



## مجلس حقوق الإنسان

## الدورة الحادية والأربعون

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البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

## الزيارة إلى نيجيريا

## تقرير المقررة الخاصة المعنية بمسألة الاتجار بالأشخاص، لا سيما النساء والأطفال\*

## موجز

قامت المقررة الخاصة المعنية بمسألة الاتجار بالأشخاص، لا سيما النساء والأطفال، خلال الزيارة التي أدتها إلى نيجيريا في الفترة من ٣ إلى ١٠ أيلول/سبتمبر ٢٠١٨، بدراسة الأشكال الرئيسية للاتجار بالأشخاص على الصعيدين المحلي والدولي. وهي تشيد في تقريرها بالإطار التشريعي والمؤسسي الشامل لمكافحة الاتجار بالأشخاص، وتدعو إلى تعزيز جهود الإنفاذ وزيادة التمويل المرصود للوكالة المتخصصة المعنية بمكافحة الاتجار بالأشخاص بهدف تحسين النتائج في مجال التعرف على الأشخاص المتَّجر بهم ودعمهم.

وبينما ترحب المقررة الخاصة بإنشاء عشرة مراكز حكومية لإيواء ضحايا الاتجار بالأشخاص، تعرب عن بالغ القلق إزاء الطبيعة "المنغلقة" لهذه المراكز، وهو ما يشكل انتهاكاً لحقوق الضحايا والناجين. لذا، توصي بمراجعة السياسة المتبعة على وجه السرعة. وترحب أيضاً بإنشاء فرقة العمل المعنية بمكافحة الاتجار بالأشخاص في ولاية إيدو، وتشيد بعمل منظمات المجتمع المدني وتدعو إلى إحداث صندوق حكومي مخصص لتمويل مشاريعها. وتشدد المقررة الخاصة، وبخاصة في سياق العودة القسرية أو الطوعية، على ضرورة اتخاذ تدابير

\* يُعمَّم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، الوارد في مرفق هذا الموجز، فيُعمَّم باللغة التي قُدِّمَ بها فقط.



طويلة الأمد لإعادة الإدماج في المجتمع تتيح للناجين حلولاً بديلة عملية وتحول دون وقوعهم ضحايا من جديد. فقد تبين أن التدابير الوقائية التي تهدف فقط إلى إذكاء الوعي بمخاطر الهجرة هي تدابير غير فعالة وينبغي أن تقترن بإجراءات هادفة تتيح تمكين الضحايا والناجين اقتصادياً، من قبيل توفير فرص العمل، والتدريب من أجل تطوير المهارات في مجال الأعمال التجارية، وتعزيز الإشراف خلال مرحلة بدء المشروع.

## **Report of the Special Rapporteur on trafficking in persons, especially women and children, on her visit to Nigeria**

### **I. Introduction**

1. The Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro, visited Nigeria from 3 to 10 September 2018, at the invitation of the Government. The objectives of the visit, which included meetings in Abuja, Lagos and Benin City, were to examine the prevalent forms of trafficking in persons and to assess the effectiveness of measures taken by the Government to prevent and combat trafficking and protect the human rights of trafficked persons.

2. The Special Rapporteur expresses her sincere gratitude to the Government for its invitation and for the full cooperation extended to her prior to and during her visit. She met with representatives of the Ministry of Foreign Affairs, the Federal Ministry of Justice, the Federal Ministry of Labour, the Ministry of the Interior, the National Emergency Management Agency and the Office of the National Security Adviser. She also held meetings with the National Agency for the Prohibition of Trafficking in Persons, the National Human Rights Commission, the National Commission for Refugees, Migrants and Internally Displaced Persons and the Office of the Inspector-General of Police. She exchanged views with the delegation of the European Union and with the United Nations country team. She also visited a shelter for victims of trafficking in Abuja run by the National Agency for the Prohibition of Trafficking in Persons and other shelters run by civil society organizations, such as the Women Trafficking and Child Labour Eradication Foundation, the Committee for the Support of the Dignity of Women and the Society for the Empowerment of Young People in Abuja, Lagos and Benin City respectively. She is grateful to the resilient survivors who courageously shared their experiences and aspirations in the hope of effectively preventing and combating trafficking in persons.

### **II. Main findings**

#### **A. Forms and manifestations of trafficking in persons**

3. Nigeria remains a source, transit and destination country for victims of trafficking. Victims are trafficked to Europe through the central Mediterranean route, but also to Gulf States, the Russian Federation and West and Southern African countries for the purpose of both sexual and labour exploitation. Some are already recruited by their traffickers in the country of origin, others may start their migration journey voluntarily. However, owing to the absence of safe and regular migration channels, the vast majority of them fall prey to traffickers in transit countries, such as Libya, and are subject to all forms of human rights violations, including torture, rape, extortion, forced labour, sexual and labour exploitation amounting to trafficking and contemporary forms of slavery.

4. Internal trafficking, mainly from rural to urban areas is also reportedly rampant in Nigeria, although often overlooked. It mainly affects women and girls for the purpose of domestic servitude and sexual exploitation and men and boys for the purpose of child begging, and labour exploitation in street vending, mining and stone quarrying, agriculture and textile manufacturing.

5. According to the National Agency for the Prohibition of Trafficking in Persons, in 2017, 1,890 victims were rescued, of whom 23.7 per cent were men and boys and 75.3 per cent women and girls. The majority of Nigerian victims came from Edo State and, to a

lesser extent, Delta and Benue States.<sup>1</sup> Of the 1,890 victims rescued in 2017, according to the Agency, 89 of them originated from outside Nigeria, mainly from Benin and Togo.<sup>2</sup>

6. Poverty, displacement, economic hardship and unemployment, especially among young people, and restrictive European migratory policies, gender inequality, discrimination and stereotyping, coupled with strong traditional practices and beliefs, are identified as the main root causes of trafficking in persons in Nigeria. Multiple factors contributing to this phenomenon also include the disruption of family and community support systems. The large profits generated for the traffickers in Nigeria, coupled with the high level of impunity and the well-structured and adaptable nature of the Nigerian trafficking networks, are among the reasons for its endurance.

## B. International forms of trafficking in person

7. The phenomenon of trafficking of Nigerians, especially women and girls, to Europe for the purpose of sexual exploitation has been going on since the late 1980s. During the 1990s, Benin City in Edo State, in particular, evolved into a hub for international organized crime, where “sponsors” and “madams” covered women’s travel from Nigeria to Europe in exchange for them being exploited into prostitution after their arrival.

8. According to a report by the International Organization for Migration (IOM) in 2017, an estimated 80 per cent of girls arriving in Italy from Nigeria, most of whom are between 13 and 24 years old, are potential victims of trafficking for sexual exploitation. The majority of them come from Edo State but some also from other parts of the country. Victims are reluctant, at least at first, to access the protection programmes provided by IOM and local institutions in destination countries, mainly owing to the physical or psychological control held by traffickers over their victims or the fear of retaliation by traffickers against the victim’s family members in their country of origin.<sup>3</sup>

9. A widespread characteristic of the Nigerian trafficking system is the use by traffickers of threats of “voodoo curses” (*juju* in Nigeria) to manipulate victims, especially women and girls, and force them into exploitative situations. Once arrangements for the victims’ trips abroad are completed, traffickers seal the deal by taking the victims to the shrines of voodoo priests for a traditional ceremony of oath-taking. During the ritual, in which body parts such as fingernails, blood and/or pubic hairs are collected, the woman is made to swear an oath to repay her debt, never to report her situation to the police or reveal the identities of her traffickers. Fear of breaking the oath is so strong that it creates a powerful hold over the victims and impedes them from seeking help or cooperating with law enforcement. About 90 per cent of the girls trafficked to Europe are reportedly taken to shrines for “oaths of secrecy”.

