

Topic: Overview of Trafficking in Persons (TIP)

Aim: To equip Personnel with the general overview of human trafficking and the Agency.

Expected Outcome: At the end of this session the trainee should be able to:

- Define Human Trafficking, Smuggling of Migrants & Migration
- Differentiate between Human Trafficking & smuggling of migrants
- Understand the trends and patterns of TIP in Nigeria
- Give at least 3 forms of exploitation in TIP
- State the full meaning of NAPTIP and its mandate
- State the Administrative Structure of NAPTIP
- Mention at least five (5) departments of NAPTIP
- Mention at least five (5) Zonal Offices of NAPTIP
- List at least five (5) Achievements of the Agency

Outlines

1. Introduction
2. Definition of terms
3. Types of TIP
4. Root causes of TIP
5. Magnitude, trends and patterns
6. Forms of Exploitation
7. Consequences of TIP
8. TIP and TOC
9. Crimes Associated with TIP
10. Strategies for combating TIP
11. Migration: overview, types, factors influencing migration, root causes of migration, regular and irregular migration, SOM

12. Relationship between TIP and SOM
13. Creation/Meaning/ Mission Statement of NAPTIP
14. Functions, Mandate & Powers of the Agency
15. Administrative Structure of NAPTIP
16. Achievements of the Agency
17. Operational Environment
18. NAPTIP FIVE (5) Ps Strategies in the Fight Against TIP

1.0 INTRODUCTION

National Agency for Prohibition of Trafficking In Persons (NAPTIP) is a creation of the Trafficking in Persons (Prohibition) Law Enforcement and Administration (TIPPLEA) Act 2003. This law was amended in 2005 and by 2015 it was re-enacted as Trafficking In Persons (Prohibition) Enforcement and Administration (TIPPEA) Act 2015. The Act was an outcome of a private Bill from the Women Trafficking and Child Labour Eradication Foundation(WOTCLEF), a Non-Governmental Organization established by the Wife of then Vice President, Mrs. Amina Titi Atiku Abubakar. NAPTIP is therefore, Nigeria's focal Agency in the fight against trafficking in persons and its associated social problems.

In combating human trafficking in Nigeria, the Agency uses the 5P Principle of Policy, Prevention, Protection, Prosecution and Partnership.

Human trafficking is a worldwide form of exploitation in which men, women, and children are bought, sold, and held against their will in slave – like conditions. People are trafficked and forced to work in the commercial sex trade, sweatshops, agricultural settings, domestic service and other types of servitude.

Trafficking in persons was relatively unknown in the country until about late 90s. Victims were seen as prostitutes or illegal migrants that were justifiably deported back home.

In 2000 Nigeria signed and ratified the United Nations Trans-National Organized Crime (TOC) Convention and the Protocol to suppress and punish trafficking in persons; The Protocol also known as Palermo Protocol was subsequently domesticated as Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003. The Act established the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) as Nigeria's focal Agency in the fight against trafficking in persons especially women and children.

The LEAs as partners, work principally through their counter trafficking desks and the application of provisions of the Penal and Criminal Codes. Upon passage of the TIPLEA 2003 and establishment of NAPTIP, existing law enforcement initiatives have been implemented in cooperation with NAPTIP. The nature of this cooperation and engagement has been broad, including through training, joint operations, intelligence sharing, referrals and secondment of personnel to NAPTIP.

TIP is a lucrative aspect of trans- national organized crime and has become a threat to the lives and freedom of men, women, and children around the world. When victims of TIP are rescued, they often feel alienated from their families, communities, and culture. At best, they face a long and difficult process of rehabilitation and reintegration into society before they can begin to enjoy a secure and meaningful quality of life.

Today, people are being trafficked in all countries of the world, and they will suffer degradations that take many different forms, including sexual servitude, forced labour, physical and psychological abuse, and death. It is uncertain how many

persons are trafficked around the world annually. However, estimates from various governments and international bodies range from hundreds of thousands to millions of victims each year.

Despite statistical difficulties various organizations or institutions have tried to estimate the magnitude of the problem. United Nations Office on Crime and Drugs (UNODC) posits that "Some 2.5 million people throughout the world are at any given time recruited, entrapped, transported and exploited- in a process called human trafficking..." According to the U.S. Department of State Trafficking in Persons Report, June 2010 "Adults and children in forced labor, bonded labor, and forced prostitution around the world: 12.3 million" The 2007 report stated that every year some 800,000 women and children are trafficked across national borders, which does not include the millions trafficked within their own countries. The ratio is put at 1.8 per 1000 inhabitants and in Asia and Pacific: 3 per 1,000 inhabitants. Approximately 80 percent of transnational victims are women and girls and up to 50 percent are minors. According to the UNICEF Executive Director, globally, an estimated 1.2 million children are trafficked each year, within countries as well as across borders. A report released by the ILO in 2005 places the global minimum estimate number of persons in forced labour as a result of trafficking at 2,450,000. Trafficking represents a significant proportion of forced labour cases, namely about 20 per cent of all forced labour and about one quarter of forced labour cases exacted by private agents. Similar figures are given by the ILO Action against Trafficking in Human Beings, 2008. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) was adopted

15th Nov. 2000 and it came into force on 25 December 2003. So far, 141 countries as at October 31st 2010 are State Parties. Nigeria ratified this important Protocol on 28th June, 2001.

2.0 DEFINITION OF TIP

The definitions for trafficking in persons and migrant smuggling are found in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children (Trafficking Protocol) and the Protocol against the Smuggling of Migrants by Land, Sea and Air (Smuggling Protocol) respectively.

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

Smuggling Protocol, article 3(a)

“Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

Article 3 of the Trafficking Protocol clarifies that trafficking in persons has three constituent elements:

- (1) An act (what is done);
- (2) The means (how it is done); and
- (3) Exploitative purpose (why it is done).

Article 5 further requires countries to ensure that the conduct contained in article 3 is criminalized in their domestic legislation. It is important to remember that the definition contained in the Trafficking Protocol is meant to provide a level of consistency and consensus around the world on the phenomenon of trafficking in persons need not follow the precise language of the Trafficking Protocol. Rather, domestic legislation should be adapted in accordance with domestic legal systems and give effect to the meaning and concepts contained in the Trafficking Protocol.

2.1 Clarification of terms

Elements of a case of human trafficking

The Trafficking Protocol requires that the crime of trafficking be defined through a combination of the three constituent elements and not the individual components, though in some cases these individual elements will constitute criminal offences independently. For example,

The act of abduction or the non-consensual application of force (assault) will likely constitute Separate criminal offences under domestic criminal legislation. In criminal law terms, these three constituent elements can also be identified as the *actus reus*—the material or physical element(s)—and the *mens rea*—the mental element. No conviction may be rendered in the absence of these two criminal law concepts, fundamental to Criminal systems around the world.

Actus reus requirements

The *actus reus* or material elements of trafficking in persons vary depending on the legislation of your country. In the case of the

crime of trafficking as defined in the Trafficking Protocol, the actus reus requirement is split into two parts.

Actus reus requirement (1): The offence must include any one of the following:

- i. Recruiting
- ii. Transporting

Definitions of trafficking in persons and smuggling of migrants 5

- i. Transferring
- ii. Harboring
- iii. Receiving a person

Some or all of these terms are likely to have a clearly defined meaning in domestic legal system.

Actus reus requirement (2):

It must also contain at least one of the following means:

- i. Use of force
- ii. Threat of force
- iii. Coercion
- iv. Abduction
- v. Fraud
- vi. Deception
- vii. Abuse of power or of a position of vulnerability
- viii. Giving or receiving of benefits

Mens rea requirement

- i. The mens rea requirement reflects the state of mind of the person charged with an offence.
- ii. Only those with a sufficient “guilty mind” can be found liable for a criminal offence. In
- iii. Certain jurisdictions and in certain cases, criminal liability may be “strict” (“strict liability “offences).

The requisite mental element required in a trafficking in person's case is that the person committed the material act(s) with the intention that the victim be "exploited" (as defined by a country's domestic anti-trafficking legislation).

The Trafficking Protocol does not define exploitation but gives a non-exhaustive list of forms of exploitation:

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, or practices similar to slavery, servitude or the removal of organs. Again, it is important to remember that the Trafficking Protocol obligation to criminalize trafficking in persons does not require that domestic legislation use the precise language

The "purpose of exploitation" is a *dolus specialis* mental element: *Dolus specialis* can be defined as the purpose aimed by the perpetrator when committing the material acts of the offence. It is the purpose that matters, not the practical result attained by the perpetrator. Thus, the fulfilment of the *dolus specialis* element does not require that the aim be actually achieved.

In other words, the "acts" and "means" of the perpetrator must *aim* to exploit the victim. It is not therefore necessary that the perpetrator actually exploits the victim.

