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3

NAPTIP: Nigeria's Institutional Response to Human Trafficking

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Abstract

This is an examination of the Nigerian government's main institutional response to the human trafficking conundrum. This is done through the lens of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). Here we present the responsibilities and functions of the national agency and critically review how it operationalises its mandate, taking care to lay bare its achievements, challenges, and the way forward for policy, practice, and partnerships for success over the scourge of human trafficking.

Introduction

Nigeria's National Agency for the Prohibition of Trafficking in Persons (NAPTIP) was created on 14 July 2003 with its legal foundation in the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2003. This Act in itself was an outcome of a private member bill sponsored at the National Assembly by the Women Trafficking and Child Labour Eradication Foundation (WOTCLEF).²⁰ The Bill was passed by the National Assembly on 7 July 2003 and Presidential Assent was given on 14 July 2003. Thus, NAPTIP was created by law as Nigeria's focal institution to combat trafficking in persons using a four-prong approach: Prevention, Protection, Prosecution, and Partnership. The agency was further strengthened in 2005 when the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 was amended. In the ensuing years, the crime of trafficking in persons evolved, which has led to the enactment of the Trafficking in Persons (Prohibition), Enforcement and Administration Act (26 March 2015) for further strengthening of the institutional framework.

20 Descriptions of WOTCLEF is given in Chapter 2 of this book.

The Functions and Powers of the Agency

NAPTIP has explicitly stated and publicized twenty-three (23) functions.²¹ Prominent among these and pertinent to this chapter are to:

- 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, and the sale and purchase of persons.
- Conduct research and strengthen effective legal means of international cooperation in suppressing trafficking in persons.
- 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 in charge.

The Agency also has the power to:

- Investigate whether any person, body, or entity has committed an offence under this Act or the offence of trafficking under any other law (see website²² for Powers of the Agency).

The Context of Human Trafficking in Nigeria

The context of human trafficking in Nigeria can be traced in a trajectory spanning decades of military regimes and severe political, social, and economic crises as fundamental contributory factors to the emergence of the phenomenon (UNESCO, 2006). Firstly, although Nigeria is rich in natural resources, political instability and widespread corruption have facilitated trafficking in persons and hampered the progress towards reducing poverty. A 2015 report by Human Rights Watch noted that ‘endemic public sector corruption continued to undermine the enjoyment of social and economic rights in Nigeria’ (HRW, 2015). Corruption facilitates trafficking; for instance, it eases the transportation of victims within countries and across borders without detection or requests for paperwork. Economically disempowered and impoverished families, aiming to escape poor conditions of living, are vulnerable to traffickers. Women and young girls, owing to the feminization of poverty and discriminatory cultural practices, are even more exposed to the tactics of traffickers. Secondly, the political system, characterized by

21 NAPTIP. Functions of the Agency. <https://www.naptip.gov.ng/about-naptip-2/>.

22 NAPTIP. Powers of the Agency. <https://www.naptip.gov.ng/about-naptip-2/>.

institutional weakness and fragility, has created fertile ground for organized criminal groups to thrive (Osumah & Sylvester, 2012). According to the 2015 United States Trafficking in Persons Report, 'EUROPOL has identified Nigerian organized crime related to trafficking in persons as one of the greatest law enforcement challenges to European governments.' Finally, as a background for all this are the oil boom-and-bust cycles of the 1970s and 1980s, which impacted on opportunities for migration, both within and outside the country; bust cycles created avenues for exploitation and exposure of would-be travellers to international trafficking.

The drivers of human trafficking in Nigeria are multi-faceted, complex, and they often overlap. The myth and realities of the successes and/or failures of 'travellers' and the increasing scale of human trafficking in the past two decades has made human trafficking a critical subject of investigation by researchers, and it has spurred the creation of agencies, and the modification of budgets and laws by Nigerian governments at national and state levels. Expertise has been developed in terms of academic research, security apparatus, international collaboration with specialized UN agencies, international financial institutions, and host countries of victims of trafficking from Nigeria. Statistically, the magnitude of trafficking continues to prove hard to estimate. Difficulties exist in trying to obtain accurate statistics on the number of trafficked victims. Despite the uncertainty of the numbers, actors collaborating in combatting human trafficking contend that trafficking in persons has increased drastically, perhaps outpacing interventions (Avellino, 2012, p. 22; Gekht, 2008, pp. 31-32).

