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2011 Trafficking in Persons Report - Nigeria

Nigeria (Tier 1)

Nigeria is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Trafficked Nigerian women and children are recruited from rural, and to a lesser extent urban, areas within the country's borders – women and girls for domestic servitude and sex trafficking, and boys for forced labor in street vending, domestic servitude, mining, stone quarries, agriculture, and begging. Nigerian women and children are taken from Nigeria to other West and Central African countries, including Gabon, Cameroon, Ghana, Chad, Benin, Togo, Niger, Burkina Faso, the Central African Republic, and The Gambia, as well as South Africa, for the same purposes. During the year, reports indicated significant numbers of Nigerian women are living in situations of forced prostitution in Mali and Cote d'Ivoire. Children from West African countries, primarily Benin, Togo, and Ghana, are forced to work in Nigeria, and many are subjected to hazardous labor in Nigeria's granite mines. Nigerian women and girls, primarily from Benin City in Edo State, are taken to Italy for forced prostitution, and others are taken to Spain, the Netherlands, Germany, Turkey, Belgium, Denmark, France, Sweden, Switzerland, Norway, Ireland, Greece, and Russia for the same purposes. Nigerian women and children are recruited and transported to destinations in North Africa and the Middle East, including Saudi Arabia, the United Arab Emirates, Lebanon, Egypt, Libya, and Morocco, where they are held captive in the sex trade or situations of forced labor. During the reporting period, traffickers decreasingly relied on air travel to transport trafficking victims, and more often utilized land and sea routes, for example by forcing victims to cross the desert on foot to reach Europe.

The Government of Nigeria fully complies with the minimum standards for the elimination of trafficking. Over the last year, the Nigerian government sustained a modest number of trafficking prosecutions as well as the provision of assistance to several hundred trafficking victims, but did not demonstrate an increase in its anti-trafficking law enforcement efforts. Although the government claimed to have increased its budget allocation to the National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP), which was forecasted to receive an estimated \$7 million last year, the government did not disclose actual disbursements to NAPTIP. An apparent increase in referrals to NAPTIP of cases involving non-trafficking crimes against children – such as pedophilia and baby selling – appears to have burdened the organization. Longstanding plans to relocate NAPTIP's flagship shelter for victims – in a Lagos building abandoned by the national security service – were not fulfilled. Other victims' shelters operated below their full capacity, offered limited reintegration services, and were not always well maintained. Despite the documented magnitude of the problem of Nigerian trafficking victims in countries around the world, the

government inconsistently employed measures to provide services to repatriated victims, and did not make public the number of victims it repatriated during the year. In September 2010, senior NAPTIP officials traveled to Mali where they investigated reports that 20,000 to 40,000 Nigerian women were being held there in forced prostitution; despite identifying a considerable number of such victims, officials took no apparent action to engage Malian government counterparts to rescue victims or arrest traffickers in the subsequent six months before the close of the reporting period. It is of concern that senior NAPTIP officials' regular travel abroad during the year did not yield discernible results in terms of arrests of traffickers or rescues of victims.

Recommendations for Nigeria: Ensure that the activities of NAPTIP are adequately funded, particularly for protection of victims; increase investigations, prosecutions, and convictions of labor trafficking offenses; impose adequate sentences on convicted trafficking offenders, including imprisonment whenever appropriate; train police and immigration officials to identify trafficking victims among vulnerable populations, such as women in prostitution and young females traveling with non-family members; ensure that NAPTIP officials' foreign travel for fact-finding and training does not detract from the agency's core mission of investigating and prosecuting trafficking offenders and protecting victims; vigorously pursue investigation of cases to ultimate prosecution; provide Nigerian-led specialized training to all NAPTIP counselors and make this training mandatory before assigning an individual to a position in a shelter; increase the provision of educational and vocational training services to victims at government shelters; complete the long-promised relocation of the shelter in Lagos; develop a formal system to track the number of victims repatriated from abroad; in cooperation with Malian officials, initiate an operation to rescue Nigerian trafficking victims in Mali, and prosecute their exploiters; and take proactive measures to investigate and prosecute government officials suspected of trafficking-related corruption and complicity in trafficking offenses.

