traffickers subject their victims to bondage, particularly victims forced into prostitution. In some cases traffickers employ practitioners of traditional magic, or *ju-ju*, to threaten victims with curses to procure their silence. The U.S. State Department reports that NAPTIP estimates that 90 % of the girls trafficked through Benin routes were threatened by *ju-ju* practitioners.<sup>17</sup>

Roland Chigozie (Idia Renaissance) explained that trafficking in humans is a complex issue and that traffickers in Nigeria have many tricks in order to recruit girls and women into trafficking to Europe. Often the trafficker and the family of the girls or women enter into an agreement about the trafficking arrangement and if the girl or woman does not fulfil her part of the agreement, the trafficker confiscates the property of the family. This is clearly an illegal agreement and the trafficker has no right to do so, but because victims of trafficking and their families are poor and have little or no knowledge about their rights they often believe that the trafficker is much more powerful than is the case. Very often this prevents a family or a victim from attempting to seek legal redress. Furthermore the trafficker may intimidate the family or even illegally confiscate the family's property.

#### 3.1 Traffickers' network

Regarding traffickers' networks, Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) emphasized that it is important to understand that the major players of trafficking are abroad. However, it was added that there are certainly some major players also in Nigeria. They may also be in a position to persecute victims who have returned home from abroad. However, local traffickers in Nigeria, who are also called 'trolleys', 'racketeers' or 'middlemen', do not occupy a strong position in society, and they cannot do much else than recruit victims. Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) considered that the local traffickers are not in a position to persecute victims of trafficking that have returned from abroad. They might not be 100% loyal to the traffickers or Madams abroad. Secondly, the traffickers have no interest in being exposed and imprisoned on acts of revenge on behalf of a Madam or trafficker abroad. Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) emphasized that 'the big fish' are those traffickers and Madams that are living abroad.

Morka (NAPTIP Lagos Zonal Office) explained that the Madams abroad are in full and strict control of each step in the trafficking procedures. The normal procedure is that the so-called 'trolley man' – also called 'middleman' or 'trafficker' – in Nigeria brings the victim from Benin City to

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<sup>17</sup> U.S. Department of State, *Nigeria, Country Reports on Human Rights Practices – 2006*, Released by the Bureau of Democracy, Human Rights, and Labor, March 6, 2007.

Lagos and hand her over to another trafficker who is responsible for the next step. The whole procedure may last up to two years and the travel route can go through Libya, Mauritania or Ghana. Within this string of traffickers the network is very strong. However, it is not usually the case that each Madam and her string of traffickers have a close cooperation with another Madam and her traffickers although a kind of cooperation may exist in some cases.

According to Rev. Sister Florence (COSUDOW) the traffickers do not have a strong network in Nigeria, they normally operate underground and they will always keep a low profile and avoid being exposed. Traffickers will not step forward in order to take revenge against victims who bear witness against them.

Barrister Abiodun (NAPTIP Benin Zonal Office) explained that traffickers in Nigeria might not know the Madams or the destination country of the victim, and the Madams may not know who the traffickers in Nigeria are.

Olateru-Olagbegi (WOCON) explained that a range of expressions apply to persons involved in trafficking. These expressions include terms like:

- Agents
- Traffickers
- Trolley men
- Middlemen
- Racketeers
- Sponsorers (often applied in Benin City)

In addition to this Olateru-Olagbegi (WOCON) mentioned the so-called 'Madams'.

Olateru-Olagbegi (WOCON) added that the above-mentioned characters are all in the same line, i.e. they are all part of the same network.

UNODC reported in 2006 that Madams are often older women who may recruit girls and women themselves. They also facilitate the contact between the victim and the ring of traffickers with the purpose of preparing the migration of the victim. A Madam in the destination country controls and organises the groups, often comprising ten to fifteen girls or women, and collects the profits. Most Madams started as prostitutes themselves and, once their debt (ranging from US\$50,000 to \$60,000) has been paid to their Madam, they, in turn, use the same method to make money.<sup>18</sup>

Jane Osagie (IRRRAG) explained that some victims return voluntarily to Nigeria after the debt to the trafficker has been paid. Some of these might even end up as traffickers themselves, and they are often among the most vindictive and brutal traffickers.

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<sup>18</sup> UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, September 2006, p.52 and p. 57. [http://www.unodc.org/pdf/human\\_trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/pdf/human_trafficking/ht_research_report_nigeria.pdf)

### 3.2 Recruitment: procedures and *ju-ju* intimidation

UNODC reported in 2006 that when women are trafficked for commercial sexual exploitation, there is evidence of highly sophisticated international networks involved in recruitment, provision of travel documents, transportation, accommodation and the exploitation of the women in the receiving countries. There is evidence to suggest that the trade is highly organized and syndicated. Criminal groups based in Europe are sponsoring traffickers working at local levels. However, the head of the Nigerian Police Task Force on Human Trafficking in an interview disputed this information during UNODC's mission to Nigeria in March 2004. UNODC added that Nigerian officials believe that the networks are more informal, particularly given the fact that women are often recruited by persons known to them – family members, neighbours, friends. The degree of organization may be dependent upon the size of the operation and the number of women an organization is “moving and managing” and the degree to which fraudulent documents must be obtained, or government officials (in source, transit and destination countries) corrupted. Intermediaries provide girls and women with travel documents and tickets, and then create a debt bondage relationship, based on economical and psychological subordination.<sup>19</sup>

In 2006, UNODC reported that a practice found in Nigeria (especially in Benin City, Edo State), yet not reported in other studies, is the use of *ju-ju* or voodoo practices to bind victims to their traffickers, thus preventing the victims from cooperating with the police. When traffickers draw up a contract, they often call on a traditional priest to give approval. This is usually done at a traditional ‘shrine’. The priest takes something deeply personal from the girl. It might be hair from her head, some pubic hair, a nail clipping, or some underwear. This trophy is wrapped up with a flourish, and the priest leaves no doubt that it will be used to control the victim from a distance. This use of *ju-ju* is a way of keeping the girl in bondage because it plays on her deepest superstitions.<sup>20</sup>

According to WOCON,<sup>21</sup> many traffickers require the women to undergo oaths of secrecy in an attempt to prey on local superstitious beliefs and to further insure that the girls will not abscond or fail to repay. It forbids them from revealing the identity of the sponsors and nature of the transaction. It also binds them emotionally into compliance with the agreed terms and conditions. The girls are usually taken to local shrines where oaths of secrecy and traditional rituals are administered to them. The victim's body parts like pubic hair; blood, fingernails and personal items such as pants are collected and used for the oath taking rituals. Oath taking ritual has a multi-purpose effect on the victims, some of which are “to instil fear of terrible reprisals such as death or madness if the oaths are broken by the victim;” “to attract customers for the victims” and “to protect the trafficked victims against HIV/AIDS diseases.”

De Cataldo (IOM) found it important to recognize the fact that *ju-ju* is real in the minds of the victims, and that it is important that NAPTIP is informed that a *ju-ju* priest in Nigeria has

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<sup>19</sup> UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, September 2006, p.57. [http://www.unodc.org/pdf/human\\_trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/pdf/human_trafficking/ht_research_report_nigeria.pdf)

<sup>20</sup> UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, September 2006, p.52. [http://www.unodc.org/pdf/human\\_trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/pdf/human_trafficking/ht_research_report_nigeria.pdf)

<sup>21</sup> <http://www.wocononline.org>

intimidated the returning victim. De Cataldo (IOM) emphasized that this intimidation is real for the victim and that the victim can be seriously traumatized by her oath.

Ndaguba (NAPTIP Abuja Headquarters) confirmed that many victims who are intimidated by *ju-ju* are in a state of psychological trauma. *Ju-ju* is real in the minds of such victims. *Ju-ju* is especially deep-rooted within the Edo community and it is extremely difficult to revoke an oath and eventually to have the victim realise that she is not bound by this oath. However, NAPTIP has in a number of cases raided *ju-ju* shrines and reclaimed the items that were used to establish the oath and NAPTIP has counselled victims in order to help them overcome their fear. On this basis, Ndaguba (NAPTIP Abuja Headquarters) emphasized that intimidation by *ju-ju* is the main reason why many victims of trafficking are not ready to cooperate with NAPTIP and others against their traffickers.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) explained that victims of trafficking are frightened by the oath of secrecy that they have taken at the shrine, and because of the debt to the trafficker. However, the traffickers are aware that the victims rarely return to Nigeria by their own will and the trafficker will most likely not claim the debt by the use of threats of violence. However, if a victim returns voluntarily before the debt has been paid the trafficker may claim the debt from the family of the victim. Because of this there is a high risk that the victim will re-traffic in order for the family to pay the debt.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) explained that the oath at a shrine that some victims have sworn is a serious matter to these persons. This fear is in its nature subjective but in the mind of a victim it is very real and it can materialise in the form of severe trauma. Even though the traffickers do not have the power to repress the victims they can create the image of power and control of the girls or women by the means of *ju-ju*.

According to Morka (NAPTIP Lagos Zonal Office) the issue of *ju-ju* is much less frequent today compared to some years ago. NAPTIP have so far raided 15 shrines in Benin City in order to lift the oaths that victims were made to undertake.

In contrast to Morka (NAPTIP Lagos Zonal Office) Olateru-Olagbegi (WOCON) considered that the belief in traditional religion and *ju-ju* is still common and the victims who have sworn an oath at a shrine are often traumatised, as they feel strongly obliged by their oath. This is irrespective of whether the victim is an educated person or not educated at all. It is very difficult for a Christian priest to annul the oath by exorcism or for anyone else to convince the victim that she is not obliged by the oath.

U.S. Haruna, Director, Legal & Prosecution (NAPTIP Abuja Headquarters) explained that many victims are not only traumatised by their oath but also by the exploitation they have been subjected to abroad as sex workers, and this is the reason why many victims abstain from testifying against agents. Many of prosecuted cases against agents are therefore the result of the collaboration of the *ju-ju* priests who served as our witnesses in court.

Oguejiofor (NAPTIP Abuja Headquarters) explained that agents use *ju-ju* is to control the victim when she is out of physical reach. In the minds of the victims, the *ju-ju* oath is the same regardless of where the victims are residing and this is the reason why the majority of victims will not cooperate with the authorities in receiving countries. Furthermore, because of the psychological nature of *ju-ju*, no victim can be said to be safe from the subjective fear of the oath. Even though a victim gets the opportunity to remain abroad by legal means (for instance if she is granted asylum

because she has testified against traffickers) she would still fear that the *ju-ju* priest is capable of killing her no matter where she might be. Hence, the need for psychotherapy for victims wherever they may be.

Ndaguba (NAPTIP Abuja Headquarters) added that the belief in *ju-ju* is not limited to specific groups in the society and it can be found even among well-educated and prominent persons.

### 3.2.1 Victims' debt to traffickers

Ndaguba (NAPTIP Abuja Headquarters) informed that usually the debt of the victim or her family to the agent is not a fixed amount and the total sum is not determined when the trafficking arrangement is agreed upon between the two parties. The victim may end up having to pay up to 50,000 or 60,000 Euros to her agent. Ndaguba (NAPTIP Abuja Headquarters) explained that the agent's real expenses in each case of trafficking may be considerable lower and it could amount to 2,000 or 3,000 Euros. However, more debt is continuously added when the victim is abroad. Adding to the original debt serves to keep the victim under the control of the agent because the victim is always under the obligation to pay her debt to the agent until the oath is revoked.