3.0 TYPES OF TIP

TYPES OF HUMAN TRAFFICKING

There are many forms of trafficking, but one consistent aspect is the abuse of the inherent vulnerability of the victims.

3.1 Trafficking for forced labour

Victims of this widespread form of trafficking come primarily from developing countries. They are recruited and trafficked using deception and coercion and find themselves held in conditions of slavery in a variety of jobs. Men, women and children are engaged in agricultural, fisheries and construction work, along with domestic servitude and other labor-intensive jobs.

3.2 Trafficking in women for sexual exploitation

This prevalent form of trafficking affects every region in the world, either as a source, transit or destination country. Women and children from developing countries, and from vulnerable parts of society in developed countries, are lured by promises of decent employment into leaving their homes and travelling to what they consider will be a better life. Victims are often provided with false travel documents and an organized network is used to transport them to the destination country, where they find themselves forced into sexual slavery and held in inhumane conditions and constant fear.

3.3 Commercial sexual exploitation of children in tourism

This crime type has been apparent in Asia for many years and has now taken hold in Africa as well as Central and South America. The phenomenon is promoted by the growth of inexpensive air travel and the relatively low risk of prohibition and prosecution in these destinations for engaging in sexual relations with minors.

3.4 Trafficking for tissue, cells and organs

Trafficking in humans for the purpose of using their organs, in particular kidneys is a rapidly growing field of criminal activity. In many countries, waiting lists for transplants are very long, and criminals have seized this opportunity to exploit the desperation of patients and potential donors. The health of victims, even their lives, is at risk as operations may be carried out in clandestine conditions with no medical follow-up. An ageing population and increased incidence of diabetes in many developed countries is likely to increase the requirement for organ transplants and make this crime even more lucrative.

3.5 People smuggling

Closely connected to trafficking in human beings is the issue of people smuggling. This has taken on new proportions in recent months, especially in the Mediterranean region, and it is clear that organized criminal networks are taking advantage of the humanitarian crisis for financial gain.

TRAFFICKING OF CHILDREN VS. TRAFFICKING OF ADULTS

The Issue of Consent

Article 3(b) of the Trafficking protocol provides that:

- i) Consent is irrelevant if any of the MEANS of Trafficking is/are used (i.e. threat or use of force, deception, coercion, abduction, fraud etc.)
- ii) A child is not capable of giving consent. Even if the means of trafficking, such as deception, coercion or abduction are NOT employed, it is still trafficking, if a child is involved.

INTERNAL TRAFFICKING VS. CROSS-BORDER TRAFFICKING

Internal -The movement from rural to urban domestic labour such as working in the quarries, hawking, baby-sitting, begging.

4.0 The Root Causes of Human Trafficking

Human Trafficking is caused by many factors. Some of the factors are ***push factors*** while others are ***pull factors***. Push factors refer to the reasons why victims are forced to leave their environment such as poverty while pull factors are the reasons that attract them to certain destinations. An example of pull factors would be the promise of a good job abroad or better life in the urban areas. Some of the root causes are:

- i) Poverty linked with lack of opportunity;
- ii) Illiteracy and ignorance resulting in wrong perception (of the West for instance);
- iii) Increasing demand for cheap labour;
- iv) Increasing demand for sexual workers;
- v) Availability or large supply of unskilled, cheap labour and sex industry workers;
- vi) Greed and increasing glamorisation of the west; and
- vii) Collapse of family values and family dysfunction

Push Factors	Pull Factors
Poverty	Perceived opportunities elsewhere
Low wages	Lack of workers
Land dispossession	Good social measures
Social marginalization	Positive economic situation
Climate change	Political and social stability
Lack of opportunities in home communities	
Economic hardship	

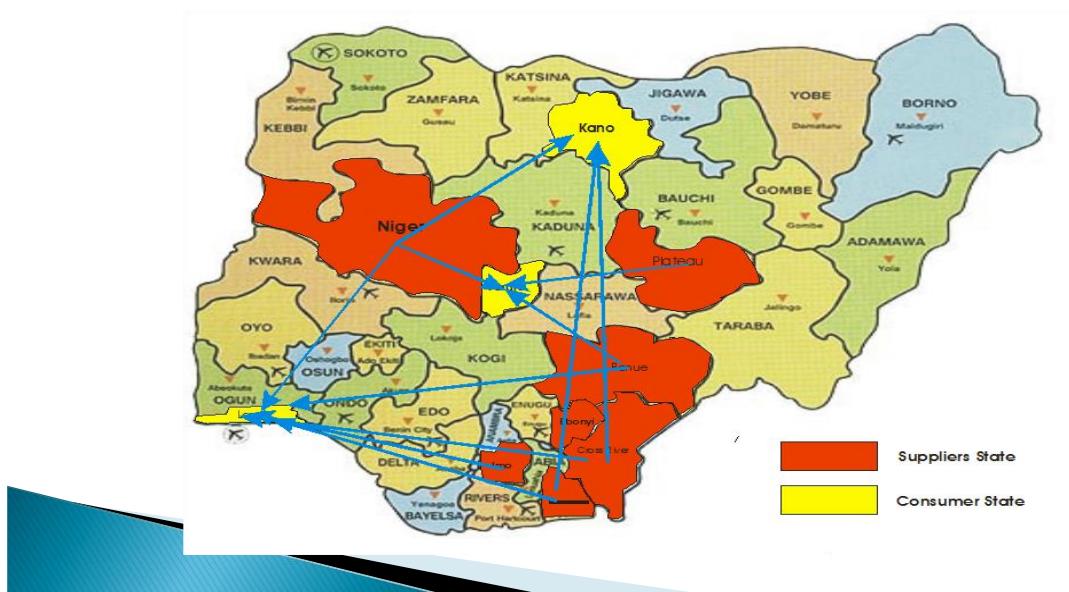
5.0 Magnitude, Trends and Patterns

MAGNITUDE

Human Trafficking is a high profit, low risk type of crime. It is difficult to detect because it is carried out in the course of people moving from place to place in pursuit of their various goals be they economic, social, political or otherwise.

It is estimated that international trafficking earns over 32 billion US Dollars annually, and, it competes, in terms of profits, favourably with drug and arms trafficking. Increasingly, more women are getting involved in trafficking both as traffickers and victims. In the year 2012, a key finding by the United Nations Office on Drugs and crime revealed that women and girls account for about 75% of all trafficking victims detected globally

Pattern of Internal Trafficking



Nigeria is confronted with a huge problem of internal human trafficking which poses much risk to victims and the society as well.

The magnitude of internal trafficking is truly a matter of grave concern especially given the personal and strategic risks earlier highlighted on pages 8 and 9 of this manual. The data shown above also reveals a pattern of increasing exposure of children and young persons to human trafficking.

It is true; however, that external trafficking for sexual exploitation has become much more visible in the trafficking discourse than internal trafficking. There are many reasons for this, including the fact that cross border movements do attract a fair amount of attention and also generate diplomatic engagement by countries.

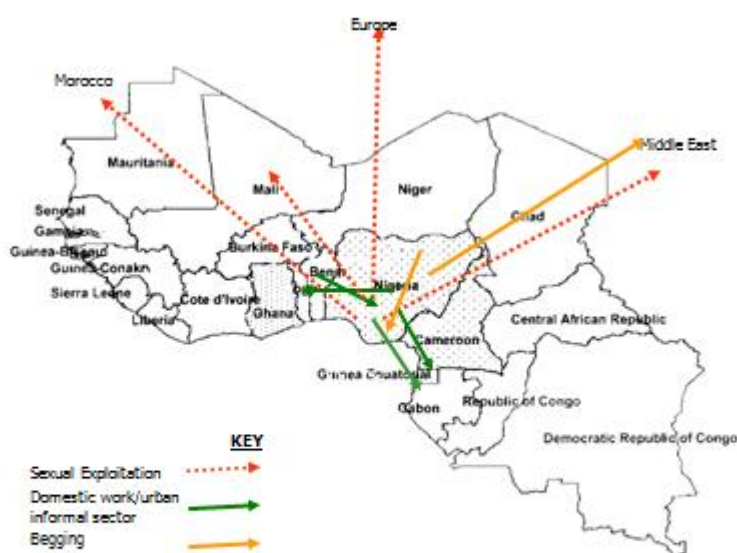
Apart from external trafficking for sexual exploitation, victims can also be trafficked for other forms of exploitation.