Prosecution

The Government of Nigeria did not demonstrate progress in its anti-trafficking law enforcement efforts to combat trafficking during the last year. The 2003 Trafficking in Persons Law Enforcement and Administration Act, amended in 2005 to increase penalties for trafficking offenders, prohibits all forms of human trafficking. The law's prescribed penalties of five years' imprisonment, a \$645 fine, or both for labor trafficking, are sufficiently stringent, but the law is written to allow convicted offenders to pay a fine in lieu of prison time for labor trafficking or attempted trafficking offenses, which is a penalty that is not proportionate to the crime committed. The law prescribes 10 to 15 years' imprisonment for sex trafficking offenses; these penalties are sufficiently stringent, and commensurate with penalties prescribed for other serious crimes, such as rape. NAPTIP reported initiating 262 new investigations – but did not specify how many of these were trafficking cases – which led to 12 prosecutions and convictions for trafficking crimes, all prosecuted under articles within the Trafficking in Persons Law Enforcement and Administration Act. Only three of the successful prosecutions involved forced labor, although more than half of the victims identified during the year were victims of forced labor. Sentences that imposed prison time ranged from two months' to 14 years' imprisonment. Four offenders – three convicted of attempted sex trafficking and one convicted of forcing three children with disabilities to beg for money in Saudi Arabia – paid only fines and did not serve a prison sentence. Despite a reported government appropriation of more than \$7 million in funding to NAPTIP, the organization's inadequate operational capacity suggested a significant disparity between projected funds and actual disbursements to the agency. Throughout the year, investigators often were not provided funding for travel or access to a vehicle to investigate trafficking cases, and the agency relied almost entirely on foreign donor funding for training its staff.

Although NAPTIP demonstrated a sustained, strong ability to obtain convictions from the prosecutions it initiated, less than nine percent of investigations conducted during the year resulted in prosecutions, suggesting a need for increased specialized investigation skills among NAPTIP officials. The government did not provide specialized training to its officials on how to recognize, investigate, and prosecute trafficking cases. Fact-finding

trips did not result in investigations or prosecutions. International donors provided training to judges and shelter staff counselors during the year, with support from NAPTIP in the form of logistics, staff, and other in-kind contributions, but expressed concerns that the frequency with which officials were reassigned to positions outside their area of expertise undermined the effectiveness of this training. During the year, the government signed two memoranda of understanding – one with Italy's chief organized crime prosecutor, and one with the Swiss justice system – to collaborate on investigations of trafficking cases, but did not report conducting any such collaborative investigations with foreign governments.

The government did not initiate any investigations, pursue prosecutions, or obtain convictions of government officials for involvement in trafficking-related corruption during the reporting period, although such corruption was known to have occurred in previous years.

Protection

The Government of Nigeria did not demonstrate appreciable progress in its efforts to protect trafficking victims during the year, despite the government's considerable resources. The government continued to lack a formal system for identifying victims among vulnerable populations, such as women in prostitution, and authorities outside of NAPTIP – such as police and immigration officers assigned to other units – were not well-trained to identify victims. Furthermore, some police reportedly extorted women in prostitution for money. The government maintained a database of trafficking victims identified by the government and NGOs; it reported a total of 932 trafficking victims identified by NGOs and the government during the year. Of this total, 540 were victims of forced labor and 392 were victims of sex trafficking; approximately half were children. In September 2010, senior NAPTIP officials traveled to Mali to investigate reports that 20,000 to 40,000 Nigerian women were being held there in forced prostitution. Despite identifying significant numbers of such victims, and pledging a commitment to pursue action, Nigerian authorities have not taken steps to rescue these victims.

