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By Oyekanmi, Babatunde & Okunola, Taofiki Abiodun

University of Ibadan

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African Enslaving Africans: Human Sex Trafficking as a Trans-National Crime; The Edo-Italy Relations

Oyekanmi, Babatunde [α] & Okunola, Taofiki Abiodun [σ]

Abstract- **Africans have for a long time blamed Europeans for their enslavement and exploitation and have dubbed their interactions with Europeans as the reason for Africa's underdevelopment. However, this is an age where Africans under-develops Africa and enslave their kinsmen by turning them into commodities and transporting them to Europe for sexual slavery and exploitation. Edo state has been reputed to be the recruitment hub of these slaves and this has earned Nigeria a negative label by international human rights organisations. It is therefore the aim of this work to probe the causes and implications of sexual trafficking in Nigeria and proffer possible solutions to the menace.**

I. Introduction

Ruhfus (2013) reported that there are about 10,000 Madams and over 30,000 Nigerian women who have been trafficked to Europe and are used for sexual exploitation and slavery. Between 2007 and 2009, the US Department of Justice reported that there were 1,229 people who were suspected to have been trafficked from Nigeria to the United States and out of this, 83% were trafficked for sexual exploitation but only 9% could be confirmed (Ajagu, 2012). The United Nations reported that 80% of women from Nigeria women trafficked to Europe were used for prostitution purposes and that this event was entering what could be described as 'crisis level' (Annie and Lorenzo, 2016) and that these women were trafficked from Libya to Europe. Two centuries ago, Africa and Africans witnessed slavery which is one of the most dehumanising gruesome and experiences of the continent which to many scholars has remained the clog on the wheel of the continent's development and this made some scholars like Rodney (1973) and Fanon (1961) write their thesis on the experience of this exploitations citing the root causes as the contact of the continent with Europe but there is a modern form of slavery in Africa which Africans themselves have seemingly gladly allowed or watched to happen and this is human sex trafficking to European countries, particularly from Benin City Nigeria to Italy as Fitzgibbon (2003) posits that every year, thousands of Africans and particularly Nigerians women are being forced into sexual labour and exploitation both within and outside the continent and many of these victims end up being re-trafficked.

Author α σ: University of Ibadan, Nigeria.
e-mails: tundeoyekanmi@yahoo.co.uk, authorao@gmail.com

One aspect which the United Nations saw as needing reforms is that of prosecution. The organisation noted that between 2003 and 2007, about 144 persons were prosecuted for trafficking in persons offences in Italy and that among West African nations, one of the major countries where trafficking is prominent is Nigeria and many of those trafficked are from Benin City (UN, 2009). Scholars (Babawale, 2006; Adepoju, 1998; Taran and Demaret, 2006; Attoh and Okeke, 2012) have all posited that the situation of human sexual trafficking in Nigeria could be linked with the Structural Adjustment Programmes of the global financial institutions (The World Bank and International Monetary Fund) which they claimed made many African countries debt ridden and escalated the level of poverty due to the cut back in several economic areas such as agriculture, employment, food education and so on thereby leading to economic deprivation. However, according to the human development index, Nigeria ranks 152 out of 188 nations in the world poverty level and Central African republic is ranked the poorest nation in the world yet this country is not as notorious as Nigeria when it comes to human sex trafficking. Also, in Nigeria, states like Sokoto, Katsina, Adamawa, Gombe, Jigawa, Ebonyi etc are rated as the poorest, all located in the Northern part of the country and are not notorious for sexual trafficking but Benin City however is located in the South-South region of the country and Edo State where it is located is rated as the 7th richest state in Nigeria with a GDP US$11,888 (Global Income Distribution Database, 2017). It therefore negates the fact that poverty is the sole contributory factor to human sexual trafficking.

Edo State Criminal Code (Amendment Law) has been enacted by the Edo State House of assembly to ensure that state tackles human sexual trafficking by labelling it a criminal act. This is in line with the report of the fact finding mission of the Danish immigration services which states categorically that female victims of sexual trafficking are recruited basically from Edo State and sparsely from Lagos State to destinations in Europe (Danish Immigration Service, 2008) a position which was further corroborated by the United States Department of State in its reports which posits that Nigerian women forced into sexual prostitution in European countries and specifically Italy were primary from Edo State and specifically, Benin City and some neighbouring small

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communities like Esan North East, Uhunmwonde, Orhionmwon, Egor, Oredo, Ikpoba–okha, Ovia North East, Etsako and Ovia South (United States Department of State, 2012). Aronowitz (2001) in his study supports this position by asserting that 95% of trafficked women used for prostitution in Europe come from Benin City. It is however the position of Adams (2011) that looking into the Nigerian situation, it seems odd for Edo state to surprisingly be the hub sexual trafficking since it is not as poverty stricken as several other states in the country and in actual fact having one of the lowest poverty rate.

