

1 Implications of Human Trafficking for Human Rights The Case 2 of Nigeria

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6

7 **Abstract**

8 This paper examined the implications of Human Trafficking for Human Rights in Nigeria. The
9 phenomenon of human trafficking has taken an alarming dimension in Nigeria, such that it had
10 become a big illegal criminal business. Human trafficking is now a daily occurrence in Edo and
11 Delta States of Nigeria. Also, the spread of human trafficking to other States of the country is
12 believed to be the fallout of massive unemployment and high level of poverty. Human
13 trafficking is a major National problem for been a threat to fundamental human rights of the
14 Nigerian citizenry. For an already crestfallen nation the added burden of crime of human
15 trafficking which are infringements on the fundamental human rights of Nigeria, now
16 transcend subliminal trauma. For most parents in Nigeria, the fear of sudden disappearances
17 of their sons, daughters and wards of being trafficker victims are real and palpable. This paper
18 examined the nature of human trafficking, how does it affect the human rights of Nigerians,
19 and how to manage it with a view of preserving human rights in Nigeria. It was discovered
20 that human trafficking is a crime against humanity. Recommendations were made on how it
21 could be managed in order not to infringe on fundamental human rights of Nigerians.

22

23 **Index terms**— Trafficking, Human trafficking, Human rights, Child labour, Sex trafficking, Forced labour,
24 Child, Bonded labour

25 **1 Introduction I. Background To The Study**

26 When Nigeria attained independence in 1960, there were very hopes of its potential for sustainable development
27 perhaps the hopes were based on a robust, endowment of the nation, both in human and natural resources in
28 the country. Unfortunately, contemporary evidence shows that these expectations have not materialized even
29 after decades the nation independence one possible explanation is that the expectations become lost on alter
30 of national economic difficulties and series of political failures due to bad governance being experienced at the
31 different levels of government (Oromareghake and Akpotor, 2007:310).

32 There seems to be agreement amongst both academic and practitioners' administrators that at the center
33 of all Nigeria's problem is the problem of leadership (Bello-Imam and Robert, 1995:1-2). The problem of bad
34 governance resulting from poor leadership in Nigeria comes to the force and its given credence by both historical
35 and contemporaneous evidence. For instance, at independence in 1960 and shortly afterwards, and especially with
36 the ascendancy of oil as the dominant source of state revenue, Nigeria was blessed with the requisite human and
37 material resources to ensure its development. Unfortunately, the dynamic of the country's history has imposed
38 on it a succession of leaders who ruled in such a way that sharply contradicts "good governance"

39 It is pertinent to know that, our past and present leaders failed the nation. Bad governance in Nigeria has
40 resulted to a high of corruption, lack of transparency, lack of accountability, total disregards to laws of the land,
41 lack of respect for human lives. The negatives trends have had and continue to have system-wide effects in
42 Nigeria, which ported uncertainly in the provision of these basic needs to the citizenry. The citizens' perception

7 K) HUMAN RIGHTS

43 of their benefit in the social exchange between them and government begins to wane and turn negative. They
44 begins to loose faith and confidence in a government that constitutionally promised the citizens "equality of right,
45 obligations and opportunities before the law" and that "the security and welfare of the people shall be the primary
46 purpose of the government" without providing access able and affordable health care and food, education, roads,
47 shelter, employment and poverty etc. In reaction to these inclement conditions the people felt maligned and
48 marginalized with consequent effects of being unpatriotic to the country.

49 The question is: Are Nigerians justified for this evil and unpatriotic act? Yes, to those Nigerians without
50 conscience. The fact that high rate of unemployment and poverty ravaging the lives of majority of Nigerians are
51 not tenable reasons.

52 2 II. Human Trafficking In Nigeria

53 Human trafficking had become a major source of concern to all societies in recent time. Human trafficking is
54 often presented as a major social problem that is seen as undermining the morality of the societies.