The government paid stipends to NGOs and other organizations that provided protective services to trafficking victims, but did not report its expenditures on shelter facilities and victim protection services. NAPTIP continued to operate eight shelters for victims, which reportedly assisted 1,047 women and children victims of trafficking during the year. Although NAPTIP shelters offered capacity for 470 victims at a time, observers reported most operated well under capacity during the year, and did not have the capability to respond to sizeable influxes of victims. The government did not have a formal procedure in place to repatriate and reintegrate Nigerian victims subjected to trafficking abroad, and it did not provide information on the number of such victims cared for during the year; it reportedly received all such victims at its inadequate facility on Ikoyi Island in Lagos, and undertook efforts to renovate a new facility, though this was not completed during the year. NGOs sometimes picked up repatriated victims from Lagos' international airport when NAPTIP did not arrive to meet the victims. Since 2009, NAPTIP has regularly reported imminent plans to move this shelter to a more adequate structure in nearby Ikeja, and to the detriment of victims, has moved slowly to accomplish this plan. All victims in shelters received counseling, legal services, and basic medical treatment, and victims who required specialized care received treatment from hospitals and clinics through existing NAPTIP agreements with these institutions. The government did not always require individuals assigned to work in shelters to have previous professional experience or training for assisting victims, and it did not provide any such specialized training, though it made in-kind contributions to foreign donors who provided training to 38 NAPTIP counselors during the year. Observers reported shelters at times severely lacked resources, and staff members were sometimes forced to use personal funds to purchase food for victims or to pay for transportation to return victims to their families.

Victims were able to decide whether to remain in a shelter after undergoing initial counseling and an interview for their legal cases. Victims were allowed to stay in NAPTIP shelters for up to six weeks – a limit which was extended by up to four additional weeks

in extenuating circumstances – during which time they received informal education or vocational training; after this time, those who needed long-term care were referred to a network of NGOs who could provide additional services, though few long-term options were available for adult victims. Victims were not allowed to leave shelter premises for the duration of their stay, unless they were escorted by an NGO or other organization on a supervised trip or to receive specialized medical treatment or testify in court. Government officials appeared to adhere to the explicit provision of the 2003 Trafficking in Persons Law Enforcement and Administration Act which protects trafficking victims from punishment for offenses committed as a result of being trafficked. Trafficking suspects continued to be questioned in detention areas a considerable distance from victims' quarters. Officials encouraged victims to assist in the investigation and prosecution of trafficking cases, and NAPTIP reports that one victim served as a witness in each case of the 12 trafficking prosecutions that resulted in convictions during the year. However, cases took significantly longer to be prosecuted than the six weeks during which victims remained in government shelters, and victims had often returned to villages outside this jurisdiction before the conclusion of the trial. The government did not consistently provide adequate services to enable victims to return to participate in cases, such as transportation and lodging; this may have negatively affected investigators' ability to build cases sufficient for initiating prosecutions. No victims obtained redress through civil court complaints during the year. All victims were eligible to receive funds from the Victims' Trust Fund, which was financed primarily through confiscated assets of convicted traffickers; in February 2011, the first distributions were made from the fund in the amount of approximately \$1,131 to each of 10 victims, proceeds of the seizure of brothels in the first quarter of 2010. The government provided a limited legal alternative to the removal of foreign victims to countries where they face hardship or retribution.

Prevention

The Government of Nigeria sustained its efforts to prevent human trafficking through campaigns to raise awareness and educate the public about the dangers of trafficking. NAPTIP's Public Enlightenment Unit continued to conduct national and local programming, through radio and print media, in all regions of the country to raise awareness about trafficking, including the use of fraudulent recruitment for jobs abroad. The objective of these and several related programs was to sensitize vulnerable people, sharpen public awareness of trends and tricks traffickers used to lure victims, warn parents, and encourage community members to participate in efforts to prevent trafficking. The Stakeholder Forum, with participants from law enforcement agencies, government ministries, NGO groups, and other countries' diplomatic missions, continued to meet quarterly to foster collaboration, share information, and update the National Plan of Action. NAPTIP's budget and programming follows the National Plan of Action, which sets forth program priorities and cost estimates through 2012. The Nigerian Immigration Service did not systematically monitor emigration and immigration patterns for evidence of trafficking, but some officers who had received training reported suspected trafficking activity to NAPTIP; an unknown number of arrests resulted from this information. The government provided training to groups of citizens embarking on government-sponsored religious pilgrimages, to warn them against trafficking. In June 2010, the Minister of the Federal Capital Territory made a declaration ordering women in prostitution to leave Abuja, the capital; officials subsequently initiated raids on brothels and arrested women in prostitution without screening for trafficking victims among them. The government took no discernible steps to decrease the demand for forced labor. The government, with foreign donor support, provided anti-trafficking training to Nigerian troops prior to their deployment abroad on international peacekeeping missions.
