

Human Trafficking (women and Children): Agencies and Networks

It is my pleasure to discuss the subject of human trafficking with you today. Human trafficking is best understood when one considers the plight of the victims of the crime, we shall therefore be considering this crime from the angle of the victims and see how they can be assisted to recover themselves and become functional members of their society.

What is Human Trafficking?

In its most simple definition, human trafficking or trafficking in persons is a modern form of slavery. It involves controlling a person through force, fraud or coercion to exploit the victim for forced labour, sexual exploitation or both.

It is a multi billion dollar criminal industry that denies freedom to 20.9 million people around the world. No matter where you live, chances are that it is happening nearby from the girl forced into prostitution at the truck stop to the man discovered in a restaurant kitchen stripped of his passport and held against his will. All human trafficking victims share one essential experience: the loss of freedom—Polaris project

Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs

On the basis of the definition given in the Trafficking in Persons Protocol, it is evident that trafficking in persons has three constituent elements:

The Act (What is done)

Recruitment, transportation, transfer, harboring or receipt of persons

The Means (How it is done)

The use of force, threats, coercion, abduction, fraud, deception etc

The Purpose

Behind every case of human trafficking lies exploitation.

In the words of article 3 of the Trafficking Protocol, "exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. These are usually done with the seeming 'consent' of the victims.

The following issues stand out in Human Trafficking:

- Consent: Human trafficking victims either consented or never consented to being trafficked however if they initially consented, that consent is rendered meaningless by the coercive, deceptive or abusive action of the traffickers.
- Exploitation – Human trafficking involves the exploitation of the victim. This is the primary purpose of Trafficking.
- Trans nationality - Trafficking can occur regardless of whether victims are taken to another state or moved within a state's borders.

- Source of profits Human traffickers derive profits from the exploitation of their victims.

Purpose of Human Trafficking

Trafficking in person often occurs from less developed countries where people are rendered vulnerable to trafficking by virtue of poverty, conflict or other conditions to more developed countries. Example of this is Nigeria. Nigeria is also a transit state since some victims of trafficking pass through Nigeria to their destination

It has been established that Europe is the destination for victims from widest range of source states while victims from Asia are trafficked to the widest range of destinations. The Americas are also prominent both as the origin and destination of victims of human trafficking.

In UNODC's Global Report on Trafficking in Persons, sexual exploitation was noted as by far the most commonly identified form of human trafficking (79%) followed by forced labour (18%). This may be the result of statistical bias. By and large, the exploitation of women tends to be visible, in city centres or along highways. Because it is more frequently reported, sexual exploitation has become the most documented type of trafficking, in aggregate statistics. In comparison, other forms of exploitation are under-reported: forced or bonded labour; domestic servitude and forced marriage; organ removal; and the exploitation of children in begging, the sex trade and warfare.

Victims of trafficking can be any age, and any gender. However, a disproportionate number of women are involved in human trafficking both as victims and as culprits. Female offenders have a prominent role in human trafficking, particularly where former victims become perpetrators as a means of escaping their own victimization. Most trafficking is carried out by people whose nationality is the same as that of their victim.

Human trafficking is mostly a form of organized crime and victims of the crime are mostly used in other organized criminal activities for trafficking. Trafficked persons however are seen as victims of crime. Support and protection of victims is a humanitarian objective and an important means of ensuring that victims are rehabilitated and reintegrated into their societies willing and able to assist in criminal cases.

As with other forms of organized crime, human trafficking has globalized. Groups formerly active in specific routes or regions have expanded the geographical scope of their activities to explore new markets. Some have merged or formed cooperative relationships, expanding their geographical reach and range of criminal activities. This makes it easy for victims to be transported across borders for criminal activities. In addition to this, trafficked victims have become another commodity in a larger realm of criminal commerce involving other commodities, such as narcotic drugs and firearms or weapons and money laundering, which generate illicit revenues or seek to reduce risks for traffickers.

The relatively low risks of trafficking and substantial potential profits have, in some cases, induced criminals to become involved as an alternative to other, riskier criminal pursuits.

Risks are further reduced by the extent to which victims are intimidated by traffickers, both in destination countries, where they fear deportation or prosecution for offences such as prostitution or illegal immigration, and in their countries of origin, where they are often vulnerable to retaliation or re-victimization if they cooperate with criminal justice authorities. The support and protection of victims is a critical element in the fight against human trafficking to increase their willingness to cooperate with authorities and as a necessary means of rehabilitation.

Criminalization Of Human Trafficking

With the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially

Women and Children, supplementing the UN Convention against Transnational Organized Crime in November 2000, countries have begun to develop the necessary criminal offences and enforcement powers to investigate, prosecute and punish traffickers and to confiscate their profits.

The definition contained in article 3 of the Trafficking in Persons Protocol is meant to provide consistency and consensus around the world on the phenomenon of trafficking in persons. Article 5 therefore requires that the conduct set out in article 3 (i.e. the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery) be criminalized in domestic legislation. Domestic legislation should be adapted in accordance with domestic legal systems to give effect to the concepts contained in the Protocol.

In addition to the criminalization of trafficking, the Trafficking in Persons Protocol requires criminalization also of:

- Attempts to commit a trafficking offence
- Participation as an accomplice in such an offence
- Organizing or directing others to commit trafficking
- National legislation should adopt the broad definition of trafficking prescribed in the Protocol.