55 Also, human trafficking has put Nigeria on the map of the notorious. The problem has assumed wider
56 dimensions not only to the individual traffickers but also to the country and societies at large. This problem of
57 human trafficking among Nigerians has called for a search of immediate solution as the traffickers have destroyed
58 the image of the nation - The problem of human trafficking is on the increase and the street following the increase
59 is reverberating on the lives of the citizens, this therefore prompt many people in the society to ask why these
60 human trades? Why Nigerians export human cargo abused in Europe, and other West African countries? Why
61 Nigerians participate heavily in export of human cargo mostly the female (girl) as sex worker to Italy, Belgium,
62 Spain and Togo, Benin Republic, Liberia, Ghana, Cote d'Ivoire, Mali, Mauritania, Morocco, Burkina-Faso, as
63 well as extending its frontiers to Gabon, Cameroon, Equatorial Guinea for monetary gains.

64 3 Global

65 Nigeria has continued to defy solution. Recent media reports tend to portray Nigeria as the major hub for the
66 illicit human trade (trafficking). Daily busts at the nation's seaports, airports and borders give the impression
67 that human trafficking is an insolvable problem. Unfortunately, nothing has changed. This paper is intended
68 to examine human trafficking nexus of crimes of abuse on human rights and thus, design possible therapeutic
69 options to addressing this problem. Traffickers are also known as Pimps or Madams. The trafficker victims are
70 those who lack opportunities in the Nigerian society and exploit vulnerabilities on those down trodden people
71 (victims) in the Nigerian society by deceit and lies. In-fact, most of the victims are cajoled by promises of
72 marriage, employment, education, and or an overall better life, at the end, the traffickers force the victims to
73 become prostitutes or work in the sex industry as: prostitutes, dancing in strip clubs, performing in pornographic
74 films, pornographic, and other forms of involuntary servitude f) Sex Trafficking

75 The victims caught in this web are those socially disadvantaged persons in the Nigerian society. The victims
76 (persons) who easily fall prey to the traffickers are the people in dire circumstance in the society. The easily
77 targeted individuals, circumstances, and situation vulnerable to traffickers include: the homeless individual,
78 runaway teenagers, displayed home makers, refugees and drug addicts.

79 In-fact, it has been observed that in the Nigeria society the people that are most vulnerable are those from
80 poverty stricken home, powerless ethnic minorities with low socio-economic background. These are victims that
81 are consistently exploited in various communities, villages, towns in Nigeria.

82 4 g) Trafficking of Child

83 This is the recruitment, transportation, transfer, harbouring, or receipt of children for the purpose of exploitation.

84 5 h) Child Labour

85 Child labour is a form of work that is likely to be hazardous to the physically, mental, spiritual, moral, or social
86 development of children which also can interfere with their education. i) Bonded Labour (Debt bondage) Bonded
87 labour or debt bondage, is the least known or debt bondage, is the least known form of labour trafficking today,
88 and yet it is the most widely used method of enslaving people. Victims become bonded labourers when their is
89 demanded as a means of repayment for a loan or service in which its terms and conditions have not been defined
90 or in which the value of the victims' services as reasonably assessed is not applied towards the liquidation of the
91 debt. The value of their work is greater than the original sum of money "borrowed"

92 6 j) Trafficking

93 The word trafficking includes the word "traffic", which means transportation or travel.

94 7 k) Human Rights

95 Human rights are basically those rights that are inherent in the human being. The whole idea of human rights
96 acknowledges that every single human being is entitled to enjoy these rights without distinction is to raise,

97 8 Year

98 As a result of the increasing wave of human trafficking in Nigeria, it has become very important to find out what
99 is responsible for the crime. Other specific objectives are: Forced labour is a situation in which victims are forced
100 to work against their own will, under the threat of violence or some other forms of punishment, their freedom
101 is restricted and a degree of ownership is exerted. In Nigeria, able-bodied and healthy men are victims of those
102 who stand the risk of being trafficked for unskilled work.

