

Nigeria: human trafficking and migration

by Victoria Ijeoma Nwogu

Readmission agreements between Nigeria and migrant destination countries fail to comply with international standards for the protection of migrants' and trafficked persons' rights.

Longer life expectancy and low fertility rates in developed countries have spurred demand for migrant workers. With a huge and predominantly young population in search of a better life, Nigerians constitute the largest population in a growing flow of migrants from developing countries. However, reluctance by policy makers in receiving countries to recognise and facilitate immigration has fuelled human trafficking. The great majority of those who are trafficked are migrant workers who originally chose to leave home in search of an improved standard of living but – when faced by restrictions on immigration – are forced to turn to traffickers and smugglers.

A key dimension of trafficking-migration is the need for protection of the rights of migrant workers. Protection has potential to greatly reduce trafficking and empower migrants to use legal means to get themselves out of abusive/exploitative situations. If migrant workers are protected, they can go to authorities to claim non-payment of wages and report abusive employers without fear of immediate deportation, thus helping to stop trafficking and reduce workplace exploitation.

Human trafficking rife in Nigeria

UNICEF estimates that profits from human trafficking in West Africa are only exceeded by trade in guns and drugs. Nigeria's international trade in people can be seen as an extension of domestic trafficking, which is extensive. Poor families have traditionally sent boys and girls they have trouble feeding - or cannot provide a future for - to work in wealthier homes. Some-

times, this is benign – a form of fostering that gives the child a better start in life – but sometimes it is thinly-veiled slavery.

Children from Nigeria's southern and eastern states are trafficked to Nigerian cities and other West African countries for exploitation as domestic servants, street hawkers and forced labourers. Children from Togo and Benin are trafficked to Nigeria for forced labour. Over twelve million children are engaged in child labour in Nigeria. The Women's Consortium of Nigeria has found that a large percentage of these children are trafficked victims.¹ Most of Nigeria's 36 states have not endorsed the federal government's Child Rights Act.

The US State Department notes that Nigeria is a major source, transit and destination country for trafficked women and children.² Nigerians are trafficked to Europe, the Middle East and other countries in Africa for the purpose of sexual exploitation, forced labour and involuntary domestic servitude. Nigerian girls and women are trafficked for sexual exploitation to Europe – particularly Italy (where there may be 10,000 Nigerian prostitutes), Spain, Belgium and the Netherlands – and other African countries. They leave Nigeria via well-established trading routes, often by road across the Sahara. Girls start out thousands of dollars in debt to the traffickers and before departure may be taken to witch doctors and sworn to repay their debt and keep quiet. The witch doctors typically keep a lock of their hair or some toenail clippings and warn them that they

will die if they break their oath. Once they have paid off their debts, many are denounced to the authorities and sent penniless back to Nigeria. Trafficking-related corruption is a serious obstacle to Nigerian anti-trafficking efforts. Investigations into the alleged complicity of law enforcement officials in trafficking activities have not led to prosecutions.

Trafficking of persons between nations of the Economic Community of West African States (ECOWAS) is extensive. UNICEF reports that children are trafficked both in and out of Benin and Nigeria. A protocol allowing for the free movement of persons – as long as they have authorised documentation – between ECOWAS states has contributed to regional growth but has also encouraged the growth of transnational crimes, including trafficking. Corrupt and inept border officials allow people to cross frontiers without documentation and their movements go unrecorded.

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Bilateral agreements

Nigeria has endorsed most international instruments on human trafficking and has played a key role in ECOWAS anti-human trafficking initiatives.³ In addition Nigeria has entered into various bilateral agreements and memoranda of agreement on immigration matters with individual countries within and outside Africa that relate directly to the problems of human trafficking, forced labour and migration in general. In entering into these bilateral agreements Nigeria has overlooked the importance of negotiating better conditions of admittance and residence for its migrant labourers. The agreements focus mostly on procedures for repatriation of Nigerian nationals.

