

# HUMAN TRAFFICKING AND TRANSNATIONAL ORGANIZED CRIME: IMPLICATIONS FOR SECURITY IN NIGERIA

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Trafficking in persons remains rampant in many parts of the world, including Africa, despite regional and global efforts to combat and eradicate this scourge. In Africa, Nigerians constitute the largest number of victims in the organized African human trafficking networks. This paper examines human trafficking as a form of transnational organized crime and its implications for security in Nigeria. Drawing on extant literature, the study observes that the Nigerian government has not effectively tackled the menace of human trafficking as a result of its failure to address structural factors such as poverty, youth unemployment, corruption, gender discrimination, and the absence of strong interlocking national, regional, and international strategies rooted in global cooperation.

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## INTRODUCTION

This paper examines human trafficking as a form of transnational organized crime. From a feminist perspective it analyses the major causes, consequences, and challenges in combating the trafficking of women and children in Nigeria. It also examines the implications of human trafficking for the security of the state and people who are victims of human trafficking networks. What efforts has the Nigerian government made to combat trafficking in women and children? How effective are such efforts and what are the challenges encountered in this fight? The study argues that the Nigerian government has not effectively tackled the challenges of human trafficking which continue to undermine the security of the victims and the nation.

Trafficking in persons, sometimes described as “modern slavery,” remains rampant in many parts of the world, including Africa, despite global and regional efforts to combat and eradicate it. Social scientists estimate that trafficking in persons around the world claims as many as 27 million victims at any time, mostly women and children, for forced labour, domestic servitude, or sexual exploitation.<sup>1</sup> Although men are also victims, the overwhelming majority of those trafficked are women and children. Men are the primary victims for labour trafficking, while women are the major victims for sex trafficking.

The *UN Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons* broadly defines trafficking as the recruitment, transportation, transfer, harbouring, or receipt of persons by means of threat or use of force or other forms of coercion, abduction, fraud, deception, use of power or position of vulnerability or giving payments or benefits for control of another person.<sup>2</sup> A *Protocol on Trafficking*, attached to the *United Nations Convention Against Organized Crime* in 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.<sup>3</sup> The *Protocol* also defines child trafficking as the recruitment, transport, transfer, harbouring, or receipt of a child (anyone under eighteen) for the purpose of exploitation even if this does not involve force, fraud, or coercion. This is a critical point because child trafficking often occurs with the consent of the parents and, sometimes, of the children themselves.

Trafficking in persons, especially women and children, for prostitution and forced labour is one of the greatest human rights challenges of our time. According to the Universal Declaration of Human Rights,<sup>4</sup> trafficking in persons for sexual exploitation, domestic servitude, and forced labour violates the fundamental rights of all persons to life, liberty, and the security of the person; freedom of movement and residence; freedom from torture or cruel inhuman or degrading treatment or punishment; the right to an adequate standard of living; and freedom from slavery in all its forms. In the countries of origin, trafficking in humans arises from human security challenges, and the plights of trafficking victims exacerbate those challenges. Thus it poses a threat to individual and collective human security as well as social progress.

While the issue of trafficking in persons has attracted increasing public awareness and concern among governments, international agencies,

and nongovernmental organizations (NGOs), the knowledge base is still relatively weak. Most of the literature focuses on victims, on mapping the problem, or on reviews of legal frameworks and policy responses, but few studies focus on the human and national security challenges to the African states which are the countries of origin, transit, and destination of the trafficked victims, and on the challenges these states encounter in combating human trafficking.

Feminist theories argue that patriarchal gender arrangements prominent in many cultures support the victimization of girls and women.<sup>5</sup> For instance, the devaluation of girls as economic burdens may lead to their abandonment by their caregivers, including the selling of girls to traffickers. Also, the severely limited availability of legitimate employment opportunities for females may force girls and women into sexually exploitive relationships, as such arrangements may provide the only viable option for survival or escape from intolerable conditions.<sup>6</sup> Feminist theories are particularly attentive to the globalization of the sex industry, which, along with the ease of air travel, has facilitated international sex trafficking as well as other forms of forced commercial sexual exploitation.<sup>7</sup>

Feminist commitments to the emancipatory goal of ending women's subordination are consistent with a broad definition of security that takes the individual, situated in her context, as its starting point.<sup>8</sup> Broadly speaking, human security shifts its focus from security of the state to security of people.<sup>9</sup> Not only do feminist perspectives establish women as a referent of security and focus on gender-related human rights abuses, they study the way in which gender stereotypes are used to establish and reproduce categories of practices, perpetrators, and victims. Women's continuing subordination is reflected in economic, educational, and work opportunity disparities between men and women. In many African countries, including Nigeria, women are subjected to limiting roles, and are frequently the most marginalised and oppressed. Many societies still favour sons and view girls as an economic burden. Women and girls, then, fall victim to traffickers because of their inferior position in African traditions and cultures, which aggravates their poverty and limits their access to education that could enable them to break the poverty trap and increase their socio-economic empowerment.