Cross border movement

Labour & Sexual exploitation

Organ Harvesting

Debt Bondage



Pattern and Trafficking Routes



- ▶ Nigeria (Kano) – Saudi Arabia (Middle East) – (for prostitution and begging)
- ▶ Nigeria – Niger Rep. – Libya – Europe – (for prostitution)
- ▶ Nigeria – Burkina Faso – Mali – Morocco – Europe – (for prostitution)
- ▶ Nigeria – Morocco – Middle East – (for prostitution)
- ▶ Nigeria – Cote d' Ivoire – Burkina Faso – Mali (graduated from Transit to Destination)
- ▶ Nigeria – Cameroun – Gabon and Equatorial Guinea – (domestic and agricultural labour).



6.0 FORMS OF EXPLOITATION

Victims are trafficked both internally and externally for the purpose of **exploitation** but there are different types of exploitation which include but are not limited to the following:

- i) **Sexual exploitation** – This type of exploitation can occur during internal or external trafficking. In Nigeria, many cities have brothels where resident prostitutes offer sexual services to clients. In many cases reported, madams and the owners of the brothels take a large portion or all of the earnings of the prostitution of the residents. There is also street prostitution whereby female prostitutes solicit for clients on the streets. It should be pointed out that prostitution by itself is not human trafficking but child prostitution is considered as human trafficking since a child does not have the capacity to

make a decision to engage in commercial sexual activity. Also, where any person is held in prostitution either by deception, force, or against their will, and for the pecuniary interests of others, it is sexual exploitation which usually results from trafficking.

Externally, young females are recruited and taken to Europe and other parts of the world by traffickers¹ who exploit them in the sex industry. The most prominent destinations are Italy, Spain, the Netherlands, Belgium, the United Kingdom and Norway. There are also other destinations outside Western Europe, especially West African countries like Mali, Burkina Faso, Ghana, Cote d'Ivoire and Senegal. Other destinations include Middle East countries such as Egypt, Lebanon, Saudi Arabia and the United Arab Emirates.

Conversely, young women are trafficked from China, the Philippines and other Asian countries for prostitution in Nigeria, while children are trafficked from other countries in Africa into Nigeria mostly for domestic servitude and labour.

- ii) **Domestic servitude** - This type of exploitation can also take place during internal or external trafficking. It is the practice of taking persons, especially young boys and girls, from one place to another and distributing them into households for domestic work in circumstances that are exploitative in terms of low or no wages, long hours of work and other forms of cruel treatment. This is usually accompanied by restriction of freedom and practices similar to slavery, and usually detrimental to the developmental growth of the child.

¹ Women who traffic people are commonly known as Madams. Pimps are also involved in human trafficking for sexual exploitation. The madams can also work with the pimps and other middlemen to recruit victims.

In Nigeria, this type of trafficking is very difficult to distinguish from traditional practices of fostering and other familial and non-familial relationships where well to do persons in the society take in young persons who are from less well to do homes families to help with household chores in exchange for monetary or other benefits. Whether or not an individual is trafficked would depend on the circumstances of each case. However, employing a child who is not a family member is prohibited by the TIPPLEA Act²

iii) **Begging**

Begging as a form of exploitation usually affects child victims of human trafficking. Children are recruited and sent into the streets in urban areas and cities to beg for alms. The money received from begging is turned over to the sponsors. Child begging and its linkage to child trafficking and labour is a complex topic given its, partial root in, at least one interpretation of culture and religion. In many parts of West Africa and in other parts of the world, learning the Koran is a normal expectation of children growing up in Muslim home. The peculiar difficulty in this instance comes with the **Almajiri** system, dominant in the northern parts of the country involving children leaving home to live with sometimes itinerant Islamic teachers who are incapable of providing for their own needs, speak less, that of the children. The expectation that the children must beg as a means of upkeep for themselves and their teachers, the lack of proper adult care (most of the time the ratio of students to adults is entirely disproportionate) and the absence of any other type

² See section 22 (i) (b) of the TIPPLEA 2003 as amended. This appears to be in contravention of ILO Conventions 182 and 138 which allow children to work under certain conditions and from certain ages. It also defies reality in that even in middle and high income countries; children do work given certain protections as an element of socialization and preparation for adulthood. In a developing country context like Nigeria, it is more likely than not that this provision will prove largely unenforceable.

of schooling are some of the problems associated with the practice.

iv) Labour exploitation or Forced Labour

Forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily – Article 2(1) of ILO Forced Labour Convention, 1930 (came into force 1932)³.

Section 73 of the Nigerian Labour Act prohibits forced labour in line with the Nigerian Constitution

Exploitative labour is often characterised by the payment of low wages. A prominent feature of labour exploitation is the absence of written contracts containing employment terms. Other forms of mistreatment at the work place can also be identified.⁴ It should be noted that while forced labour applies to adults, child labour and its worst forms is applicable to children.

Exceptions contained in the Forced Labour Convention.

It should be noted that the Convention provides exceptions to the general definition of forced labour stated above. Article 2 (2) of the convention states that ‘...the term *forced or compulsory labour* shall not include--

(a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;

(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;

(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the

³Convention concerning Forced or Compulsory Labour (Entry into force: 01 May 1932)

⁴ Also see the ILO abolition of Forced and Compulsory Labour 1957 (which came into force in 1959)

said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;

(e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

v) Child Labour

Child labour is exploitative labour which is done by children. The International Labour Organization (ILO) Convention 182 describes the worst forms of child labour⁵ Article 3 of the ILO Convention on Worst Forms of Child Labour states that for the purposes of this Convention, the term the worst forms of child labour comprises:

⁵ C182 - Worst Forms of Child Labour Convention, 1999 (No. 182) (Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Entry into force: 19 Nov 2000))

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Article 3(d) explained

Article 4 of the same convention clarifies how work that is considered likely to harm children can be determined. It states that:

4(1) The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.⁶

Child Work Permitted

Recall that in the module on definitions and conceptual clarifications, it was stated that child labour is prohibited but not

⁶ In Nigeria, the competent authority would be the Minister of Labour and productivity and the legal framework would be the Labour Act chapter 189 LFN1990

child work. Article 7 of the ILO Minimum Age Convention 138 of 1973 provides guidance on the subject:

7(1) National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is--

(a) Not likely to be harmful to their health or development; and

(b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

vi) Removal of organs

This type of exploitation involves the trafficking of persons for the purpose of removal and sale of their organs for transplant. According to the US TIP Report 2014, more than 114,000 organ transplants are reportedly performed every year around the world. These operations satisfy less than an estimated 10 percent of the global need for organs such as kidneys, livers, lungs and the pancreas. One third of these operations include kidneys and livers from living donors. The shortage of human organs, coupled with the desperation of patients in need of transplants, has created an illicit market for organs. Living donors are often paid a fraction of what they were promised, are not able to return to work due to poor health outcomes resulting from their surgeries, and have little or no hope of being compensated for damage suffered.

The removal of organs is one of the ways by which a person can be exploited⁷

⁷ See the Palermo protocol definition of human trafficking

Distinguishing between i) TIP for organ removal and ii) Trafficking in Organs Tissues and Cells (TOTC)

These are very similar concepts but they are different in their 'objects'. Whereas the object for TIP for organ removal is the human being trafficked for the purpose of removal of their organs, trafficking in organs tissues and cells has these mentioned organs as the main object of the trafficking.

The two concepts were examined in a joint **United Nations and Council of Europe** study in the year 2009

It should be noted that TIP for the purpose of organ removal is only one of the many ways in which trafficked persons are exploited (see last phrase of article 3 of Palermo protocol). On the other hand, Trafficking in organs tissues and cells is related to free donations, purchase and other types of irregular organ removal facilitated by networks that make huge profits from the trade. The joint United Nations/Council of Europe report attempts a functional definition of trafficking in OTCs as follows:

Trafficking in OTC occurs when there is

(a) the illicit removal, preparation, preservation, storage, offering, distribution, brokerage, transport or implantation of organs, tissues or cells (cells for the purpose of therapeutic transplantation); and

(b) the possession or purchase of organs, tissues or cells with a view to conducting one of the activities listed in (a); solely for financial or other economic gain (for this or a third person's benefit)

The summary of the report above explains that TIP for the purpose of organ removal is only a part of the broader problem of Trafficking in OTCs. Both are however problems arising from shortage of organs. The joint study underlined the principle of prohibiting the making of financial gains with the human body or its parts.

