

Re-visiting Corruption and Human Trafficking in Nigeria: Any Progress?

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Introduction

It was the case beginning from the mid 1980s that Nigeria experienced increased incidences of human trafficking, especially of women and children. It was not long however, before it was realized that the scourge was indeed, a global problem of extensive and diverse dimensions which called into question the penchant for man laying claim to superior intellect and civilization. For Nigeria, the situation was so bad that the then first lady, Titi Abubakar through her Non-Governmental Organization – Women Trafficking and Child Eradication Foundation (WOTCLEF) took it upon herself to spearhead what would eventually become a serious fight against human trafficking in Nigeria. Utilizing all advantages derivable from her position, political, legal and social, she was able to kick-start a serious challenge to human trafficking and its corruption support base in the country (Agbu, 2003).

Five years after the successful enactment of an anti-trafficking law, whose absence was a major drawback to the prosecution of offenders, it is imperative that we re-visit the issue of corruption and human trafficking in the country with a view to determining what progress has been made, if lessons have been learned, and what more should be done to drastically reduce or eradicate this crime – a crime against humanity. Though accessing the necessary information and data can sometimes be difficult, we believe that there is enough information on the ground to enable us come to some realistic conclusions.

Let us once again refresh our memories of what the problem is that we are addressing. The first is the issue of corruption, which though global in its occurrence, appears more detrimental in societies with weak institutions and weak law enforcement measures. Corruption could be defined as the abuse of public office for private gains (Lyday, 2001:4). The impact of corruption on human trafficking is barely discernable, because it is less visible than say, gunrunning and drug trafficking. Indeed, corruption is both an underlying root cause and a facilitating tool for human trafficking. It could be found embedded in the key stages of human trafficking traversing recruitment, transportation, exploitation, and laundering of proceeds from the illicit trade (UNODC, 2008). It suffices to note that it is in terms of the effect of corruption on society that a clearer link is established between corruption and human trafficking. The Nigerian experience indicates that concrete legislation and political will could contribute much to the reduction of corruption. In a post-transition democratizing environment that is anti-corruption and anti-trafficking since 2003, much has been achieved in reducing official corruption (except political corruption), and human trafficking. At the vanguard of the fight against corruption are two governmental institutions – the Independent Corrupt Practices and Related Offenses Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC), much dreaded by politicians and businessmen alike.

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Underlying the heinous crime of trafficking in humans is the fact that globalization has created inequalities and inequities resulting in the migration of the poor to the rich regions of the world. Accompanying this also is the related dimension of security of states and individuals, significantly jeopardized by activities of international criminal gangs or networks of crime specializing in money laundering, arms trafficking, advance-fee fraud and human trafficking (Ogwu, 2002). A Protocol on Trafficking, attached to the UN Convention against Organized Crime, signed by 80 countries and the European Union in December 2000, formally defined trafficking as a modern form of slavery and indentured servitude, linked to organized criminal activity, money laundering, corruption and the obstruction of justice. In broad language, the protocol conceived trafficking as the recruitment, transportation, transfer, harboring, or receipt of persons using force, coercion, abduction, fraud, deception, abuse of power, or vulnerability, or giving and receiving of payments to achieve consent of a person or having control over another person (Agbu, 2003). It is evident that whether the trafficked person is legally of the age of consent or not, the fact that illegal acts are committed all through the process makes the transaction unlawful. Though, human trafficking is not entirely new, it is its present character, sophistication and the sheer volume of the commodification of women and children as articles of trade that is alarming.

The Situation Then

For Nigeria, 1986 marked a watershed in the generation of emigrants for better or for worse. This year saw the introduction of the World-Bank sponsored Structural Adjustment Programme (SAP) with its anti-poor conditionalities, leading to the generation of economic migrants and brain drain. Amongst these economic migrants are today's trafficked women and abused children, who, for the sake of a better life, ignorance or greed, or a combination of these, fell victims to the ploys of organized criminal and trafficking syndicates.

Nigeria eventually became a source, transit and destination country for the trafficking of human beings. The choice destination countries for trafficked Nigerian women and children include Italy, Belgium, United States, Spain and Saudi Arabia. Young Nigerian women were trafficked for prostitution in Italy, Spain, Belgium, Germany, Netherlands and the United Kingdom. Elderly women were trafficked to the United States and UK to work as nannies. The route traversed then emanated mainly from Edo State (Benin) to Mali, Guinea, Algeria, Spain, Italy and to other parts of Europe. Another route was through the West Coast of Africa to Mali, Morocco, Spain, and Libya to Saudi Arabia (Idowu, 2003; NAPTIP Factsheet). At a time, it was estimated that between 60 - 80 per cent of all immigrants working in the commercial sex industry in Italy were Nigerians, with a substantial number in the Netherlands and Spain (Luda di Cortemiglia, 2003; Idowu, 2003). Between 1999 and 2000, the Nigerian Embassy in Italy deported about 800 Nigerian women from Italy. Also, in 2001 about 10,000 were also sent back to Nigeria (Ume-Ezeoke, 2003). Suffice it to note that the first mass deportation of trafficked women from Italy in March 1999 came as a surprise to the Nigerian authorities. The exercise was not well handled either by the Italian or Nigerian authorities.