10. Nigerian women and girls are also widely exploited in Libya by traffickers, who keep them in so-called connection houses, where they are sexually exploited and raped by up to 20 men a day without receiving any contraception, often become pregnant and are forced to pay for unsafe abortions. Men and boys are also increasingly subjected to rape and other forms of sexual abuse, as demonstrated by a rise in 2018 in cases of men and boys receiving treatment and support for the physical and psychological consequences of sexual abuse.<sup>4</sup>

<sup>1</sup> Following her visit, the Special Rapporteur was informed of the Agency’s efforts to identify a large number of Nigerian women and girls, allegedly trafficked to Mali for sexual exploitation, and to repatriate about 40 of them in cooperation with the International Organization for Migration (IOM) in January 2019.

<sup>2</sup> National Agency for the Prohibition of Trafficking in Persons, “2017 Data analysis final report” (June 2018).

<sup>3</sup> IOM, “Human trafficking through the central Mediterranean route: data, stories and information collected by the International Organization for Migration” (2017).

<sup>4</sup> See United Nations Support Mission in Libya and OHCHR, “Desperate and dangerous: report on the human rights situations of migrants and refugees in Libya”, (December 2018), p. 33.

11. Trafficking destinations also include countries in North Africa, the Middle East, including Saudi Arabia and the United Arab Emirates, the Russian Federation (including in relation to the 2018 World Cup, during which at least 10 trafficked victims were identified by the National Agency for the Prohibition of Trafficking in Persons) and Central Asia, where victims are held in exploitative conditions, in most cases undergoing sexual exploitation, debt bondage and domestic servitude. Cases of trafficking by sea have also been reported in Cameroon, Côte d'Ivoire, Gabon, Guinea and Mali, where victims are recruited under false promises and end up being forced to work on farm plantations, or as hawkers or salespersons, usually to lift heavy loads at warehouses or stores, and domestic servants.

### C. Internal forms of trafficking in persons

12. An increasing number of people are trafficked from rural communities in Oyo, Osun and Ogun States in the south-west, Akwa-Ibom, Cross River and Bayelsa States in the south, Ebonyi and Imo States in the south-east and Benue, Niger and Kwara States in the middle belt to cities such as Lagos, Abeokuta, Ibadan, Kano, Kaduna, Calabar and Port Harcourt. This type of trafficking regions is predominantly for exploitative domestic work, farm labour and prostitution, with incidents of forced labour particularly prevalent in Lagos.

#### Child trafficking

13. While the Special Rapporteur did not receive any official data on the magnitude of child trafficking during her visit, she was informed that it is still prevalent in Nigeria, including in the form of exploitative child labour. Such forms of labour include domestic servitude, begging, farm labour and work in illegal mining sites and quarries. Other forms of child trafficking include forced marriage, trafficking for the purpose of organ removal, suicide bombing and the use of child soldiers. It also came to the attention of the Special Rapporteur that children, particularly in northern Nigeria, are increasingly subject to internal trafficking in the form of child begging. Most child beggars from the north-western and north-eastern regions come from the Islamic Qur'anic Schools. This is an informal school system, known as *almajiri*, which dates back to the eleventh century and applies the concept of educating young children in Qur'anic studies away from home. Children, including unaccompanied, separated or orphaned children, are increasingly given into the care of religious teachers (*mallams*) who run such informal schools. The use of children by religious teachers for child labour has been widely reported.

14. In Nigerian society as a whole, child begging is widespread. Victims of child begging also include children with disabilities, who are lured into the major cities. Poverty, conflict and displacement in the north, as well as reluctance or sheer negligence by the Federal Government to act on this issue, are other contributory factors.

#### Trafficking in camps for internally displaced persons and in host communities

15. Following extremely violent attacks by Boko Haram, hundreds of women and girls from north-eastern states were abducted. Some of them were subjected to domestic servitude, forced labour and sexual slavery through forced marriages to Boko Haram militants. To date, the whereabouts of many of the victims are unknown.

16. As of June 2018, the United Nations reported that there were 1.7 million displaced persons in Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe States.<sup>5</sup> Lack of livelihood opportunities has forced many families to send children as young as 5 years old to hawk items in the streets or beg in order to have money to buy food, and both boys and girls are reportedly engaged in "survival sex". Internally displaced persons, especially in the north-east, face severe protection problems, including the widespread sexual abuse of women and girls.

<sup>5</sup> United Nations Office for the Coordination of Humanitarian Affairs, "North-east Nigeria: humanitarian situation update" (June 2018).

17. Civil society organizations have widely reported cases of trafficking for the sexual exploitation of women, including by government officials, security forces and members of the Civilian Joint Task Force, in State-run camps for internally displaced persons, informal camps and local communities in and around Maiduguri and across the north-east of the country.<sup>6</sup> They have also reported a lack of resources available to internally displaced victims of sexual exploitation and gender-based violence, who have limited access to safe spaces, confidential psychosocial counselling and medical services. Women and girls abducted by Boko Haram and babies born as a result of rape, face stigmatization and community isolation.

## **D. Other forms of exploitation that could amount to trafficking in persons**

### **“Baby factories” and “money wives”**

18. During her visit, the Special Rapporteur was informed of the existence of “baby factories”, often disguised as orphanages, maternity homes or religious centres, where women are held against their will, raped and forced to carry and deliver a child. The children are then sold, sometimes with the intent to exploit them in forced labour and sex trafficking. In February 2017, the special task force of the Nigerian army in Plateau State arrested 12 suspects for allegedly running a baby trafficking ring in Jos.

19. The Special Rapporteur was also told about the traditional practice of “money wives” within the Becheve tribe in the northern area of Cross River State, according to which women and girls are sold into marriage without or against their consent to older men, in exchange for food or to pay off a debt. Like other forms of trafficking, “money marriage” is contracted in a shrine and during the process, the spirit of the girl child or the woman is invoked and handed over to the man, after which it is believed that he can kill or harm her whenever he wishes.

20. The Special Rapporteur acknowledges that the Federal and state Governments have taken steps to criminalize activities against persons, institutions or organizations associated with baby factories and money wives, with stiff punishments under the Child Rights Act.