The Route Out of Nigeria

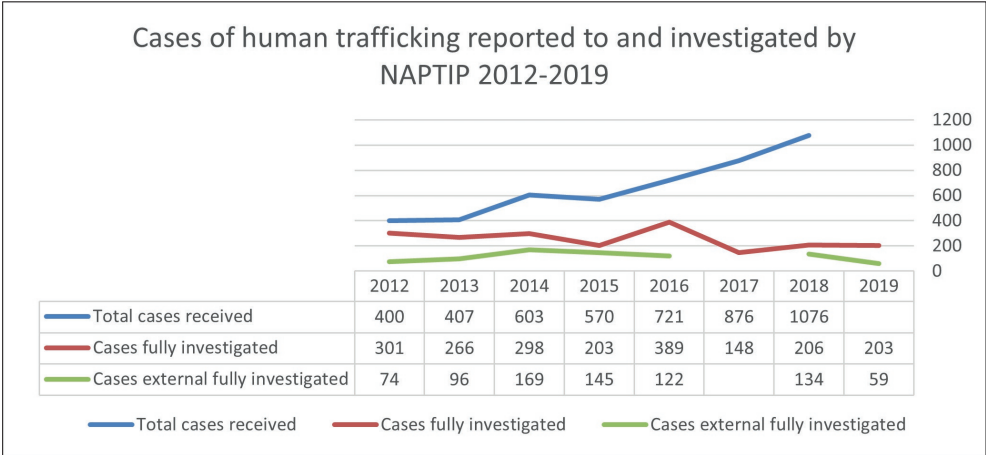
Nigeria shares land borders with the Republic of Benin in the west, Chad and Cameroon in the east, and Niger in the north. Its coast lies on the Gulf of Guinea in the south and it border Lake Chad to the north-east. Nigeria has international land borders of about 4470 kilometres (2513 miles) with Chad, Cameroon, Benin, and Niger, and a coastline of 774 kilometres (480 miles), all of which are largely unmanned. According to Adeyeye (2020), out of about 1500 identified land border crossings into Nigeria, only 114, covering about 4000 square kilometres, has approved control posts manned by immigration officials and other security agencies. There are over 1400 illegal routes into Nigeria, 1316 more than the approved number of border control posts, and this, coupled with the Economic Community of West African States (ECOWAS) free trade movement, is making it more difficult to control the flow in and out in Nigeria. The president of the European Commission stated

that there is an upsurge in the number of Nigerians languishing in the Sahara Desert and on the Mediterranean Sea in their desperate bid to get to the bright lights of Europe. He noted that ‘between 2011 and 2016, over 630,000 irregular migrant and refugees were rescued or disembarked in Italy’ (EPSC Strategic Notes/EU, 2017).

NAPTIP works on the premise that the Central Mediterranean remains the most preferred route to Europe. Routes such as the Eastern Mediterranean and Western Balkan have also seen an upsurge in numbers. Pozzallo Port in the Province of Regusa, Sicily, is a gateway to Italy through the Mediterranean Sea. This is one of the geographical corridors between Italy and other parts of Africa, given its close proximity to Tunis in Tunisia and Tripoli in Libya.

NAPTIP Database

NAPTIP publishes annual reports on the outcomes of the performance of its functions. These include descriptions of the cases reported to and investigated by the Agency, gender profiles of traffickers, prosecutions and convictions the Agency has secured, as well as the other socioeconomic backgrounds of rescued victims of trafficking. In Figure 1 below, we present the characteristics of cases of human trafficking received and processed by NAPTIP.



Source: NAPTIP, Research and Programme Development Department. Annual Reports 2012-2019

The number of cases of human trafficking obtained by NAPTIP grew from 400 in 2012 to 1076 in 2018. However, the raw numbers show a decline in

investigations conducted by NAPTIP over the same period. In the beginning, NAPTIP investigated three-quarters of the cases it obtained in 2012. By 2018, investigations have been drastically reduced to approximately 20% of all cases. This is reflective of a lack of commensurate growth in human resource capacity at the disposal of NAPTIP, despite the ability to increasingly spot cases of human trafficking.