Saheed Aderinto argues that scholars of gender and sexuality in Africa have paid little attention to how the continent's history of prostitution

intersects with the global movement against illicit sexuality.<sup>10</sup> The term “white slave traffic or trade” gained popular usage from the 1870s onward and describes the condition of women and girls coerced into the sex trade by the European explorers. At that time, the International Abolition Federation and the International Bureau for the Suppression of Traffic in Women and Children adopted the term to call the attention of global institutions and governments to the plight of victims of the underground sex trade by likening forced prostitution to the infamous trans-Atlantic slave trade.<sup>11</sup> Like the trans-Atlantic slave trade, the slave traffic by white operators involved the deprivation of freedom, sexual violence, and the exploitation of women and girls who were treated as items of trade.<sup>12</sup> Thus Aderinto challenges a widely accepted assumption by social scientists and NGOs that the prostitution designated in post-colonial studies and popular literature as “human trafficking” is a “new” post-colonial challenge that “suddenly” emerged in the aftermath of the economic and social impacts of the World Bank and International Monetary Fund’s Structural Adjustment Programs of the mid-1980s. Aderinto traces the first major domestic and transnational prostitution in Nigeria to the 1920s and 1950s, when the colonialists disguised domestic and transnational prostitution as domestic slavery even though it was actually white slave traffic.<sup>13</sup>

Today it is widely known that human trafficking is a rapidly growing area of international criminal activity. Internationally, trafficking in persons has been identified as a serious threat to human security and development by governments, pressure groups, and the United Nations.<sup>14</sup> Alarming, human trafficking appears to be on the rise worldwide. Most nations are touched by it in some way, especially impoverished African countries, which serve as destination, transit, or origin countries, and whose citizens are transported to distant lands and enslaved through labour or commercial sexual exploitation. The International Labor Organization calls it the “underside of globalisation.”<sup>15</sup> Human trafficking is organized loosely by groups that are also involved in weapons and narcotics (often with the complicity of government officials) in many countries. Trafficking is a huge source of profits for organized crime, generating seven to ten billion dollars annually according to UN estimates. Its corrupting effects on governments and institutions are barely perceptible because they are less visible than those caused by weapon and drug trafficking.<sup>16</sup> Though previously in existence in forms such as prostitution, child labour, and domestic servitude, contemporary human

trafficking is an organized business much as the transatlantic slave trade was, with linkages around the globe.

Since trafficking is an underground criminal enterprise, precise statistics on the extent of the problem are lacking and estimates are unreliable. Generally, the flow of trafficking is from less developed countries to industrialized nations, or toward neighbouring countries with marginally higher standards of living. Most of the victims are sent to Asia, the Middle East, Western Europe, and North America. According to the US Department of State, tens of thousands of victims are trafficked in Africa annually, mainly to Nigeria, Gabon, Ghana, and South Africa.<sup>17</sup> African women, especially from Nigeria, are trafficked to Western Europe and the Middle East. About half of those are forced into sweatshop labour and domestic servitude. The rest are forced into prostitution and the sex industry, or in the case of young children, kidnapped and sold for adoption. It has been estimated that approximately fifty thousand of those trafficked around the world are taken to the United States.<sup>18</sup>

In West and Central Africa, this phenomenon is exacerbated by civil wars, refugees, internal displacement, harmful traditions and cultural practices, gender discrimination, the recruitment of child soldiers, and economic conditions, all of which make their citizens vulnerable to trafficking. Migrants without legal access to their desired destination often try to enter illegally, placing themselves at the mercy of ruthless organizations which charge exorbitant fees, subject them to considerable deprivation en route and, in the event of payment not being immediate, more or less indenture them into sweatshop labour or activities such as drug trafficking or prostitution. At the most fundamental level, this kind of human commodity trafficking is a gross violation of human rights and of people's essential dignity, and is even more heinous when it involves the systematic abuse of children.

An estimated 35 percent of all trafficked persons globally are children under the age of consent.<sup>19</sup> Trafficking in children for labour is a serious problem in Togo, Benin, Botswana, Zaire, Somalia, Ethiopia, Zambia, Nigeria, and Algeria.<sup>20</sup> The International Labor Organisation estimates that 200,000 to 300,000 children are trafficked within West Africa each year. UNICEF calculates that 10,000 to 15,000 West African children work in the cocoa plantations, having been sold by middlemen to farmers for the sum of \$340 each.<sup>21</sup> While many victims come willingly, they are not aware of the excruciating conditions they will face. Until recently, most countries,

even in the industrialised nations, have not been able to initiate laws that adequately deal with trafficking in women and children.

The indifference of some African governments makes women and children vulnerable to trafficking.<sup>22</sup> In most African states, governments have only recently acknowledged the problem. With the myriad of networks that smuggle women and children for labour or sexual exploitation by organized crime groups, the challenge African governments face is enormous, and human trafficking threatens both human and national security.

## THE PREVALENCE OF HUMAN TRAFFICKING IN NIGERIA

Although Nigeria is not the only country suffering from human trafficking, Nigerian groups dominate the organized trafficking networks.<sup>23</sup> According to US government data, the top five countries of origin for trafficking victims in 2012 were Nigeria, Vietnam, Albania, Romania, and China.<sup>24</sup> The 2013 Global Slavery Index stated that Nigeria had the highest number of people living in “modern slavery” in Africa.<sup>25</sup> Further, the European Police Organization (EUROPOL) has identified Nigerian organized crime related to human trafficking as one of the largest law enforcement challenges to European governments. In Italy alone, the United Nations estimates that over fifteen thousand Nigerians are entrapped, mostly against their will, into the country’s street prostitution each year, making them the largest national group trafficked for the Italian sex trade.<sup>26</sup> Nigerian human trafficking criminal networks have expanded their operations into Benin, Togo, Ghana, Mali, and South Africa.<sup>27</sup> International trafficking is mainly concentrated around Edo State and its capital, Benin City, where trafficking to Italy has helped many families escape extreme poverty. Apart from Edo, most of the trafficked girls come from Delta and Lagos states. Most range in age from fifteen to thirty-five years.<sup>28</sup> Other states with a high rate of trafficked victims are Akwa-Ibom, Cross-Rivers, Imo, Ebonyi, Lagos, Ogun, Oyo, Borno, and Kano states.