Ndaguba (NAPTIP Abuja Headquarters) added that should a victim escape or disappear before the debt has been paid and the oath revoked, it is possible that a *ju-ju* priest, or an agent would try to collect the debt at the home of the victim's family. It was emphasized that up to 90 % of the families affected would not call on the police or go to court, but they will do their utmost to pay the debt even though this kind of debt is illegal. Some families may even sell their land and property in order to repay the debt. There are also cases in which families have disowned their daughter because she is perceived to have brought the debt on the family. However, there are no known cases where such families have been killed or exposed their daughter to serious physical violence. Should NAPTIP be aware of such cases, the agency would do all it can to assist the victim and her family in order to reconcile and reunite the family, and to avoid re-recruitment taking place.

Jane Osagie (IRRRAG) stated that traffickers in Nigeria have a network in Nigeria that can be used to collect the remaining debt or persecute the victims or their families. The debt could be as high as 50,000 to 65,000 Euros.

Olateru-Olagbegi (WOCON) explained that the traffickers abroad are the ones that receive the vast majority of the money that a victim of trafficking will have to pay. Those traffickers could be Nigerian as well as European citizens. It was added that initially the victim's debt to the local trafficker in Nigeria is very small compared to the debt the victim will owe to the trafficker or Madam abroad. It was explained that the victims are faced with an enormous increase of their debt when they arrive in Europe. The debt to the local trafficker in Nigeria may be less than US\$1,000 , but the debt to the Madam or trafficker in Europe could be as high as US\$50,000 to US\$70,000. The victims are unaware of this enormous increase of their debt until they arrive in Europe where they are being confronted with the realities of the trafficking arrangement.

It was considered by Olateru-Olagbegi (WOCON) that even though victims of trafficking are in a dehumanising situation when they are working as sex workers abroad they at least have a hope that when their debt has been paid they will be independent and earn their own money as a compensation for all their suffering.

Mrs. Umaru (WOTCLEF) explained that the size of the victim's debt to a trafficker is dependent on a number of circumstances and one will never know how this debt is being established unless the victim herself is willing to cooperate with investigators. Normally the debt is something that is established by the trafficker and his victim in a secret meeting.

Rev. Sister Florence (COSUDOW) explained that some victims of trafficking might be released after the debt has been paid but this is not very common. Instead, many are re-sold to another Madam or trafficker. Some of these may even establish themselves as Madams abroad, should they succeed in being granted a residence permit in a foreign country, or they may become traffickers in Nigeria.

Rev. Sister Florence (COSUDOW) stated that whether the debt to the trafficker has been paid or not is much more relevant to the victim's security situation than if the victim has given evidence in court case. However, even if the debt has not been paid, the victim will always be able to seek and obtain protection from reprisals by traffickers in Nigeria.

#### 4 Risk of reprisals against victims of trafficking

Rev. Sister Florence (COSUDOW) had no information as to whether a victim of trafficking had been severely persecuted or killed by traffickers in Nigeria. It was added that the trafficker's objective is to get his money back, and that is why the involved family and the trafficker very often will see to it that the returned victim will be re-trafficked. Re-trafficking is a very common phenomenon.

In contrast to Rev. Sister Florence (COSUDOW), Jane Osagie (IRRRAG) considered that returned victims of trafficking are vulnerable as they face serious dangers in Nigeria. Traffickers will persecute the returnees if they are still indebted to these traffickers and the victims are frightened, as they strongly believe that they are obliged by the oath that they took before leaving Nigeria. The victims fear for the consequences if they do not or cannot pay their debt, and at the same time, many victims are seriously traumatized from their experiences abroad.

Jane Osagie (IRRRAG) explained that she did not have any precise information on the level of maltreatment of returning victims by traffickers. On the other hand, there are reports confirming that traffickers expose their victims to various forms of intimidation.

When asked about the scope of persecution and reprisals on victims of trafficking that have not paid their debt upon their return to Nigeria, Jane Osagie (IRRRAG) explained that NAPTIP would be the source of such information. IRRRAG does not have adequate information of the scale of persecution by traffickers.

Morka (NAPTIP Lagos Zonal Office) stated that since 2003, threats of reprisal from traffickers have never resulted in the loss of the life of victims. Before NAPTIP was established in 2003, traffickers were able to operate more or less as they wished, but now they are aware of the fact that there is a law on trafficking in humans, and that NAPTIP has the will and capacity to investigate and prosecute them. Furthermore, in general there is much more focus on human trafficking in Nigeria now than was the case some years ago, as a result of enlightenment campaigns and awareness raising activities.

Morka (NAPTIP Lagos Zonal Office) considered that the network of traffickers in Nigeria is strong. However, he discarded the view that victims of trafficking are at risk of persecution or killing by traffickers even if they have cooperated with police abroad in identifying and prosecuting traffickers or Madams.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) considered that a returning or returned victim of trafficking and her family who have not yet paid the debt to the trafficker is at much more risk of retaliation than if the victim has testified against an trafficker or Madam abroad.

Olateru-Olagbegi (WOCON) found it difficult to ascertain as to whether a returned victim would be more at risk of persecution by traffickers if she had given evidence in courts abroad or if she has not paid the debt to her trafficker. However, she considered that in general such victims would be better protected in a European country than in Nigeria, as access to justice and the prospect of a fair trial is more likely to occur in a European country.

Olateru-Olagbegi (WOCON) explained that traffickers in Nigeria are using a range of reprisals in their effort to control victims or their relatives. These reprisals include burning of houses belonging

to the victims or their relatives, killings, physical assaults, kidnapping of relatives, intimidation and illegal arrests carried out by members of the NPF.

De Cataldo (IOM) stated that retribution against the victim or the family cannot be excluded, and Section 50 (j) of the Government Notices Nos. 156 and 209 of 2003 and 2005 (Harmonized Trafficking in Persons (Prohibition) Law Enforcement and Administrative Acts, 2003 and 2005 addresses the problem:

*“a trafficked person and his family are protected from intimidation, threats, and reprisals from traffickers and their associates including reprisals from persons of authority”*

The associated annotation 15b explains further:

*“By including the victim’s family as part [of the] people to be protected from stigmatization as contained in paragraph (h) and (j) respectively of Section 36 of the Principal Act now Section 50 by the amendment. Sections 50, 51 and 52 of the Act are in consonance with Article 6 of the Trafficking in persons’ protocol supplementing the Transnational Organized Crime Convention, 2000 as well as the 1985 UN Declaration on Justice for Victims of Crime and Abuse of Power’s ten basic principles”.*

#### **4.1 Risk of reprisals against victims who bear witness**

With regard to the recruitment process, De Cataldo (IOM) noted that the system should be studied in more detail and especially the link between the trafficker, the sponsor and the debt issue. This stage is usually a grey area because, in the case of international trafficking, it might contain elements of smuggling, while the real trafficking situation might evolve at a later stage. The level of threat connected to this stage upon return should be carefully examined. Normally, the possibility of retribution cannot be excluded. On the other hand, there is a law and an agency that protects trafficked persons and their families.

Barrister Abiodun (NAPTIP Benin Zonal Office) emphasized that since the establishment of the Benin Zonal Office in 2004, there have been no reports of retaliation by traffickers against victims of trafficking who have testified against them in court.

Rev. Sister Florence (COSUDOW) stated that regardless of whether the debt has been paid or the victim has given evidence in court, the victim will always be able to seek and obtain protection from reprisals by traffickers in Nigeria. However, Grace Osakue (GPI) considered that it would be an overstatement to say that any victim of trafficking who has given evidence against traffickers and/or Madams abroad would be able to attain ample protection against reprisals by traffickers if the victim returns to Nigeria.

Grace Osakue (GPI) added that the traffickers are desperate to get hold of the money they have invested. If a victim gives evidence against traffickers or Madams, the witness will be at serious risk of persecution by the traffickers if she returns to Nigeria. First of all, the witness or the witness’ family will be threatened to pay back the debt and in addition to this the witness may be punished severely or even killed.

However, Grace Osakue (GPI) had no evidence that victims of trafficking that have given evidence against traffickers or Madams abroad have been killed on return to Nigeria. Grace Osakue (GPI)

added that she did not have any evidence that even persons that have given evidence against traffickers in local court cases in Nigeria have been victims of revenge killings. On the other hand, Grace Osakue (GPI) emphasized that in general returning or returned victims of trafficking are very insecure in Nigeria and she added that those who have testified in local court cases in Nigeria must be considered to be in real danger. Grace Osakue (GPI) added that GPI does not have any evidence of specific danger, as all court cases known to GPI – in which victims in Nigeria are giving evidence against traffickers – are still pending. It was explained by Grace Osakue (GPI) that trials abroad and local trials in Nigeria against traffickers are two very different things as the consequences for victims that have been witnesses are dissimilar; as traffickers and Madams abroad may have a better opportunity to take revenge against such a victim, if she returns to Nigeria.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) did not consider that persecution of victims of trafficking by traffickers occurs in Nigeria. Reprisals from traffickers or Madams might take place in Europe but this is not the case in Nigeria and there are no official records about threats or reprisals from traffickers against victims. However, Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) added that if persecution or retaliation takes place in Nigeria it has got to be in a very subdued manner. The Catholic Secretariat of Nigeria/Caritas Nigeria has never heard of this taking place and Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) could confirm NAPTIP's assertion that victims of trafficking in Nigeria are not victims of violent persecution or killings by traffickers.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) informed that none of the victims that the Catholic Secretariat of Nigeria/Caritas Nigeria has assisted with rehabilitation have expressed fear of reprisals from traffickers or have received threats from them.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) confirmed the information from NAPTIP that victims of trafficking would be more at risk abroad than in Nigeria if they had given evidence against their traffickers or Madams in a foreign country.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) repeated that they have no records from the media at all of violent reprisals or killings of victims of trafficking by traffickers in Nigeria, regardless of whether the victim has testified against a Madam, or a trafficker abroad, or a trafficker in Nigeria. However, the media in Nigeria might not record such incidences, as the media shows no particular interest in trafficking. Furthermore, if the family of the victim is responsible for the violence it is unlikely that this would be reported anywhere. Many killings and kidnappings are never subject to a proper investigation by the police and therefore the circumstances surrounding such killings or kidnappings are often unknown to the public, and even though the press might report such incidents, it is not always possible to know who the perpetrator was and why the crime was committed.

However, Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) found it most likely that the media would report a serious reprisal against or even a killing of a victim of trafficking. On the other hand, should the violence take place within the family there is a good chance that it will never be known to the public or anyone else.

It was stressed by Morka (NAPTIP Lagos Zonal Office) that NAPTIP had no information as to whether a trafficker has been capable of persecuting a victim who has cooperated with authorities and testified in courts in foreign countries.

On the other hand, Morka (NAPTIP Lagos Zonal Office) was aware of cases where traffickers had tried to intimidate victims including those who had testified against their traffickers but there were no examples of such victims being subject to violent acts by traffickers.

According to Olateru-Olagbegi's (WOCON) experience, victims of trafficking have been exposed to reprisals from traffickers because they were either indebted to the trafficker or because they acted as witnesses against the trafficker. A victim in Belgium gave evidence against a Madam and afterwards her father disappeared from his home in Nigeria. The victim now wishes to return to Nigeria. In 2002, another victim agreed to testify in a case in Italy and the traffickers in Nigeria killed her mother.

Olateru-Olagbegi (WOCON) considered that if NAPTIP is not aware of these cases it must be because no one informs the agency about it. However, WOCON cooperates with NAPTIP and when WOCON is aware of a need for protection, this information will be passed to NAPTIP.

Olateru-Olagbegi (WOCON) agreed that in principle traffickers would fear exposure and detention if they act in a violent way against victims. However, the reality is that traffickers are responsible for acts of retaliation against victims who cooperate with either Nigerian authorities or foreign authorities in order to deter other victims doing the same.

Barrister Abiodun (NAPTIP Benin Zonal Office) explained that a Madam that is imprisoned in a European country would find it impossible to perform acts of reprisals against the victim who gave evidence against her because no trafficker in Nigeria would expose himself to the risk of being imprisoned.