Table 3.1

Profiling the cases of human trafficking received by NAPTIP 2012-2019

Cases	Year							
	2019	2018	2017	2016	2015	2014	2013	2012
Proportion investigated (% all cases)	***	19.1	16.9	54.0	35.6	49.4	65.4	75.3
Proportion investigated (% external)	29.1	65.0	***	31.4	71.4	56.7	36.1	24.6

Source: NAPTIP, Research and Programme Development Department. Annual Reports 2012-2019

Data obtained from NAPTIP records also indicate that the proportion of cases investigated internationally have steadily increased in the same period (see Table 1). This is reflective of the collaboration the Agency has with foreign governments as part of its mandate in fighting the problem. It is also reflective of the relatively lower level of attention given to the domestic dimensions of trafficking. Reasons for this are provided in latter parts of this chapter.

Earlier data collection by the agency showed that in the period 2004 and 2010, NAPTIP received over 2900 referrals,²³ a large proportion of these were women. Some of the background characteristics of victims of trafficking are presented according to age groups; for example, women aged 18-30 years were trafficked to Europe for sexual exploitation; both males and females aged 6-17 years were trafficked within Nigeria for domestic labour; and Nigeria remains the destination point of pre-teens and early teens aged 7-14 years trafficked to work as domestic servants from neighbouring countries such as the Benin Republic. Data collection has since been improved and expanded to provide a better understanding of the structure and composition of victims of trafficking, and to highlight the strengths and challenges encountered by NAPTIP in the fulfilment of its institutional mandates.

²³ Channels of referrals range from repatriated victims picked up from Lagos International Airport by NGOs, IOM and NAPTIP, to victims picked up following investigation of reports in other countries.

Court convictions are also presented to shed some light on the justiciability of the law on forced labour and trafficking. These are contributing to estimating and understanding the range of trafficking in Nigeria. The gender distribution of traffickers and the results of legal proceedings instituted against them by NAPTIP is summarized in Table 2.

Table 3.2

Profile of human traffickers arrested and convicted by NAPTIP 2012-2019

Cases	Year							
	2019	2018	2017	2016	2015	2014	2013	2012
Total traffickers arrested	701	823	641	519	432	276	293	332
Total traffickers male	365	*	363	257	219	124	134	147
Proportion male traffickers	52.1	0.0	56.6	49.5	50.7	44.9	45.7	44.3
Number of traffickers convicted	25	50	26	31	23	39	44	25
Male traffickers convicted	14	29	18	19	15	22	22	12
Female traffickers convicted	11	21	8	12	8	17	22	13
Proportion male traffickers convicted	56.0	58.0	69.2	61.3	65.2	56.4	50.0	48.0

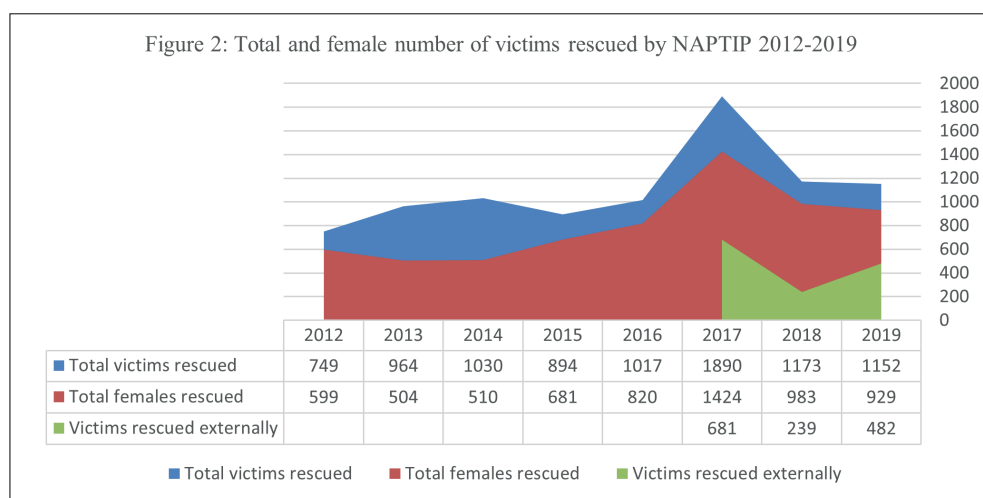
Source: NAPTIP, Research and Programme Development Department. Annual Reports 2012-2019

The numbers of traffickers arrested by NAPTIP more than doubled from 332 in 2012 to 701 in 2019. At the beginning of the reporting period, there were fewer male traffickers apprehended. By 2017, more than half of traffickers arrested were males and have since remained so. Generally, while total number of traffickers arrested were in the high hundreds, the number of traffickers eventually convicted are in the low tens. This is also indicative of the limited prosecuting ability of NAPTIP, perhaps reflective of a shortage of personnel. The budgetary requirements and financial strength of NAPTIP will be discussed later in this chapter. Also, despite the fact of data showing that more female traffickers were arrested at the early stages of the reporting period, NAPTIP has shown more success in securing conviction for more male than female traffickers, and this is consistent over the reporting period.