Poverty, bad governance, economic crises, unemployment, crime, corruption, and violence are part of a vicious circle adversely affecting the development of Nigerian society. These conditions contribute heavily to emigration pressure. Corruption goes far to facilitate illegal emigration. For example, the organized trafficking network specializes in forging and selling travel documents to potential human trafficking victims as well as other Nigerians who may not be aware of legal procedures for the issuance of

passports and visas.<sup>29</sup> Traffickers offer young women opportunities to travel, usually luring them with promises of lucrative jobs in Europe and other Western countries. Before the journey, the woman and the traffickers agree that she incur a debt around US\$40,000-100,000, which normally takes one to three years to pay back. The pact is sealed through sacred religious rituals and considered binding on the victims.<sup>30</sup> Once they leave, their leaders compel them to go into prostitution, ostensibly to fund their journey to these countries. Many of these women are abandoned midway and never reach the promised destination. In many cases, traffickers seize their victims' travel documents.<sup>31</sup> The victims are then told that to recover their document, they must repay the cost of their transportation and subsistence.<sup>32</sup> In the end, after having earned enough money to repay their debt, the trafficked girls may themselves end up trafficking other women for prostitution.

Although statistics on the number of Nigerians involved vary widely, the Nigerian Police Force and the Women Trafficking and Child Labor Eradication Foundation (WOTCLEF) reported that from March 1999 to April 2000, 1126 Nigerian trafficked women were deported from various countries. This figure excludes the dead, the maimed, those who sneaked back into Nigeria, and the hundreds stranded in the streets of Europe and Asia.<sup>33</sup> By December 2001 the number had risen to about 5000. WOTCLEF estimated that an average of four Nigerian girls were deported every month. Most had been trafficked to Italy, Belgium, Holland, and France.<sup>34</sup> Others had moved to the Arab World and the Far East in search of a better standard of living but were eventually lured into prostitution. The 2013 US Trafficking in Persons Report describes the case of a Nigerian woman who was trafficked from Nigeria to France:

Ogochukwu had been struggling to care for her younger brothers since her parents passed away. An acquaintance offered to take her abroad and find her a job which she accepted. Before setting off to Europe, she was taken to a juju priest to seal the deal with local magic and the "spell" called for death if she failed to fulfill her oath. She was made to join about 30 other women in an open-back truck headed toward the Sahara Desert. They finally reached their destination and were met by a "madam" in France who told her she owed travel expenses for her passage to Europe and would be forced to pay it back by selling her body. She worked the streets as many as 20 hours a day and was forced

to pay for her own food and clothes as well as for rent. Despite the juju oath, she was encouraged by a man she befriended to go to the police. This led to the arrest of her traffickers as well as Ogochukwu, for being in France illegally. She was eventually deported back to Nigeria.<sup>35</sup>

Law enforcement agents who should protect the women's human rights are sometimes in connivance with the traffickers. For example, in 2001, Guinean authorities arrested a former police officer and fifty other Nigerians in Conakry. According to the Nigerian ambassador to Guinea, thirty-three were young women between the ages of eighteen and twenty, while seventeen others were men suspected of organizing the trafficking. Ninety-five percent of those being held were from Benin, Edo State, and the former police officer among them used to work for the Benin police command. Fake Guinean passport booklets, fake flight tickets, and American dollars were recovered from the seventeen suspected traffickers.<sup>36</sup>

So far the Nigerian government's anti-trafficking approach has not been effective. As the International Labour Organization/International Programme on the Elimination of Child Labour (ILO/IPEC) has warned, continued passivity within civil society and ineffective state control could lead to the rapid institutionalisation of modern-day slavery in Nigeria and the Africa continent.<sup>37</sup> Without serious and sustained political will at the top levels of governments and throughout societies, interventions will remain anemic compared to the scope and magnitude of the problem.

## CAUSES AND CONSEQUENCES OF TRAFFICKING IN WOMEN AND CHILDREN IN NIGERIA

Scholars identify various reasons for the increase in trafficking. Poverty, insecurity, crisis, ignorance, illiteracy, collapse of the protective environment, and the decline in cultural and traditional values are contributory factors.<sup>38</sup> Even though the root causes of human trafficking are complex and interrelated, the primary causal factor is poverty. From a feminist perspective, women and children are the most vulnerable to trafficking because of their economic and social vulnerability. Broadly speaking, women are seen as inferior to men and as economic burdens. These patriarchal gender arrangements restrict their economic, educational, and work opportunities. This exacerbates women's poverty, limits their access to the education that could help them break the poverty trap, and thus leaves women and girls



vulnerable to human traffickers. Poor families who are financially unable to care for their children are more likely to be tempted to sacrifice their female children for purposes of exploitation. Some sell their daughters to brothels or traffickers for the immediate payoff and to avoid having to pay the dowry to marry off daughters.<sup>39</sup> At times, parents force their daughters into early marriages or place their young children as servants in the home of relatives or wealthier people, thereby exposing these children to traffickers. The disempowerment, social exclusion, and economic vulnerability that marginalize especially women and children, the eagerness for a better life abroad, and the expectation of higher living standards promoted in the social and mass media make many women and girls vulnerable to entrapment by traffickers. Many are ignorant of the risks to which they will be exposed and unaware of their rights or the means to protect themselves. Rather, they hope that emigrating abroad will offer them better living conditions, security, and fulfilment.

Nigeria has enormous natural and human resources and is ranked the eleventh largest producer of oil in the world. However, the debt burden and institutionalized corruption take a serious toll on the country's economy. Despite Nigeria's huge revenue (over \$60 billion a year generated from oil resources), its population is among the poorest in Africa. Nigeria consistently ranks low on the United Nations Development Program (UNDP) human development index: 156<sup>th</sup> out of 187 countries in 2011<sup>40</sup> and 152<sup>nd</sup> in 2013.<sup>41</sup> In 2012, Nigeria's National Bureau of Statistics reported that the percentage of Nigerians living in "absolute poverty" had increased nationwide from 55 to 61 percent between 2004 and 2010.<sup>42</sup> In 2013, as many as 70 percent of Nigerians lived beneath the poverty line, and the average life expectancy was less than 48 years.<sup>43</sup> Unemployment, lack of economic opportunities, and wealth inequalities are a source of deep frustration. About 32.5 million out of a population of over 150 million people are out of work.<sup>44</sup> Further, the globalization of the world economy has increased the movement of people across borders, legally and illegally, especially from poorer to wealthier countries.<sup>45</sup> This situation exposes the vulnerable to human trafficking.