The legislative definition is dynamic and flexible and empowers the legislative framework to respond effectively to trafficking which:

- Occurs both across borders and within a country (not just cross-border)
- Is for a range of exploitative purposes (not just sexual exploitation)
- Victimized children, women and men (Not just women, or adults, but also men and children)
- Takes place with or without the involvement of organized crime groups.

The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) was created on 14th of July 2003 by the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2003. The Agency is the Federal Government of Nigeria's response to addressing the scourge of trafficking in persons. It is a fulfillment of the country's international obligation under the Trafficking in Persons Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Transnational Organized Crime Convention (UNTOC).

Nigeria became a signatory to the Transnational Organized Crime Convention and its Trafficking in Persons Protocol on 13th December, 2000. Article 5 of the Trafficking Protocol enjoins States Parties to criminalize practices and conduct that subject human beings to all forms of exploitation which includes in the minimum sexual and labour exploitation.

The Trafficking in Persons Act 2003 was an outcome of a private member bill sponsored at the National Assembly by the Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), a non-governmental organization founded by Mrs. Amina Titi Atiku Abubakar, the wife of the Vice-President of Nigeria at that time.

The Bill was passed by the National Assembly on 7th July, 2003 and Presidential Assent given on 14th of July 2003. The law which is operational throughout the country created NAPTIP as a specific multi-disciplinary crime-fighting Agency and the nation's focal institution to fight the scourge of trafficking in persons in the country using the four pronged approach of Prevention, Protection, Prosecution and Partnership.

The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 went through an amendment in 2005 in a bid to further strengthen the Agency. However, in 2015, as a result of the new trends in the crime of trafficking in persons and the need to further strengthen the institutional framework, the Act was repealed and the Trafficking in Persons (Prohibition), Enforcement and Administration Act,

2015 was enacted. The new Act received Presidential assent on 26th March 2015 and co-ordinates preventive, regulatory and investigatory machinery geared towards the eradication of trafficking in persons. Among other functions, NAPTIP

1. Investigate all cases of trafficking in persons including forced labour, child labour, forced prostitution, exploitative labour and other forms of exploitation, slavery and slavery – like activities, bonded labour, removal of organs, illegal smuggling of migrants, sale and purchase of persons;
2. Enhance the effectiveness of law enforcement agents and other partners in the suppression of trafficking in persons;
3. Create public enlightenment and awareness through seminars, workshops, publications, radio and television programmes and other means aimed at educating the public on the dangers of trafficking in persons;
4. Establish and maintain communications to facilitate rapid exchange of information concerning offences under this Act;
5. Conduct research and strengthen effective legal means of international co-operation in suppressing trafficking in persons;
6. Strengthen co-operation and conduct joint operations with relevant law enforcement and security agencies, international authorities and other relevant partners in the eradication of trafficking in persons the protection, assistance and rehabilitation of trafficked persons; among other functions of the agency. The crime of human trafficking however cannot be effective without institutional co-operation and collaboration therefore partnership plays a key role in the fight against human trafficking.

KEY COLLABORATORS IN THE COMBAT OF HUMAN TRAFFICKING

NAPTIP and indeed Nigeria receives support and assistance from different governments and agencies in the combat of human trafficking. These support range from investigation, repatriation of suspected human traffickers from foreign countries, safe return of victims of human trafficking, prosecution and financial support from the following: the United Nations systems in Nigeria, the European Union, TH United States Government and a number of embassies in Nigeria ECOWAS, the African Union also support the Fight against Human Trafficking, the Interpol etc.

Within the country, NAPTIP collaborates with all law enforcement agencies in Nigeria in the fight against human trafficking: the Nigeria Police and the Nigerian Immigration Service have established anti human trafficking unit that collaborate with NAPTIP in the fight against human trafficking.

Human trafficked victims are usually rehabilitated in collaboration with the federal and State Ministry of women affairs. In most cases the state Ministry of women affairs aid in family tracing, return and reunion of trafficked victims

There are coalitions of NGO and civil societies working on human trafficking in Nigeria, under the auspices of NACTAL. These agencies provide support programs in the areas of

- Public enlightenment;
- Counseling services
- Family tracing
- Rehabilitation services etc

NACTAL has members in almost all states of the Federation. For this presentation the contact address of coordinators of NACTAL in each geopolitical region is listed below:

South west: Human development initiatives; 2 iwaya road onike, yaba lagos. Email: hudev2001@yahoo.com. Phone no. 08033043340 contact person: Prof. Owasanoye.

South- South coordinator: Idia Renaissance; 2 Ihama street, GRA Benin- city, Edo state. email idiarenaissance@yahoo.com; 08056128927. Contact person: Nwaoha Rowland

South East zone : Youth Child Support Initiative cdccpubhealth@yahoo.com. 08034747806. Contact Person Mrs ijeoma Nnaji

North west zone: Grassroot Health Organisation : 3 adbu Sambo Street, Kano. email nagonay2k@yahoo.com 08036128184. Contact person: Hadiza Uwa Nagona

North East: Borno coalition for Democracy and progress: mgwuyo@yahoo.com. Contact Person: Mohammodu G.Wuyo

North Central: Child and Youth Protection Foundation; House 2, 3201 Rd , A close Lugbe ,Abuja. email cypfoundation@yahoo.com 08131577877. Contact Person: Mr Kolawole olatomisi

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The combat of human trafficking is complex and multifaceted; we can only succeed if we all join hand with relevant agencies and actors involved in the fight against human trafficking to combat the crime.

Thank you for your attention.

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4th November 2016

References:

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www.polarisproject.org
www.unodc.org