Morka (NAPTIP Lagos Zonal Office) explained that the Madam abroad who is under investigation or prosecution could do little to harm the girl or woman who after having testified has returned to Nigeria. The trolley man or the trafficker in the local area will not try to kill or physically harm the girl or woman out of fear of being exposed and consequently imprisoned. If the Madam is convicted abroad the whole chain of traffickers is destroyed.

Olateru-Olagbegi (WOCON) considered that the risk of reprisals against the individual victim who has testified against a Madam or trafficker, is greater abroad than it would be if the victim returned to Nigeria. However, the judicial system in European countries offers access to justice. In Nigeria, there is no guarantee for access to justice and furthermore there are examples of disappearances in Nigeria.

Olateru-Olagbegi (WOCON) considered that a victim who acts as witness against a Madam or trafficker only does so if the Madam or the trafficker is not a relative and if the trafficker in some way or another has cheated the victim.

#### **4.2 Risk of pressure and reprisals against victims from family members or relatives**

Rev. Sister Florence (COSUDOW) explained that half of all those trafficked from Nigeria are being trafficked by their own family or by close relatives. The trend today is that many families and family ties are in a process of dissolution and often the families are not taking good care of their own children. The victims of trafficking are very often being trafficked with the full consent of their own father, mother, brother, boyfriend or even husband. However the majority of the parents are often unaware of the very harsh realities abroad for trafficked girls or women. On the other hand,

many are fully aware that the victims will be forced to work as sex workers abroad. The families involved are willing to pay the price and sacrifice a family member as long as there is money to be earned as soon as the debt to the trafficker has been paid.

It was stated by Barrister Abiodun (NAPTIP Benin Zonal Office) that seven out of 10 person trafficked from Nigeria originate from Benin City or Edo State.

Barrister Abiodun (NAPTIP Benin Zonal Office) explained that one out of 10 families in Benin City is involved in trafficking in the sense that these families have on or more of their daughters, wives or close relatives trafficked abroad. The families involved in trafficking have absolutely no interest in seeing their state of affairs uncovered and they are very often unwilling to cooperate with NAPTIP or other anti-trafficking organisations.

Roland Chigozie (Idia Renaissance) explained that most often girls or women who are victims of trafficking may choose not to testify against traffickers because the victim and the trafficker in many cases are related by family ties. However, the madam abroad is usually not related to the trafficker in Nigeria.

Barrister Abiodun (NAPTIP Benin Zonal Office) explained that Edo State is endemic in terms of human trafficking as so many families are said to be involved in trafficking.

Jane Osagie (IRRRAG) explained that more than half of all girls and women trafficked from Nigeria are being trafficked by their own family or close relatives. In this way, many girls are under severe pressure from their parents to go abroad. In many cases, it is the mother that puts pressure on a daughter to agree to be trafficked.

Roland Chigozie (Idia Renaissance) explained that more than half of all victims are recruited into trafficking by their family members or acquaintances, and some of the girls or women know that the purpose of the travel is sex work, although they might not be fully aware of the extent of risk and exploitation involved. However, Roland Chigozie (Idia Renaissance) considered that even though some of the girls or women actually were aware of all the consequences, they would probably choose to go abroad anyway, and he pointed to the fact that some girls or women have ended up being re-trafficked two or three times.

Grace Osakue, Co-ordinator Edo State, Girls' Power Initiative (GPI), Benin City, emphasized that the majority of the trafficked girls and women in Nigeria are being trafficked with the consent of their families or close relatives, boyfriends or even husbands. An increasing number of families or parents are negotiating with the traffickers in order to have a female member of the family trafficked abroad and this even include female minors and wives.

Among other things the GPI recommends that when the family of a potential victim of trafficking insist on the victim travelling even after the family has been spoken to by others, the potential victim should report the matter to her teacher, principal, religious leader, NAPTIP, NGOs, Ministry of Education or the social welfare for help.<sup>22</sup>

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<sup>22</sup> Grace Osakue, *Saying no to human trafficking*, in Girls' Power, Newsletter of Girls' Power Initiative (GPI) Nigeria, April-June, 2007, Volume 13, No 2.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) explained that trafficking is widely seen as a necessary sacrifice to ensure the family's economic survival or even a bright future. Many families are ready to sacrifice a daughter or even a wife in order to fulfil a dream of a better life for the remaining family left behind in Nigeria. It was added that the main problem is that some victims return with money earned abroad and they easily become role models to some unemployed youths in Benin City.

Olateru-Olagbegi (WOCON) explained that Edo State and Benin City in particular has been the centre for trafficking of women and girls to Europe for forced prostitution and other forms of sexual exploitation. In the 1970s and 1980s, many people from Benin City went to Europe, especially Italy for business and to study. When it became more difficult to enter European countries and trafficking in humans appeared as a lucrative business, some who were already living in Europe looked back to their place of origin for recruits into trafficking. Often, families are involved in the trafficking arrangements of a girl or woman into Europe and in many cases it is a family decision to send a girl or woman to Europe. The trend today is that some traffickers are moving out of Benin City to Delta State and Lagos and even further. Olateru-Olagbegi (WOCON) added that traffickers may even be schoolteachers.

Jane Osagie (IRRRAG) explained that today everybody knows that the victims of trafficking are expected to work as sex workers when they are abroad. Even the families that have trafficked their daughters or wives are aware of this fact.

It was explained by Jane Osagie (IRRRAG) that the main reason why victims of trafficking are unwilling to return to Nigeria from abroad before the debt has been paid is fear of being considered a failure by her own society. Besides, many victims are afraid of being excluded from their own family. Jane Osagie (IRRRAG) emphasized that there is a need for repeated counseling and continued monitoring of the returning victims' families.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) confirmed that the girls or women who are recruited into trafficking sometimes are related to the middlemen by family ties. A returning victim who has been recruited by a relative is especially vulnerably to be exposed to domestic violence, and it was emphasized that domestic violence is very much a private matter in Nigeria.

Regarding reactions from the victims own families, Jane Osagie (IRRRAG), could not give specific examples of cases in which a returning victim had been the victim of physical violence from her own family. However, returning victims are exposed to psychological and emotional violence/pressure from their families and it is common that victims who have returned before the debt has been paid are re-trafficked. If the family rejects a victim because it considers that she has spoiled its chances to become wealthy this victim will most likely be re-trafficked back to Europe by her family.

Grace Osakue (GPI) stated that returning victims of trafficking face a very complex and cruel situation, as their relation to their family is very difficult. Some victims may be excluded from their own family if they have returned or have been returned before the debt to the trafficker has been paid. There is also a genuine risk that returning victims will be re-trafficked to allow the family to pay back it's debt to the trafficker. The victim has returned to a situation that is no less difficult than when she left Nigeria and she will have even more reason to try to leave for Europe again because

she still has to pay the debt. The debt to a trafficker can be as much as US\$50,000 to US\$70,000. When asked why a family would accept to enter a burden of this magnitude, Grace Osakue (GPI) explained that the families involved in trafficking have been told that this amount can easily be earned by the victim during two or three years abroad. Therefore, the expectations are very high among the families that their trafficked family member will earn huge amounts of money for the family in Nigeria when the debt to the trafficker has been paid.

According to Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria), the family of a returned victim often consider that the victim is the reason why the investment failed and this could easily result in the victim being excluded from her own family or even killed.

According to Morka (NAPTIP Lagos Zonal Office), most traffickers have family ties to their victims and they are therefore less willing to persecute or kill victims as a reprisal or deterrent, even if the victim cooperates with foreign police in a criminal case against the Madam or trafficker abroad. The local traffickers will keep a low profile and they would rather try to continue their trafficking business than risk being exposed and prosecuted for attempting to take revenge against a victim that has testified against them.

Roland Chigozie (Idia Renaissance) explained that a victim of trafficking who has cooperated with police abroad in order to prosecute Madams or traffickers face a very difficult situation when they return to Nigeria, and some may prefer a life in prison or to stay abroad, instead of being disowned by the family and the humiliation of being considered a failure because the family has lost its investment, that is the money paid to the trafficker in order to send the girl or woman abroad.

#### **4.3 Evidence of reprisals and persecution by traffickers**

Rev. Sister Florence (COSUDOW) reiterated that it is simply not true that victims of trafficking claim that they would be killed or persecuted by traffickers if they are returned to Nigeria. There is no evidence that any victim of trafficking has been killed by traffickers in Nigeria, even if the victim has testified against traffickers or Madams abroad or in Nigeria, or if the victim or her family is still in debt to the trafficker. However, Rev. Sister Florence (COSUDOW) added that there are examples of intimidation from traffickers against families and victims but in such cases COSUDOW has referred such cases to the Anti-Human Trafficking Police Unit in Benin City.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) did not consider that persecution of victims of trafficking by traffickers occurs in Nigeria. Reprisals from traffickers or Madams may take place in Europe but this is not the case in Nigeria and there are no official records about threats or reprisals from traffickers against victims. However, Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) added that if persecution or retaliation takes place in Nigeria it has got to be in a very subdued manner. The Catholic Secretariat of Nigeria/Caritas Nigeria had never heard of this taking place and Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) could confirm NAPTIP's assertion that victims of trafficking in Nigeria are not victims of violent persecution or killings by traffickers

Rev. Sister Florence (COSUDOW) had no information as to whether a victim of trafficking had been severely persecuted or killed by traffickers in Nigeria. It was added that the trafficker's objective is to get his money back, and that is why the involved family and the trafficker very often

will see to it that the returned victim will be re-trafficked. Re-trafficking is a very common phenomenon.

However, Grace Osakue (GPI) had no evidence that victims of trafficking that have testified against traffickers or Madams abroad has been killed upon return to Nigeria. Grace Osakue (GPI) added that she did not have any evidence that even persons that have given evidence against traffickers in local court cases in Nigeria had been victims of revenge killings

When asked about the scope of persecution and reprisals on victims of trafficking that have not paid their debt upon their return to Nigeria Jane Osagie (IRRRAG) explained that NAPTIP would be the source of such information. IRRRAG does not have adequate information regarding the scale of persecution by traffickers. However, Jane Osagie (IRRRAG) could refer to one case in 2006 in Benin City, in which a mother of a trafficked person was severely beaten up by the trafficker. As a consequence, the mother had to have one leg amputated.

Jane Osagie (IRRRAG) repeated that she did not have any precise information on the level of maltreatment of returning victims by traffickers. On the other hand, there are reports confirming that traffickers expose their victims to various forms of intimidation.

Morka (NAPTIP Lagos Zonal Office) were also aware of cases where traffickers have tried to intimidate victims including those who had testified against them but there were no examples of such victims being subject to violent acts by traffickers.

Barrister Abiodun (NAPTIP Benin Zonal Office) emphasized that since the establishment of the Benin Zonal Office in 2004 ,there has been no reports of retaliation by traffickers against victims of trafficking that have testified against them in court.

According to Olateru-Olagbegi's (WOCON) experience, victims of trafficking have been exposed to reprisals from traffickers because they either were indebted to the trafficker or because they have acted as witnesses against the trafficker. When asked Olateru-Olagbegi (WOCON) stated that she was aware of two cases of reprisals against the families of two victims of trafficking. In one recent case the father disappeared, and in 2002, a trafficker killed the mother of a victim of trafficking.

Olateru-Olagbegi (WOCON) considered that if NAPTIP is not aware of these cases it must be because no one informs the agency about it. However, WOCON cooperate with NAPTIP and when WOCON is aware of a need for protection this information will be passed on to NAPTIP.