The high demand worldwide for trafficked women and children as sex workers, cheap sweatshop labour, and domestic workers is also a contributing factor. Traffickers are encouraged by large tax-free profits and continuing income from the victims, often at very low risk. Even where trafficking is criminalized, investigations often do not result in convictions or appropriate

punishment of the offenders. The inadequacy of laws and law enforcement in most origin, transit, and destination countries, Nigeria included, hampers efforts to fight trafficking. Penalties for trafficking humans for sexual exploitation are often minor compared with those for other criminal activities like drug and gun trafficking. For traffickers, the profits are too high and the penalties too low to resist the trade.

As in many African countries, Nigeria's priority to stem illegal immigration has resulted in treatment of trafficking cases as a problem of illegal immigration, thus treating victims as criminals. When police raid brothels, women are often detained and punished, subjected to human rights abuses in jail, and swiftly deported. Few steps have been taken by the government to provide support, health care, and access to justice. Few victims dare testify against the traffickers or those who hold them, fearing retribution for themselves and their families since the governments do not offer stays of deportation or adequate protection for witnesses.<sup>46</sup>

Although certain chapters of the Nigerian constitution provide protection for vulnerable groups, including women and children, the sanctions against infringements of these provisions are too lenient. Prosecutions of human traffickers have been limited, even under the Penal and Criminal Codes. Most often, prosecutions never make it to court or result in acquittal. Thus, human trafficking criminal networks are frequently not held accountable for serious human rights abuses. The result is a distrust of the legal system and its punishments, and a need for strong institutional tools to identify and punish human traffickers.

The disinterest and even complicity of the government is another problem. Government law enforcement agencies may ignore the plight of trafficking victims and downplay the scope of the trafficking problem. In some cases, police and other governmental authorities accept bribes and collude with traffickers by selling fake documentation.<sup>47</sup> The high level of corruption allows trafficking networks to flourish because it provides financial advantages to the traffickers, to government officials, and to those saddled with immigration control in transit and destination countries. In addition, Nigerian police often fear reprisals from criminal gangs so they find it easier to deny knowledge of trafficking. This lowers the risk to the human trafficking networks, offers little protection for victims, and undermines the rule of law.<sup>48</sup>

Finally, the rising insecurity in Nigeria is another dimension of the

increasing incidence of internal and cross-border human trafficking. According to Amnesty International, in 2014, Boko Haram in Nigeria recruited and used child soldiers as young as twelve years old, and abducted women and girls, some of whom were subjected to domestic servitude, forced labour, and sex slavery through forced marriages to Boko Haram militants.<sup>49</sup>

The consequences of human trafficking on the victim are horrific. Trafficking violates the fundamental right of all persons to life, liberty, the security of the person, and freedom from slavery in all its forms. Victims are often subjected to mental, physical, and sexual abuse in order to keep them in servitude, including beating, rape, starvation, forced drug use, confinement, and seclusion. Trafficking exposes men, women, and children to HIV/AIDS, other sexually transmitted and infectious diseases, violence, dangerous working conditions, poor nutrition, and drug and alcohol addiction. Victims are forced to have sex, often unprotected, with large numbers of partners, and to work unsustainably long hours. They are often denied medical care and those who become ill are sometimes even killed. According to the Nigerian Committee for the Support of the Dignity of the Women (COSUDOW),

Trafficking victims are generally shocked when they realize the conditions they are forced to work under and the “grooming” methods used to “prepare” them for their new job. Some women experience repeated sexual, physical and mental violence; they are exposed to pornography and forced to use drugs. Some women have reported that they have to service up to 20 men per day. If they do not meet their quota, more money will be added to their debt, or they will have to make up their quota by working extra days. Some women reported that they have to keep working even while sick, in order to pay off their debt. Similar horrible living conditions also exist for young men who may be trafficked in labor camps or sold as a soldier.<sup>50</sup>

Women and children who are victims of human trafficking face the threat of social exclusion and exposure to crime. The loss of the family support network makes the trafficking victim more vulnerable to the traffickers’ demands and threats. Many victims cannot seek protection from authorities for fear of being jailed or deported; without effective witness protection, victims are unlikely to come forward to assist prosecutors.<sup>51</sup> Trafficking interrupts the passage of knowledge and cultural values from parent to child

and from generation to generation, weakening a core pillar of Nigeria and most African societies. If and when trafficked victims return to Nigeria, they are often stigmatized and ostracized from their family and friends. As their ties to society erode, returned victims often have nowhere to go, and they become involved in criminal activities such as drug trafficking, theft, and prostitution.

Trafficking undermines the rights of a child to grow up in the protective environment of a family and be free from abuse and exploitation. Forcing children to work at an early age and subjecting them to ten to twenty hours of work per day denies them access to the education necessary to break the cycle of poverty and illiteracy that makes conditions ripe for trafficking. It also denies them a healthy childhood development, both socially and physically. Severe psychological trauma from separation, coercion, sexual abuse, and depression often leads to a life of crime, drug and alcohol addiction, and sexual violence. Trafficked children are less likely to participate in immunisation programs, defeating Nigerian government efforts to eradicate early childhood diseases.