Trafficking in persons for the purpose of organ removal and trafficking in OTCs are not very prevalent phenomena in Nigeria but a few cases have been reported

Table showing types of exploitation and applicable International and National Legal Provisions

Type of exploitation	Defining International Legal Instrument	Nigerian Legal provision
Child labour	ILO convention 182; UNTOC; Palermo	Section 59(1) Labour Act Section 22 (1) (b)(c)(d) and (e), TIPPLEA 2003 as amended
Sexual exploitation	United Nations Convention on the Rights of the Child ILO Convention 182 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Section 30(2)(a), 31 and 32 Child Rights Act 2003 Sections 11, 12, 13, 14, 15, 17 and 18 TIPPLEA 2003 as amended Sections 218, 221, 222(a), 225, 226, 358 of the Criminal Code Act Sections 283 and 285 of the Penal Code

Domestic servitude	UNTOC Palermo Universal Declaration of Human Rights ILO Convention 182	Section 59(1) Labour Act Section 22(1)(d) TIPPLEA
Begging	United Nations Convention on the Rights of the Child	Section 30 (2)(a) Child Rights Act 2003
Labour exploitation or forced labour	UNTOC Palermo	Section 22 (1)(a) TIPPLEA 2003 as amended, Section 28 Child Rights Act Section 73 Labour Act Section 280 Penal Code
Removal of organs	UNTOC Palermo	Proposed re-enactment of the Trafficking in Persons Act
Trafficking in organs, tissues and cells	UNTOC Palermo	Proposed re-enactment of the Trafficking in Trafficking Trends and Routes in Nigeria Internal and External Trafficking Nigeria is confronted with a huge problem of internal human trafficking which poses much risk to victims and the society as well. In the year 2012 alone, 400 cases of Trafficking were reported to NAPTIP.

		The database analysis for that year indicated as follows: Internal Trafficking – 283 or 70.8% (ref table 1.1 of 2012 report) External trafficking – 117 or 29.2% (ref table 1.1 of 2012 report) In the same reporting year, 749 trafficked persons were rescued. The breakdown is as follows: 381 were between 0 – 17yrs old 334 were between 18– 27yrs old 34 were above 28 years old The magnitude of internal trafficking is truly a matter of grave concern especially given the personal and strategic risks earlier highlighted on pages 8 and 9 of this manual. The data shown above also reveals a pattern of increasing exposure of children and young persons to human trafficking. <i>SOURCE:</i> <a href="http://www.naptip.gov.ng/databas
eanalysis.html">http://www.naptip.gov.ng/databas eanalysis.html It is true, however, that external trafficking for sexual exploitation has become much more visible in the trafficking discourse than internal trafficking. There are many reasons
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		for this, including the fact that cross border movements do attract a fair amount of attention and also generate diplomatic engagement by countries. Apart from external trafficking for sexual exploitation, victims can also be trafficked for other forms of exploitation. Types of Exploitation Victims are trafficked both internally and externally for the purpose of exploitation but there are different types of exploitation which include but are not limited to the following: Sexual exploitation – This type of exploitation can occur during internal or external trafficking. In Nigeria, many cities have brothels where resident prostitutes offer sexual services to clients. In many cases reported, madams and the owners of the brothels take a large portion or all of the earnings of the prostitution of the residents. There is also street prostitution whereby female prostitutes solicit for clients on the streets. It should be pointed out that prostitution by itself is not human trafficking but child prostitution is considered as human
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		trafficking since a child does not have the capacity to make a decision to engage in commercial sexual activity. Also, where any person is held in prostitution either by deception, force, or against their will, and for the pecuniary interests of others, it is sexual exploitation which usually results from trafficking. Externally, young females are recruited and taken to Europe and other parts of the world by traffickers⁸ who exploit them in the sex industry. The most prominent destinations are Italy, Spain, the Netherlands, Belgium, the United Kingdom and Norway. There are also other destinations outside Western Europe, especially West African countries like Mali, Burkina Faso, Ghana, Cote d'Ivoire and Senegal. Other destinations include Middle East countries such as Egypt, Lebanon, Saudi Arabia and the United Arab Emirates. Conversely, young women are trafficked from China, the Philippines and other Asian countries for prostitution in Nigeria,
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⁸ Women who traffic people are commonly known as Madams. Pimps are also involved in human trafficking for sexual exploitation. The madams can also work with the pimps and other middlemen to recruit victims.

	while children are trafficked from other countries in Africa into Nigeria mostly for domestic servitude and labour. Domestic servitude - This type of exploitation can also take place during internal or external trafficking. It is the practice of taking persons, especially young boys and girls, from one place to another and distributing them into households for domestic work in circumstances that are exploitative in terms of low or no wages, long hours of work and other forms of cruel treatment. This is usually accompanied by restriction of freedom and practices similar to slavery, and usually detrimental to the developmental growth of the child. In Nigeria, this type of trafficking is very difficult to distinguish from traditional practices of fostering and other familial and non-familial relationships where well to do persons in the society take in young persons who are from less well to do homes families to help with household chores in exchange for monetary or other benefits. Whether or not an individual is trafficked would depend on the
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		circumstances of each case. However, employing a child who is not a family member is prohibited by the TIPPLEA Act⁹ Begging Begging as a form of exploitation usually affects child victims of human trafficking. Children are recruited and sent into the streets in urban areas and cities to beg for alms. The money received from begging is turned over to the sponsors. Child begging and its linkage to child trafficking and labour is a complex topic given its, partial root in, at least one interpretation of culture and religion. In many parts of West Africa and in other parts of the world, learning the Koran is a normal expectation of children growing up in Muslim home. The peculiar difficulty in this instance comes with the Almajiri system, dominant in the northern parts of the country involving children leaving home to live with sometimes itinerant Islamic teachers who are incapable of
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⁹ See section 22 (i) (b) of the TIPPLEA 2003 as amended. This appears to be in contravention of ILO Conventions 182 and 138 which allow children to work under certain conditions and from certain ages. It also defies reality in that even in middle and high income countries; children do work given certain protections as an element of socialization and preparation for adulthood. In a developing country context like Nigeria, it is more likely than not that this provision will prove largely unenforceable.

		providing for their own needs, speak less, that of the children. The expectation that the children must beg as a means of upkeep for themselves and their teachers, the lack of proper adult care (most of the time the ratio of students to adults is entirely disproportionate) and the absence of any other type of schooling are some of the problems associated with the practice. Labour exploitation or Forced Labour <i>Forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily – Article 2(1) of ILO Forced Labour Convention, 1930(came into force 1932)¹⁰.</i> Section 73 of the Nigerian Labour Act prohibits forced labour in line with the Nigerian Constitution Exploitative labour is often characterized by the payment of low wages. A prominent feature of labour exploitation is the absence of written contracts containing employment terms. Other forms of
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¹⁰Convention concerning Forced or Compulsory Labour (Entry into force: 01 May 1932)

		mistreatment at the work place can also be identified.¹¹ It should be noted that while forced labour applies to adults, child labour and its worst forms is applicable to children. Exceptions contained in the Forced Labour Convention. It should be noted that the conventions provides exceptions to the general definition of forced labour stated above. Article 2 (2) of the Convention states that ‘...the term <i>forced or compulsory labour</i> shall not include-- (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character; (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country; (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private
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¹¹ Also see the ILO abolition of Forced and Compulsory Labour 1957 (which came into force in 1959)

		individuals, companies or associations; (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population; (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services. Child Labour Child labour is exploitative labour which is done by children. The International Labour Organization (ILO) Convention 182 describes the
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		worst forms of child labour¹² Article 3 of the ILO Convention on Worst Forms of Child Labour states that for the purposes of this Convention, the term the worst forms of child labour comprises: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. Article 3(d) explained
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¹² C182 - Worst Forms of Child Labour Convention, 1999 (No. 182) (Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Entry into force: 19 Nov 2000))

		Article 4 of the same convention clarifies how work that is considered likely to harm children can be determined. It states that: 4(1) The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.¹³ Child Work Permitted Recall that in the module on definitions and conceptual clarifications, it was stated that child labour is prohibited but not child work. Article 7 of the ILO Minimum Age Convention 138 of 1973 provides guidance on the subject: 7(1) National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is--
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¹³ In Nigeria, the competent authority would be the Minister of Labour and productivity and the legal framework would be the Labour Act chapter 189 LFN1990

		(a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received. Removal of organs This type of exploitation involves the trafficking of persons for the purpose of removal and sale of their organs for transplant. According to the US TIP Report 2014, more than 114,000 organ transplants are reportedly performed every year around the world. These operations satisfy less than an estimated 10 percent of the global need for organs such as kidneys, livers, lungs and the pancreas. One third of these operations include kidneys and livers from living donors. The shortage of human organs, coupled with the desperation of patients in need of transplants, has created an illicit market for organs. Living donors are often paid a fraction of what they were promised, are not able to
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		return to work due to poor health outcomes resulting from their surgeries, and have little or no hope of being compensated for damage suffered. The removal of organs is one of the ways by which a person can be exploited¹⁴ Distinguishing between i) TIP for organ removal and ii) Trafficking in Organs Tissues and Cells (TOTC) These are very similar concepts but they are different in their 'objects'. Whereas the object for TIP for organ removal is the human being trafficked for the purpose of removal of their organs, trafficking in organs tissues and cells has these mentioned organs as the main object of the trafficking. The two concepts were examined in a joint United Nations and Council of Europe study in the year 2009¹⁵ (see report on http://www.coe.int/t/dghl/monitoring/trafficking/docs/news/organtrafficking_study.pdf)
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¹⁴ See the Palermo protocol definition of human trafficking