## 5 Protection and support mechanisms

The delegation asked IOM if it is possible to cooperate with NAPTIP on victim assistance. De Cataldo (IOM) responded positively, and noted that cooperation with NAPTIP at an early stage is essential to ensure the welfare of the victim and aid in the investigation of Nigerian trafficking rings in Europe, due to the complexity of such investigations when it comes to identify the structure of trafficking rings and their modus operandi. De Cataldo (IOM) noted that attention should be given to ethnic/tribal aspects, which might play a role in the functioning of trafficking rings. The cooperation with NAPTIP can be useful, as law enforcement agencies in Europe might not have sufficient background information on Nigerian specific trafficking rings. The exchange of liaison officers between Nigeria and EU countries can be considered a best practice to implement.

The delegation noted that some European countries have a small number of Nigerian asylum requests associated with trafficking in persons and queried the security risks that might be associated in cooperation with law enforcement agencies or the potential for other risks for a trafficked persons upon return to Nigeria. De Cataldo (IOM) noted that the repatriation process must include a security risk assessment, and that such assessments should be conducted in cooperation with NAPTIP. IOM has positive experience on this in the context of repatriation operations from third countries.

De Cataldo (IOM), generally noted that each case should be assessed in an effort to confirm all the facts, especially when the asylum seeker appears to be confused as to the specific nature of the threats/persecution that she/he fears.

Regarding a security risk assessment conducted in cooperation with NAPTIP, Oguejiofor (NAPTIP Abuja Headquarters) confirmed that NAPTIP has the capacity to conduct security risk assessment on the basis of threat to the life of victims and to the families or relatives of the victims.

Ndaguba (NAPTIP Abuja Headquarters) added that NAPTIP conducts risk assessments of victims in order to assist in the best way and any victim can stay in the shelter of NAPTIP for as long as is needed and the victim can even be transferred to another shelter in the country.

When informed that the repatriation process of victims of trafficking might entail forced return or deportation, De Cataldo (IOM) recommended making all efforts to ensure adherence to:

- *Protocol To Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime* (Palermo Convention).
- *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, Office of the High Commissioner for Human Rights.
- UNICEF's *Guidelines on the Protection of Child Victims of Trafficking*.

On a general note, De Cataldo (IOM) mentioned cases of trafficked persons from Nigeria holding regular residence status. This is an issue of concern that needs to be evaluated in view of the possibility that trafficked persons could be even more vulnerable to exploitation and transfer within Europe.

Fapohunda (LRC) explained that NAPTIP does its utmost to perform its duties and the agency is trying to be efficient and it is definitely more efficient than most other state institutions in Nigeria. NAPTIP lacks resources and even though some donors have supplied assistance to NAPTIP, this has not been followed up by sufficient government funds. The lack of resources means that it can be difficult for NAPTIP to provide protection for all victims of trafficking. However, Fapohunda (LRC) considered that NAPTIP is genuine in its fight against trafficking.

When asked why it can be difficult for NAPTIP to provide protection for all victims of trafficking even if such victims are returning on a case-by-case basis and not in plane loads, Fapohunda (LRC) explained that his comment was not based on any consideration of returns either on an individual scale or large scale, but on an appreciation of what is the reality on the ground. The reality of the Nigerian criminal justice system is that it offers little or no protection for victims of crime. There is presently a bill before the parliament on this matter but this is not a priority. Also it was Fapohunda's (LRC) view that quite apart from legislative limitations, the resources allocated to the NPF and NAPTIP are neither sufficient nor adequate to offer the kind of protection (even on an individual basis) that will, at the very least, meet minimum international standards. Nigeria has not invested in its justice system; the casualty of this lack of investment is essentially poor justice institutions. Fapohunda (LRC) added that NAPTIP is a government body within the Federal Ministry of Justice.

Olateru-Olagbegi (WOCON) considered that NAPTIP is committed to assisting victims of trafficking but it lacks personnel, and its staff lack training.

Olateru-Olagbegi (WOCON) expressed doubt as to whether NAPTIP is capable of protecting victims against traffickers, as NAPTIP might lack the resources and the technical know-how to protect victims. On the other hand, Olateru-Olagbegi (WOCON) had no doubt that NAPTIP has the will to try to do its utmost to protect victims in need of protection.

Olateru-Olagbegi (WOCON) considered that NAPTIP lacks facilities for mental health counselling which is much needed by the returnee victims, and which has greatly affected their results in the reintegration of victims.

Mrs. Umaru (WOTCLEF) emphasized that it is very important that any victim of trafficking has been prepared properly for her return to Nigeria. This is because many victims do not believe that they will be assisted by anyone in Nigeria and they do not trust any governmental body in Europe or in Nigeria, and they have no knowledge that there are NGOs and NAPTIP in place to assist and protect them when they are returned to Nigeria.

Mrs. Umaru (WOTCLEF) added that if departing police abroad so requests, NAPTIP or WOTCLEF or other NGOs could be present in the airport to receive, assist and protect any victim from abroad. WOTCLEF has done this in a number of cases.

Mrs. Umaru (WOTCLEF) recommended that efforts should be made in receiving countries to have victims return to Nigeria voluntarily for instance by exchange of liaison persons from WOTCLEF or other NGOs who assist victims in Nigeria with the purpose of reducing the victim's fear of the *ju-ju* oath and to explain to her the options for a future in Nigeria. This kind of counselling can best be done by a person from a Nigerian NGO who is in a far better position to build up trust with the victim than any foreigner would be and it would be preferable the same person should receive the victim in Nigeria.

Roland Chigozie (Idia Renaissance) stated that the trafficker might try to get to the girl or woman, if she by giving testimony against him poses a threat to his business. There are several cases of threats to the lives of victims of trafficking and some of these have taking place recently. Despite the level of awareness created by NAPTIP, knowledge about NAPTIP is still limited and most girls or women do not know where to go if they need protection. However, if such girls or women who agree to give testimony against traffickers were aware of the possibility of turning to NAPTIP for protection, they would be able to get protection from NAPTIP.<sup>23</sup>

It was explained by Rev. Sister Florence (COSUDOW) that many victims of trafficking living abroad would do all they can in order to get asylum in the country where they reside. However, very often their accounts are not based on realities but on made-up stories about their security situation in Nigeria should they be returned. Rev. Sister Florence (COSUDOW) pointed to the fact that many of those victims of trafficking that COSUDOW has assisted after their return to Nigeria have expressed their appreciation that they are back home in Nigeria. This even includes many of those that have been returned to Nigeria by force.

It was emphasized by Olateru-Olagbegi (WOCON) that foreign authorities that deport victims of trafficking ought to explain to the victims before return that it is possible for them to approach NAPTIP for assistance. It was explained that most victims of trafficking would refrain from making any form of contact with a governmental body, including NAPTIP, as they do not believe that the government will do anything to assist them. Olateru-Olagbegi (WOCON) added that it is important that foreign authorities or NGOs explain to victims of trafficking abroad what NAPTIP is and that the agency can assist the victims to be received in Nigeria and reintegrated into their community, and that victims who have testified against traffickers can be protected by NAPTIP when they return to Nigeria. Olateru-Olagbegi (WOCON) added that victims of trafficking are staying in NAPTIP's shelters on a completely voluntary basis.

Olateru-Olagbegi (WOCON) did not agree with Rev. Sister Florence (COSUDOW) claim that any victim of trafficking who is in need of protection would be able to get that. There are simply too many victims of trafficking compared to the resources that are available for protection.

Rev. Sister Florence (COSUDOW) discarded the opinion that victims of trafficking are in a life-threatening situation if they give evidence in court cases against their traffickers. NAPTIP, the Anti-Human Trafficking Police Unit as well as COSUDOW provide protection to victims that witness against traffickers.

## 5.1 Protection

When informed that many victims of trafficking in European countries express extreme fear of the prospect of being returned to Nigeria, WOTCLEF rejected that these victims have anything to fear upon their return to Nigeria. If the victims cooperate with NAPTIP and the NGOs available, they will be assisted and they have nothing to fear. In addition to this, Mrs. Umaru (WOTCLEF) stated that it is not fair to say that the victims have nothing to return to. Any victim that wishes will be assisted as described above. The only thing that is demanded from the victims is that they cooperate so it will be possible to identify and prosecute the trafficker and their affiliates. Investigation and

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<sup>23</sup> NAPTIP's hotline is + 234 9 413 2797.

prosecution will always take place as long as the victim cooperates and testifies against her traffickers. Any victim of trafficking can receive legal assistance from NAPTIP or any NGO in Nigeria that works against trafficking.

Mrs. Umaru (WOTCLEF) explained that traffickers that have been found guilty will be prosecuted according to the Anti-trafficking law.

Mrs. Umaru (WOTCLEF) agreed with IOM that the bottom line in Nigeria is that there is a system to assist and protect victims of trafficking irrespectively whether the victim has testified or is indebted. Any victim can be assisted and the anti-trafficking system is performing well.

The U.S. Department of State reported that during 2006, 500 victims passed through NAPTIP. NAPTIP directly provided overnight shelter to victims, and agency officials connected victims to non-governmental or international organizations for shelter, counselling, and reintegration assistance.

NAPTIP operate a 120-bed shelter in Lagos, with the involvement of IOM and ABA. NAPTIP also operates shelters at secure locations in Abuja and Benin City as well as in Akwa Ibom and Kano states.<sup>24</sup>

Morka (NAPTIP Lagos Zonal Office) stated that none of the victims who have been through the NAPTIP shelter in Lagos have been subjects of persecution by their traffickers and this is why it is so important that NAPTIP is notified about returns of victims from abroad. It was explained that the normal time spent in the shelter is about two weeks. However, if the victim is in need of an extended period of time in the shelter this will be granted.

Morka (NAPTIP Lagos Zonal Office) stressed that NAPTIP can offer protection to victims who give evidence against traffickers for as long as the criminal case is pending in the court system or for as long as is needed. In one case a witness stayed in NAPTIP's shelter for nine months. NAPTIP informs the local police about the case in order to monitor the victim who testifies against the trafficker.

Roland Chigozie (Idia Renaissance) explained that some girls or women fear exposure by contacting NAPTIP even though NAPTIP do not expose anybody but this fear prevents some from receiving the assistance they need from NAPTIP.

Barrister Abiodun (NAPTIP Benin Zonal Office) explained that the Benin Zonal Office has received many requests from abroad for information regarding protection of victims that have testified in court cases against traffickers. It was explained by Barrister Abiodun (NAPTIP Benin Zonal Office) that not even the Italian police are always able to protect a witness against retaliation by the Mafia. On the other hand Barrister Abiodun (NAPTIP Benin Zonal Office) stressed that the Benin Zonal Office is able to, and has the will to protect a victim of trafficking against persecution from traffickers. It was added that judges never grant bail to persons charged with trafficking offences. This is done in order to ensure that the trafficker will not be able to retaliate against persons who give evidence in courts and because of the serious nature of the crime. Furthermore,

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<sup>24</sup> U.S. Department of State, *Nigeria, Country Reports on Human Rights Practices – 2006*, Released by the Bureau of Democracy, Human Rights, and Labor, March 6, 2007.

Barrister Abiodun (NAPTIP Benin Zonal Office) explained that traffickers will do all they can to avoid being imprisoned and they are careful not to expose themselves. Barrister Abiodun (NAPTIP Benin Zonal Office) considered it very unlikely that any trafficker would risk this by getting involved in the problems of other traffickers.

Mrs. Umaru (WOTCLEF) stressed that WOTCLEF conduct monitoring of victims who have left shelters and this is done to assess the individual's need for additional protection. Mrs. Umaru (WOTCLEF) repeated that victims could receive protection if they want it. Mrs. Umaru (WOTCLEF) considered that it is extremely important that victims abroad are thoroughly counselled about NAPTIP and the NGOs who can and will offer protection and assistance. It is equally important that victims abroad are made aware that NAPTIP and NGOs can receive them in the airport and ensure a safe arrival in Nigeria.