Trafficking also deprives thousands of Nigerians of their lives every year. According to Kathleen Fitzgibbon, hundreds of children have died on the high seas between West and Central Africa and over one hundred women died crossing the Strait of Gibraltar to Europe. In one year at least 168 victims of sexual exploitations were killed in Italy. An ILO/IPEC survey in Nigeria found that one out of every five trafficked children dies from mishaps or disease.<sup>52</sup> With these deaths and departures to other countries, women and children do not contribute to the development of their own country. Thus trafficking erodes Nigeria's human capital at the national level.

## THE IMPLICATIONS OF HUMAN TRAFFICKING FOR SECURITY IN NIGERIA

Not only do human traffickers violate individuals' human rights and undermine their security, they also pose multiple security challenges to governments, especially if government institutions are weak. First, human traffickers may initiate a direct frontal assault on the state, killing members of the judiciary and law enforcement personnel. Louise Shelley and John Picarelli argue that such attacks are driven by economic rather than political motives since these internationally organized criminals do not seek to bring

down a state; rather, they wish merely to retaliate for or immobilize the state's actions against them.<sup>53</sup> Despite the cost, Nigeria's government is able to tackle these assaults.

Human trafficking also threatens national security in its link to transnational organized crime, for in many states, including Nigeria, international criminal networks that support mafia-like organizations undermine the state's sovereignty over particular areas. A growing realisation through the 1980s and 1990s was that the rise of transnational organized crime is closely connected with the weakness of states and their inability to control their territorial borders.<sup>54</sup> The uncontrolled flow of illegal migrants and refugees across porous borders heightens competition over scarce resources, exacerbates ethnic and sectarian tensions, and adds stress on already weak state institutions.<sup>55</sup> Porous borders allow politically organized non-state actors access to territory and population groups that can be used for political mobilization, which in turn can lead to the emergence of refugee warrior communities. Refugee flows can act as conduits that regionalize and internationalize internal conflicts with disastrous consequences for weak states, as seen in Africa's Great Lakes region.<sup>56</sup> The high levels of illegal migration and the failure to control territorial borders strengthen the perception of weakness and can precipitate security challenges such as those of Boko Haram in Nigeria. The porous and ungoverned territories along Nigeria's borders with Benin, Cameroon, Niger, and Chad complicate this further. Given the emergence of organized criminal networks around illegal migration and the vast amounts of money involved, such operations erode normal governance and present real threats to national sovereignty.

When criminal networks take over law enforcement functions, monopolize violence at the local level, and engage in distributive and service-providing activities normally associated with the state, a local dependence on international networks of organized crime develops.<sup>57</sup> In Nigeria, where trafficking operates freely, the strong presence of organized crime leads to a lack of security, instability, and ultimately a lack of confidence in the government to protect its people, community, and country.<sup>58</sup> A legitimate state apparatus must both be fair and just, and be widely seen to be so. But this is difficult when there is a widespread perception that the servants of the state are benefitting directly or indirectly from the activities of criminal organizations. Further, once a trafficking network is functioning effectively, product diversification is easy. Organizations that traffic in drugs can as easily traffic

in arms, people, cultural and intellectual property, or the technologies and components for weapons of mass destruction.

Nigeria's security planning will likely continue its familiar preoccupation with military threats, even as the concept of security is broadened to incorporate other challenges that are less overt but no less damaging to the nation's political, economic, and social well-being. Movement towards democracy and the free market needs to be accompanied by effective long-term strategies aimed at both nation- and state-building. Nigeria's vulnerability to new transnational threats posed by criminal networks that maximise illicit business opportunities while minimising the risks posed to them by law enforcement makes the implementation of these nation-building strategies very difficult.

#### CONSTRAINTS ON EFFORTS OF THE NIGERIAN GOVERNMENT TO COMBAT TRAFFICKING IN WOMEN AND CHILDREN

In its efforts to combat trafficking in women and children, the Nigerian government faces many challenges. First, the difficulty of identifying and apprehending the external collaborators makes it very hard to establish the link between procurers of trafficked victims within Nigeria and their external collaborators.

A second constraint is socio-economic. Nigeria faces a plethora of economic and political problems, severe resource constraints that limit the training and equipping of effective law enforcement agencies, and high levels of institutional corruption that undermine those anti-crime measures actually put into effect.<sup>59</sup> Criminal justice agencies lack adequate resources, are poorly trained for their new responsibilities, and face formidable adversaries. Criminal and drug-trafficking organizations, in contrast, have abundant resources, excel at discovering new criminal opportunities, and have inbuilt defence mechanisms, including the capacity for both violence and corruption. Another form of weakness is the Nigerian state's inability to provide adequate social services for its citizens. This type of weakness creates pressures and incentives for Nigerian citizens to engage in criminal activities such as human trafficking.

Perhaps the greatest difficulty is corruption. Instead of counseling and enhancing the victims' rehabilitation, the Nigerian police often aggravate their predicament by subjecting them to persecution and extortion while

they are in holding cells, thus hindering efforts to curb this human rights abuse. Also, the fact that women have successfully traversed the various borders without detection points to collusion between the traffickers and some government agencies. Trafficking is linked to state corruption through the activities or non-action of law enforcement, customs, immigration, and banking personnel. According to Osita Agbu, the volume of human trafficking correlates closely with the level of corruption in the agencies that directly deal with immigration and organized crime.<sup>60</sup> This corruption, which erodes both the effective functioning and the integrity of state institutions, threatens the rule of law in Nigeria more broadly.

The relationship between corruption and trafficking in humans can be measured with instruments such as Transparency International's Corruption Perceptions Index (CPI) and the United States Trafficking in Persons List (TIP). Together, the CPI and TIP permit a determination of the extent to which a country tolerates trafficking in or through its territory and the extent to which it is seen to be corrupt. The expected standards under TIP include national laws prohibiting and punishing acts of trafficking, laws prescribing commensurate punishment for "grave crimes" (such as trafficking involving rape, kidnapping, or murder), actions sufficiently deterrent to prevent trafficking, and serious and sustained efforts to eliminate trafficking.