### **Trafficking for the purpose of organ removal**

21. While the phenomenon of trafficking for the purpose of organ removal was raised by civil society organizations during the visit through anecdotal evidence, the Special Rapporteur also received first-hand information on this practice through a Nigerian investigative journalist, who had infiltrated some of the trafficking networks. She reported having been recruited for the purpose of sexual exploitation in Europe but that, when in the hands of “juju priests” in a boot camp in a remote location, exploitation took a different dimension. She reported that some girls who were travelling with her were singled out and beheaded in her presence with a machete. Before managing to escape to save her life, she witnessed the arrival of “influential visitors”, who came to take “the products they had been promised”, referring to body parts of the victims who had just been killed. While the source could not confirm with certainty that such body parts included organs, the Special Rapporteur is concerned that trafficking for sexual exploitation may, in some cases, deteriorate into some of the worst forms of exploitation, including trafficking for the purpose of organ removal, although the magnitude of the phenomenon is unknown at present. The journalist also reported that, despite having shared this information both with the National Agency for the Prohibition of Trafficking in Persons and the police, the traffickers were never identified or prosecuted. Cases of trafficking for the purpose of organ removal have also been confirmed by the Agency, including in relation to migration flows towards North Africa and the Middle East. However, the Agency reported having received only one case in 2017, which was not investigated.<sup>7</sup>

<sup>6</sup> Amnesty International, “‘They betrayed us’. Women who survived Boko Haram raped, starved and detained in Nigeria” (2018).

<sup>7</sup> National Agency for the Prohibition of Trafficking in Persons, “2017 Data analysis final report”.

### **Nigeria as a transit and destination country**

22. As a transit country, Nigeria is a hub for victims of trafficking from West African countries. Trafficked women transit Nigeria en route to Europe and the Middle East, where they are often trafficked for sexual exploitation. The ports and waterways around Calabar also serve as a point of transit for trafficked children to Cameroon, Equatorial Guinea and Gabon. The country also remains a destination point for victims of forced labour. Nigeria receives women and children from other Western and Central African countries.

## **III. Legal, policy and institutional frameworks for combating trafficking in persons**

### **A. Legal framework**

#### **International legal framework**

23. Nigeria is party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime, as well as to a number of international human rights instruments, including the Slavery Convention (1927); the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949); the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105); and the Worst Forms of Child Labour Convention, 1999 (No. 182).

24. Regrettably, Nigeria has not yet ratified the Protocol of 2014 to the Forced Labour Convention, 1930; the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203); and the Domestic Workers Convention, 2011 (No. 189).

#### **Domestic legal framework: federal level**

25. Nigeria has a solid legal foundation to combat trafficking, starting from the Constitution, which prohibits slavery or servitude and forced or compulsory labour (art. 34.1).

26. In addition, the federal Child Rights Act, adopted in 2003 and ratified so far by 24 states, codifies the rights of children, including with regard to trafficking, forced labour and other harmful practices. Sections 21–23 of the Act prohibit child marriage and prescribe penalties; sections 28–30 prohibit forced labour, including child trafficking; and sections 30–32 prohibit the commercial sexual exploitation of children. Although the Act criminalizes using, procuring and offering a child in the production and trafficking of drugs, the remaining 12 states from northern Nigeria that have not yet ratified it have no legislation in place to criminalize that crime.

27. The most comprehensive framework is provided by the Trafficking in Persons (Prohibition) and Enforcement Administration Act, adopted in 2003, amended in 2005 and re-enacted in 2015, which provides for a definition of trafficking in accordance with the Trafficking in Persons Protocol and established the National Agency for the Prohibition of Trafficking in Persons.

28. The State has taken laudable steps towards strengthening the legislative framework to address human trafficking in Nigeria by the passage of the Trafficking in Persons Act. It has also taken an innovative approach to criminalizing commercial carriers who use their vessel, or whose vessels are used, to transport potentially trafficked persons and has instituted stiffer penalties by restricting the ability of judges to penalize human trafficking offenders with fines in lieu of prison time. In addition, the amended Act criminalizes the employment of children under age 12 for domestic work.

29. Nonetheless, the Special Rapporteur notes that the legislation is more oriented towards the prosecution of traffickers than to the prevention of trafficking and the

protection of trafficked persons, and it mainly focuses on trafficking for sexual purposes at the expense of trafficking for labour and other forms of exploitation.

#### **Domestic legal framework: state level**

30. Both the Nigerian Criminal Code, covering the southern states of Nigeria, and the Penal Code, applied in the northern states, cover trafficking in persons.

31. The Criminal Code outlaws a number of conducts and acts that may amount to trafficking, such as the procurement of women and girls for prostitution (section 223), and it also specifically criminalizes “ordeal, witchcraft, *juju* and criminal charms”, which are intrinsically related to trafficking (sections 207–2013).

32. The Penal Code recognizes trafficking in women as an offence, with special provisions according to the age of the victim. In general, there are stronger provisions against offences related to human trafficking in the Penal Code than in the Criminal Code and while the latter treats some of those offences as mere misdemeanours, the Penal Code categorizes them as felonies and provides for stricter punishments. For example, under section 276 of the Penal Code, a maximum penalty of 10 years in prison and a fine exist for anyone convicted of encouraging the prostitution of women and children and it is an offence to import into northern Nigeria a girl under the age of 21 for prostitution.

33. The Penal Code prohibits the trafficking of women into Nigeria, but does not deal with the trafficking of women from Nigeria abroad. It also prohibits forced labour and imposes a penalty of imprisonment for a term that may extend to one year or a fine, which might not be a sufficient deterrent for this lucrative crime.

34. At State level, another noteworthy recent development is the Edo State Trafficking in Persons Prohibition Law, adopted in May 2018, which criminalizes, among other acts, the procurement or recruitment of persons for sexual exploitation or forced labour and the employment of children under the age of 12 years as domestic workers. The Special Rapporteur also commends the criminalization of the procurement and recruitment of persons for the purpose of organ removal.

35. The fact that Nigeria is one of the first African countries to enact specific anti-trafficking legislation is noticeable. Yet even the most innovative legislation remains a dead letter if it is not seriously and strongly enforced. Throughout her visit, the Special Rapporteur noted that key challenges remained in the implementation of the law. Implementation and enforcement are proportionally linked to the capacity of the various institutions, including law enforcement agencies and the judiciary, to exercise their mandate and functions in relation to the fight against trafficking. In that regard, the Special Rapporteur is convinced that a lack of resources, training and equipment for the various public offices involved in the fight against trafficking are important obstacles to robust implementation and enforcement.

## **B. Policy framework**

36. The Federal Government of Nigeria has established policies related to trafficking and child labour, including its worst forms, such as the national policy on protection and assistance to trafficked persons (developed by the National Agency for the Prohibition of Trafficking in Persons and approved by the Federal Government in 2008), the national referral mechanism for protection and assistance to trafficked persons and its guidelines (launched in August 2017 by the Agency with support from the United Nations Office on Drugs and Crime) and the strategic plan for the period 2012–2017 of the Agency, which provides a framework for mobilizing it and all the stakeholders involved in combating human trafficking within Nigeria and internationally. Other initiatives in that regard include the national policy on child labour, the national action plan for the elimination of child labour (2013–2017), the national framework for the development and integration of *almajiri* education into the universal basic education scheme and the action plan for ending violence against children, implemented by the Ministry of Women Affairs and Social



Development, which focuses on eliminating sexual and physical violence against children and encourages more states to adopt and enforce the Child Rights Act.