¹⁵ http://www.coe.int/t/dghl/monitoring/trafficking/docs/news/organtrafficking_study.pdf webpage last visited on 26 June 2014

		It should be noted that TIP for the purpose of organ removal is only one of the many ways in which trafficked persons are exploited (see last phrase of article 3 of Palermo protocol). On the other hand, Trafficking in organs tissues and cells is related to free donations, purchase and other types of irregular organ removal facilitated by networks that make huge profits from the trade. The joint United Nations/Council of Europe report attempts a functional definition of trafficking in OTCs as follows: <i>Trafficking in OTC occurs when there is</i> <i>(a) the illicit removal, preparation, preservation, storage, offering, distribution, brokerage, transport or implantation of organs, tissues or cells (cells for the purpose of therapeutic transplantation); and</i> <i>(b) the possession or purchase of organs, tissues or cells with a view to conducting one of the activities listed in (a); solely for financial or other economic gain (for this or a third person's benefit)</i>
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		The summary of the report above explains that TIP for the purpose of organ removal is only a part of the broader problem of Trafficking in OTCs. Both are however problems arising from shortage of organs. The joint study underlined the principle of prohibiting the making of financial gains with the human body or its parts. Trafficking in persons for the purpose of organ removal and trafficking in OTCs are not very prevalent phenomena in Nigeria but a few cases have been reported. Table showing types of exploitation and applicable International and National Legal Provisions
Baby sale	UNTOC Palermo	Section 30 (1) Child Rights Act Section 21 TIPPLEA
Ritual homicide 16	Universal Declaration of Human Rights , Covenant on Civil	Section 316 Criminal Code ; Section 220 Penal Code

¹⁶Homicide overlaps with trafficking in persons cases where the victim is killed as a result of the intention, recklessness or negligence of the trafficker. Deprivation of the right to life is the ultimate form of exploitation and conforms to the notion of the slave as a 'res' (a thing) which the slave owner can choose to destroy at will. Such a case will require two investigative and possibly prosecutorial tracks: for human trafficking and for murder. Possible outcomes include a conviction for murder which would likely carry the heaviest punishment; however, if a conviction for murder isn't achieved the death of the victim could also be taken into consideration as an aggravation in sentencing based on a conviction for human trafficking. In all instances both investigations should re-inforce each other. For an example of a human trafficking case for rituals, see the case of the Nigerian Boy Patrick Erhabor whose mutilated body was discovered in the Thames in London in 2011. [http://en.wikipedia.org/wiki/Adam_\(murder_victim\)](http://en.wikipedia.org/wiki/Adam_(murder_victim))

	and Political Rights; UNCRC, CEDAW	
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7.0 THE RISKS OR CONSEQUENCES OF HUMAN TRAFFICKING

Human trafficking has negative consequences on individuals, mainly the victims and the society in general. These are known as i) personal (or human) Risks and ii) Strategic (societal) risks

i. Personal (human) risks of human trafficking

- It violates the human rights of its victims;
- It is degrading and dehumanizing;
- It results in loss of, or deprivation of property rights;
- It results in personal health risks;
- Could result in death of victims.

ii. Strategic (societal) risks of human trafficking

- It fuels public sector corruption;
- It fuels irregular migration;
- As organized crime, it can diversify into other types of crimes like drug trafficking and arms smuggling.;
- Spread of HIV AIDS and other diseases;
- Undermines human capital development potential;
- Can yield future insecurity through social breakdown and exclusion;
- It promotes money laundering and other financial crimes which can distort the economy; it can bring about a negative image for the country.

8.0 Human trafficking and Trans-national organised crime

Human Trafficking may involve the coordinated efforts of three or more individuals to achieve some common benefit, and frequently, these activities involve more than one country. As such, human trafficking activity is considered to be a form of transnational organized crime.

The United Nations Convention against Transnational Organized Crime (UNTOC) of 2000, along with its associated Protocols, provides the legal framework for transnational organized crime (UNGA, 2000a). The UNTOC (also known as the Palermo Convention¹) defines an organized criminal group' as a —structured group of three or more persons acting in concert with the aim of committing one or more serious crimes in order to obtain a financial or other material benefit. According to the Palermo Convention, a criminal offense is transnational if it satisfies one or more of the following criteria:

- a. It is committed in more than one State
- b. It is committed in one State but a substantial part of its planning, direction or control takes place in another State
- c. It is committed in one State but involves an organized criminal group engaged in criminal activities in more than one State
- d. It is committed in one State but has substantial effects in another State

9.0 CRIMES ASSOCIATED WITH TIP

- i. Forgery
- ii. Sale of babies
- iii. Criminal force/assault
- iv. Domestic servitude

- v. Criminal intimidation
- vi. Fraud
- vii. Money laundering
- viii. Kidnapping
- ix. Smuggling of migrants¹⁷
- x. Abduction
- xi. Murder
- xii. Corruption
- xiii. Indecent assault
- xiv. Rape
- xv. Organ harvesting
- xvi. Forced abortions
- xvii. Rituals
- xviii. Torture
- Etc.

10.0 STRATEGIES FOR COMBATING TIP

The key strategies adopted by NAPTIP in combating this crime, in line with globally recognised standards, are encapsulated in five P's: Policy, Prevention, Protection, Prosecution and Partnership.

Policy - Legislative Framework: NAPTIP advocates for strong anti-trafficking laws and policies, ensuring that legislation is up-to-date and comprehensive in addressing all aspects of human trafficking.

Policy Implementation and Review: Regular review and adaptation of policies to ensure they remain effective in the face of evolving trafficking methods and trends.

¹⁷Note that at the present time smuggling of migrants is not known to Nigerian law.

Prevention – This includes public enlightenment through awareness raising and all educational activities aimed at providing information to the general public on the ills of human trafficking. These encompass awareness raising campaigns, jingles, films, research, training and other policies and programmes which help to reduce vulnerability of persons to being trafficked.

Protection - This requires taking all necessary measures to protect the human rights of trafficked persons (TPs). It entails that victims be placed at the centre of all counter trafficking initiatives, and involves the following activities:

- i) Identification and rescue;
- ii) Direct assistance: This includes access to reception services, sheltering, basic welfare, counselling, health, psychological, psychosocial, legal, recreational, educational, and vocational and other empowerment services.
- iii) Family tracing, counselling and reunion;
- iv) Return and Reintegration;
- v) Witness protection: This entails making provisions for witnesses to be protected from threats and intimidation using various procedures before, during and after judicial processes. Often victims play an integral role in the successful prosecution of TIP cases.

Prosecution – This involves law enforcement by way of investigation and prosecution of suspected traffickers. The Palermo Protocol strongly recommends stiff penalties for convicted traffickers to serve as a specific and general form of

deterrence. Effective prosecution extends to ensuring that penal provisions against trafficking offences are stiff enough to punish offenders and deter would-be traffickers. There is no doubt that for those who have endured the brutality of human trafficking, seeing their abusers brought to Justice can have an enormous positive impact on their recovery process. Prosecution efforts should also target seizure and forfeiture of assets of convicted traffickers in order to deprive them of the proceeds of their crime.

Prosecution also includes all efforts at equipping investigators, prosecutors and judges to better deal with trafficking cases. The Palermo Protocol enjoins State Parties to take specific steps to develop appropriate legal and institutional frameworks to ensure effective combat against trafficking in persons (TIP).

Partnership – Being a form of organized crime, responding to the scourge of human trafficking is necessarily a multidisciplinary activity. It is therefore necessary to create and sustain partnerships to achieve success in the fight.

Combating human trafficking requires the expertise and resources of many stakeholders. While government institutions may not be able to completely erase the impact of human trafficking on victims, they can facilitate the provision of qualitative and professional assistance and services that support the wholesome reintegration of victims into society.

Partnerships and collaboration must exist at the levels of policy and strategy including policies on child's rights, social protection, law enforcement etc; national security strategy and crime control strategy and technical, tactical and operational in the sense of field operations. As a principle, this must also embrace

relationships with entities including law enforcement beyond Nigeria's shores.

11.0 MIGRATION: Overview, Types, factors influencing migration, root causes of migration, irregular migration, SOM

TYPES OF MIGRATION

Internal Migration: Moving to a new home within a state, country, or continent.

External Migration: Moving to a new home in a different state, country, or continent.

Emigration: Leaving one country to move to another (e.g., the Pilgrims emigrated *from* England).

Immigration: Moving into a new country (e.g., the Pilgrims migrated *to* America).

Population Transfer: When a government forces a large group of people out of a region, usually based on ethnicity or religion. This is also known as an **involuntary** or **force migration**.