103 Child shall mean any person under the eighteen (18) years of age. colour, gender, language, religion, political
104 affliction, property or birth (Odion-Akhaine, 2004:36).

105 9 III. Literature Review

106 The word "trafficking" includes the word "traffic" which means transportation or travel. Trafficking
107 is a lucrative industry. It has been identified as the fastest growing criminal industry in the world
108 (<http://www.wakepeopleup.com/pdfs/sex-trafficking-slide5.pdf>). It is second only to drug trafficking as
109 the most profitable illegal industry in the world (<http://www.gfinterity.org/storage/gfip/documents/report>
110 s/transcrime/gfi transnational crime web.pdf.). In 2004, the total annual revenue for trafficking in persons were
111 estimated to be between USD\$5billion and \$9 billion (http://www.unece.org/press/pr/pr2004/04/gen_n03e.htm)

112 In Also, the International Labour Organization (ILO) has estimated worldwide that there are 246 million
113 exploited children aged between 5 and 17 involved in child labour (debt bondage), forced recruitment for armed
114 conflict, prostitution, phonograph, the illegal drug trade, the illegal arms trade, and other illicit activities around
115 the world. In 2010, it was reported that Thailand and Brazil were considered to have the worst child sex trafficking
116 records in the world (http://www.libertadlatina.org/LA_Brazils_Child_Prostitution_Crisis.htm).

117 Furthermore, trafficking in children often involves exploitation of the parents' extreme poverty. Parents may
118 sell children to trafficker in-order to pay off debts or gain income, or they may be deceived concerning the prospects
119 of training and a better life for their children. They may sell their children for labour, sex trafficking or illegal
120 adoptions. These adoption processes legal and illegal, when abused can sometimes result in cases of trafficking of
121 babies and pregnant women between the West and the developing world(<http://news.theage.com.au/breaking-newstechnology/china>).

122 In David M. Smolin's paper on Child trafficking and adoption scandals between India and the United States,
123 (Smolin, 2005), he (Smolin) presents the systematic vulnerabilities in the inter-country adoption system that
124 makes adoption scandals predictable. Thousand of children from Asia, African and South American are
125 sold into the global sex trade every year. Often they are kidnapped or orphaned, and sometimes they are
126 actually sold by their own families (UNICEF, 2010). In the U.S. Department of Justices 07-08 study, more
127 than 30 percent of the total number of trafficking cases in 2010 was children coerced into the sex industry
128 (<http://content.news14.com/human-trafficking.pdf>).

130 10 IV.

131 Nature of Human Trafficking In Nigeria Of these, 83 percent were sex trafficking cases, though only 9% of all
132 cases could be confirmed as cases of human trafficking (<http://content.news14.com/human-trafficking.pdf>) II.
133 Sex trafficking involves international agents and brokers who arranged travel and job placement for women from
134 Nigeria. In-fact, these women who are the victims are lured to accompany traffickers based on promises of
135 lucrative opportunities unachievable in Nigeria. They fell as victims to these deceipts because of high level of
136 inflationary trends in the society, acute unemployment, and high poverty rate in the country which majorities
137 of Nigerians found themselves which the leaders both at the Federal and State levels had never been conscious
138 enough to address the issue. III. It is disheartening to know that once these women (victims) reached their
139 destinations, the women discover that they have been deceived and learn the true nature of work that they will
140 be expected to do.

141 To some extent, many of the women were deceived with lies regarding the financial arrangements and conditions
142 of their employment, later to find themselves in coercive or abusive situation form which escape is both difficult
143 and dangerous to these women (Kara, 2009) Human rights are basically those rights that are inherent in the
144 human being. The whole idea of human rights acknowledges that every single human being is entitled to enjoy
145 these rights without distinction is to race, colour, gender, language, religion, political affliction, property or birth.