### **C. Institutional framework**

37. At the federal level, the Anti-Trafficking Act established the National Agency for the Prohibition of Trafficking in Persons, operating under the Federal Ministry of Justice. The Special Rapporteur welcomes the establishment of the Agency as a unique model of specialized public entity, with the primary responsibility for arresting, investigating and prosecuting perpetrators of trafficking in persons, as well as providing protection and assistance to victims. The Agency is also tasked, among other things, with the prevention of trafficking in persons, capacity-building and awareness-raising aimed at educating the public about the dangers of trafficking and conducting joint operations with relevant law enforcement and security agencies, international authorities and other relevant partners. During the visit, the Agency stated that it worked in close cooperation with the Nigerian Immigration Service and the police, both operating under the Federal Ministry of Interior. However, the Special Rapporteur notes that coordination might be challenging in practice, especially considering that the Agency does not yet have offices in the border areas.

38. Throughout her visit, the Special Rapporteur also noted that, despite the Agency operating amidst shrinking resources and underfunding, there was a general perception in the country that it was the sole agency responsible for providing anti-trafficking responses. The Special Rapporteur is concerned that this may run the risk of other federal governmental departments, such as the Ministry of Women and Social Affairs, the Ministry of Labour and Employment and the Ministry of Education and Youth Development, delegating all anti-trafficking responses to the Agency instead of putting their joint efforts into strengthening coordination and cooperation with the Agency.

39. At state level, the Special Rapporteur also commends the creation, through the Edo State Trafficking in Persons Prohibition Law, of the Edo State task force against human trafficking, which was inaugurated in August 2017 by the Executive Governor of Edo State and is chaired by the State Attorney-General and Commissioner of Justice. The main activities of the task force include the investigation and prosecution of traffickers, prevention and awareness-raising campaigns, including by tackling the root causes of trafficking and gender-based discrimination and stereotyping, offering protection through psychosocial support, providing short and long-term accommodation for victims, the vocational training of survivors and support for the return and reintegration of victims of trafficking. While it might be challenging to measure the impact of the task force at present, owing to its recent creation, the Special Rapporteur was positively impressed by the stated commitment and sense of initiative of the members of the task force with whom she met, especially with regard to their active involvement of and coordination with civil society organizations offering long-term protection and assistance to survivors.

### **D. Protection of trafficked persons**

40. Trafficking in persons cannot be eradicated without paying attention to the rights and needs of victims and survivors. Overall, the Special Rapporteur found that trafficking in Nigeria was still addressed through a strong law enforcement and repressive approach and that the protection and promotion of victims' rights were not given the same level of consideration.

41. The lack of official data represents a major challenge in ensuring that all victims of trafficking are protected. In that regard, the Special Rapporteur welcomes the initiative of the National Human Rights Commission in the management of a database of missing persons in Nigeria, which is triggered by complaints from families and which, although not necessarily aimed at detecting victims of trafficking, can be linked to trafficking in persons since in some cases victims could be reported missing before being identified as trafficked. The Special Rapporteur encourages the Commission to take a more active role in the prevention of trafficking in persons and the protection of its victims, in cooperation with the

National Agency for the Prohibition of Trafficking in Persons, including by addressing its root causes, through its Economic, Social and Cultural Rights Division.

### **Identification of victims or potential victims of trafficking**

42. The Special Rapporteur recognizes the positive development of establishing a federal specialized agency in the country and a related formal referral system. However, in practice, the fact that only the National Agency for the Prohibition of Trafficking in Persons is designated with the power of identification of victims can be a limitation, if effective coordination between border control guards, law enforcement agents and other relevant stakeholders is not strengthened. Lack of funding has also been identified as a major challenge in ensuring efficient coordination between the Agency and service providers. In addition, the absence of a national database and a poor national identity system further hamper the identification of victims. A lack of standard operating procedures, corruption among border guards and a lack of political will and government funding to recover, empower and rehabilitate victims also represent obstacles to the identification of and support for trafficked persons.

43. The displacement affecting the north-eastern and other parts of the country has also exponentially increased the vulnerability of the affected populations to a number of risks, including the risks of exploitation and trafficking. While the Special Rapporteur did not visit areas affected by displacement, all her interlocutors acknowledged that anti-trafficking responses have so far been insufficient from both the Government and the international community, despite the fact that internally displaced persons are at heightened risk of being trafficked, owing to the inherent vulnerabilities attached to their status. It has been reported that victims of trafficking are not being appropriately screened and identified but receive the same services as internally displaced persons living in camps and host communities. More training on screening and identification and on the special needs of trafficking victims is needed. That is also related to the fact that women and children forcibly recruited by Boko Haram for the purposes of sexual exploitation, child labour and forced fighting are not considered as victims of trafficking by government officials. While acknowledging the practical challenges related to such identification, especially in areas in which radicalization has been promoted by Boko Haram, the Special Rapporteur notes that increased joint efforts are needed to promptly identify victims of trafficking, especially children, and refer them to appropriate protection services.

44. It has also been reported that boys and young men forcibly recruited by Boko Haram and rescued by the Nigerian army are very difficult to access and protect, as they remain with the military for a period of deradicalization. No service provider interviewed by civil society organizations with whom the Special Rapporteur met was able to explain this process, nor when or how such boys and men are reintegrated back into their communities. The Special Rapporteur reiterates that children abducted and exploited by Boko Haram are deeply traumatized and need specialized rehabilitation after they escape or are liberated from Boko Haram by the Nigerian military. Their detention in appalling conditions, which has been reported by civil society organizations, constitutes a violation of children's rights and should be avoided at all times (see A/HRC/32/32/Add.2, paras. 46–48).

45. Despite recognition of existing vulnerabilities and the high risk of both sexual and labour exploitation, a lack of identification of trafficking cases among the internally displaced population, especially in host communities, has also been reported by the National Commission for Refugees, Migrants and Internally Displaced Persons.

### **Services provided to victims**

46. The Special Rapporteur notes with appreciation the efforts made by the National Agency for the Prohibition of Trafficking in Persons in setting up 10 shelters in Abuja, Lagos, Benin City, Uyo, Enugu, Kano, Maiduguri, Makurdi and Osogbo, and in establishing a dedicated team of social workers in charge of psychosocial support and the reintegration of victims. She is also pleased to note that since 2004, the Agency has rescued 11,529 victims of trafficking and received and counselled a total of 13,186 persons, of whom 1,890 in 2017 and 826 in 2018.

47. However, after visiting the shelter in Abuja, the Special Rapporteur is extremely concerned that these are “closed shelters”, infringing on the freedom of movement of survivors, who also face limitations in terms of access to health care and education, as they often have to be accompanied to school or hospital by a social worker. That approach also perpetuates the false assumption that victims of trafficking have to be locked up for their own security, even though they have not committed a crime. In that regard, the Special Rapporteur stresses that shelters managed by civil society organizations are open and the National Agency for the Prohibition of Trafficking in Persons itself refers victims to such shelters after the permitted six-week period of stay in its own shelters has expired. This shows that operating open shelters for victims of trafficking with the necessary security guarantees in place is possible. On the other hand, sheltering survivors of trafficking for six weeks, as is the case for the Agency shelters, is a very short period compared to the intensive counselling required to ensure their rehabilitation. Survivors who decided to share their painful experience with the Special Rapporteur reported suffering long-term post-traumatic stress disorder and depression and only starting to recover five years after their traumatic trafficking experience. They also complained that they often received only short-term counselling from Agency social workers and no long-term psychosocial support, which is often necessary for proper healing from the trauma caused by trafficking. In particular, they reported a lack of coordination and standard operating procedures between the Agency and public health-care services, such as the Lagos State University Teaching Hospital, despite its psychiatric unit being reportedly free of charge.