Regarding deportation of victims of trafficking Grace Osakue (GPI) emphasized that if such victims were being returned in plane loads they would not be able to attain sufficient protection and assistance, as the absorbing capacity of NAPTIP's and other shelters are limited. There is simply not enough shelter capacity to accommodate a sudden return of large numbers of victims of trafficking. However, Grace Osakue (GPI) considered that if a foreign country only returned victims of trafficking on an individual basis and in very small numbers yearly, COSUDOW would have the capacity to assist and protect such returnees against traffickers. Grace Osakue (GPI) added that COSUDOW has its own shelter in Benin City and that COSUDOW is cooperating closely with NAPTIP. COSUDOW is able to trace the family of the victim and to conduct the necessary counselling which however, can be a prolonged process.

Olateru-Olagbegi (WOCON) added that victims of trafficking in Europe now and then have been arrested by police and put on a chartered plane to Nigeria. Such returnees' mindset is that they believe they have committed a crime and that they will be prosecuted by NAPTIP if they stay in one of its shelters. These victims are often unaware of their rights and that the Nigerian government actually considers them to be victims and not criminals.

Olateru-Olagbegi (WOCON) called for victims of trafficking to be considered as members of a vulnerable social group and that applications for asylum from these victims should be considered according to the Geneva Convention. Olateru-Olagbegi (WOCON) suggested that foreign countries consider offering a kind of temporary protection for two or even three years during which time the victim could receive counselling and some kind of education or vocational training. This would also encourage the victim to cooperate with the police concerning identifying Madams and traffickers.

#### *5.1.1 NAPTIP's protection capacity*

Ndaguba (NAPTIP Abuja Headquarters) stated that NAPTIP is able to offer victims full protection against physical violence from the agents of trafficking and this includes victims who have testified against traffickers abroad or in Nigeria or are indebted to their agents or Madams. It was added by M. Babandede, Director, Investigation & Monitoring (NAPTIP Abuja Headquarters) that NAPTIP is monitoring victims and it provides shelter and counselling to those who are in need of this. Babandede (NAPTIP Abuja Headquarters) emphasized that naturally NAPTIP can only offer protection to those who are ready accept this. Babandede (NAPTIP Abuja Headquarters) also emphasized that NAPTIP has the capacity to support and protect returning victims of trafficking who have expressed fear of retaliation, acts of revenge or persecution by agents. However,

Babandede (NAPTIP Abuja Headquarters) added that protection may be difficult if victims are returned in planeloads, i.e. in large groups. This would especially be the case if such returns take place without close cooperation and coordination with NAPTIP. On the other hand, victims returned on a case-by-case basis will always be able to enjoy protection by NAPTIP if the agency is notified in advance. This also includes victims who have testified against agents or Madams, or are indebted to them.

Morka (NAPTIP Lagos Zonal Office) also emphasized that NAPTIP is capable of protecting any returning victim who is willing to cooperate. Oguejiofor (NAPTIP Abuja Headquarters), added that the governments of United Kingdom and the United States of America works with NAPTIP on an anti-trafficking programme to strengthen local capacity to arrest and prosecute traffickers and to provide assistance to victims through the Lagos Zonal Office and shelter.

According to De Cataldo (IOM), it can be said that Nigeria has established a system capable of responding to the crime of trafficking and its implications on the welfare and security of the victims. NAPTIP and IOM have identified a number of areas requiring capacity building, which De Cataldo (IOM) did not elaborate on due to the public nature of the report.

De Cataldo (IOM) stated that it is important to note that protection requires the victim to cooperate with the authorities and seek protection as the case may be. Upon receiving threats the victims should inform the appropriate authorities.

This leads to the question on how much citizens trust the Nigerian authorities and the service delivery capacity of the public sector. Good governance issues are well recognized by the authorities and criticism/concerns expressed by Nigerian victims of trafficking might be in line with criticism/concerns expressed by Nigerians living in the country.

Concluding, De Cataldo (IOM) noted that NAPTIP and the Nigeria Immigration Service are an expression of the efforts that Nigeria is making to “turning around the table”.

Jane Osagie (IRRRAG) explained that IRRRAG has a well functioning cooperation with NAPTIP and there is mutual understanding to support the victims in realizing that NAPTIP can and will support the returning victims. Many victims are mistaken in assuming that they cannot receive assistance from the authorities. However, Jane Osagie (IRRRAG) was uncertain as to whether NAPTIP had the capacity to assist all returning victims of trafficking, including those who have testified against Madams or traffickers although she expected that this could be the case in two or three years’ time.

Mrs. Umaru (WOTCLEF) stated that NAPTIP is very competent and she expressed full confidence in NAPTIP. NAPTIP has six shelters for victims and it has established a protection programme for victims of trafficking. It was added that NAPTIP is capable of protecting those victims of trafficking that might have a need for protection against traffickers, either because the victim is in debt, or if the victim has testified against traffickers or Madams abroad or in Nigeria. Furthermore, Mrs. Umaru (WOTCLEF) emphasized that a victim can stay in the shelter of either WOTCLEF or NAPTIP for as long as is necessary. Most victims stay in WOTCLEF’s shelter for six weeks and some may stay for up to six months or more depending on their individual needs. WOTCLEF liase with the police and they are available for WOTCLEF all the time.

When asked if victims who gave evidence against their traffickers in principle would be able to obtain protection against retaliation from traffickers Rev. Sister Florence (COSUDOW) stressed that not only in principle but also in reality such victims will receive protection in Nigeria if they wish. The fact that a victim of trafficking has testified abroad against traffickers and Madams abroad or in Nigeria does not alter the fact that these victims will be able to get the necessary protection in Nigeria if they return or are being returned to Nigeria. Rev. Sister Florence (COSUDOW) considered that the fact a victim has testified against her traffickers has no bearing on her security situation in Nigeria. Olateru-Olagbegi (WOCON) stated that NAPTIP is not satisfactorily visible in Nigerian society and most people are unaware of NAPTIP's existence. However, this does not mean that NAPTIP is not performing well, but only very few potential and actual victims of trafficking are conscious about the fact that they are able to be assisted/can be protected by NAPTIP and that NAPTIP is ready to solve their problems. On the other hand, the problems of trafficking are of such a magnitude that NAPTIP cannot cope with it. It was added that most of those victims accommodated in NAPTIP's shelters are internally trafficked person, including minors.

Olateru-Olagbegi (WOCON) warned that there is too much generalisation regarding the ability of for instance NAPTIP and its capacity to protect victims of trafficking and its ability to offer re-integration support for those victims. Therefore, it is very important that all cases of trafficking are handled on a case-to-case basis and that the victims are offered a temporary residence permit in their host country.

Finally, Olateru-Olagbegi (WOCON) stated that WOCON can offer victims some help such as legal and general human rights counselling as well as provide some immediate basic needs, but WOCON does not have the capacity to offer protection against traffickers if this is needed. In such cases WOCON refers the victim to NAPTIP.

It was added by Olateru-Olagbegi (WOCON) that this referral from WOCON to NAPTIP take place in the hope that NAPTIP will do its utmost to protect and investigate these cases. However, it is a problem that NAPTIP's own investigators are not always able to ensure that traffickers are prosecuted and she pointed to the fact that there are too many unresolved cases of trafficking in Nigeria, which means that one can never be certain that a trafficker will be prosecuted. It was added that NAPTIP must improve its results if this will work as a deterrent for other traffickers.

When asked why some NGOs consulted by the delegation would claim that NAPTIP is not fully capable of protecting returning victims, Babandede (NAPTIP Abuja Headquarters) considered that this claim may have to do with the fact that even serious and competent NGOs are competing for funds and they may believe that they can have easier access to funding by presenting NAPTIP as not being fully able to assist and protect victims.

### *5.1.2 NAPTIP's witness protection programme*

The U.S. Department of State reported that the Nigerian government provides some funding for protection activities. For victims serving as witnesses, divisional police officers were appointed to serve as witness protection officers. NAPTIP officials and the police officers work together to

provide assistance and several State Governments in the south continued strong efforts to protect victims.<sup>25</sup>

Oguejiofor (NAPTIP Abuja Headquarters) confirmed that NAPTIP works with the divisional police officers that are appointed to serve as witness protection officers. Victims are returned and registered with the divisional police in the environment of the victims. The officers keep an eye on the victims under witness protection who can call on them when they are threatened.

Regarding the abovementioned state governments, Oguejiofor (NAPTIP Abuja Headquarters) explained that the state governments cooperate with NAPTIP through the State Working Groups and through the Ministries of Women Affairs and Social Development in the states in the areas of monitoring of victims, part funding programmes, providing logistics for public enlistment. The involvement of state governments is still low, and Oguejiofor (NAPTIP Abuja Headquarters) said, “we hope for better involvement”.

De Cataldo (IOM) noted that Nigeria is in the process of establishing a witness protection programme. However, Oguejiofor (NAPTIP Abuja Headquarters) explained that NAPTIP already has a witness programme in existence. Under the programme, security surveillance is provided around the residence of the victim. The local police authorities (District Police Officer) work with NAPTIP to provide the security. In some cases, a safe and alternative accommodation free of threat is provided through NAPTIP funding as well as an income generating mechanism for the victims under protection. The programme however, is yet to be fine-tuned. Oguejiofor (NAPTIP Abuja Headquarters) considered that De Cataldo (IOM) maybe referring to the all-embracing witness programme which will encompass all other crime and all security agencies. The Ministry of Justice is spearheading the National Witness Protection Programme with assistance of UNODC.

Morka (NAPTIP Lagos Zonal Office) confirmed that NAPTIP has its own witness protection programme. This programme not only protects victims against violations from traffickers but it also consist of a reintegration package and thereby a way of living for the returning victim.

It was emphasized by Abiodun (NAPTIP Benin Zonal Office) that any victim of trafficking who is giving evidence in court has the right to stay and be protected by NAPTIP as long as the case is pending. It was added that the police, who monitor the process, would assist victims of trafficking who are being reunited with their families in order to secure that the returned victim is not being re-recruited.

Abiodun (NAPTIP Benin Zonal Office) added that according to NAPTIP’s Victims Support Manual “*the personal history and information on a trafficked or exploited victim shall remain confidential and entitled to give evidence in court against his/her trafficker in camera*”. The manual also states that “*as a victim you have access to the embassy or consulate of your country*”, and that “*a victim is entitled to institute civil action against his/her trafficker or any other person who have exploited or abused him/her*”, and that “*the person and identity of a victim shall be protected against any likely attack from his/her trafficker or his associates*”.

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<sup>25</sup> U.S. Department of State, *Nigeria, Country Reports on Human Rights Practices – 2006*, Released by the Bureau of Democracy, Human Rights, and Labor, March 6, 2007.

Morka (NAPTIP Lagos Zonal Office) added that NAPTIP’s witness protection programme exists throughout the country and it can be brought into use whenever it is necessary. Witness protection is included in the Nigerian law on trafficking. However, even though the trolley men’s or trafficker’s network in Nigeria is strong the local traffickers are insignificant, and they cannot successfully persecute their victims.

Regarding witness protection, Ndaguba (NAPTIP Abuja Headquarters) explained that no one, not even in European countries, could guarantee a witness 100 percent protection against intimidation such as *ju-ju*, which was described as psychological intimidation. Even though NAPTIP has a witness protection programme, this programme cannot guarantee protection against the traumas, which some victims suffer because of the oath of secrecy they have sworn, and their strong sense of obligation to the bidding of an agent or a Madam.

However, Ndaguba (NAPTIP Abuja Headquarters) emphasized that all victims, including victims that have testified against their traffickers or victims that are still indebted to their traffickers or Madams, would enjoy protection by NAPTIP against physical harm from traffickers if they wish. NAPTIP had never heard of any incidents in which agents of trafficking had killed or persecuted witnesses.