And what were the identified causes of this trafficking in humans? From the supply side, some of the causes include poverty, greed, breakdown of the family system and values and general decline in morality. However, generally accepted is the view that greed and indolence rather than just poverty are the major reasons for some of the victims getting involved and subsequently trapped in a situation that continuously defiles their being.

As earlier observed, underlying this crime were various layers of corruption involving several actors. A regional project launched in 2003 by UNODC found in a Nigerian case study that “Those involved include recruiting agents (usually close family), native doctors (voodoo priests) who often perform rituals to control the victims, lawyers who draw up debt bondage agreements, estate agents who help to launder trafficking proceeds through real estate transactions, and travel touts and agents who provide the necessary travel documents and arrangements. Generally, foreign nationals work as temporary guides across borders or provide shelters and safe houses along the routes to harbour victims traveling by road” (Yemi-Ladejobi, 2006).

It is corruption and greed that turned a former Nigerian police officer into a trafficker caught in Guinea with 33 young women of between ages 18 -20 (Odunuga, 2001). It is corruption that made it possible for a white woman to appear every other year and adopt Nigerian children only for the authorities to discover that the children were used for trade in human parts (Orere, 2000). It is corruption that made it possible for the holy land of Mecca and the Vatican city of Rome to be flooded by trafficked victims under the guise of religious pilgrimages (The Punch, 2008: 5). The records show that over 1000 Nigerians were deported from the Kingdom of Saudi Arabia between January and March 2004. Among the deportees were over 370 minors between the ages of 8 and 14 (The Punch, 2008:5). Whilst the link between procurers of victims and external collaborators is not easy to determine, it is logical to assume that there exists syndicates within the law enforcement agencies on both sides that aid the illegal movement of victims. In Nigeria, the police used to worsen the already dire situation of repatriated victims by subjecting them to persecution and extortion while they are in holding cells; instead of showing empathy, counseling them and enhancing their rehabilitation.

However, it was the lack of appropriate legislation to punish offenders that constituted a major challenge in the fight against traffickers. In the interim, the police and the courts resorted to using portions of the country’s penal code. Sometimes some were charged with forgery, forging traveling documents or abduction as the case maybe. This was the situation until the anti-human trafficking law was enacted in 2003.

Any Progress?

Yes. It is indeed possible to say that significant progress has been made in the war against human trafficking in Nigeria, especially in terms of awareness creation and prosecution. However, this is not to say that the illicit trade has subsided. The traffickers have continuously devised new ways of carrying out their nefarious activities. However, a turning point occurred in the fight against trafficking when WOTCLEF, an NGO initiated an anti-trafficking bill that was later signed into law in February 2003. The law is known as the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act

2003. The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act created the National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP). This government agency has been in the forefront of the fight against human trafficking. In fact, Nigeria became the first country in Africa to enact such a law and establish a special agency to complement it. By November 2005, the High Court in Benin in the south of the country, handed down the first conviction under this law. NAPTIP also investigated a number of law enforcement officials suspected of complicity in trafficking.

In 2006, NAPTIP, Nigerian police and the Immigration Service formed a “Compact Coalition Pact” to fight human trafficking in addition to involving other Non-Governmental Organizations like the Idia Renaissance and WOTCLEF. Memoranda of Understanding (MOUs) were also signed with destination and transit countries like Britain, Italy, Republic of Benin and Spain (Idowu, 2003; Yemi-Ladejobi, 2006). The agreement with Italy provided for a common legal platform under which law enforcement agents of both countries could fight human trafficking.

The anti-trafficking law is quite comprehensive in its coverage of the various dimensions of human trafficking and stringent in its imposition of punishment. For example, in section 11 of the Law, individuals accused of exportation/importation of persons out/in Nigeria on conviction are liable to imprisonment for life. Procurement of any person for illicit intercourse with another person on conviction attracts imprisonment for 10 years without an option of fine (Section 12). In section 13, causing or encouraging the seduction or prostitution of any person less than eighteen years on conviction attracts 10 years imprisonment. Again in section 16, any person who promotes foreign travel that promotes prostitution is liable on conviction to 10 years imprisonment without an option of fine (NAPTIP Act, 2003; NAPTIP Fact Sheet, 2003). We can now see how severe the law against trafficking is, yet due to the jumbo profits to be made or ignorance, trafficking still continues. Generally, the Agency’s activities involve prosecuting traffickers, rehabilitating victims, collaborating with other bodies local and international, and creating public awareness of the crime. Human trafficking units (Task Forces) have also been created in the Nigeria Police and Immigration Services. In terms of convictions, more than 150 traffickers have been arrested; about 20 convicted and are in jail, while 50 cases are pending in court (Agbaegbu, 2008).