146 11 Global

147 According to Cass Sustain in the book The 2 nd Bill of Right: The great speech of Franklin Delano Roosevelt
148 on American's pursuit of Freedom and the Universal Declaration of Human Rights, civil and political rights is
149 equal to the rights to food, housing, education, and social security.

150 The places of human rights of an individual are so important that they are recognized by all international
151 laws. The obligation to protect and promote human rights is usually contained in various paragraphs of the UN
152 charter, the Universal Declaration of Human Rights (1948) and the various UN covenants on human rights.

153 Here in Africa, we have the Africa, we have the African Charter on Human and Peoples Rights which
154 incidentally has been included as part of the local laws in Nigeria. The 1999 Constitution in chapter 4, section 30

15 D) TRAFFICKING VICTIMS

155 specifically spelt out in various sections what these rights are, how to enjoy them, and how they can be promoted
156 and protected.

157 Human rights are concerned with the most immediate and basic needs of all human beings and Nigerians are
158 no exception. These rights are: i. The right to life; ii. The right to dignify the human person; iii. The right to
159 personal liberty; iv. The right to fair hearing; v. The right to private and family life; vi. The right to freedom
160 of thought, conscience, and religion; vii. The right to freedom of expression and the press; viii. The right to
161 peaceful assembly and association;

162 ix. The to freedom of movement; and

163 x. The to right to freedom from discrimination and right to property (FGN,1999).

164 There is an obligation placed on the government of Nigeria by the law to act in a way that does not infringe
165 on the Human Right of citizens. But we must state here that the law does not establish human rights, human
166 rights are founded on respect for dignity of man; they are universal, they are inalienable (meaning that no one
167 can take them away) and they are indivisible (the government cannot respect some and ignore some)

168 12 Human Trafficking and Human

169 Rights Violation in Nigeria a) Human Trafficking It has been observed that the victims of human trafficking are
170 not permitted to leave upon arrival at their destination. They are held against their will through acts of coercion
171 and forced to work or provide, services to the traffickers (pimps/madams) whose services may be by bonded,
172 forced labour to commercialized sexual exploitation.

173 In addition, the arrangement may be structured as a work contract, but with no or low payment or on terms
174 which are highly exploitative. Also, in some cases the arrangement is structured as debt bondage, with the victim
175 not being permitted or able to pay off the debt.

176 All the acts above are infringements to human rights of persons as spelt out in Nigeria Constitution of 1999,
177 chapter 4, section 30 which states that: every Nigerian have the right to life which the traffickers violates by the
178 use of physical coercion that sometimes leads to death; persons rights to personal liberty which the traffickers
179 deprived victims from enjoying through the forced labour and the rights to freedom of movement which are been
180 deprived, except approved to do so by their pimps/madams.

181 13 b) Sex trafficking

182 In sexual trafficking, the pimps or madams uses physical coercion, deception and bondage incurred through forced
183 debt. Trafficked women and children, for instance, are often promised work in the domestic or services industry,
184 but instead are usually taken to brothels where their passports and other identification papers are confiscated in
185 Italy by the Nigerian pimps or madams.

186 More-so, the victims may be beaten or locked up an promised their freedom only after earning through
187 prostitution -their purchase price, as well as their travel and visa costs (<http://web.archive.org/web/20080626234542/http://www.prostitutie.nl/studie/documente.pdf>) That not enough, the victims are made to swear "Juju"
188 (an African supernatural power) for failure to pay the cost of traveling and visa smelt instant death in shrines.
189 By these threats the rights to life have been violated by the traffickers.

190 The above shows that the rights to life of these women and children have been violated by threats to life with
191 the use of 'Juju' (African mystical power) for failure to pay debts leads to death. Likewise, the traffickers used
192 violence to infringe on the rights of women; freedom of movement; rights to dignify the human persons; the rights
193 to personal liberty; the rights to private and family life of the victims. In fact, it has been observed that all these
194 acts are breaches to the human rights of the victim because their right has been trampled on.

