



Nigeria: Researched and compiled by the Refugee Documentation Centre on the 30 May 2016

Do you have any information on the risk of being re-trafficked in Nigeria if returned? In particular people who are trafficked for prostitution purposes.

In addition is there any information on how people who have been trafficked for prostitution are treated on their return to Nigeria?

In such circumstances is there information on what if any protection is provided by the State?

Is there any evidence of the level of trafficking from Nigeria?

A report by the *European Asylum Support Office* under the heading "Safety of returning victims of THB" states:

"Victims of human trafficking often express the feeling that returning to Nigeria is too dangerous for fear of retaliation by traffickers or madams. They are afraid because of the juju oath they have sworn and the remaining debt with the trafficker." (European Asylum Support Office (October 2015) *Nigeria; Sex trafficking of women*)

The report continues:

"NAPTIP staff, interviewed by Women's Link Worldwide in 2011, stated that women who do not file charges against traffickers are not considered to be at risk. In their view, women who have escaped from their traffickers and reported them to the authorities generally run more risks than those who have been detected by the police in a European country and deported to Nigeria. The former have broken the contract but still have a debt to be repaid. NAPTIP staff notes that deported women who still have a debt to be paid run the risk of being re-trafficked to Europe. This risk is not taken into account in risk assessments, according to NAPTIP staff." (ibid) (pg.46)

In a section titled "Possible return and re-trafficking to Europe" it states:

"Many of the victims repatriated to Nigeria try to return to Europe as soon as possible. They may do so on their own initiative, or be pressured or forced to do this by the trafficker or the madam, to whom they may not have yet fully repaid their debt, or by their family, disappointed that they were not able to fulfil their expectations of becoming wealthy. Many of the women repatriated to Nigeria that Peano interviewed in her study re-negotiated their passage to

Europe under the same conditions and did so repeatedly. Cherti et al. note that the close relationship between the victims' families or communities and traffickers may lead to the risk of being re-trafficked even when the victim herself is unwilling to leave.

Some victims may at first try to resettle in Nigeria, but if they find life there to be unsatisfactory, they may try to migrate to Europe again. In connection with this migration, victims may again be exploited and accumulate more debt. On the other hand, according to some women in Skilbrei & Tveit's study, the second migration to Europe may be easier as the customs of the destination country have already become familiar and the women are not as vulnerable as they were during their first migration." (ibid)

It also states under the heading "Possibility of obtaining state protection"

"Interlocutors of the 2007 Danish fact-finding mission to Nigeria stated that, even if the debt had not been fully repaid, the victim would be able to obtain protection from reprisals by traffickers in Nigeria. The Nigerian police was said to have the capacity to protect victims from traffickers. However, it was also stated that there was no guarantee of protection as the Nigerian police suffered from corruption, and any trafficker could bribe the police and avoid possible prosecution. It was further stated that up to 90 % of the families in which one of the family members had been trafficked did not call on the police or go to court but would do their utmost to pay the debt, including by selling their land and other property.

Representatives of NGOs interviewed by the 2007 Danish fact-finding mission were generally sceptical about NAPTIP's capability to protect victims against traffickers, due to lack of resources and technical know-how. It was not considered possible that all victims who need assistance would receive it as there were too many victims compared to the available resources. However, NAPTIP officials blamed NGO criticism of NAPTIP on the fact that they have to compete for funds." (ibid)

A report by the *United States Department of State* under the heading "Nigeria: Tier 2" states:

"Nigeria is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Nigerian trafficking victims are recruited from rural and, to a lesser extent, urban areas: women and girls for domestic servitude and sex trafficking and boys for forced labor in street vending, domestic service, mining, stone quarrying, agriculture, textiles manufacturing, and begging. Young boys in Koranic schools, commonly known as Almajiri children, are subjected to forced begging. Nigerian women and children are taken from Nigeria to other West and Central African countries, as well as to South Africa, where they are exploited for the same purposes. Nigerian women and girls are subjected to forced prostitution throughout Europe. Nigerian women and children are also recruited and transported to destinations in North Africa, the Middle East, and Central Asia, where they are held captive in the sex trade or in forced labor. Nigerian gangs subject large numbers of Nigerian women to forced prostitution in the Czech Republic and Italy; EUROPOL has identified Nigerian organized crime related to trafficking in persons as one of the greatest law enforcement challenges to European governments. Nigerian women are transported to Malaysia, where

they are forced into prostitution and to work as drug mules for their traffickers.” (United States Department of State (27 July 2015) *Trafficking in Persons Report 2015 - Country Narratives – Nigeria*)

In a section titled “Prosecution” it states:

“The government maintained strong anti-trafficking law enforcement efforts. In March 2015, the government passed amendments to the 2003 Trafficking in Persons Law Enforcement and Administration Act, which increase the penalties for trafficking offenders. The law prohibits all forms of trafficking. It prescribes a minimum penalty of five years’ imprisonment and a minimum fine of one million naira (\$5,470) for labor trafficking offenses. The law prescribes a minimum penalty of five years’ imprisonment for sex trafficking offenses and a minimum fine of one million naira (\$5,470); the minimum penalty increases to seven years’ imprisonment if the case involves a child. These penalties are sufficiently stringent and commensurate with other serious crimes, such as rape.