The US government and Transparency International compile annual Trafficking in Persons lists and rank countries according to how fully they meet minimum standards to combat human trafficking. Tier 1 ranks countries whose governments fully comply with the Trafficking Victims Protection Act's minimum standards for the elimination of trafficking, and Tier 2 lists states that do not meet these minimum standards but are recognized as working to do so. Nigeria was in Tier 1 from 2009 to 2011 but dropped to Tier 2 from 2012 to 2014.<sup>61</sup> The TIP and CPI studies and the US Anti-Trafficking Act confirm that trafficking in persons is often aided by official corruption in countries of origin, transit, and destination.

In addition to these global bodies, Nigerian NGOs and the Nigerian government are also active to combat human trafficking. Worthy of mention are the National Council of Women Societies, COSUDOW, the International Federation of Women Lawyers, and WOTCLEF.<sup>62</sup> WOTCLEF has been in the forefront of advocacy aimed at educating the Nigerian public, especially vulnerable groups, about the extent of this problem and the need to check its continued rise. The NGOs visit many states in the country

and have established vanguards or clubs in many secondary schools and institutions of higher education.<sup>63</sup> These activities do much to expose the dimensions of this trade in Nigeria and bring aid to victims.

Nigeria's Criminal Code of 1904 and the Penal Code of 1960 criminalize trafficking in women.<sup>64</sup> However, failing to accurately define what constitutes trafficking and leaving its various forms unaddressed, the penal codes do not deal with the issue comprehensively enough. Instead, they only define those offences related to external and internal trafficking for prostitution and slavery.<sup>65</sup> In response to pressure from women, human rights groups, and the international community, Nigerian authorities are expanding efforts to combat the trafficking in women and children. In December 2000, Nigeria became signatory to the *Transnational Organized Crime Convention* and its *Trafficking Protocol*. To tackle child trafficking, Nigeria ratified the *Convention on the Rights of the Child*, which was implemented by the *Child Rights Act* of 2003. The Act deals comprehensively with the issue of child trafficking but not all of Nigeria's states have adopted it, so its effectiveness cannot be fully measured. Nigeria is one of the few African countries to have passed a national law against trafficking, the *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003*. This law, first sponsored by WOTCLEF, is helping to harmonize the existing laws, prevent trafficking, prosecute traffickers, and protect the trafficked. The government also established the National Agency for Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) in 2003. Section 4 of the *Trafficking* law empowers the NAPTIP to coordinate all the human trafficking laws in the country, with all laws at the state level subordinate to the national law.

Although Nigeria's *Trafficking* law provides a unified approach for the first time, it has shortcomings. For example, although the law uses the definition of trafficking in persons given in the UN-sponsored *Palermo Protocols* adopted to supplement the UN's *Convention against Transnational Organized Crime* (2000), it deals more extensively with trafficking for prostitution and sexual exploitation than with trafficking for other forms of labour. This limits its scope and misses the breadth of the *Palermo Protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition*.<sup>66</sup> Further, even



as amended in 2005, the law's provisions to protect trafficked persons and witnesses are inadequate, and thus it falls short of the recommended human rights standard.<sup>67</sup> The amendments of 2005 increased the penalties for trafficking offenders and prohibit all forms of human trafficking. However, the penalties for labour trafficking offenses—five years of imprisonment, or a fine not to exceed the equivalent of approximately \$645, or both—are too weak, not proportionate to the crimes committed. In the case of trafficking for sexual exploitation, the law mandates ten to fifteen years of imprisonment, a fine of the equivalent of approximately \$1,250, or both. Loopholes in the law, which include delays in criminal trials and options of a fine instead of imprisonment, encourage traffickers to continue their crimes and fail to deter to others who may want to engage in human trafficking. To address these loopholes, NAPTIP introduced amendments that would give prosecutors more authority and restrict the ability of judges to offer fines in lieu of prison time during sentencing, but Nigeria's government has not yet passed this draft legislation.

The establishment of NAPTIP in 2003 is an important step in the government's efforts to combat human trafficking. According to its Director of the Prosecution and Legal Department, by 2006 NAPTIP had convicted some fifty-four traffickers. This number appears insignificant considering the enormity of the human trafficking challenge, but in May 2006, the NAPTIP headquarters were raided by armed men who destroyed computers, documents, and archives, apparently in an attempt to obstruct its anti-trafficking operations.<sup>68</sup> This suggests that traffickers consider NAPTIP a real threat.

A major challenge to NAPTIP's anti-trafficking efforts is the shortfall of funding to conduct its activities, particularly the prosecution of trafficking offenders, provision of adequate care for victims, and investigations. NAPTIP struggles to meet victims' needs such as legal advice, police protection, safe houses, resettlement in a different state or area, and new identities. Moreover, as the 2013 US Trafficking in Persons Report indicated, despite the growing number of Nigerian trafficking victims identified abroad, the government has yet to implement formal procedures for their return and reintegration. Consequently, many victims lack adequate care upon their return to Nigeria. This government inaction hinders efforts to protect victims who are denied asylum or victim programs in their country of destination on the assumption that adequate victim services are available in Nigeria.

Legislation has been passed against money laundering, but it is not vigorously implemented, and leaders of these organizations accumulate considerable wealth. Not surprisingly, the success of Nigerian criminal organizations has bred imitation, as individuals and groups from Ghana, Benin, and Sierra Leone have become involved in transnational crime, especially drug trafficking.<sup>69</sup> While law enforcement agencies have had some successes, Nigerian crime organizations have built-in risk management mechanisms. The use of various dialects, for example, reduces the usefulness of wire-tapping and other electronic surveillance devices.