Impelled Migration (also called "reluctant" or "imposed" migration): Individuals are not forced out of their country, but leave because of unfavorable situations such as warfare, political problems, or religious persecution.

Step Migration: A series of shorter, less extreme migrations from a person's place of origin to final destination—such as moving from a farm, to a village, to a town, and finally to a city.

Chain Migration: A series of migrations within a family or defined group of people. A chain migration often begins with one family member who sends money to bring other family members to the new location. Chain migration results in **migration fields**—the clustering of people from a specific region into certain neighborhoods or small towns.

Return Migration: The voluntary movements of immigrants back to their place of origin. This is also known as **circular migration**.

Seasonal Migration: The process of moving for a period of time in response to labor or climate conditions (e.g., farm workers following crop harvests or working in cities off-season; "snowbirds" moving to the southern and southwestern United States during winter).

11.1 Factors influencing Migration

- Socio-political, economic and ecological factors are the main forces driving migration.
- Rising communal violence world-wide, often as a result of ethnic or religious intolerance, has led to increased levels of migration.
- Economic disparity between developing and developed economies encourages the movement of skilled labour from the former to the latter. Temporary migration visas allow for an increase in the rate of circular migration.
- Changes in the ecological environment have the potential to worsen food and water insecurity in various parts of the globe. Limited access to food and water resources may push people to migrate to countries where these resources are more readily available.

The factors contributing to immigration and population movements. Numerous domestic forces, known as push factors, can encourage individuals to leave their home country. Simultaneously, conditions in foreign countries, known as pull factors, can also influence their migratory destination. These determinants can be broadly divided into social, political, economic and ecological factors.

11.2 Analysis

Many factors that influence migration are difficult to predict. While social, political and economic developments are exceptionally difficult to predict precisely, judgements can be made based upon current situations. Ecological disruption is easier to pre-empt as there is a large body of scientific evidence to suggest that this factor will be a cause for concern in the near future. Environmental modelling, as well as worsening food and water security in many countries, shows that ecological issues are already beginning to present challenges globally. Ecological factors have the potential to become an increasingly significant force influencing migration over the 21st century.

Migrants themselves can be divided into two broad categories: humanitarian and economic. Humanitarian migrants include asylum seekers and refugees. These individuals generally migrate to countries geographically close to their country of origin. Over the past decade, Afghanistan has been a major source of humanitarian emigrants, with Pakistan and Iran becoming their main destination countries. Economic migrants, on the other hand, migrate in order to find employment or improve their financial circumstances. In the past, these migrants have generally moved from poorer to richer countries, however, recent evidence suggests that this is beginning to change with increasing levels of south-south and circular migration being seen.

12.0 RELATIONSHIP BETWEEN TIP & SOM

Socio-political Factors

Social push factors can include ethnic, religious, racial, and cultural persecution. Warfare, or the threat of conflict, is also a major push factor. In the Australian context, most asylum seekers arriving by boat in the last decade have come from

Afghanistan, Iran, Iraq and Sri Lanka. All of these countries, apart from Iran, have undergone extremely destabilizing conflicts in recent years. On the other hand, while it is free of violent conflict, Iran has one of the worst human rights records in the world leading many of its citizens to seek asylum outside of its borders.

The politicization of religious and ethnic identities has the potential to cause significant levels of conflict within states. Empirical evidence suggests that states undergoing a political transition from authoritarian rule to democracy are at greater risk of instability and internal conflict. Often these states lack the ability to properly respond to social instability. Several states within the Indian Ocean Region (IOR), including Burma, have recently begun to democratize while failing to simultaneously develop a shared national identity capable of tying together the various groups within their borders. In socially diverse states the potential for conflict may be greater than in more homogenous or inclusive societies. The future level of migration from these countries is wholly dependent upon the longevity and severity of any conflict that could arise from social grievances.

Individuals migrating due to social or political conditions are more likely to do so as humanitarian migrants. This will have an impact upon where they settle as some countries have more liberal approaches to humanitarian migrants than others. In the first instance, these individuals are likely to move to the nearest safe country that accepts asylum seekers. This does not, however, prevent them from undertaking a second migration to a country that provides a broader range of legal rights to asylum seekers and refugees.

Economic Factors

Economic factors relate to the labour standards of a country, its unemployment situation and the overall health of its economy. If economic conditions are not favourable and appear to be at risk of declining further, a greater number of individuals will probably emigrate to one with a better economy. Often this will result in people moving from rural to urban areas while remaining within the confines of their state borders. As the low- and middle-income countries of today continue to develop and the high-income countries experience slower economic growth, migration from the former could decline.

Economic migrants are drawn towards international migration because of the prospect of higher wages, better employment opportunities and, often, a desire to escape the domestic social and political situation of their home country. These migrants are most likely to come from middle-income countries where the population is becoming increasingly well educated. Salaries and wages, however, are likely to remain relatively low compared to those of individuals with a similar educational background in other, higher-income countries. This disparity has the potential to lead to some highly-skilled individuals from developing countries migrating to more developed countries. This form of migration is known as south-north migration and has historically been the main form of economic migration.

In south-north migration, individuals from developing countries moved to more developed countries for work and sent remittances back to their country of origin. Over the past decade, however, south-south migration has become increasingly common. In 2013, south-south migration accounted for 36 per cent of all international migration while south-north movements accounted for 35 per cent.³ According to the Migration Policy Institute; migration between developing

countries is built upon proximity, identity networks, income differentials and seasonal migration. For these reasons, 80 per cent of south-south migration occurs between states with contiguous borders where common cultural identities are likely to be found. The increasing prevalence of south-south economic migration is likely to continue as the barriers to migration are lower than south-north migration. Migrants from the south are generally less skilled and lower-educated than their counterparts from the north, making it difficult for them to migrate to more developed countries. Additionally, since migration occurs over smaller geographical distances it is potentially less disruptive to migrants and communities.

Technological advancement, both in communications and transport, in addition to the liberalization of labour markets, has the potential to increase the rate of circular migration. This form of migration occurs when individuals migrate between an origin and a destination on several separate occasions. Generally, economic forces motivate individuals to move to countries where employment prospects are better before returning to their country of origin. Studies have shown that circular migration can have positive development outcomes. Most importantly, circular migrants are more likely to send larger remittances back to their country of origin than those who permanently settle within their destination country. Furthermore, issues relating to brain drain and a hollowing out of the labour force are largely averted.⁶ Problems of exploitation still remain, suggesting that efforts need to be made to ensure that standardized regulations are adopted to protect the rights of circular migrants.

Economic migrants have a greater degree of choice in determining their destination than humanitarian migrants.

Many asylum seekers will flee to the nearest safe country that will accept them whereas economic migrants will move to countries that either require their skills or have better conditions than their country of origin. Pull factors within the destination country are therefore more likely to influence the decision making process of economic migrants.

Ecological Factors: Climate Disruption Exacerbates Other Forces

Of the ecological factors that push individuals to migrate, climate change is, arguably, the most serious. Over the next decade, climate change has the potential to intensify the impacts of the social, political and economic push factors described earlier in this paper. Even if individuals affected by climate change move only short distances this has the potential to alter social, political and economic dynamics. The possibility of social issues arising increases when tribal, ethnic and religious groups that were historically separate are forced to intermingle due to traditional lands no longer being able to support human settlement. Individuals engaged in agriculture, for example, could be forced to find alternative forms of employment as their land is no longer capable of producing or sustaining viable quantities of goods. Food and water prices are likely to increase in parts of the region due to greater scarcity of these resources. These burdens place additional strain upon the capacity of the state to ensure welfare for all and, in some cases, maintain its stability.

The observable impacts of climate change are likely to become more apparent over the course of the next decade. States must utilise this time to prepare for the increased migratory flows that will be a consequence of the inevitable disruption that will occur

over the next century. Climate change will have an impact upon water resources, agriculture, food security, public health and, in some instances, threaten the very existence of some states. The impacts of climate change will be most apparent in developing countries which lack the wherewithal to adequately address, or adapt to, the changing environment.

Food and water security are expected to become more salient issues over the coming decades. The most recent Intergovernmental Panel on Climate Change report suggests that climate change will have its largest impact upon food security by the middle of this century. Regions that can no longer sustain agriculture are likely to experience rural to urban migration or, in some cases, increased levels of international emigration. Another factor that can worsen food insecurity is water security. Individuals who are severely impacted by changing ecological conditions may choose to migrate from their home state in search of more favourable environmental conditions elsewhere. Those who choose to emigrate due to more frequent or more destructive natural disasters may identify as climate refugees and seek asylum in other countries less affected by climatic extremes. Climate refugees are defined as people who have to leave their habitats immediately or in the near future, because of sudden or gradual alterations in their natural environment related to at least one of three impacts of climate change: sea-level rise, extreme weather events, and drought and water scarcity. This definition, however, has no standing in international refugee law and organisations, including the United Nations, prefer to use the term environmental migrant. Fearing that it is now too late to take action to prevent climate change the international community is preparing measures for adaptation. Environmental migration is

one such adaptation measure that must be taken into greater consideration by the international community.