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198 Year VI.

199 children in Nigeria can interfere with their education. These are infringements to human rights of the Nigerian
200 children who are expected to acquire free and compulsory primary education at the expense of various Federal/
201 State Governments in Nigeria.

202 15 d) Trafficking victims

203 Trafficking victims from Nigeria are exposed to psychological problems such as: social alienation both in home and
204 host countries, stigmatization, social exclusion, and intolerance to make reintegration into their local communities
205 difficult. The above are infringements to human rights of Nigerians which violates 1999 constitution, chapter 4
206 section 30 that: Nigerians must have the rights to freedom of thought, conscience; rights to freedom of movement;
207 rights to freedom of expression; rights to property; rights to private and family life which the victims cannot
208 enjoy both at homes and abroad.

209 Child slavery is the sale of any person under the age of 18 for monetary gains by the traffickers. This act
210 violates 1999 constitution of Federal Republic of Nigeria, chapter 4, section 30 which states that: every Nigerian
211 child has the right to life; right to freedom and access to education.

212 **16 VII.**

213 **17 Conclusion**

214 This paper has outlined the various ways of human trafficking in Nigeria which has violated the human rights of
215 the citizens. The paper also highlights the various measures that can check this menace both by international
216 organization globally and locally by Nigeria governments.

217 **18 IX.**

218 **19 Recommendations**



Figure 1:

219 1 2 3 4

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c) Child labour	c) The UNDOC broadcast Human Trafficking announcements on local television and radio stations across the world, by providing regular access to information on human trafficking. Public and individuals are educated on how to protect themselves and their families from the evils of human trafficking. Also, UNDOC has presented the anti-trafficking policy index which measures the effectiveness of government policies to fight human trafficking in 2009, Nigeria was ranked the 2 nd best nation with seven other countries -France, Norway, South Korea, Croatia, Canada, Austria, Slovenia which shows Nigeria's improvement in checking human trafficking (Agustin, 2009).	Year
k) In addition, on November 4, 2010, U.N. Secretary-General Ban Ki-moon launched the United Nations Voluntary Trust Fund for victims of trafficking in persons by providing humanitarian, legal and financial aids to victims of human trafficking with the aim of increasing the number of those rescued and supported, and broadening the extent of assistance they received.		
l) Nigeria governments have introduced legislation that was specifically aimed at making human trafficking illegal and prosecute offenders.		
m)	d) Nigeria governments made effort by making public campaigns to fight human trafficking with a focus on sex trafficking of children.	
Sanction for Child Rights Violation	e) Governments establishing Skills Acquisition Centres to rehabilitate victims of human trafficking in Edo and Delta States f) Nigeria governments received aids from International bodies or organizations such as: the United Nations Global Initiative (UNGIFT) who believed that the fight against human trafficking cannot be fought by any government alone. g) The Global Initiative Co-ordinate assisted Nigeria governments by increasing knowledge and awareness, provide technical assistance, build capacity for state and non-state stakeholders, protection and support to those who fall victim, and supporting the efficient prosecution of the criminals involved, to respect the fundamental human rights of all persons in Nigeria. released data from global report on trafficking of persons in 155 countries about National responses i) It has been observed that the UN. GIFT, UNODC foster partnerships for joint action, and above all, human trafficking fight in Nigeria. h) Both at national and state levels government through the offices of wife of President and wives of State governors embarked on various programmes that	Volume XII Is- sue XI Ver- sion I Global Jour- nal of Hu- man So- cial Sci- ence (D
in Nigeria a) Child labour attracts 5 years imprisonment; b) Child trafficking attracts 7-20 years imprisonment; c) Child abuse attracts 10-14 years imprisonment; d) Female circumcision attracts 6 months imprisonment; and e) Child exposure to drugs attracts life imprisonment (Edo State Ministry of Women Affairs, 2012).		
VIII. Trafficking In Nigeria		

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