Federally, the Trafficking in Persons Law Enforcement and Administration Act, as amended in 2015, criminalized sex trafficking and labour trafficking and prescribed a minimum penalty of two years' imprisonment and a fine of 250,000 naira (USD693) for both sex and labour trafficking; the minimum penalty for sex trafficking increased to seven years' imprisonment and a fine of 1 million naira (USD2,770) if the case involved a child victim. In Edo State, the government in May 2018 approved a state-level anti-trafficking

law that criminalized sex trafficking and labour trafficking and prescribed a minimum penalty of five years' imprisonment and a fine of one million naira (USD2,770) fine for both sex and labour trafficking; the minimum penalty for sex trafficking increased to seven years' imprisonment and a fine of one million naira (USD2,770) if the case involved a child victim. All these penalties were deemed sufficiently stringent by the US Government and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping (See USDS 2019; 354).

The gender distribution of victims of trafficking and their locations of rescue by NAPTIP is presented below in Figure 2.



Source: NAPTIP, Research and Programme Development Department. Annual Reports 2012-2019

The total number of victims of trafficking that have been rescued by NAPTIP increased from 749 to 1152 in the reporting period 2012-2019. A big spike in the number rescued is observed in 2017. Overall, females constitute the larger proportion of rescued victims across board (see Table 3 below).

Table 3.3

Profile of victims of human trafficking rescued by NAPTIP 2012-2019

Cases	Year							
	2019	2018	2017	2016	2015	2014	2013	2012
Proportion of female victims	80.6	83.8	75.3	80.6	76.2	59.5	52.3	80.0
Proportion females rescued (external)	51.9	24.3	47.8	***	***	***	***	***

The gender profile of rescued victims is consistent with worldwide data that shows women being more often victims of human trafficking than men. Also, the successes of the international collaborative efforts of NAPTIP are further underscored by the sizable proportion of Nigerian victims of trafficking that were rescued in foreign lands. From 2017, NAPTIP began to document information on the number of victims it rescued outside Nigeria, and these numbers amount to about half of all the victims that were rescued. These would not have been possible without foreign cooperation.

Care for Victims

Up until 2019, each of NAPTIP's 10 zonal commands (including the Abuja headquarters) operated a shelter for victims of trafficking. NAPTIP shelters offered six weeks of initial care. Extended care in NAPTIP shelters was dependent on cooperation with law enforcement investigations; if a victim needed to remain in a shelter beyond the six-week period but did not want to participate in the law enforcement investigation or prosecution, NAPTIP referred the victim to NGOs for care. In the 2017 to 2018 reporting period, a foreign donor funded the renovation and expansion of NAPTIP's Lagos shelter; after the expansion, NAPTIP's 10 shelters increased from 315 to a total capacity of 334. Although the law mandated NAPTIP to care solely for victims of crimes under the 2015 anti-trafficking law, victims of other crimes were often referred to NAPTIP by sister agencies of government. This may signify that NAPTIP is doing something right about care for victims, but it has reduced the agency's capacity to care specifically for victims of trafficking, which is its mandate.

NAPTIP's Budget

As contained in the USDS (2019; 355) report, NAPTIP's budget in 2018 was 4.3 billion naira (USD11.91 million), an increase from 3.1 billion naira (USD8.59 million) in 2017. But the agency received just about 60.5% of the promised budget (approximately 2.6 billion naira or USD7.2 million) in the reporting period. This affected its capacity to carry out sufficient proactive anti-trafficking operations; and the agency's operatives were often

concentrated in state capitals, which hindered identification and investigation of trafficking in rural areas.