48. In addition, a lack of sufficient resources to manage and maintain shelters run by the Agency has had detrimental consequences for the quality of the services provided, in particular with regard to the social reintegration of trafficked victims. For instance, the Special Rapporteur heard that an assessment by a civil society organization of the Agency shelter in Borno State in June 2018 found that the facility was empty, despite being overcrowded in the past, and that the staff were poorly trained in protection measures for victims, who were often sent back to camps for internally displaced persons or onto the streets, where they were at risk of being re-trafficked.

49. The Special Rapporteur welcomes the good cooperation between the Agency and civil society organizations in providing accommodation, psychosocial support and assistance to victims. However, under article 6 of the Trafficking in Persons Protocol, the primary responsibility lies with the State: the mere fact that a specialized government agency relies on the work of civil society organizations for the long-term protection of and assistance to victims of trafficking clearly shows the need for appropriate sustained funding of civil society organizations by government authorities.

50. The Special Rapporteur was very impressed by the role that civil society organizations have played in the fight against trafficking in Nigeria. With extremely limited funds, they have been operating shelters and providing psychosocial, medical, legal and material assistance to survivors of trafficking, including returnees from Libya and other countries. However, they often work in isolation and their efforts have been frustrated as a consequence of the generally short-term vision of policymakers both in Nigeria and abroad. The Special Rapporteur was taken aback to learn that the Government, while valuing the contribution of civil society organizations to its anti-trafficking work, has not been providing any financial support to ensure the sustainability of that contribution. Civil society organizations have had to scramble for funding from private entities and international donors. Cooperation with such organizations must be seen as a thoroughly desirable response to trafficking, whereby State institutions benefit from their expertise and flexibility and civil society organizations in turn are given the means for solid long-term planning, which will eventually lead to alternative and sustainable programmes for people vulnerable to trafficking.

51. The Special Rapporteur also notes that in Abuja and Lagos, the National Agency for the Prohibition of Trafficking in Persons has been mandated to provide assistance both to victims of trafficking under the 2015 Trafficking in Persons Act and to victims of other forms of abuse covered by the Violence Against Persons (Prohibition) Act of 2015. In that regard, while visiting the Agency shelter in Abuja, she noted that of 43 persons and four babies being accommodated, only three or four were victims of trafficking. The Agency, in

cooperation with its partners, may want to consider assessing how to carry out the mandate given by the Act in a way that does not have negative repercussions for the specialized services for trafficked persons.

52. While visiting shelters run by both the Government and civil society organizations, the Special Rapporteur also noted with grave concern that significant protection gaps existed with regard to the protection of and assistance to men above the age of 18, many of whom had recently been rescued from appalling exploitative conditions in Libya. According to disaggregated data compiled by the National Agency for the Prohibition of Trafficking in Persons, since 2004, 9,344 females and 3,842 males have been counselled and rehabilitated. However, visiting the shelters it was clear that the male data referred almost exclusively to male children, despite the data not being disaggregated by age. Civil society organizations also expressed their concerns regarding the inability to provide for adult male victims of trafficking, especially returnees from Libya, who often refused to be sheltered, owing to the additional stigma associated with their victim status and related stereotypes around masculinity. It has also been reported that male returnees often need specialized medical rehabilitation, as about 60 per cent of them come back from Libya on heavy drug addiction and civil society organizations are not equipped to deal with the magnitude of such a phenomenon. The Ministry of Health needs to step up to ensure that appropriate medical services, including psychiatric and psychosocial support, are guaranteed for all survivors.

### **Return and reintegration**

53. Reintegration and rehabilitation of trafficked victims in Nigeria has proven to be particularly challenging. On 10 March 2016, IOM started the voluntary humanitarian returns programme to bring back migrants from Libya. From 13 April 2017, returns have been implemented in cooperation with the European Union under the EU-IOM Joint Initiative for Migrant Protection and Reintegration, for an expected duration of three years. From its inception through to 28 August 2018, 9,695 migrants had been received and assisted through the programme and 440 of them had been identified by IOM, in collaboration with the National Agency for the Prohibition of Trafficking in Persons, as victims of trafficking. Disaggregated data on returnees show that 59 per cent are male, 41 per cent female and 83 per cent are between 18 and 35 years old; data also show that 90 per cent of them were returned from Libya and 50 per cent of them were originally from Edo State. Considering the inhumane conditions in which migrants find themselves in Libya, which include sexual and labour exploitation, being sold in slave markets and other widespread and systematic human rights violations, as documented by several United Nations sources, the Special Rapporteur is concerned that the number of victims of trafficking among returnees might be much higher than those identified as such.

54. Through the EU-IOM Joint Initiative, IOM provides reception and post-arrival assistance to returned migrants in partnership with the Nigerian Immigration Service, the National Commission for Refugees, Migrants and Internally Displaced Persons, the National Agency for the Prohibition of Trafficking in Persons, the National Emergency Management Agency, the Nigerian Port Health Services and the Edo State task force against human trafficking. The basic services provided to the returnees upon arrival include onward transportation, telephones for further communication and food (for all 9,695), temporary accommodation (for 6,503), medical support (for 1,018), protection (for 551) and referral (for 549). Additional services to migrants with special needs also included referrals to clinics, psychosocial first aid, provision of “dignity kits”, referral to shelters, counselling and family tracing and reunification.

55. According to information received, the Federal Government also brought back from Libya a considerable number of Nigerians. Although the Federal Government did not provide the Special Rapporteur with any statistics regarding the number of returnees under its reintegration plan, the United Nations estimates that it brought back 2,130 Nigerian migrants from Libya through Port Harcourt in January 2018. During her visit, the Special Rapporteur noted that returnees through the federal reintegration plan had not yet received any type of support. Many of them had been rejected by their families and had no place to go. Some were sheltered by civil society organizations, whose capacity to support them is

very limited. However, after the visit, the Special Rapporteur was informed that, with support from the Government of the United Kingdom of Great Britain and Northern Ireland, IOM, in collaboration with the Federal Government of Nigeria, recently commenced a project aimed at providing rehabilitation and reintegration assistance to returnees.

56. The Special Rapporteur commends government efforts to deal with the challenges related to return and reintegration; however, more concerted efforts should be dedicated to protection and referral to the appropriate services.

57. In addition, attention should be paid to providing returnees with valuable job opportunities in the long term, over and above life-skill or vocational training in the short term. For instance, while visiting shelters, the Special Rapporteur noted that women returnees were often offered very limited options for work, mainly in occupations traditionally associated with women's role in society, such as sewing, tailoring and hairdressing. In order to ensure the effective economic empowerment of returnees and prevent further re-trafficking, partnerships with the private sector may represent promising experiences, which could be replicated on a larger scale.

58. For instance, the Special Rapporteur was informed that IOM, in partnership with the Ministry of Labour and Employment and the Lagos Chamber of Commerce and Industry and following sensitization sessions with relevant private sector stakeholders, will organize a job fair, where returnees will have the opportunity to meet leaders of the private sector in Nigeria and search for job opportunities to match their skills.