NAPTIP operations are conducted through the support of four main units – the Investigation unit, Legal unit, Public Enlightenment unit and the Counseling and Rehabilitation units. Also provided for in the enabling Act are “such other Units as the Agency may establish with the approval of the Board”. In addition, there are at present six zonal offices within the country located at Benin, Lagos, Sokoto, Kano, Enugu and Abuja; while plans are underway to create NAPTIP state offices. Nigeria has 36 states and a Federal Capital Territory at Abuja. Because Benin in Edo State of Nigeria is a trafficking endemic area, there exists a law also that makes human trafficking and prostitution of any kind, local or international, punishable offenses. There are presently about 58 victims at the Abuja Centre, located at Gwarinkpa; while there are about 500

victims nation-wide being catered for (Agbaegbu, 2008). Rehabilitation is an expensive project as victims have to be sheltered, fed, receive medicare and re-skilled.

Also, complementing the fight against corruption and trafficking in Nigeria is the ICPC, created by government in 2000, and the Economic and Financial Crimes Commission (EFCC) created in 2004. Both bodies, especially the EFCC have done much in reducing corruption in government and in the financial sector. Therefore, what may be regarded as the success in reducing trafficking and in creating awareness could also be partly attributed to the work of these anti-corruption agencies.

Apart from external trafficking, which involves the movement of women and children to Europe and the Middle East, there is increasingly the equally worrying dimension of internal trafficking of children and young women from one part of the country to the other for domestic servitude or prostitution. A 2003 Federal Office of Statistics (FOS) and International Labour Organization (ILO) study estimated that there are about 15 million children engaged in child Labour activities in Nigeria. These children could easily be forced into child prostitution or trafficked externally. According to NAPTIP, almost every state has a variant of child trafficking. In the largely Muslim northern states, traffickers move children to locations where they could be used as beggars under the guise of religious mentoring. Again, these children could be trafficked to Saudi Arabia. In the south, children are constantly moved around by traffickers as domestic help under very inhuman arrangements. Between 2004 and 2006, NAPTIP repatriated 757 child victims (IRIN, 2007). In 2007 alone, 1,475 children, 80 per cent of whom were girls were rescued according to UNICEF 2007 Annual Report. In Nigeria, as in many parts of Africa, the tradition of fostering has made it easy to manipulate parents into allowing their children to be used as commodities of trade. The fact however, remains that child labour and child trafficking as different from child work are socially constructed, and need to be conceptually de-constructed and addressed in themselves as evils and crime against humanity.

Though, the battle is gradually being won, and many of the victims are coming back and being rehabilitated, the problem remain the unrepentant traffickers and transnational organized groups who continuously devise new ways of beating the law. Italy still remains the key destination for trafficked young girls working as prostitutes. It is instructive that in October 2007, the Dutch police arrested 24 people for allegedly trafficking 140 Nigerian children to Europe (IRIN, 2007). So, the fight still rages.

Conclusion

From the experience of fighting human trafficking in Nigeria, it is possible to outline some lessons:

- a) Government assistance (political will, legislation and funding) is necessary in the fight against trafficking.
- b) The establishment of a special agency to fight human trafficking is also necessary. Funds must be made available and training conducted for agency officials at home and abroad.

- c) It is imperative that international laws against human trafficking are domesticated.
- d) Public enlightenment through sensitization tours at all levels of society is necessary, more so in identified recruitment areas; in schools and market places to highlight this crime and its ramifications. Clearly articulated procedures for seeking legal assistance by trafficked victims should be made available.
- e) This fight requires some level of passion, and only those with this passion should be encouraged to lead the war against trafficking.
- f) Collaboration is imperative between the National/Federal, State, Local Authorities and Non-Governmental Organizations.
- g) The fight against human trafficking is enhanced in an anti-corruption environment.
- h) Being poor is not necessarily a causative factor; greed, indolence and ignorance combine to lure both traffickers and victims into the vicious cycle of trafficking in fellow human beings.

Recommendations

1) Enact a comprehensive domestic law to cover most aspects of human trafficking, specify severe punishment for traffickers, rehabilitate victims and give law enforcement officers adequate investigative tools and training. Better intelligence gathering and sharing is recommended for immigration officers and special task forces.

2) Governments should invest in education and provide alternative economic opportunities for children and the youth. This will greatly reduce the number of those that will be available for trafficking.

3) Countries should be encouraged to take action against this crime at the national level first, supported by international bodies.

4) There should be severe penalty for traffickers at home and at the destination countries. *Name and Shame* principle should be used that entails public condemnation of identified traffickers and media exposure, with the names of convicted traffickers circulated to all Embassies.

5) Basic rights of the victims of trafficking must be respected bearing in mind their special needs and predicament.

6) A collaborative approach that brings together anti-corruption and anti-human trafficking measures should be devised. Corruption should be integrated in anti-trafficking plans.

7) Further research should be encouraged on society, corruption and human trafficking. Attention should also be focused on migration issues, raising awareness about migration-related risks and monitoring migration trends within and between countries.

8) There is the need for staff of Nigerian Immigration service to be represented at Nigerian Missions abroad, especially in those countries identified as either destination or

transit points for human traffickers. This will help the service quickly determine the causative factors and strategies for addressing this.

9) There should be a renewed campaign on the importance of the family, good family name and a de-emphasis on materialism. Religious institutions should be encouraged to highlight these and condemn the inhumane crime of human trafficking.

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