An area where NAPTIP has made domestic gains has been in stepping up efforts at combatting domestic trafficking and its outcomes, especially in north-eastern Nigeria. According to the USDS (2019), ‘in response to continued reports of sexual exploitation of internally displaced persons (IDPs) in the North-east, NAPTIP continued partnering with an international organization to implement a screening and sensitization campaign to identify sex trafficking victims in IDP camps in Bama and other areas near Maiduguri.’ However, as the security situation deteriorated, NAPTIP activities were generally restricted to areas in and around Maiduguri (the capital and the largest city of Borno State in north-eastern Nigeria).

Reporting

There are various forms of reporting tools developed by the Agency which allow the general public, government agencies, and other relevant stakeholders to send in information against traffickers. Just like the **proactive approach**, which is described as victim-free investigation involving the deployment of intelligence and intrusive human and technical surveillance and other range of basic investigative step, the **reactive approach** is one of the most common methods of investigation through complaints used to locate and arrest offenders, rescue victims and obtain witness interviews, interrogation of suspects, and execution of search warrants including body searches and search of premises. The **National Referral Mechanism (NRM)**, which is a policy document, is used by law enforcement in Nigeria for referring victims of human trafficking to the appropriate channel. Some of the actors in the NRM include: NAPTIP, Nigeria Police, Nigeria Immigrations Service (NIS), National Security and Civil Defence Corps (NSCDC), and other ministries, departments, and agencies (MDA's) working on human trafficking issues in Nigeria, UN agencies, NGO's, embassies, high commissions, and international agencies working on human trafficking and related issues.

Reintegration

This involves concerted efforts to integrate victims back into their communities and society at large. They are assisted in achieving socioeconomic independence through community-based vocational skills acquisition and education; this is followed by empowerment to undertake economic activities in such a way as to reduce their vulnerability to being

re-trafficked. From NAPTIP's record, well over 14,207 victims of human trafficking have been rescued and rehabilitated; some have been empowered and re-integrated with vocational skills and formal education, including five who have obtained their bachelor's degree due to the Agency's sponsorship, three out of whom have been employed by the Agency.

Dependence, Dynamics, Spiritual Connectivity

Spiritual connectivity

This is a control mechanism and can have a serious impact on the psychological well-being of those victims for whom their religion, cultural affiliation, and belief is an important part of their lives. Spiritual connections mean that the victims are controlled by voodoo. In many reported cases, young females recruited for sexual exploitation in Europe and other parts of the world are taken to fetish shrines where they are forced to take an oath before departure.

- *Oath of Loyalty*: this is to ensure victims remain loyal to his or her trafficker to pay the amount of money that is charged and never to run away.
- *Lucky Charm*: the fetish oaths taken also perform the function of a lucky charm for the victims. They are rooted in traditional belief systems. It is believed that they have the power to protect the victim and attract rich clients for the victim especially those who work in the sex industry.
- *Oath items*: these oaths are mostly administered in shrines and the process of administration varies from shrine to shrine. It involves incantations and pronouncement of some adverse consequences in the event of the victims failing to keep the terms of the oaths. Some of the items include: native chalk, dry gin, human blood, animal blood, used menstrual pads, pubic and arm-pit hairs for female victims, toes and finger nails, and various types of creams and concoctions (especially for lucky charms).

Protection

Other data indicates a decrease in the number of identified victims of forced labour (126 in 2018 compared to 188 in 2017) and of potential victims of trafficking (1028 in 2018 compared to 1121 in 2017). According to the USDS (2019), these data were outcomes of a decrease in government efforts. A possible explanation is found in the discussion of NAPTIP's annual budget, which shows that the agency realized only 60% of its budget outlay. Despite difficulties in budgetary appropriation, NAPTIP conducted some fact-finding missions to Mali to investigate reports of Nigerian sex trafficking

victims in Mali and in January 2019, NAPTIP announced there were 20,000 Nigerian trafficking victims in Mali. International organizations, NGOs, and other observers have not been able to corroborate this estimate. However, it is on the record that the Nigerian government also participated in the forced return of Nigerian refugees from Cameroon, including populations vulnerable to trafficking; the government created an inter-ministerial committee to facilitate repatriation and resettlement in Nigeria for large number of Nigerian migrants (including victims of trafficking stranded in Libya). Between April and November 2018, 3160 Nigerians were repatriated from North Africa in a collaborative effort between the Nigerian government and an international organisation. These returnees overwhelmed the shelter and service system, including NAPTIP facilities, which the agency had to open up to returnees that were not strictly victims of trafficking.