This work therefore seeks to discuss human sex trafficking as a trans-national crime and concludes that corrupt immigration officers, weak legislations and implementation, socio-cultural factors, tolerance for prostitution etc. are responsible for the rise of human sex trafficking in Nigeria. Initial findings suggests that unemployment, poverty, gross social inequality, deprivation, lack of education and loss of hope for the future are major drivers of human sex trafficking and such non-state actor as the United Nations through the Palermo convention against Transnational Organized Crime (2000) which has been ratified by Nigeria as a member of the United Nations have worked consistently to battle the menace. This paper will therefore further examine the lacunae in the legal system and the corruption in the nation's immigration as possible contributory factors. From this hypothesis, Benin City continues to remain the hub of human sex trafficking in Nigeria despite the efforts of the Nigerian government and other non-state actors in tackling the crime of human sex trafficking.

II. Trafficking

The *UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime (2000)* embodies the first internationally agreed upon definition of human trafficking which it describes in its article 3 as follows:

> *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.*

In the convention, it is further stated that:

> *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. The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant where any of the fore-mentioned means have been used.*

The same Article describes it as:

> *The recruitment, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered' trafficking in persons,' even if it does not involve …[any of the above listed means]. "Child" shall mean any person under eighteen years of age.*

In the convention, there are some key features that were raised such as defining trafficking as a crime which is marked by intent to deceive and exploit the trafficked victim and a crime against humanity as provided in Article 7 of the Rome Statute. It also expands the range of actions that are considered as parts of the human trafficking process which includes harbouring, recruitment, transfer and receipt of trafficked person(s). The definition also addresses a wide range of means that are employed in trafficking from subtle inducements to blatant force to capitalise on the vulnerability of the victims to ensure that they achieve consent. It also makes the consent of the victim of exploitation irrelevant. It also acknowledges the fact that not only women can be trafficked but also men but places more emphasis on women and children. It further makes recognition of ranges of purposes for which trafficked victims can be used for which includes sexual exploitation; it also contains protective economic, social, legal and political as well as rights-based protective measures to prevent trafficking and also assist, protect, return, reintegrate and help trafficked person and also penalise trafficking and other related offences; it moreover calls for a global cooperation to combat and prevent human trafficking and also states the obligations of states in cases of human trafficking.

In the course of human trafficking, there are some human rights that are often violated and this includes the Right to Health and social services as provided for in Articles 22 and 25 (1) of the Universal Declaration of Human Rights (UDHR), Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 24 of the Convention on the Rights of the Child (CRC), Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). In the course of trafficking such rights as the Right to Liberty of Movement and Freedom to Choose one's Residence as provided for under Article 13 (1) of the Universal Declaration of Human Rights (UDHR) and Article 12 (1) of the International Covenant on Civil and Political Rights (ICCPR). Human sex trafficking also violates the Right to a Decent Work as made provision for under Article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Article 23 of the Universal Declaration of Human Rights (UDHR),

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Article 8 (3) of the International Covenant on Civil and Political Rights (ICCPR), I LO Convention 29, Article 23 (1) of the Universal Declaration of Human Rights (UDHR), Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Such rights as Right to Freedom from Slavery, Right not to be Tortured and/or Submitted to Other Cruel, Inhuman or Degrading Treatment or Punishment, Right to Peace and Security, Right to Access to Justice, Right to Non-Discrimination and Right to Education and Training of the trafficked victims are grossly violated to ensure compliance (UNESCO, 2006).

a) Human Sex Trafficking

Although human Sex Trafficking has no universally accepted definition but according to Manbe (2016) human sex trafficking is a form of slavery which involves the movement of the victim by the trafficker; these victims are however subject to deception, violence or coercion to other locations for the purpose of sexual forced labour and sexual exploitation. Territo and Kirkham (2010) opines that human sex trafficking is the movement of people across and within national or local borders for the purpose of exploitation and primarily, a form of sexual enslavement. For Braimah (2010) it is an act of moving a person or a people from one location to another for the purpose of sexual exploitation.

U.S. Department of State (2016) submits that under the United States law, trafficking in person is considered an act in which a commercial sex is induced through force, coercion or fraud or in which a person is induced to perform such act in which the person has not attained the age of 18 or the harbouring, recruitment, provision, transportation or obtaining of a person for services or labour through the use of force coercion or fraud for the purpose of subjecting such a person or persons to peonage, slavery, debt bondage or involuntary servitude. The act of trafficking can be domestic and take place within a territory and it can also be transnational where victims will be recruited and transported across border to another country for sexual exploitation and forced labour.