To combat trafficking and protect victims successfully, countries need adequate legislation criminalizing trafficking in persons and must protect and extend rights to victims while handing down punishment commensurate with the seriousness of the offence. To fully implement and enforce national law and requirements under regional and international conventions, protocols, and agreements, governments must have the political will and commitment, financial and personnel resources, and expertise. Nigeria's government has not fully addressed these concerns.

A first priority is to engage corruption directly. Drawing inspiration from the *Corrupt Practices and Economic Crime Draft Decree* of 1990, the government of former President Olusegun Obasanjo drafted and signed into law the *Corrupt Practices and Other Related Offences Act, 2000*. The Act, prohibiting and prescribing punishment for the hydra-headed problem of corrupt practices and related offences, established an Independent Corrupt Practices and other Related Offences Commission (ICPC).<sup>70</sup> Successive governments after Obasanjo have also made efforts to fight corruption through the ICPC and the Economic and Financial Crime Commission. Though commendable, these efforts have largely failed, as Nigeria is continually ranked among the world's most corrupt countries in the Transparency International Corruption Perception Index. Given the problems with its criminal justice system, not the least of which are its technicalities and inadequate enforcement agencies, without serious ongoing political will by Nigerian governments, it seems Nigeria's laws cannot effectively control corruption.

## CONCLUSION

In Nigeria, corruption and violence are strongly interrelated and pervade society in a way that surpasses many other countries, and Nigerian groups dominate the organized human trafficking network in West Africa. The

trafficking networks have been able to offer young women the opportunity to travel to Europe and other Western countries. These offers involve varying degrees of fraud. Although an increasing number of the recruited women are aware that they will be working as prostitutes, they are often not aware of the circumstances in which they will be expected to do so. Poverty and the lack of opportunity are breeding grounds that facilitate the recruitment of youths into human trafficking networks.

Any effort at addressing the problem of human trafficking must revisit the issue of corruption in high and low places, especially in government bureaucracy and other relevant agencies. Personnel of these agencies must understand the implications of their actions and inactions on issues pertaining to trafficking in women and children. That said, however, corruption in the public sector is in fact induced by private sector corruption. There is a need to address corruption in both the private and public sectors.

Not only high profits but also low risks make the trafficking business attractive. Human traffickers face a low risk of arrest, prosecution, or other negative consequences. Traffickers in Nigeria have exploited the lack of rule of law, the non-implementation of existing anti-slavery laws, the corruption of judicial systems, and legal defects that allow minimal punishment not commensurate with the gravity of the offence. These institutional lapses must be addressed to ensure that convicted human traffickers serve adequate and strict sentences.

While the government has a number of development programs already in place, it should more explicitly address the root causes of human trafficking and other organized crime. These include a human rights approach that addresses the victims' situation and structural factors such as high rate of poverty, high unemployment rates, corruption, and gender discrimination. Considering the negative impact of human trafficking on national health, security, and development, it is vital to initiate closer collaboration between source and destination countries. This involves interlocking national, regional, and international strategies rooted in global cooperation to prevent and prosecute traffickers, and protect victims.

No single country can reduce trafficking in persons and other transnational organized crimes unilaterally. A restructuring of the international order and increased international cooperation are required. The Nigerian government recently forged a partnership with destination countries such as Italy and England in its bid to protect trafficked persons and punish

traffickers. This attention to the longstanding problem of human trafficking by mobilising communities, governments, and the international community is a step in the right direction.

#### ENDNOTES

1. US Department of State, *Trafficking in Persons Report* (Washington, DC: Government Printing Office, 2013), preface.
2. United Nations, *UN Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (New York: United Nations, 2003).
3. United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime* (New York: United Nations, 2000).
4. United Nations, *United Nations Universal Declaration of Human Rights* (New York: United Nations, 1948).
5. Kathryn Farr, *Sex Trafficking: The Global Market in Women and Children* (New York: Worth, 2005), 262; Merry Morash, *Understanding Gender, Crime, and Justice* (Thousand Oaks, CA: Sage, 2006); Sheila Jeffreys, *The Industrial Vagina: The Political Economy of the Global Sex Trade* (New York: Routledge, 2009).
6. Farr, *Sex Trafficking*, 262.
7. Farr, *Sex Trafficking*, 262.
8. J. Ann Tickner, *Gendering World Politics* (New York: Columbia University Press, 2001), 48.
9. Jennifer K. Lobasz, "Beyond Border Security: Feminist Approaches to Human Trafficking," *Security Studies* 18 (2009): 319-44.
10. Saheed Aderinto, "The Problem of Nigeria is Slavery, Not White Slave Traffic," *Canadian Journal of African Studies* 46, no. 1 (2012): 1-22.
11. Aderinto, "The Problem of Nigeria," 4.
12. Aderinto, "The Problem of Nigeria," 5.
13. Aderinto, "The Problem of Nigeria," 1.
14. Stoecker, "Rise in Human Trafficking," 129-31.