59. The Special Rapporteur also commends the IOM community-based reintegration programmes, implemented by civil society organizations, such as the Committee for the Support of the Dignity of Women and the Society for the Empowerment of Young People, in areas largely affected by returns, whereby, in consultation with the community, a mapping of the business opportunities available is conducted and community businesses, such as pineapple and fruit juice producers and palm oil, vegetable oil and cassava processors are being set up in Edo and Delta States. Such projects, each of which is currently expected to create employment opportunities for up to 40 individuals, are mainly targeting returnees from the central Mediterranean route, including Libya, and unemployed youth. Those initiatives are likely to reduce the stigma associated with returns by enriching entire communities at risk and providing socioeconomic reintegration opportunities.

60. The Special Rapporteur also encourages projects, such as the youth resource centre of the local NGO, Idia Renaissance, in Benin City, which provides not only skill acquisition programmes but also health and social counselling, including in relation to HIV/AIDS, in safe and confidential settings, as well as facilities such as indoor games. The innovative aspect of such projects is that they function on the basis of mixed groups of young people composed of both returnees, including victims of trafficking, and those who are willing to migrate and could become potential victims. The aim is to boost youth economic empowerment but also prevention and awareness-raising, by avoiding stigma and discrimination through peer-to-peer sharing of experiences.

61. The Special Rapporteur also appreciates the work of the Edo State task force in receiving and welcoming returnees and assisting their reintegration into society. She particularly commends the decision by the Governor to pay three months' salary to 3,211 returnees from Libya, following a monitoring and evaluation phase aimed at assessing the progress of returnee resettlement, in collaboration with the Edo State task force. She looks forward to the implementation of that decision and encourages more such initiatives by other states and the Federal Government.

## **E. Investigation, prosecution and access to justice**

62. In terms of prosecution, the Special Rapporteur notes with appreciation that since 2004, the National Agency for the Prohibition of Trafficking in Persons has obtained 362 convictions of individuals, of which 21 were in 2018. However, considering the magnitude of the phenomenon, investigation and prosecution need serious and robust improvement.

The main challenges identified by civil society organizations and survivors relate to corruption; a lack of confidence in the judicial system; a lack of training on and specialized knowledge of trafficking in persons among law enforcement officials, police departments, judges and prosecutors; a lack of will to prosecute high-level perpetrators; and lengthy judicial proceedings leading to delayed, and hence denied, justice.

63. Coordination between the Agency and law enforcement officials should be improved to ensure better synergies between investigators, prosecutors and counsellors at the investigation phase, in order to tackle trafficking in a holistic manner. Better coordination, including with regard to investigation and prosecution, should be ensured between the Agency and state initiatives, such as the Edo State task force, to avoid overlapping functions and maximize cooperation in the interest of the victims.

64. Another major challenge is that investigation and prosecution still rely heavily on the testimony of victims, often resulting in cases being dropped for lack of evidence and, in some instances, pressure from family members to withdraw the complaint, especially when they are operating in connivance with the traffickers. In 2011, the Evidence Act was re-enacted and section 84 provides the option of producing electronic evidence in courts by, for instance, video-linked interviews. That is a positive development that should be encouraged, together with other ways of securing and corroborating evidence not requiring the physical presence of a victim.

65. Another promising initiative that the Special Rapporteur was pleased to learn about is the Joint Border Task Force, a project that was initiated by the Government of the United Kingdom in 2015, in cooperation with the National Agency for the Prohibition of Trafficking in Persons, and is aimed at building the capacity of Nigerian law enforcement officers in investigating and prosecuting traffickers, building confidence among cross-border law enforcement agencies and creating an environment conducive to joint investigations. Through the experience of the Joint Border Task Force, the Special Rapporteur was pleased to note that, when provided with the necessary equipment, funding and training, investigators from the Agency could be credible and reliable interlocutors in the fight against trafficking in persons.

66. Notwithstanding those promising initiatives, the Special Rapporteur notes that the Nigerian authorities and the general public continue to see trafficking as being exclusively perpetrated for sexual exploitation. In addition, victims suffer from a lack of empathy, especially those who started their journey voluntarily in search of a better life and became exploited in transit and destination countries. The mere fact that they started their journey voluntarily is often considered a free choice rather than the result of the sophisticated modus operandi of organized crime networks.

67. Furthermore, in the narratives of victims and survivors, the role of corrupt law enforcement officers has often been highlighted. Special attention should be paid by the investigative authorities to the possible involvement or collusion of public officials with trafficking rings.

68. Access to justice for victims of trafficking has been fraught with challenges. The establishment of the Victims of Trafficking Trust Fund is a welcome step; however, 10 years after its establishment, it is time that the Fund is effectively implemented and funded for the benefits of victims. Throughout her discussions with various stakeholders, the Special Rapporteur did not receive any information on compensation being awarded so far to victims of trafficking.

## **F. Prevention**

69. Prevention of trafficking in persons was identified as one of the main priorities during the visit. For strategies aimed at preventing trafficking the factors that increase vulnerability to trafficking, including displacement, economic and gender inequality, poverty and unemployment, should be analysed. For instance, during her discussions with communities, faith-based organizations, civil society and local academics, the Special Rapporteur was informed that in many communities and ethnic groups in Edo State,

inheritance is mainly from father to son and, in some cases, the eldest son inherits the bulk of the property. As a consequence, when the husband in a polygamous marriage and low-income family dies and has just one property to be inherited by his first son, many women are left to look for alternative ways of surviving, one of which is for their daughters to migrate abroad and be trafficked for sexual exploitation. The same happens to daughters in monogamous marriages. Discrimination against women regarding the right to inherit land and property is one of the most prominent root causes of trafficking, while international remittances sent to families in Benin City by women and girls trafficked to Europe have also been identified as a factor perpetuating human trafficking there.<sup>8</sup> Madams operating a trafficking ring and returning with their fortune to their communities to invest in expensive properties have been seen as major examples of success and have contributed to fostering the false perception that life abroad is always better than in Nigeria.

70. Poverty, gender inequality, discrimination and stereotypes are also coupled with strong traditional practices and beliefs, particularly entrenched in certain regions. Other than the well-known practice of *juju*, which has been condemning victims of trafficking to the “oath of secrecy”, families also tend to see children as an investment for the family and even push them into the hands of traffickers and later tolerate their exploitation, insofar as they are able to lift their families out of poverty and improve the economic status of the household.<sup>9</sup>

71. Engaging with traditional rulers and community and religious leaders is paramount for ensuring effective preventive anti-trafficking actions. The initiative of Oba Ewuare II of Benin, who released victims of trafficking from their oath of secrecy and placed a curse on traffickers, has produced unprecedented results and proven to have a great impact on the lives of thousands of women and girls in Nigeria and abroad. The Special Rapporteur encourages the Government to continue to engage with traditional and religious leaders and make use of their positive influence by replicating such initiatives across all regions affected by trafficking in persons.