## 5.2 Shelters, reintegration and rehabilitation facilities

### 5.2.1 NAPTIP shelters

According to De Cataldo (IOM) NAPTIP has access and is working toward the establishment of seven shelters in Abuja, Lagos, Kano, Edo, Enugu, Sokoto and Akwa Ibom states. The active shelters have first aid capacity, a visiting medical doctor and referral capacity to hospitals.

Oguejiofor (NAPTIP Abuja Headquarters) stated that NAPTIP has seven shelters in operation in Nigeria. The shelters are located in:

| <u>State/city</u> | <u>Capacity</u> |
|-------------------|-----------------|
| Lagos             | 120             |
| Abuja             | 50              |
| Uyo               | 50              |
| Kano              | 50              |
| Sokoto            | 50              |
| Benin City        | 50              |
| Enugu             | 50              |

Morka (NAPTIP Lagos Zonal Office) explained that NAPTIP’s Zonal Office in Lagos runs a shelter for victims of trafficking including a medical clinic. The shelter has a capacity of 120 beds and this number can be increased to 200 beds, if necessary. Since 2004, 631 victims have passed through the shelter, out of which 562 were women. 53 victims are currently in the shelter.

Morka (NAPTIP Lagos Zonal Office) explained that the shelter in Lagos is the reception point for victims who are returned from abroad. In the shelter, the victims first of all receive counselling and medical treatment if needed. No one in the shelter is tested for HIV unless they agree to this and most victims are not tested for HIV. If the victim does not want to stay in the shelter, NAPTIP

makes a registration of who the victim is and where her family is residing. The victims who prefer to stay in the shelter are offered vocational training and NAPTIP encourages them to assist in identifying the traffickers who trafficked them. Minors stay in the shelter with the knowledge and acceptance of their parents. Most of the victims are in the age between 15 and 25 years.

According to Morka (NAPTIP Lagos Zonal Office), the security in the shelter is extremely good as both the police and State Security Service (SSS) are based close to it. It was added that some of the returned victims had been accommodated in the shelter for up to three months. All victims in the shelter are staying there voluntarily.

Barrister Abiodun (NAPTIP Benin Zonal Office) explained that the present NAPTIP shelter in Benin City is not permanent, as the tenancy of the shelter will come to an end by 2008. It was emphasized that there is a need for the Zone to have its own shelter.

Ndaguba (NAPTIP Abuja Headquarters) explained that NAPTIP's shelter in Abuja can accommodate approximately 50 victims of trafficking and at the moment of writing this report 30 victims have their residence in the Abuja shelter.

Mrs. Umaru (WOTCLEF) stressed that NAPTIP would be able to assist any victim that is being returned. It was also emphasized that any victim of trafficking who is ready to cooperate would be assisted in Nigeria with the following:

- Security and protection arrangements, if necessary for instance if the victim has testified against the trafficker
- Counselling regarding her oath and assistance to understand that *ju-ju* is not a real thing
- Family reunification
- Rehabilitation and reintegration
- Avoiding being re-trafficked

It was emphasized by Olateru-Olagbegi (WOCON) that the problem is not that victims are not offered protection by NAPTIP if in need but that some victims actually leave their shelter before they can be certain to be out of any danger. Many victims simply do not wish to stay but wish to go home or they believe that staying at a NAPTIP shelter, i.e. a shelter, which is run by a governmental agency, might imply that they will harassed. Olateru-Olagbegi (WOCON) emphasized that harassment or any other violations of the victims' rights does not take place in NAPTIP's shelters but of course NAPTIP would like to get information about the traffickers from the victims in order to investigate and prosecute the traffickers.

### 5.2.2 NGO shelters

Mrs. Umaru (WOTCLEF) informed that WOTCLEF has a shelter for victims of trafficking and the NGO has in the past received financial support from different partners including UNICEF ILO/PATWA and the World Bank.

It was added that WOTCLEF offers support to victims of trafficking in terms of skills training such as leather working, sewing and other handcrafts. WOTCLEF advises victims of the opportunities for micro credits and small-scale loans that exist either via other NGOs or from local banks.

Furthermore, WOTCLEF provides for education of minors and even up to university level in some cases.

Mrs. Umaru (WOTCLEF) explained that in Abuja both WOTCLEF and NAPTIP each have a shelter for victims of trafficking and victims can receive assistance and counselling in both shelters. Furthermore, NACTAL is about to open a new shelter in Abeokuta, Ogun State.

Mrs. Umaru (WOTCLEF) portrayed WOTCLEF's shelter in Abuja "like a home". The delegation visited the shelter and found it to be very much like a home, well equipped, and with a very positive and peaceful atmosphere.

The delegation was informed that at present WOTCLEF's home accommodates 14 victims of trafficking, some of which are returned victims from abroad. Altogether the home can accommodate not more than 30 at a time, but to do so WOTCLEF would need additional funding. All victims in the home receive legal counselling and lawyers frequently visit the home to assist the victims. A majority of the minors are in the home on a voluntarily basis. On average, the victims stay for a period up to six months, but some may stay even longer before it become possible to have them reunited with their families. Some of the victims are attending primary and secondary schools by the assistance of WOTCLEF.

Mrs. Umaru (WOTCLEF) acknowledged that if returns only take place on a one-by-one basis, WOTCLEF would be willing to be present in the airport in order to assist the returnee, but a precondition for this would also be that the departing country is willing to cooperate closely with WOTCLEF on each return, and that they receive in advance information about who the victim is and what concerns she may have about her situation in Nigeria. Close cooperation between the departing authorities and NAPTIP is a requirement for a return to take place in an appropriate and safe manner.

Olateru-Olagbegi (WOCON) explained that WOCON does not have its own shelter, and victims of trafficking that are considered to be in need of protection are referred to NAPTIP's shelter in Lagos by WOCON. This shelter is the only shelter for victims of trafficking in Lagos.

De Cataldo (IOM) explained that COSUDOW recently opened a new shelter in Benin City and that the Italian Catholic church funded its establishment.

Rev. Sister Florence (COSUDOW) informed that COSUDOW runs a shelter in Benin City and that victims can seek protection there. So far COSUDOW have been able to accommodate the needs for assistance and protection to all the victims who have requested this.

COSUDOW's shelter can accommodate 18 women. There is also a room for any physically challenged person who might come back. Rev. Sister Florence (COSUDOW) noted that the shelter was single-handedly built by the Catholic Bishop's Conference of Italy and furnished by Missio, Achaen, Germany and the Religious Foundation against Trafficking in Women in Den Bosch, the Netherlands. Caritas Italiana donated the fund for the purchase of the land upon which the shelter is built. It was added that there is a convent within the shelter.

In contrast to Rev. Sister Florence (COSUDOW) Olateru-Olagbegi (WOCON) did not consider that COSUDOW's shelter in Benin City is capable to protect victims of trafficking in need of protection. Olateru-Olagbegi (WOCON) explained that the shelter was not yet functioning, as it had not been

completed as of July 2007 when she last visited COSUDOW in Benin City. However, Olateru-Olagbegi (WOCON) considered that COSUDOW is in a better position to run a shelter than NAPTIP would. COSUDOWs Reverend Sisters' religious orientation give the victims a sentiment that they will be assisted and eventually be freed from their secret oath, and the victims will almost automatically have more confidence in the Reverend Sisters than in government employees at a NAPTIP shelter or even some NGOs.

Oguejiofor (NAPTIP Abuja Headquarters) added that there are a number of other NGOs that runs shelters in Nigeria. However these shelters are not reserved for victims of trafficking. The shelters are:

| <u>Location</u> | <u>Name/organisation</u>                                   |
|-----------------|--|
| Kano            | Ministry of Women Affairs                                  |
| Akwa Ibom       | Ministry of Women Affairs                                  |
| [Not specified] | Word of Light Foundation (shelter for rescued prostitutes) |
| Abeokuta        | Terre des Hommes   |
| Lagos           | Shelter for battered women                                 |
| Abuja           | Daughters of Zion Home                                     |

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) informed that the Catholic Secretariat of Nigeria does not have its own shelter in Lagos but they can refer victims to the shelter of NAPTIP and the majority of victims are referred to NAPTIP's shelter. However, the Catholic Secretariat of Nigeria/Caritas Nigeria offers the victims vocational training in order for them to be able to seek employment.

Roland Chigozie (Idia Renaissance) explained that Idia Renaissance refers victims of trafficking who approach the organisation to NAPTIP's shelter in Benin City, but Idia Renaissance offer counselling and vocational training in its own centre. So far, Idia Renaissance has rehabilitated over 240 victims of human trafficking. This year (2007) Idia Renaissance has rehabilitated 30 girls and women referred by NAPTIP and five victims are currently been rehabilitated; the centre currently houses two of them because their families have rejected them. Idia Renaissance and IOM formerly ran this shelter jointly.

### *5.2.3 Reintegration and rehabilitation*

Oguejiofor (NAPTIP Abuja Headquarters) explained that aside from psychological fear and fear of physical violence from agents, a third form of fear can be found with some victims. This fear has to do with the uncertain socio-economic situation and the concern about how to create a livelihood.

Roland Chigozie (Idia Renaissance) recommended that destination countries can assist the Nigerian government agencies like NAPTIP and NGOs involved in the rehabilitation of victims to be better equipped to handle victim's rehabilitation and that the European countries can also be involved in rehabilitation and empowerment before the victim is returned to Nigeria. Most victims expect economic empowerment as a precondition for returning to Nigeria.

Grace Osakue (GPI) found that if a victim of trafficking received counselling while abroad and eventually became successfully rehabilitated and reintegrated into Nigerian society this would serve as an example of 'best practise', and it could encourage other victims of trafficking abroad to return

to Nigeria. Many victims of trafficking are either unaware of the possibility to get assistance from NAPTIP and NGO's in Nigeria or they have no confidence that they would be assisted and protected by those organisations or agencies.

Olateru-Olagbegi (WOCON) stated that it is WOCONs experience that some victims of trafficking wish to return home but they need time to acquire skills and learn how to sustain themselves and assistance in order to be de-traumatised and to regain their self-esteem.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) recommended receiving countries in Europe to offer the victims vocational training in order to motivate them to stay in Nigeria once returned. If this is not done, the former victims might try to be re-trafficked and return to Europe.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) considered that victims of trafficking would much better off if they returned to Nigeria rather than staying abroad. However, he warned that if planeloads of victims were returned to Nigeria it would have a completely devastating effect on the possibility to absorb, i.e. receive, rehabilitate and reintegrate the victims into Nigerian society. Furthermore, he explained that it is of no use if European countries provide returned victims with a sum of money unless the victims have received some vocational training abroad or have the ability to administer that money. Usually the Catholic Secretariat of Nigeria/Caritas Nigeria assists victims in vocational training for a period of three to six months.

Ndaguba (NAPTIP Abuja Headquarters) welcomed that many receiving countries supply victims who are deported with some kind of package or assistance to enable them to cater for themselves after they have returned to Nigeria. Such measures can reduce the risk of victims being re-trafficked. NAPTIP has entered agreements with Norway and other European countries via IOM. These agreements are all regarding rehabilitation and reintegration of victims of trafficking who are returning to Nigeria voluntarily.

### **5.3 Reception at airports and risk of re-trafficking**

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) explained that from time to time the Catholic Secretariat of Nigeria/Caritas Nigeria is requested by Italian authorities to receive victims of returned victims of trafficking at the airport to prevent the victims from being re-trafficked. The majority of victims of trafficking returned from abroad are being returned from Italy. However, this program of assistance to the Italian authorities has been of limited scope since one reverend Sister who assisted victims at the airport received threats from traffickers. This took place two or three years ago. The incident was, however, never reported to the police.