Several studies have shown that Edo State is a human-trafficking endemic area. In May 2018, the Governor of Edo State signed the Edo state anti-trafficking law, which codified the Edo State Task Force (ESTF) and provided a legal framework for state-level anti-trafficking efforts. The ESTF is headed by the state's attorney general; its mandate covers the combat of transnational trafficking of Nigerians to Europe. The mandate also includes investigation and prosecution of trafficking cases, working alongside NAPTIP to coordinate national and international actors' protection and reintegration efforts for returning victims of trafficking. A sum of 242 million naira (USD 670,360) was allocated to the ESTF in support of its activities in 2018. A victims' trust fund, financed primarily through confiscated assets of convicted traffickers has also been set up. This fund is available to all victims, and in 2018, the government allocated a total of 1.8 million naira (USD 4,990) to 18 trafficking victims. While the anti-trafficking law provided for victim restitution and allowed victims to file civil suits against their traffickers, the success rate is still low. The USDS (2019) reported that NAPTIP prosecutors regularly sought restitution in trafficking cases, but 'judges were unfamiliar with that provision of the anti-trafficking law.'

NAPTIP continues to demonstrate an ability to obtain convictions from the prosecutions it initiated. But less than 5 percent of investigations conducted (2019) has so far resulted in prosecutions (compared to about 10 percent in 2012). Reasons for this range from limited efforts at investigating or prosecuting government officials alleged to have been involved in trafficking, and lack of provision of specialized training to pertinent law enforcement officials to recognize, investigate, and prosecute trafficking cases. According to the US Department of State (2019), '[T]he Government of Nigeria does

not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so.' The relatively little attention given to grappling with the internal dynamics of internal trafficking and its outcomes contributed to the USDS (2019) assessment that the Nigerian government did not meet with minimum standards in certain key areas. For example, it was stated in the report that the 'government did not investigate, prosecute, or hold accountable any military or the Civilian Joint Task Force (CJTF) members for exploiting IDPs in sex trafficking or past recruitment and use of child soldiers. The Nigerian military did not provide female and child trafficking victims allegedly associated with insurgencies trafficking victim protections.' Some of the factors that were identified as undermining to accountability for trafficking offenses include 'widespread and pervasive corruption affected all levels of government, including the security forces.' The report alleged that '[t]he government did not take adequate steps to investigate or prosecute military personnel or CJTF members complicit in trafficking in the North-east, in particular sexual exploitation of IDPs and female detainees.' The Nigerian Army has categorically denied that any of its personnel used child soldiers in the past or sexually exploited IDPs. Importantly, there are no new verified cases of children being used by the Nigerian Military in supporting roles, and this was confirmed by an NGO and international organizations contacted during the reporting period (USDS 2019).

NAPTIP also suffer from lack of adequate research tools, staff training on modern research technics, inadequate databank, limited access to properly equipped forensic laboratory, and a general lack of statistic software for staff. Despite these observations, the general commitment of the Nigerian government to combatting trafficking contributed to the country's upgrading to Tier 2 in the US government rankings. For example, the Nigerian 'government convicted significantly more traffickers than the previous reporting period and initiated prosecutions against seven government officials allegedly complicit in trafficking' (USDS 2019, 353). In order to improve the standards in Nigeria, prioritized recommendations made by the US government to the Nigerian government include the expansion of existing efforts to identify trafficking victims among IDPs, investigate cases, implement preventative measures, and to disburse 'the full promised budget for NAPTIP, particularly to provide adequate victim care.'

Some Considerations

The Covid-19 pandemic of 2020 brought further destabilization to the already fragile north-eastern zone of Nigeria. Sporadic attacks by Boko Haram

and ISIS-WA caused more abduction of women and girls in the northern region of Nigeria, some of whom they subject to domestic servitude, sexual slavery, and forced labour. Many of the internally displaced and refugees are vulnerable to traffickers due to their limited access to economic opportunity and formal justice. On the international front, criminal actors increased their exploitation of Nigerians in countries in Africa, Europe, and the Middle East (USDS, 2021). All these signposts increase the responsibilities of the NAPTIP, along with the necessity of focussing urgent attention on helping it overcome the constraints highlighted above. Strengthened internal processes within NAPTIP and partnerships with Nigeria's States and foreign donors would go a long way to eroding Nigerians' vulnerability to trafficking.

NAPTIP Data Materials

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