CREATION/MEANING/ MISSION STATEMENT OF NAPTIP

CREATION OF NAPTIP

In the period spanning from the mid-1980s to the late 1990s, there has been a flurry of internal trafficking activities in Nigeria of women and children. An increased number of people are trafficked from rural communities to the big cities such as Lagos, Kano, Port Harcourt, Calabar, Kaduna, Ibadan, and Enugu. Trafficking to these regions is predominantly for exploitative domestic work, farm labour and prostitution. Internationally trafficked Nigerians come from all parts of the country but some states tend to provide more trafficked persons than the others.

The hue and cry that followed the deportation from Italy of Nigerian girls who were trafficked for commercial sex was unprecedented. The concern that the Federal Government showed was understandable as Civil Societies, Non-Governmental Organizations, Community Based Organizations, Religious Organizations, and Traditional Organizations stepped up the campaign against modern form of slavery that stares the nation right in the eye. Most notable among the activities of NGOs was that of the Women Trafficking & Child Labour Eradication Foundation (WOTCLEF), founded by Mrs. Titi Atiku Abubakar.

However, on the 13th of December, 2000 Nigeria became signatory to the Transnational Organized Crime (TOC) Convention and its Trafficking in Persons Protocol. Article 5 of the United Nations Protocol enjoins state parties to criminalize practices and conducts that subject's human beings to all forms of exploitation which includes, in the minimum, sexual and labour exploitation. In order to implement this protocol in

Nigeria's penal legislation, WOTCLEF sponsored a private member bill, the first of its kind, to the National Assembly for passage into law. The bill was subsequently passed by the National Assembly on the 7th of July 2003, and the Nigerian President assented to it on the 14th of July 2003. The law took effect immediately, giving birth to the National Agency for Prohibition of Trafficking In Persons and Other Related Matters (NAPTIP).

The National Agency for Prohibition of Trafficking In Persons (NAPTIP) was established by an Act of parliament and came into being on the 8th of August, 2003. It is the response of the Federal Government of Nigeria to addressing the scourge of trafficking in persons in Nigeria and its attendant human abuses in its entire ramification. It is also a fulfillment of her international obligation under the Trafficking In Persons Protocol supplementing the United Nation's Transnational Organized Crime (TOC).

4.0 MEANING OF NAPTIP

NAPTIP is an acronym which stands for ***National Agency for the Prohibition of Trafficking in Persons.***

5.0 MISSION STATEMENT

NAPTIP is fully committed to the prevention of all forms of human degradation and exploitation through the coordinated use of the nation's crime prevention and law enforcement resources; to stamp out human trafficking and to liberate and uplift the vulnerable, especially women and children, from dehumanizing and exploitative employment and usage; and to ensure their rehabilitation and effective reintegration into society.

FUNCTIONS, MANDATE & POWERS OF THE AGENCY

6.1 Functions of the Agency

The functions of the Agency are to:

- (a) Enforce and administer the provisions of the Act;
- (b) Co-ordinate and enforce all other laws on Trafficking in Persons and related offences;
- (c) Adopt effective measures for the prevention and eradication of trafficking in persons and related offences;
- (d) Establish co-ordinated preventive, regulatory and investigatory machinery geared towards the eradication of trafficking in persons;
- (e) Investigate all cases of trafficking in persons including forced labour, child labour, forced prostitution, exploitative labour and other forms of exploitation, slavery and slavery – like activities, bonded labour, removal of organs, illegal smuggling of migrants, sale and purchase of persons;
- (f) Encourage and facilitate the availability and participation of persons who voluntarily, consent to assist in investigations or proceedings relating to trafficking in persons and related offences;
- (g) Enhance the effectiveness of law enforcement agents and other partners in the suppression of trafficking in persons;
- (h) Create public enlightenment and awareness through seminars, workshops, publications, radio and television programmes and other means aimed at educating the public on the dangers of trafficking in persons;
- (i) Establish and maintain communication to facilitate rapid exchange of information concerning offences under the Act;

(j) Conduct research and strengthen effective legal means of international co-operation in suppressing trafficking in persons;

(k) Implement all bilateral and multilateral treaties and convention on trafficking in persons adopted by Nigeria;

(l) Strengthen co-operation and conduct joint operations with relevant Law Enforcement and Security Agencies, International Authorities and other relevant partners in the eradication of trafficking in persons;

(m) Co-ordinate, supervise and control-

(i) the protection, assistance and rehabilitation of trafficked persons; and

(ii) all functions and activities relating to investigation and prosecution of all offences connected with or relating to trafficking in persons;

(n) Adopt measures to identify, trace, freeze, confiscate or seize proceeds, property, funds or other assets derived from trafficking in persons or related offences;

(o) Conduct research on factors responsible for internal and external trafficking in persons and initiate programmes and strategies aimed at the prevention and elimination of the problem;

(p) Facilitate rapid exchange of scientific and technical information concerning or relating to trafficking in persons;

(q) Collaborate with government bodies both within and outside Nigeria whose functions are similar to those of the Agency in the area of the –

(i) movement of proceeds or properties derived from trafficking in persons and other related offences;

(ii) identities, location and activities of persons suspected of being involved in trafficking in persons and other related offences; and

(iii) exchange of personnel and other experts;

(r) Establish and maintain a system for monitoring trans-border activities relating to trafficking in persons in order to identify suspicious movements and persons involved;

(s) Deal with matters connected with the extradition and deportation of persons involved in trafficking in persons and other mutual legal assistance between Nigeria and any other country in trafficking in persons, subject to the supervision of the Minister;

(t) Initiate, develop and improve special training programmes for personnel of the Agency and relevant law enforcement agents charged with the responsibility of detecting offences created under this Act; and

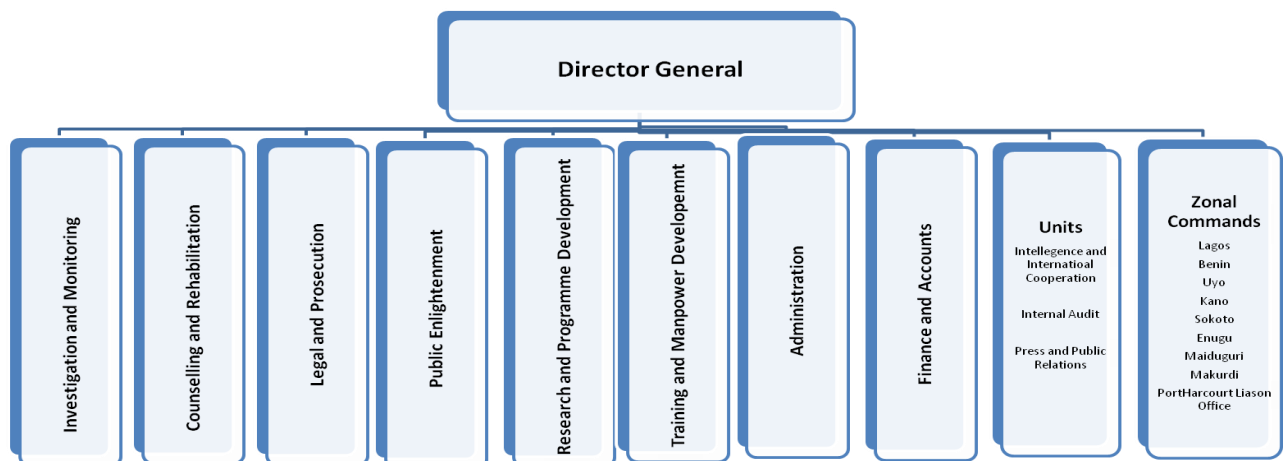
(u) Carry out such other activities as are necessary for the efficient discharge of the functions conferred on it under this Act.

6.2 Powers of the Agency

The Agency has the power to –

- (a) Investigate whether any person, body or entity has committed an offence under this Act or the offence of trafficking under any other law;
- (b) Enter into any premises, property or conveyance for the purpose of conducting searches in furtherance of its functions under this Act or under any other law;
- (c) Arrest, detain and prosecute offenders under this Act or any other law on trafficking in persons in Nigeria;
- (d) Trace, seize, detain or retain the custody, for the purpose of investigation and prosecution, of any property which the Agency reasonably believes to have been involved in or used in the commission of offences under this Act or any other law;
- (e) Seal up premises upon reasonable suspicion of such premises being involved with or used in connection with offences under this Act; and
- (f) Seek and receive information from any person, authority, corporation or company without hindrance in respect of the enforcement of any of the provisions of this Act.