NAPTIP conducted 509 trafficking investigations, completed 56 prosecutions, and secured 30 convictions during the reporting period, compared with 314 investigations, 43 prosecutions, and 42 convictions in the previous reporting period. The decrease in convictions is likely a result of a three-month strike by the judiciary. An additional 150 prosecutions remained pending at the end of the reporting period. All prosecutions occurred under the 2003 anti-trafficking law, and prison sentences upon conviction ranged from three months’ to 30 years’ imprisonment. Of the 22 convictions, 17 resulted in imprisonment without the option of paying a fine.” (ibid)

It also states under the heading “Protection”

“The government increased efforts to protect trafficking victims. The government and NGOs identified 914 trafficking victims within the country, including 336 victims of sex trafficking, and 578 victims of labor trafficking, compared with 777 victims identified in the previous reporting period. NAPTIP provided initial screening and assistance for all victims it identified and referred them to government-run care facilities for further medical care, vocational training, education, and shelter. The government has formal written procedures to guide law enforcement, immigration, and social services personnel in proactive identification of trafficking victims among high-risk populations. Police, immigration, and social services personnel received specialized training on how to identify victims of trafficking and direct them to NAPTIP. Additionally, the government’s national referral mechanism provides formal guidelines for law enforcement, immigration officials, and service providers to improve protection and assistance to trafficking victims in Nigeria.

In 2014, the government allocated approximately 2.4 billion naira (\$13 million) to NAPTIP. NAPTIP spent roughly one-fifth of its operational budget, or 96.5 million naira (\$528,000), on victim protection and assistance during the reporting period. State governments also contributed an additional five million naira (\$27,300) to support state anti-trafficking efforts. NAPTIP operated nine shelters specifically for trafficking victims, with a total capacity of 313 victims. Through these shelters, NAPTIP provided access to legal, medical, and psychological services, as well as vocational training, trade and financial empowerment, and business management skills. Victims who required

additional medical and psychological treatment were provided services by hospitals and clinics through existing agreements with NAPTIP. NAPTIP shelters offered short-term care, generally limiting victims' stays to six weeks, though victims were allowed to extend their stays under special circumstances. If victims needed longer-term care, NAPTIP collaborated with two shelters operated by the Ministry of Women's Affairs, as well as NGO-run shelters. Victims in NAPTIP shelters were not allowed to leave unless accompanied by a chaperone. NAPTIP provided funding, in-kind donations, and services to NGOs and other organizations that afforded protective services to trafficking victims." (ibid)

A report by the *Finnish Immigration Service* under the heading "Repatriation to Nigeria" states:

"Many of the informants in Skilbrei and Tveit's study had heard of women returning to Nigeria who had been arrested upon their arrival in the country and released in exchange for bribes paid by their family. Some informants had heard about a case in which one hundred Nigerian women had been repatriated from Italy to Nigeria and all of them were arrested at the airport. They had been released in exchange for bribes paid by their parents. Nevertheless, Skilbrei and Tveit could not verify these statements. Still, similar statements about arrests at Nigerian airports upon arrival in the country have been told by Nigerian women in Denmark. In addition, it may have happened that women arriving in Nigeria have been requested to present an "AIDS certificate" at the airport, supposed to prove that the woman is not HIV positive. However, no such certificate exists, meaning that it is just the airport police's way to request bribes. The IOM has also noted that the detention of Nigerian women at the airport and the corruption of the airport police is common." (Finnish Immigration Service (24 March 2015) *Human Trafficking of Nigerian Women to Europe* – pg.25)

In a section titled "High-risk return" it states:

"According to the study by Cherti et al., the return to Nigeria is often high risk for the victims, and they are exposed to the risk of violence or re-trafficking. The close relationship between the victims and their exploiters appears to cause specific difficulties for the victims, particularly if there is still debt remaining. The victims are afraid of returning to Nigeria because of the juju oath they have sworn and the debt to the trafficker. Many of the women interviewed by Skilbrei and Tveit fear some sort of punishment or revenge from traffickers if they return to Nigeria before paying back their debt." (ibid) (pg.32)