Morka (NAPTIP Lagos Zonal Office) stated that NAPTIP is able to offer protection to victims of trafficking including those who return from abroad and for some reason fear their traffickers. First of all NAPTIP can receive returning victims at all of the four international airports of the country - Lagos, Port Harcourt, Abuja and Kano, if notified in advance, and if needed NAPTIP can relocate victims to another place in the country. Morka (NAPTIP Lagos Zonal Office) stated that it would be preferable if the authorities abroad that investigate cases involving Nigerian victims of trafficking can share information about the victim as well as the traffickers and Madams in that country as this would help NAPTIP's own investigation.

Morka (NAPTIP Lagos Zonal Office) regretted that victims of trafficking very often are returned from abroad without notification to NAPTIP. It was added that if the returning country allocated some resources in connection with the return of the victim NAPTIP would be able to start its investigations very quickly after the arrival of the victim. In this way the number of traffickers in Nigeria would be reduced.

Morka (NAPTIP Lagos Zonal Office) explained that if notified in advance NAPTIP can identify the family of the victim and shelter the victim if the trafficker poses a threat to her. Often traffickers are aware of the return of one of their victims and they will try to get to the girl or women at the airport upon return, sometimes claiming to be relatives of the girl in order to re-traffick her. NAPTIP will take such traffickers into custody at the airport if only NAPTIP is informed about the return of the victim.

In one case, a European country returned a victim of trafficking four times and during the last deportation she died. Olateru-Olagbegi (WOCON) explained that as a consequence of this, large groups of 70 to 120 victims returned from abroad were accompanied by twice the number of foreign police officers.

Olateru-Olagbegi (WOCON) stated that from 1999 to 2002, victims of trafficking from abroad could risk detention for days or weeks upon return and during that time they would be interrogated and maybe forced to undergo an HIV-test. In addition, the returned victims were often exposed on Nigerian television broadcasts. Today, victims of trafficking are no longer displayed in public by the media or by the authorities. However, in some cases Nigeria immigration officers have deprived returning victims of all their belongings.

Olateru-Olagbegi (WOCON) also stressed the importance of advising either NAPTIP or support groups such as WOCON in advance when returns of victims from abroad take place. This is not always the case, which leaves room for traffickers to get to the girls or women in order to re-traffic them. In 2000 and 2001, there were cases where traffickers have bribed immigration officers at the airport in order to re-traffic returning victims even though WOCON was present in the airport. Also, there were cases where traffickers followed the car with representatives of WOCON and Catholic Sisters together with the returning victims to a monastery where they stayed outside the monastery throughout the night.

Olateru-Olagbegi (WOCON) explained that the presence of the NIS at the airport used for the arrival of returned victims of trafficking, is no guarantee that the victims will not be at risk of harassment, intimidation and looting of their belongings. Some staff members of NIS are corrupt and some of them might even be involved in trafficking themselves, although there is no hard evidence of this. It was explained to Olateru-Olagbegi (WOCON) that NAPTIP had stated that it would pick up returned victims of trafficking before they even reach NIS inside the airport in order to avoid them being harassed by members of NIS. However, Olateru-Olagbegi (WOCON) stated that it is only when a plane load of returned victims of trafficking is arriving at the airport that NAPTIP will be at the airport to receive these victims. Usually NAPTIP does not receive individual victims before they have passed through the immigration control in the airport and such victims are thus vulnerable to harassment and looting of their belongings before NAPTIP will be able to take care of them.

Olateru-Olagbegi (WOCON) explained that if NAPTIP, IOM or WOCON have been notified in advance they will be present in the airport, but they will not be able to receive the returnees before they have passed through immigration. However, the staff members of NIS will be careful not to interrogate and harass the returning victims as this would then be known to NAPTIP, IOM or WOCON. Olateru-Olagbegi (WOCON) added that almost any NGO addressing trafficking would be able to receive returning victims of trafficking upon request from the departing authority. If this reception arrangement is in place the returnees will be able to avoid being harassed and interrogated by NIS; and it will be NAPTIP only that will undertake the interview of the victims. This interview will only take place if the victim herself agrees to it.

Regarding arrival assistance, De Cataldo (IOM) stated that, if possible, an assisted voluntary return would be the best option. However, IOM can assist after arrival even if the victims were not returning voluntarily, but De Cataldo (IOM) emphasized that this can only take place “once the case is in Nigeria”. IOM will nevertheless need to discuss the costs implications depending on the type of service required. De Cataldo (IOM) added that these questions could also be discussed with IOM in Geneva.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) stated that if a returning victim originally entered the arrangement with the trafficker it is very much likely that she will try to go abroad again and again.

#### **5.4 Awareness campaigns**

Grace Osakue (GPI) pointed to the fact that anti-trafficking campaigners from NGOs or NAPTIP are being met with very negative or even hostile reactions from the population in Edo State as many families are actively involved in trafficking. Trafficking of family members is a survival strategy and the expectations of wealth are high among many families as they are often ignorant of the realities of trafficked persons living as sex workers abroad.

Grace Osakue (GPI) explained that awareness campaigns are often a failure as the parents often agree that they are willing to sacrifice one family member for the benefit of the rest of the family. In order to address this GPI has developed an anti-trafficking strategy that puts emphasis on personal counselling of potential victims of trafficking. The strategy aims at empowering the girls or women to reject being trafficked by their family, husband, boyfriend or other traffickers. Grace Osakue (GPI) added that NAPTIP and the government have acknowledged GPI’s strategy of empowerment of potential victims of trafficking.

Grace Osakue (GPI) emphasized that there is a need for a holistic approach in the fight against trafficking. She explained that it is important to grasp what the alternative to being trafficked could be and to understand what a victim can do about her own situation. Up to now the government has failed in fighting trafficking and it is imperative that adequate resources are being invested in the counselling of the potential victims of trafficking rather than campaigning among the families.

## 6 Prosecution of traffickers in Nigeria

According to the U.S. Department of State Nigerian law provides for penalties for trafficking. These penalties include fines, imprisonment, deportation, forfeiture of assets and passport, and liability for compensation to victims in civil proceedings. Imprisonment terms range from 12 months to life, while fines range from US\$ 375 to 1,500.

NAPTIP is a 200-employee agency with 60 investigators and 30 prosecutors dedicated to trafficking, and it bears the primary responsibility for combating trafficking in and from Nigeria. NPF and the NIS also have anti-trafficking units.

The U.S. Department of State reported that during 2006 NAPTIP investigated 65 new cases and prosecuted 25 cases. At the end of the year many of these cases were pending, and eight convicted traffickers were serving prison sentences. Observers attributed the low conviction rate to witness' reluctance to testify and the slow progress of cases through the courts.

The U.S. Department of State also reported that a foreign government worked with NAPTIP on an anti-trafficking program to strengthen local capacity to arrest and prosecute traffickers, and to provide assistance to victims through the Lagos shelter.<sup>26</sup>

Babandede (NAPTIP Abuja Headquarters) expressed a wish for a wider and stronger cooperation with police authorities in receiving countries regarding investigation of agents of trafficking in order to arrest and prosecute these. It is very important that agents are held accountable for their criminal activities and it would lessen the victims' fear for the agents if the victims can see for themselves that their agents of trafficking are convicted and imprisoned. Cooperation on these matters already exists between NAPTIP and some European countries. Babandede (NAPTIP Abuja Headquarters) explained that the police in those countries and NAPTIP share their results from their respective investigations into the activities of agents of trafficking.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) considered that NAPTIP quite often is unable to successfully prosecute traffickers because the Nigeria Police Force (NPF) is involved in the investigation and the traffickers can bribe staff members of the NPF. It was explained that NAPTIP's own investigation and prosecution unit receive their payments from the NPF and this force is only deployed to NAPTIP.

Jane Osagie (IRRRAG) stated that traffickers who are found guilty of their crimes are being punished in Nigeria contrary to the situation before NAPTIP was established in 2004 where traffickers were able to operate completely free.

Barrister Abiodun (NAPTIP Benin Zonal Office) explained that since 2004 the Benin Zonal Office has lost only two court cases against traffickers and both fell on technical questions. In the one case the trafficker was a boyfriend of the trafficked victim while the other case was a Moroccan case in which the victim declined to give evidence in court.

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<sup>26</sup> U.S. Department of State, *Nigeria, Country Reports on Human Rights Practices – 2006*, Released by the Bureau of Democracy, Human Rights, and Labor, March 6, 2007.

Barrister Abiodun (NAPTIP Benin Zonal Office) explained that even if only a relatively few cases have been concluded in the courts, this should be considered as a result of a functioning justice system. Cases regarding trafficking needs to be supported by clear evidence in order to lead to imprisonment of the accused and especially witnesses are crucial in this respect. Barrister Abiodun (NAPTIP Benin Zonal Office) was of the opinion that more than half of all victims are recruited by their family and this is the main reason why so few victims are willing to give testimony in court.

Morka (NAPTIP Lagos Zonal Office) stated that the NAPTIP Zonal Office has investigated 137 cases concerning human trafficking since December 2004 and 300 suspects have been arrested as a result of investigations by NAPTIP. Furthermore, 44 cases are currently under investigation. So far 26 cases have been filed in courts out of which six have led to convictions. The most severe punishment has been seven years imprisonment. Currently another six cases are awaiting judgement.

It was added that NAPTIP's Zonal Office in Lagos has not yet lost a case against a trafficker if the victim gave evidence before the court. However, it is extremely difficult to solve the cases if the victim does not wish to cooperate with NAPTIP and testify against the trafficker in the court.

Olateru-Olagbegi (WOCON) explained that victims are not telling the entire truth about their situation to foreign authorities and this makes it difficult to both assist the victims and to initiate and investigate cases against traffickers and Madams. Even though the victim agrees to give evidence against a Madam or a trafficker she will in most cases only know one or two persons and it is impossible to prosecute and convict the whole chain of traffickers. Therefore the victim could still be at risk even if the authorities have arrested her own trafficker.

Olateru-Olagbegi (WOCON) explained that only nine traffickers have been convicted so far and she considered that this couldn't be a satisfactory result for NAPTIP.

However, Oguejiofor (NAPTIP Abuja Headquarters) stated that since 2004 320 traffickers have been arrested on a national scale by NAPTIP. This figure does not include arrests by NPF and NIS. During the same period 62 cases were filed in the courts and 12 traffickers have been convicted. The punishments range from one to seven years imprisonment. At the moment 52 cases are still pending in courts.

## 7 Internal relocation

Mrs. Umaru (WOTCLEF) explained that the question of a victim's possibility of relocating to another place in Nigeria in order to escape persecution from aggrieved traffickers is not the issue. The issue is to prosecute traffickers and hold them responsible for their criminal activities and it was emphasized that there is access to justice for victims of trafficking. Once a trafficker is under investigation he or she is the one who has something to fear and the trafficker may even try to leave the country to avoid imprisonment. In fact WOTCLEF encourages victims to take legal action against traffickers i.e. contact NAPTIP.

Regarding internal relocation Olateru-Olagbegi (WOCON) considered that it would be difficult for a victim to relocate to another location in Nigeria in order to avoid reprisals from traffickers. Ethnic groups tend to cluster in groups even in Lagos and it is difficult for a person to settle in a place where he or she has no network. Olateru-Olagbegi (WOCON) suggested that such victims should have the opportunity to live in communities that are set up for them (half way home).

Olateru-Olagbegi (WOCON) explained that it is difficult for anyone to settle in a place where that person's ethnic group is not present as it would be difficult to speak the local language and to sustain a livelihood. In the south, anyone who has his or her origin in the northern part of Nigeria is called "stranger" and even in Lagos there are special quarters for northerners and in the north there are special areas for non-northerners known as 'Sabongari' literally meaning "the place for strangers".