72. The Special Rapporteur commends the efforts of the National Agency for the Prohibition of Trafficking in Persons in putting an emphasis on prevention by, inter alia, carrying out awareness-raising programmes in partnership with civil society organizations. She also particularly welcomes the success of the Agency in advocating for the integration of anti-trafficking education into the curricula for primary and secondary schools. Instrumental in that regard have been the invaluable commitment of survivors, who have been carrying out awareness-raising campaigns in schools, churches and mosques, and the publication of the first anthology on human trafficking consisting of poems by secondary school pupils.<sup>10</sup>

73. During her visit, the Special Rapporteur also noted with appreciation several initiatives, including many sponsored by the European Union and its member States, aimed at supporting awareness-raising campaigns on the risks of human trafficking and “irregular migration”. However, given the very limited existing channels for safe and regular migration, especially to Europe, awareness-raising has proved to be insufficient if not coupled with the development of programmes offering education, vocational training and literacy, and also long-term interventions resulting in real economic empowerment. While trafficking in persons cuts across all social classes and ages, those who are willing to attempt perilous journeys, even before becoming victims of trafficking, are affected by poverty and inequality, especially when forcibly repatriated. When that happens, they often return to the same conditions of vulnerability that pushed them to resort to traffickers. It is therefore important to find better ways to address the issue of prevention. That should not only entail increasing dedicated resources for joint projects and operations, which is

<sup>8</sup> See Clementina A. Osezua, “Changing status of women and the phenomenon trafficking of women for transactional sex in Nigeria: a qualitative analysis”, *Journal of International Women’s Studies*, vol. 14, No. 3 (July 2013).

<sup>9</sup> See K.A. Eghafona, “The bane of female trafficking in Nigeria: an examination of the role of the family in Benin society” in *Towards a Sane Society*, A. Awaritefe, ed. (Benin City, Nigeria, Roma publications, 2009).

<sup>10</sup> See *I am Not to Be Sold*, Tobore Ighofume Ovuorie, ed. (Parrésia Publishers, Lagos, 2016.)

absolutely necessary, but also a shift in the approach to such projects. For example, projects should integrate a long-term perspective for the social inclusion of victims and survivors by investing in education and job creation, which could offer a real and meaningful alternative to trafficking.

## G. Cooperation and partnership

74. During the visit, members of the Government emphasized on several occasions that strengthening international cooperation, including by regulating the demand for sexual and labour exploitation in countries of transit and destination, was urgent. The Special Rapporteur agrees that political will and commitment domestically must go hand in hand with the strong commitment of international partners to cooperate in the fight against trafficking, including with regard to joint investigation and prosecution.

75. The Joint Border Task Force represents an effective example of international cooperation in the fight against trafficking in persons. The project, which is currently composed of a small anti-trafficking team of 19 officers, representing about 10 per cent of the total investigation cadre of the National Agency for the Prohibition of Trafficking in Persons, and 3 lawyers, has proved that building national capacity and establishing joint investigation teams for organized crimes can be more successful than bilateral or multilateral agreements when based on information-sharing among credible and well-trained interlocutors. The Special Rapporteur had the opportunity to visit the Joint Border Task Force in Lagos and to learn that the Government of the United Kingdom is currently facilitating the delivery of training on serious organized crime to seven specialized High Court judges in Lagos and one in Benin City, and is embedding a prosecutor from the Crown Prosecution Service in the Joint Border Task Force. The Special Rapporteur finds that encouraging prosecutors to work more closely with investigators from the start is crucial to bridging the gap between the investigation and prosecutorial phases, ensuring better coordination and, consequently, swifter prosecutions.

76. One tangible success of this cooperation was the recent case of Josephine Iyamu, whereby a British female trafficker was sentenced to 18 years in jail for trafficking five Nigerian women into Germany for sexual exploitation after subjecting them to *juju* rituals. She was the first trafficker prosecuted under the British Modern Slavery Act in relation to trafficking victims outside the United Kingdom. She was also convicted of perverting the course of justice.

## IV. Conclusions and recommendations

### A. Conclusions

77. **The Special Rapporteur commends the Federal Government of Nigeria for its legal and institutional framework which, with the establishment of the National Agency for the Prohibition of Trafficking in Persons under the 2015 Trafficking in Persons Act, provides for a comprehensive anti-trafficking response in the country. At state level, she equally commends the enactment of the Edo State Trafficking in Persons Prohibition Law and the creation of the Edo State task force against human trafficking, whose progress she will be keen to follow. Nonetheless, Nigeria remains a source, transit and destination country for victims of trafficking, for the purpose of both sexual and labour exploitation, as well as other forms of exploitation, including organ removal. Internal trafficking is also present in the country.**

78. **Despite the progress made, the Special Rapporteur notes that key challenges remain in terms of implementation, which is proportionally linked to the capacity of State institutions, including law enforcement officials and the judiciary, to exercise their mandate. In that regard, a lack of resources, training and equipment for public officials committed to the fight against trafficking represents a considerable obstacle to robust implementation and enforcement.**



79. While the Special Rapporteur acknowledges the declaration by the Government of its political commitment to combating trafficking in persons, she emphasizes that the first indicator of such commitment lies in allocating adequate resources to specialized agencies and programmes dedicated to the fight against trafficking, which, at present, appear significantly underfunded and rely heavily on civil society organizations. Revived political will and better coordination across relevant federal government departments, such as the Ministry of Labour and Employment and the Ministry of Women Affairs and Social Development, as well as between the National Agency for the Prohibition of Trafficking in Persons and State initiatives, is needed to put in place dedicated actions and holistic anti-trafficking responses that effectively address the needs of victims and survivors. A shift from law enforcement and prosecution to the prevention of trafficking and the protection of victims is also needed, as well as more attention paid and concerted efforts made to combat trafficking for the purpose of labour exploitation, slavery and servitude, exploitation in begging and other forms of exploitation, including domestic forms of trafficking.

80. In terms of protection, while it is commendable that identification is institutionalized through a formal referral system, better coordination is needed between the National Agency for the Prohibition of Trafficking in Persons and service providers, border guards and law enforcement. With regard to the massive displacement affecting the north-east of the country following the Boko Haram insurgency and displacement in other parts of the country, increased joint efforts are necessary, including in cooperation with the international community, to identify and refer to the appropriate protection services victims and potential victims of trafficking in camps for internally displaced persons and in host communities, and to integrate anti-trafficking responses into asylum procedures.

81. The Special Rapporteur also notes with appreciation the existence of 10 government shelters for victims of trafficking, but is concerned that they are closed shelters, infringing on the freedom of movement of survivors. She urges the Nigerian authorities to stop this practice. She is positively impressed by the work of civil society organizations running open shelters for victims of trafficking and struggling to guarantee their long-term social inclusion, but with very limited resources.

82. Rehabilitation and full social inclusion of trafficked persons in Nigeria has proven to be particularly challenging. More concerted efforts should be put in place to provide returnees, including adult males and those returned outside the EU-IOM Joint Initiative for Migrant Protection and Reintegration, with valuable job opportunities, as a form of prevention of re-trafficking.

83. In terms of investigation and prosecution, better coordination and synergies between investigators, prosecutors and counsellors at the investigation phase is needed, in order to tackle trafficking in a holistic manner. The Special Rapporteur also commends the good practice of the Joint Border Task Force as a promising model of international cooperation in the fight against organized crime.

84. Prevention strategies aimed at addressing the root causes of trafficking, such as poverty and unemployment, gender inequality and discrimination, and factors that increase vulnerability to trafficking, should also be strengthened, in collaboration with the international community and traditional and religious leaders, following the successful initiative of Oba Ewuare II of Benin.