It also states under the heading "Attitudes of communities and families toward returnees"

"People who return or are repatriated to Nigeria without money are received in a significantly different manner than those who return wealthy. Communities may have a widely held negative attitude towards the victims and the social stigmatisation is high if the victim returns with health problems instead of wealth. The victims may face disappointment, contempt and hostility even from their own family members who are disappointed if the girl has not earned enough or at all in Europe. The families may refuse to have them back, and consequently, many repatriated victims do not have a place

to go in Nigeria. The victims may be exposed to psychological and emotional violence from their families, and the victims recruited by their relatives or family may be at risk of being exposed to physical domestic violence, too. However, there are no known cases where families that disowned their daughter would have exposed the daughter to serious physical violence or killed her.” (ibid) (pg.26)

A report by the *UN Committee on the Elimination of Discrimination Against Women* under the heading “Administrative Measures” states:

“Despite the gaps in the existing law, several administrative measures have been put in place to drive effective response to TIPs:

The Federal Executive Council (FEC) approved the National Policy on Protection Assistance to Trafficked Persons in Nigeria and the National Strategic Plan on TIP in November 2008. This Policy adopts a holistic approach in the protection and assistance to trafficked persons through rehabilitation programmes that provide appropriate integration into their various communities.

NAPTIP produced the guidelines for the protection of children in formal care, which was adopted by Stakeholders in December 2009.

NAPTIP now has 8 Zonal Offices in the 6 (six) geopolitical zones and the Federal Capital Territory as opposed to 6 that were reported in 2006: Abuja, Lagos, Benin, Uyo, Enugu, Sokoto, Kano, Maiduguri and Makurdi. State Working Groups (SWG) have also been created in all of these Zones.

Shelters – NAPTIP now operates nine Shelters located in Abuja and eight Zonal Offices. There are other shelter facilities nationwide being run by private organizations (NGOs) which NAPTIP also monitors (See Table 3.1 above). There are other support services designed to meet specific needs of trafficked victims in these shelters:

Establishment of Victims of Trafficking Trust Fund in 2008 which has been helpful in alleviating the challenge of financial constraint thus aiding the Federal Government to achieve more through NAPTIP;

Nigeria is presently collaborating with Italy, France, Netherlands, Switzerland, Spain, United States of America, Finland, Britain, Saudi Arabia, Norway, Benin Republic and Organizations such as UNODC, IOM, UNICEF, ILO, USAID, UNICRI, WOTCLEF etc.

UNODC signed a revised Project Document and Grant Agreement to the tune of \$180,000 with NAPTIP in areas of Training Needs Assessment, Training Curriculum and Strategy Development, NAPTIP immediate Training Priorities and Training for Law Enforcement Agencies.

The Nigerian Police Force, Nigerian Immigration Service and social services personnel received specialized training on how to identify victims of trafficking and make appropriate referrals to NAPTIP.”(UN Committee on the Elimination of Discrimination Against Women (8 October 2015) *Consideration of reports submitted by States parties under article 18 of the Convention Combined seventh and eighth periodic report of States parties due in 2014*

In a section titled “Notable Achievements on TIPs” it states:

“A total of two thousand, seven hundred and twenty six (2,726) cases of human trafficking had been reported to the NAPTIP since inception. Between 2010 and 2011, NAPTIP won a total of thirty seven (37) cases, which resulted in forty four (44) convictions of 22 male and 22 female offenders. With this, a total of two hundred and eighteen (218) convictions had been secured by the Agency from inception till the end of year 2013.

Four Hundred and Seven (407) cases of human trafficking and other related matters were reported to the agency in the year 2013. Of the 407 cases reported, 266 (65.4%) were successfully investigated.” (ibid) (pg.28)

References:

European Asylum Support Office (October 2015) *Nigeria; Sex trafficking of women*

http://www.ecoi.net/file_upload/90_1445949766_2015-10-easo-nigeria-sex-trafficking.pdf

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http://www.migri.fi/download/60332_Suuntaus_NigSuuntaus_HumanTraffickingfromNigeriaFINAL200415.pdf?5715f56266acd288

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United States Department of State (27 July 2015) *Trafficking in Persons Report 2015 - Country Narratives – Nigeria*

http://www.ecoi.net/local_link/308824/432621_en.html

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

Amnesty International

Australian Government Refugee Review Tribunal
BBC News
Danish Immigration Service
Electronic Immigration Network (EIN)
European Asylum Support Office
European Country of Origin Information Network
Finnish Immigration Service
Freedom House
Human Rights Watch
Immigration and Refugee Board of Canada
Lexis Nexis
United Kingdom Home Office
UN Committee on the Elimination of Discrimination Against Women
United States Department of State