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) stated that it is very correct to say that victims of trafficking who feel threatened can relocate to other places in Nigeria if they feel insecure or are threatened but they would require resources to settle in these new places.

Grace Osakue (GPI) considered that with economic support, victims of trafficking can relocate to anywhere in Nigeria. In the long run however, Nigerian communities are known to consider offspring of non-indigenes as not eligible to entitlements such as political positions, scholarships, job placements or such rights claimed by indigenes. This explains why people continue to identify with and feel most comfortable in their home states.

With regard to reintegration, De Cataldo (IOM) noted that this is possible, including relocation.

## 8 Voluntary return arrangements by Italy, Switzerland and Norway

### 8.1 Italy

Nico Longo, Deputy Head of Mission, Embassy of Italy, Abuja, explained Nigeria is one of the countries from where the influx of direct migration towards Italy originates. Trafficking from Nigeria is gradually directed northwards in Europe, including to Scandinavia. In Italy, it culminated in the 1990s, when the situation has improved as Italian authorities have concluded bilateral agreements with Nigeria.

Italy's immigration policy is based on the assumption that it is not possible to obtain any significant results, in terms of immigration control and combating trafficking, without the co-operation of the immigrants' home countries. This has led Italy to establish a wide-ranging network of readmission agreements. Nigeria is the only Sub-Saharan African country to have signed a readmission agreement with Italy (Rome, on 12 September 2000). The agreement provides for the readmission of respective citizens whose positions are found to be irregular, as well as - on the Italian part - technical and material assistance, and training courses.

In the framework of the bilateral cooperation in combating illegal immigration, Italy donated to Nigerian Government equipment and goods in 2002, in 2004 and 2005 (for an overall value of about 6 million Euros). Goods are donated for distribution among governmental agencies involved in immigration control, monitoring and investigation of human trafficking (NIS, NAPTIP, and the Ministry of Foreign Affairs).

The Nigerian authorities have, on their part, offered excellent co-operation in the area of illegal immigration, which is displayed in the repatriation operations carried out on a regular basis by charter flights from Italy to Lagos.

According to an Italian 'Influx Decree' a quota of Nigerian citizens are given legal job/stay in Italy. Italy has an annual quota system for immigrants in search of work, which is set in a Prime Ministerial Decree (the so-called "Influx Decree"), based on a survey of manpower requirements on the national labour market. The "Influx Decree" sets the maximum amount of non-EU citizens admitted for temporary or indefinite, seasonal or self-employment work, a figure that takes into account the country's specific production requirements. The Influx Decree also reserves specific quotas for the nationals of countries that are effectively co-operating to combat illegal immigration and the traffic in human beings.

The decision to grant for the first time in 2002 a reserved entry-quota of admittance into Italy in favour of 500 Nigerian workers has been a recognition of the collaboration efforts on combating illegal immigration. Nigeria is the only Sub-Saharan African country to benefit from it. Such quota was confirmed in 2003 (200 units) and was multiplied ten times in 2004 and 2005 (2,000 units) and 2006 (2,500 units).

In this context, it is to be recalled the positive outcome of the regularisation process, launched in 2002, which offered a chance to regularize the status of nearly 10,000 Nigerian citizens illegally working in Italy.

In the field of curbing the trafficking of human beings, a Memorandum of Understanding was signed in November 2003 between the Attorney General of Nigeria and the Italian *Direzione Nazionale Antimafia*, related to the fight against trafficking and organized crime.

In the same context, Italy fully financed a multi-bilateral program of 0.8 million Euros, to prevent and combat the trafficking of children and women from Nigeria to Italy. The project was implemented by UNICRI and UNODC in Benin City, and its first phase - covering 18 months from beginning 2002 until April 2004 - has been successfully achieved. The second phase of the project has been financed in 2006 by the Italian Cooperation, totalling 1.9 million Euros. The project involves rehabilitation and reintegration activities in Benin City (Edo State), by providing micro-credit to help the victims acquire skills and set up small businesses of their own. It has also helped establish a National Monitoring Center in Abuja, managed by NAPTIP with the aim to exchanging information and creating a data bank of victims involved and rescued from trafficking.

In the fight against the trafficking, it is worthy of note that Italian Law can be considered one of the most innovative ones. A system of protection is set up by Law No. 286/1998 article 18, which allows the granting of a special residence permit for social protection to the victims of the trafficking, and provides for their participation in a social and integration assistance programmes. Article 18 is therefore a specific tool for action against the trade.

It is important to note that the granting of stay and insertion in a social protection programme does not imply an obligation for the victim to inform the police. This is a very important novelty, as it becomes an incentive for co-operation with the authorities: only if the victims are aware of being the true holders of rights, can they co-operate with the authorities by identifying the traffickers. The duration of the special residence permit is six months and may be extended to one year.

## 8.2 Switzerland

Patricia Dvoracek, First Secretary and Migration Advisor, Embassy of Switzerland, Abuja, stated that Switzerland in 2005 introduced an Assisted Voluntary Return Programme, which has been extended by the Swiss Federal Office of Migration (FOM) till the end of 2008. Nigerian nationals who are living under the Swiss asylum law, who wish to return to Nigeria on a voluntary basis and who fulfil the requirements, have the possibility to participate in that Programme. The FOM is closely cooperating with IOM in Lagos, which has offered to receive the returnees at the airport and also administer the financial reintegration assistance of 2,000 CHF per adult and 1,000 CHF per child. This sum of money is paid to the returnee upon arrival in Lagos. Dvoracek added that persons who have a criminal record in Switzerland cannot participate in the programme but victims of trafficking are not considered criminals in Switzerland and they are included in the programme if the requirements are fulfilled.

According to the Assisted Voluntary Return Programme – in addition to the financial reintegration assistance – the returnee could receive further assistance of up to 5,000 CHF to develop a project with the purpose of securing a livelihood in the future. Once the project proposal and a realistic budget have been agreed upon by the returnee and IOM and this has been approved in Bern the agreed sum of money is released to IOM.

The Assisted Voluntary Return Programme offers additional assistance to vulnerable person such as single mothers, unaccompanied minors, and elderly or disabled persons. The assistance could

include temporary accommodation, medical treatment and additional financial assistance. IOM is responsible for the implementation of the assistance to vulnerable persons.

As of August 10, 2007, 109 Nigerians have joined the Assisted Voluntary Return Programme. Of the 109 persons that joined the programme, 48 persons actually returned and produced a reintegration programme with the support of IOM. Dvoracek considered that there were many successes to present and she explained that many different kinds of businesses have been the result of the programme for example catering service, music for entertainment, motor car maintenance workshops, a variety of shops et cetera. Currently, 21 persons have a pending application to join the programme.

It was added that Switzerland does not have a cooperation agreement with NAPTIP.

Regarding rejected asylum seekers, Dvoracek explained that the FOM collaborates with the NIS in order to identify Nigerians who have been denied asylum in Switzerland and therefore have to leave the country. According to a Readmission Agreement between Switzerland and Nigeria, which has been signed but not ratified yet, Nigerians who refuse to cooperate with regard to identification and the issuance of travel documents are returned to Nigeria on chartered airplanes, after being identified by the NIS, and confirmed by Nigerian Ministry of Foreign Affairs. These return flights take place two to three times a year and usually involve 20 to 25 persons on each flight. The deportees receive an amount of 100 US\$ to cover local travel costs in Nigeria. Swiss police officers escort the deportees to Nigeria, but these officers are not permitted to leave the chartered plane when landed in Nigeria.

### **8.3 Norway**

Tore Nedrebø, Ambassador of Norway, and Geir Arne Schei, Deputy Head of Mission, Royal Norwegian Embassy, Abuja, stated that the Norwegian Ministry of Foreign Affairs, on 29. January 2007, entered into an agreement with the IOM on assistance, protection and monitoring of trafficked women repatriated from Norway to Edo State. The agreement included financial support to an IOM project in the amount of 298,953 US\$. According to the agreement the purpose of the project is:

- To develop re-integration standardized practices targeting the caseload of Nigerian trafficked women and girls in Edo State.
- To ensure the integration of the target group into existing re-integration mechanism with the support of the project.
- To assist Norwegian authorities to strengthen return counseling to Nigerian trafficked women and girls in Norway by strengthening the referral assistance and protection mechanism in Edo State and by maintaining an international monitoring capacity on the ground to foster confidence building.

Nedrebø and Schei added that this agreement only involves voluntary returns of Nigerian victims of trafficking and so far no one has returned to Nigeria from Norway under the agreement. Nedrebø and Schei had no information of forced returns from Norway of victims of trafficking who have been rejected for asylum.

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## **Consulted organisations, institutions, agencies and persons**

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De Cataldo, Tommaso, IOM, Chief of Mission, Abuja.

Dvoracek, Patricia, First Secretary, Migration Advisor, Embassy of Switzerland, Abuja.

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Ndaguba, Carol N., Executive Secretary/Chief Executive, NAPTIP, Abuja.

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Oguejiofor, Lily N., Director, Counselling & Rehabilitation, NAPTIP, Abuja.

Olateru-Olagbegi (WOCON), Bisi, Executive Director, Women's Consortium of Nigeria (WOCON), Lagos.

Osagie, Jane, Edo State Co-ordinator, International Reproductive Rights Research Action Group (IRRRAG), Benin City.

Osakue, Grace, Co-ordinator Edo State, Girls' Power Initiative (GPI), Benin City.

Roland Chigozie, Nwoha, Public Relations Officer, Idia Renaissance, Benin City.

Sahline, Abdullahi, Accountant, Women Trafficking & Child Labour Eradication Foundation (WOTCLEF), Abuja.

Schei, Geir Arne, Deputy Head of Mission, Royal Norwegian Embassy, Abuja.

Sister Florence (Florence Nwanuoma), Rev., Coordinator, Committee for the Support of the Dignity of Women (COSUDOW), Benin City.

Umaru, Veronica K., National Coordinator, Women Trafficking & Child Labour Eradication Foundation (WOTCLEF), Abuja.

## Abbreviations

ABA – American Bar Association

AWEG – African Women’s Empowerment Guild

BLinN – Bonded Labour in Nederland

CHF – Swiss Franc

CIDA – Canadian International Development Agency

COSUDOW – Committee for the Support of the Dignity of Women

CSE – Comprehensive Sexuality Education

DIS – Danish Immigration Service

ESAM – Enfants Solidaires d’Afrique et du Monde

FOM – [Swiss] Federal Office of Migration

GPI – Girls’ Power Initiative

ILO – International Labour Organization

IOM – International Organization for Migration

IRRRAG – International Reproductive Rights Research Action Group

LAPO – Lift Above Poverty Organization

LRC – Legal Resources Consortium

NACATIP – National coalition Against Trafficking in Persons

NACTAL – Network of Non-Governmental Organisation Against Child-Trafficking, Labour and Abuse

NAPTIP – National Agency for the Prohibition of Traffic in Persons and other related matters

NGO – Non-Governmental Organisation

NIS – Nigeria Immigration Service

NITF – National Investigation Task Force

NPF – Nigeria Police Force

SSS – State Security Service

TAMPEP – Transnational AIDS/STD Prevention Among Migrant Prostitutes in Europe/Project

ToR – Terms of Reference

UK – United Kingdom

UN – United Nations

UNHCR – United Nations High Commissioner for Refugees

UNICEF – United Nations Children’s Fund

UNICRI – United Nations Interregional Crime and Justice Research Institute

UNODC – United Nations Office on Drugs and Crime

US – United States

USAID – United States Agency for International Development

WOCON – Women’s Consortium of Nigeria

WOTCLEF – Women Trafficking & Child Labour Eradication Foundation