## **B. Recommendations**

85. With regard to the international and national legal and institutional framework, the Special Rapporteur recommends that the Government:

- (a) Ratify, without delay, the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), the Forced Labour (Supplementary Measures)

Recommendation, 2014 (No. 203) and the Domestic Workers Convention, 2011 (No. 189);

(b) Ensure universal ratification and enforcement of the Federal Child Rights Act across all states;

(c) Ensure the effective implementation and enforcement of anti-trafficking legislation by strengthening the capacity of the relevant governmental agencies, such as the National Agency for the Prohibition of Trafficking in Persons, law enforcement, border guards and the judiciary, through increased funding, adequate equipment and specialized training on trafficking in persons;

(d) Provide the Agency with adequate resources to enable it to fully carry out its role;

(e) Strengthen the coordination and cooperation between the Agency and relevant governmental departments, such as the Federal Ministry of Women and Social Affairs, the Federal Ministry of Labour and Employment and the Federal Ministry of Education and Youth Development, which should have a more proactive role in preventing and combating trafficking in persons, by, inter alia, addressing youth unemployment and gender discrimination and stereotyping;

(f) Ensure coordination between federal and state-level initiatives, by improving cooperation between the Agency and the Edo State task force against human trafficking;

86. With regard to the protection of victims of trafficking and their identification, the Special Rapporteur recommends that the Government:

(a) Improve data collection through the establishment of a national database on trafficking cases, in cooperation with the National Agency for the Prohibition of Trafficking in Persons and the National Human Rights Commission;

(b) Improve the identification of victims of forced labour and labour exploitation, as well as other forms of trafficking such as child begging or organ removal;

(c) Improve the identification of victims of trafficking and their referral to appropriate protection services in areas affected by displacement, such as the north-east of the country, by providing specialized training on screening and identification of vulnerability to trafficking in camps for internally displaced persons and host communities;

(d) Integrate anti-trafficking responses in asylum procedures and increase the existing cooperation between the National Agency for the Prohibition of Trafficking in Persons and the National Commission for Refugees, Migrants and Internally Displaced Persons, as well as with United Nations specialized agencies, such as the Office of the United Nations High Commissioner for Refugees and IOM, including by training staff on indicators of vulnerability to trafficking in persons, especially among internally displaced communities affected by Boko Haram attacks;

(e) Increase the presence of the National Agency for the Prohibition of Trafficking in Persons in border areas and airports as a means of strengthening cooperation with border control guards and law enforcement officials in identifying trafficking cases.

87. With regard to the protection of victims of trafficking and the provision of services to them, the Special Rapporteur recommends that the Government:

(a) Shift from a law enforcement paradigm to a victim-centred and human rights-based approach to trafficking in persons, which puts victims and survivors at the forefront of all anti-trafficking measures;

(b) Reconsider the policy of closed shelters for victims of trafficking, by replicating the experience of civil society organizations in running open shelters;

(c) Bearing in mind that the primary responsibility in terms of protection of trafficked persons lies with the State, provide adequate funding to the shelters to improve the quality of services provided, especially in relation to the protection and economic empowerment of trafficked persons;

(d) Establish a dedicated budget at the federal and state levels to provide for appropriate resources to civil society organizations that are de facto in charge of long-term accommodation, psychosocial support for and the social inclusion of victims of trafficking in order for them to run shelters properly and provide adequate services to victims;

(e) Improve coordination and cooperation between the National Agency for the Prohibition of Trafficking in Persons and service providers through the establishment of standard operating procedures with public and affordable health care, such as psychiatric services, which is vital for victims of trafficking in overcoming post-traumatic stress and other types of trauma;

(f) Ensure access to appropriate protection services, such as health care and accommodation, for all victims of trafficking, including adult males, especially those forcibly or voluntarily returned from Libya, by taking into account their specific needs, in cooperation with the Ministry of Health;

88. On rehabilitation and reintegration, the Special Rapporteur recommends that the Government:

(a) Continue cooperation, at both federal and state levels, with the international community through the EU-IOM Joint Initiative, to ensure the safe and voluntary return of Nigerian migrants held in inhumane and exploitative conditions in Libya;

(b) Ensure that returnees under the reintegration plan of the Federal Government have equal access to appropriate protection services and reintegration programmes, similar to those returned under the EU-IOM Joint Initiative;

(c) Dedicate special attention to reintegration programmes addressing trafficked women after their return, which are often designed according to traditional gender roles and have proved not sustainable in the medium and long term. Undertake transformative actions empowering women and, in general terms, trafficked persons, following an innovative approach based on the acquisition of new skills, especially aimed at boosting entrepreneurship;

(d) Provide returnees with a wider range of valuable job opportunities which could enhance their social inclusion in the long term, by cooperating with the National Agency for the Prohibition of Trafficking in Persons, civil society organizations and relevant ministries, at both federal and state level;

(e) Replicate the positive initiatives highlighted in the present report, such as those carried out by civil society organizations and by the Edo State task force to pay three months' salaries to 3,211 returnees from Libya, following a monitoring and evaluation phase.

89. With regard to the prevention of trafficking in persons, the Special Rapporteur recommends that the Government:

(a) Identify and tackle the root causes and factors increasing vulnerability to trafficking, such as displacement, economic and gender inequality, poverty, unemployment and the disruption of support systems;

(b) Continue to engage with traditional and religious leaders to halt the practice of *juju* and the oath of secrecy and any other form of collusion with traffickers, following the successful initiative of Oba Ewuare II of Benin. Extend similar initiatives to other states and other forms of exploitation, such as that of money wives in Cross River State;

(c) Invest in prevention and awareness-raising campaigns aimed at combating gender discrimination and stereotyping, and the tendency to see children

as an investment to lift the family out of poverty by placing them in the hands of traffickers to seek their fortune abroad;

(d) Invest in long-term projects offering viable alternatives to stay in the country, including in terms of education opportunities and job creation, in cooperation with the international community, as a means to prevent re-trafficking.

90. With regard to investigation and prosecution of trafficking cases, the Special Rapporteur recommends that the Government:

(a) Tackle corruption and the possible collusion of State officials in trafficking in persons as a means of fostering confidence in the judicial system;

(b) Provide specialized training on trafficking in persons to law enforcement officials and the judiciary to improve their capacity to target high-level perpetrators;

(c) Put in place standard operating procedures to enhance cooperation between the National Agency for the Prohibition of Trafficking in Persons and ordinary law enforcement officials and ensure better synergies between investigators, prosecutors and counsellors at the investigation phase;

(d) Increase the use of electronic evidence in courts and any other ways of securing and corroborating evidence not requiring the physical presence of the victim;

(e) Improve the investigation and prosecution of trafficking for the purpose of labour exploitation, including in relation to domestic servitude within the country;

(f) Increase the use of financial investigation as a means to investigate and prosecute sophisticated organized crime networks and not simply low-level perpetrators;

(g) Ensure access to justice and compensation to victims of trafficking, as part of their right to an effective remedy, by implementing the Victims of Trafficking Trust Fund.

91. With regard to international cooperation and partnership, the Special Rapporteur recommends that the Government:

(a) Improve cooperation on information-sharing with countries of destination by increasing the capacity of the National Agency for the Prohibition of Trafficking in Persons, other law enforcement officials and judges in dealing with complex transnational investigations and prosecutions;

(b) Replicate successful initiatives, such as the Joint Border Task Force, to build confidence among cross-border law enforcement and create an environment conducive to joint investigations.

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