Among the countries with which Nigeria has signed agreements are:

Italy: In theory, Italy is committed to ensuring that trafficking victims who denounce their abusers and testify against them will be given the same scale and type of protection as those who speak out against the Mafia. In practice, there is vagueness and ambiguity. There has been a recent wave of repatriation of Nigerian girls (mostly victims of human trafficking) from Italy. The agreement does not make any specific mention of human trafficking, nor clarify the conditions under which victims of human trafficking are repatriated. Deported women have claimed they were denied the opportunity to take advantage of legal provisions. Many Nigerian women deported from Italy have harrowing tales to tell of the indignities they suffered. Detained in holding centres prior to being put on flights to Nigeria, they are not allowed to return to places of residence to collect clothes and others belongings they have acquired during their stay.

Spain: The agreement with Spain does refer to victims of human trafficking and provides guarantees that those repatriated may take with them any legally acquired personal belongings. The agreement specifies joint measures to combat illegal migration, facilitate repatriation, exchange information on trafficking networks and establish skills acquisition centres in Nigeria for those who have been repatriated and mechanisms for legal access of Nigerian workers to Spain. The extent of actual implementation of this agreement is still vague.

UK: A memorandum of understanding refers to the joint need to combat human trafficking and address the poverty which drives Nigerians to entrust their fate to traffickers. Recognising the need for greater sensitivity of UK immigration and law enforcement officers, it is less condescending than the other agreements - which all assume a one-way flow of technical assistance with Nigeria always at the receiving end. It calls for common strategies to

ensure the protection of trafficked persons and technical and institutional capacity building to prevent trafficking, protect victims and prosecute offenders. It also refers to programmes to provide counselling for the physical, psychological and social recovery of trafficking victims. In reality, however, the human rights standards are hardly applied during the process of repatriation of Nigerians trafficked to the UK.

Benin: Concern about smuggling, cross-border crimes, human and drug trafficking and illegal immigration led Nigeria and neighbour state Benin to sign an agreement in 2003 to work together to identify, investigate and prosecute agents and traffickers and return victims to their country of origin. Both governments have been preoccupied with repatriation and neglected the human rights of trafficked persons. A notorious case involved a large group of Beninese children found working in illegal stone quarries in Ogun State in 2003 who were repatriated without proper investigation of their circumstances, wishes and best interests. Some had been trafficked to Nigeria at such a young age they had lost all contact with their homes.

Recommendations

- Nigeria should ratify all the necessary ILO Conventions for the protection of the rights of migrants and their family members.
- The ECOWAS Protocol on Free Movement of Persons should be strengthened to prevent it from serving as a stumbling block to the protection of migrants' rights and prevention of human trafficking.
- Nigeria should negotiate bilateral agreements to protect Nigerian migrants and regularly review implementation of the agreements.
- Nigerian consular offices in destination countries should provide information to migrants about their rights and how to seek help.
- Governments of destination countries need to enact and enforce laws which criminalise

and punish forced labour and regularise the status of immigrants.

- Governments of destination countries should honour commitments made in bilateral agreements to offer capacity-building and institutional support to Nigerian government agencies charged with tackling the problem of human trafficking.
- Governments of destination countries should guarantee the humane treatment of victims of human trafficking during repatriation, specifically allowing them to leave with their personal belongings.
- Labour and social welfare inspectors in destination countries should be encouraged to take action when they find extreme working conditions and immigrants in urgent need of medical care.
- Law enforcement officers in destination countries handling smuggling, labour abuse and sexual abuse cases should be trained to identify trafficking and to develop more positive attitudes towards victims of human trafficking.

For many Nigerians, migration holds the key to better economic opportunities but a large number of those who migrate face abusive and exploitative conditions without effective access to legal protection. Migrant women are particularly vulnerable.

Destination countries must do more to guarantee the rights of migrants in conformity with international standards. In Nigeria, it is vital to increase public understanding of the rights of women and children and the consequences of trafficking.

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2. <http://gvnet.com/humantrafficking/Nigeria-2.htm>
3. www.unodc.org/pdf/crime/trafficking/Declarationr_CEDEAO.pdf