ADMINISTRATIVE STRUCTURE



Channels of Communication

The top down approach of communication is mostly used in bureaucratic settings. NAPTIP is not an exception. Communication flows from the highest body within the organization i.e. the Board or the Federal Ministry of Justice to the Director-General to the Directors of each Department and down the line to the least officer.

The channels of communication are aided by letter writings, reports, memos, draft letters, circulars etc as means of communication.

We can use NAPTIP organogram to explain channels of communication within the Agency. However, it is to be noted that all classical theories emphasized much on communication role and their reasons are;

- I. With effective communication you can effectively coordinate and control the activities that are taking place within the organization.
- II. With effective communication you can provide efficient and effective services.
- III. You can build an effective team that would deliver positive results.

The National Agency for Prohibition of Trafficking in Persons (NAPTIP) has at the Apex the supervisory Ministry (Federal Ministry of Justice) and below the Ministry is the governing Board of the Agency.

The Board is responsible for setting out broad operational and administrative targets in line with the overall objectives of setting up of the Agency. It is also responsible for measuring

performance against targets and for supervising management to ensure targets are achieved.

The Director-General is responsible to Mr. President through the supervising Ministry and the Board and is responsible for the day to day running of the Agency. He/She is the Accounting Officer of the Agency and responsible for implementing its policies. All correspondences must be addressed to the Director-General and all letters going out must be signed by the Director-General or by delegated authority.

Directly below the Director-General you have;

- a. **The Directors**, viz: Investigation and Monitoring, Legal and Prosecution, Counselling and Rehabilitation, Public Enlightenment, Research and Programme Development, Training and Manpower Development, Finance and Accounts and Administration. The Departments are all headed by Directors and assisted by Deputy Directors down the ladder. The Directors are answerable to the Director-General.
- b. **The Zonal Commands:** The Zonal Commanders who are heading the Zonal Commands are directly answerable to the Director-General and therefore must address all correspondences to the Director-General and not to any Director.
- c. **Specialized Units:** There are certain specialized units which due to the nature of their functions are directly being supervised by the Director-General viz: Internal

Audit, Press and Public Relations, Procurement, Intelligence and International Cooperation.

It is to be noted that for the fact that these groups of officials report directly to the Director-General does not mean that they are equal in powers to the Directors, not at all. The Directors have powers over other groups. It is only by the virtue of the nature of their jobs that they are allowed to report directly to the Director-General. Looking at our Direction of Communication: viz; Upward or Bottom top Approach, Downward or Top Down Approach and Lateral Communication, one should be able to use any of the three to explain the working relationship in any organization. In some organizations, it is upward or bottom top approach which is predominant, such organization are flexible enough to allow participation in decision making by the subordinate, the downward communication is the most common in most bureaucratic organizations, whereby the superior decide what to be done and direct subordinates to comply.

The lateral communication is very common in project management whereby Managers relate with their colleagues in order to accomplish an objective.

For an organization to function effectively, the three direction of communication must go together, that is to say based on need, an officer should be able to communicate in all direction in order to achieve objectives.

The Chief Executive who passes down an instruction down the line also expects feedback from the subordinate and the various departments and units that make up the organization.

Now if we can recall the contributions of Max Weber and Henri Fayol, in which they were emphasizing on hierarchical arrangement of offices, the superior issues directives to the subordinates and the subordinate must comply and execute the directives given efficiently and report back to the superior. In a purely bureaucratic organization, that is how it should be and I believe in this modern complex world with complex organizations, bureaucratic principles are necessary for discharging our responsibilities.

8.0 NAPTIP OFFICES AND THEIR LOCATIONS

Headquarters

Abuja

Zonal Commands

As at December 2015;

1. Benin City (Edo State)
2. Enugu (Enugu State)
3. Kano (Kano State)
4. Lagos (Lagos State)
5. Maiduguri (Borno State)
6. Makurdi (Benue State)
7. Sokoto (Sokoto State)
8. Uyo (Akwa Ibom State)

Liaison Office

Port Harcourt (Rivers State)

ACHIEVEMENTS OF NAPTIP

- NAPTIP have handled over a thousand cases of human trafficking from inception till December, 2015.
- Over eight thousand (8,000) victims have passed through NAPTIP Shelters located in all zonal offices and the headquarters
- As at December 2015, The Agency recorded about 280 convictions of human traffickers
- NAPTIP have established a very effective liaison with the Nigeria Immigrations Service, The Nigerian Police Force, Nigeria Customs Service, Department of State Security, National Drug Law Enforcement Agency, Nigerian Security and Civil Defense Corps, Federal Road Safety Corps, et al which have brought about great successes in the transfer of trafficking related cases from such agencies to NAPTIP
- NAPTIP have engaged in joint operations with other law enforcement agencies in Nigeria, with ground breaking successes
- NAPTIP has organized capacity building programmes for other law enforcement agencies in a bid to bringing the issue of human trafficking and child labour closer to the public
- NAPTIP successfully developed a comprehensive, sophisticated and fully operational DATABASE for traffickers and victims of trafficking – first of its kind in Nigeria, ably supported by foreign partners
- The Nigerian Anti-Human Trafficking Agency have organized, and still organizes series of manpower training for Officers at prestigious Nigerian Institutions such as the Defense Intelligence School Abuja, the Regional Academy for Drug Control Jos, Police

Detective Training School Enugu, State Services Academy among other notable institutions

- The Agency successfully carried out a research on the root causes of human trafficking in Nigeria as a base for national policy formulation
- NAPTIP developed a National Policy on the Protection and Assistance to Trafficked Persons, a compendium of rehabilitation and reintegration programmes and available opportunities for victims of trafficking
- NAPTIP produces and distributes information, education and communication materials such as face caps, T-shirts, stickers, and posters for public enlightenment purposes
- NAPTIP has collaborated with Nollywood to develop and stream a soap opera on human trafficking titled *ITOHAN, A Call to Action* on National Television
- Others, too numerous to mention.

10.0 OPERATIONAL ENVIRONMENT

- Low crime reporting
- Competition among Law Enforcement Agencies
- Porous Borders
- Lack of Adequate data
- Lack of needed attention from private sector and multinational corporations
- Others
- The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) in Nigeria has a comprehensive strategy known as the 5Ps Strategy. This strategy focuses on five key areas: Prevention,

Protection, Partnership, Policy, and Prosecution. Here is an explanation of each component:

NAPTIP 5Ps Strategy

1. Policy:

Legislative Framework: NAPTIP advocates for strong anti-trafficking laws and policies, ensuring that legislation is up-to-date and comprehensive in addressing all aspects of human trafficking.

Policy Implementation and Review: Regular review and adaptation of policies to ensure they remain effective in the face of evolving trafficking methods and trends.

2. Protection

Victim Support Services* NAPTIP provides various services to victims of trafficking, including shelter, medical care, psychological support, and legal assistance. These services are designed to help victims recover and reintegrate into society.

Rehabilitation Programs: Efforts are made to support the long-term rehabilitation of victims, helping them regain their independence and rebuild their lives.

3. Partnership

Collaboration with Stakeholders: NAPTIP collaborates with local and international partners, including government agencies, NGOs, and international organizations, to strengthen efforts against human trafficking.

Public-Private Partnerships: Engaging the private sector in anti-trafficking efforts, notably (NACTAL) leveraging resources, and expertise to combat trafficking more effectively.

4. Prevention:

Education and Awareness: NAPTIP works on raising awareness about human trafficking through education campaigns, community outreach, and media engagement. The goal is to inform the public about the dangers of trafficking and how to recognize and avoid it.

Empowerment Programs: Initiatives such as vocational training, economic empowerment, and job creation programs aim to reduce the vulnerability of potential victims by providing them with viable alternatives and means of livelihood.

5. Prosecution:

Legal Action: NAPTIP is involved in the investigation and prosecution of traffickers, ensuring that perpetrators are brought to justice.

By integrating these five components, NAPTIP aims to create a "whole of government and whole of society" multi-faceted approach to combatting human trafficking and violence against persons in Nigeria.

Conclusion

Increasing levels of poverty, unemployment, intolerance, economic disparities between countries as well as the threat of climate change and its associated impacts are all key factors that drive trafficking in persons, smuggling of migrants and population movements are major factors that influence population movements and immigration.

Activity / Exercises

1. Mention the similarities and differences between TIP & SOM?
2. What are the inherent dangers of TIP?
3. State the various forms of exploitation found in TIP & SOM?

4. Name the patterns and trends of TIP in Nigeria.
5. Identify the three elements of trafficking in persons and discuss whether they are present in the related offences of migration, human smuggling and migration

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