15. International Labor Organisation, *Combating Trafficking in Children for Labor in West and Central Africa* (Geneva: International Labor Organisation, 2000): 13.
16. Sally Stoecker, "The Rise in Human Trafficking and the Role of Organized Crime," *Demokratizatsiya* 8 (2000): 129-31.
17. International Labor Organisation, *Combating Trafficking*, 13.
18. Gail Wannenburg and Nuria Giralt, "West Africa: A Review of the Region," in *South African Yearbook of International Affairs* 4 (2003): 83.
19. Wannenburg and Giralt, "West Africa," 83.
20. International Labor Organisation, *Combating Trafficking*, 13.
21. Kathleen Fitzgibbon, "Modern-Day Slavery? The Scope of Trafficking in Persons in Africa," *African Security Review* 12, no. 1 (2003): 81-89.
22. Karin Davies, "Slave Trade Thrives in Sudan," *Los Angeles Times*, 3 May, 1998.
23. Gail Wannenburg, "Organized Crime in West Africa," *African Security Review* 14, no. 4 (2005): 5-16.
24. US Department of State, *Trafficking in Persons Report* (Washington, DC: Government Printing Office, 2012).
25. Global Slavery Index 2013 (Dalkeith, Australia: Walk Free Foundation, 2013), <http://www.globalslaveryindex.org/country/australia/>.
26. Jill Craig, "Nigerians Become Most Trafficked Into Italy's Sex Trade," *Voice of America*, 3 May 2012.
27. Craig, "Nigerians."
28. Adebayo Olukoshi, *West Africa's Political Economy in the Next Millennium: Retrospect and Prospect* (Oxford, UK: CODESRIA and Oxfam GB/I, 2001), 4.
29. Olukoshi, *West African's Political Economy*, 4.
30. Olukoshi, *West Africa's Political Economy*, 4.
31. International Organization for Migration (IOM), *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study* (Geneva: IOM Migration Research Series, 15: 2003): 8.

32. International Organization for Migration *Trafficking in Human Beings*, 8.
33. World Bank, *Can Africa Claim the 21st Century?* (Washington, DC: Government Printing Office, 2000), 90.
34. Olukoshi, *West Africa's Political Economy*, 4.
35. US Department of State, *Trafficking in Persons Report*.
36. Olukoshi, *West Africa's Political Economy*, 4.
37. Fitzgibbon, "Modern-Day Slavery," 88.
38. Osita Agbu, "Corruption and Human Trafficking: The Nigerian Case," *West Africa Review* 4, no. 1 (2003): 1-11.
39. Agbu, "Corruption and Human Trafficking," 8.
40. United Nations Development Program, *Human Development Index* (New York: United Nations, 2011).
41. United Nations Development Program, *Human Development Index* (New York: United Nations, 2013).
42. National Bureau of Statistics, *Nigeria Poverty Profile 2010* (Abuja, Nigeria: January 2012), 15.
43. Stakeholders Democracy Network, *Communities not Criminals: Illegal Oil Refining in the Niger Delta* (London: 2013), <http://www.stakeholderdemocracy.org>.
44. "Taming the Beast of Unemployment," *The Punch*, 27 September 2011.
45. Daniel J. Smith, *A Culture Of Corruption: Everyday Deception and Popular Discontent in Nigeria* (Princeton and Oxford: Princeton University Press, 2007).
46. Raimo Vayrynen, "Illegal Immigration, Human Trafficking, and Organized Crime," Helsinki: United Nations University, World Institute for Development Economics Research, Discussion Paper No. 2003/72 (2003).
47. Agbu, "Corruption and Human Trafficking," 8.
48. Agbu, "Corruption and Human Trafficking," 8.

49. Amnesty International, *More Than 1,500 Killed in Armed Conflict in North-Eastern Nigeria in Early 2014* (London: Amnesty International, 2014), <http://www.amnesty.org>.
50. COSUDOW and P. Ebegbuen, *Trafficking in Women and Girls. It is Violence against Women. A Handbook for Schools* (Ibadan, Nigeria: Bookbuilders, 2011).
51. Fitzgibbon, "Modern-Day Slavery," 87.
52. Fitzgibbon, "Modern-Day Slavery," 86-87.
53. Louise I. Shelley and John T. Picarelli, "Methods not Motives: Implications of the Convergence of International Organized Crime and Terrorism," *Police Practice and Research* 3, no. 4 (2002): 305-18.
54. John Torpey, *The Invention of the Passport: Surveillance, Citizenship, and the State* (Cambridge: Cambridge University Press, 1999), 10.
55. Alan Dowty and Gil Loescher, "Refugee Flows as Grounds for International Action," *International Security* 21, no. 1 (1996): 43-71.
56. Stephen J. Stedman, "Conflict and Conciliation in Sub-Saharan Africa," in *The International Dimensions of Internal Conflict*, ed. Michael E. Brown (Cambridge, MA: MIT Press, 1996), 235-65.
57. Louise I. Shelley, "Transnational Organized Crime: The New Authoritarianism," in *The Illicit Global Economy and State Power*, ed. H. Richard Friman and Peter Andreas (Lanham, MD: Rowman and Littlefield), 25-52.
58. Shelley, "Transnational Organized Crime," 43.
59. Graham H. Turbiville, Jr., *Mafia in Uniform: The Criminalization of the Russian Armed Forces* (Fort Leavenworth, Kansas: Foreign Military Studies Office, 1996), 12.
60. Agbu, "Corruption and Human Trafficking," 8.
61. US Department of State, *Trafficking in Persons Report*.
62. US Department of State, *Trafficking in Persons Report*.
63. Agbu, "Corruption and Human Trafficking," 10.
64. Nigeria's Criminal Code, 1904; Nigerian Penal Code, 1960.
65. UNICEF Report on Nigeria, *The Situation Assessment and Analysis*

*Report* (2001): 234-45.

66. Palermo Protocol, [https://en.wikipedia.org/wiki/Palermo\\_protocols](https://en.wikipedia.org/wiki/Palermo_protocols).
67. Global Alliance Against Traffic in Women, Human Rights Standards for the Treatment of Trafficked Persons, Third edition (2001); UNESCO, Human Trafficking in Nigeria: Root Causes and Recommendations. Policy Paper Poverty Series no. 14 (2006): 2.
68. "Armed Men Invade NAPTIP Headquarters," *Nigeria Direct*, 30 May 2006.
69. Craig, "Nigerians."
70. "The Corrupt Practices and Other Related Offences Act," *New Nigerian*, 15 September 2000.