United States Department of State (2016), in her definition submits that human sex trafficking can involve both adult and children and that it can be said to have taken place when: *an adult engages in a commercial sex act, such as prostitution, as the result of force, threats of force, fraud, coercion or any combination of such means, that person is a victim of trafficking. Under such circumstances, perpetrators involved in recruiting, harbouring, enticing, transporting, providing, obtaining, patronizing, soliciting, or maintaining a person for that purpose are guilty of sex trafficking of an adult. Sex trafficking also may occur within debt bondage, as individuals are compelled to continue in prostitution through the use of unlawful "debt," purportedly incurred through their transportation, recruitment, or even their "sale"—which exploiters insist they must pay off before they can be free. An adult's initial consent to participate in prostitution is not legally determinative: if one is thereafter held in service through psychological manipulation or physical force, he or she is a trafficking victim and should receive benefits outlined in the Palermo Protocol and applicable domestic laws.*

While child trafficking can be said to occur when: *a child (younger than 18 years of age) is recruited, enticed, harboured, transported, provided, obtained, patronized, solicited, or maintained to perform a commercial sex act, proving force, fraud, or coercion is not necessary for the offense to be characterized as human trafficking. There are no exceptions to this rule: no cultural or socioeconomic rationalizations alter the fact that children who are exploited in prostitution are trafficking victims. The use of children in the commercial sex trade is prohibited under U.S. law and by statute in most countries around the world. Sex trafficking has devastating consequences for children, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and even death* (United States Department of State, 2016)

Davidson and Donelan (2010) also define trafficking as:

Trafficking in persons is used as an umbrella term to cover a range of actions and outcomes. Viewed as a process, trafficking can be said to entail several phases— recruitment, transportation (which could be across several countries), and control in the place of destination. Different groups, agents or individuals may be involved in different phases of the process, and can organize recruitment, transportation and control in different ways. There is thus immense diversity between and within trafficking systems.

b) Benin City as the trafficking centre

The United Nations Office on Drugs and Crime (UNODC) (2006) posited that an estimated 94% of the total number of women trafficked from Nigeria to Europe for sexual exploitation and prostitution are from Edo State while the remaining 6% are from other states like Kano, Delta, and Borno States of Nigeria. While the women from the south are mainly trafficked to Europe, the women from the northern states of Kano and Borno are trafficked to Arabian countries and the Middle East like Saudi Arabia and many use the Lesser Hajj which is a religious pilgrimage as means of being trafficked to as far as Berlarus and Moldova for prostitution.

A non-state actor, Committee for the Support of the Dignity of Women which is located in Lagos State stated that some of the girls who end up trapped and used as sex slaves didn't know the intention of the traffickers before they left the shores of Nigeria. The organisation made it clear that on some cases, they are told that they will be working with companies to pick tomatoes (Landinfo, 2006), It is however a truism that

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many of them know what they were going to Italy for and perhaps the first set of people who were successful in the trade were from Edo State therefore many of them came back home to bring their friends and relatives to become as 'successful' as they have become in Europe and this was how the activities started to gain momentum to present day (Voice of America, 2012).

Most of the trafficked victims trafficked to Europe for sexual exploitation are from Benin city and they are identified as Binis (Landinfo, 2006) many of them also come from neighbouring communities like Uhumwode, Oredo, Orhiomwon and Ovia which are also inhabited by Binis (Okojie *et al.,* 2003) Some victims are also said to come from Etsako and Esan which are in the northern part of Edo State and some come from Lagos, Delta and Ondo States (Okojie *et al.,* 2003) and majority of the trafficked and the traffickers are also from Edo State (Baye, 2012) but these localities can also pride of successful businessmen and academics who detest such trade as trafficking and prostitution.

Okojie *et al.*, (2003) submits that most people in Benin City have friends or relatives who lives in Europe and human sex trafficking has become largely ingrained in Edo State but it remains a fact that there are some people in the state who concentrate in their businesses and do not wait on the proceeds of prostitution of trafficking. Danish Immigration Service (2008) posits that one in every ten families in Benin City have at least one person involved in prostitution or trafficking abroad but this may not necessarily be a phenomenon in every families and there are families that are involved in credible business enterprises.

Most of the victims of trafficking were being trafficked by their own family members or relatives who are close to the family. In many cases, these victims are trafficked with the consent of their parents and in some cases those that are married are being trafficked with the consent of their husbands but in some cases many of them are deceived that they will be involved in credible and legal businesses when they get abroad (Danish Immigration Service, 2008) but what was dubbed 'credible' turns out to become sexual trafficking and despite the notion that prostitution is ingrained in the Edo society, Aghatise (2002) noted that prostitution is culturally and traditionally not acceptable among the Benin people which is in contrast to the belief that the society accept and condones prostitution. Against this submission, (Attoh, 2010) is of the opinion the decision of a woman leaving the shores of Benin City to Europe for sex trafficking is oftentimes a family decision and this gains the approval and encouragement of the parents and it is considered a family investment and it is the pride of many families that they have someone in Europe who is earning money and these family members point to the things that these people have been able to acquire through trafficking in Europe as source of pride to the family (Attoh, 2010).

In Benin City, it has become a thing of pride and status to have a daughter who has been trafficked to Europe and who is 'doing business' and sending money home and such daughters have become families symbol of status and once a woman is able to return wealthy and able to build good houses and monuments that stands as her gains from Europe, the society necessarily does not care and she needs not hide the fact that the money is from prostitution and such people stand as role model to other young people in the community who also pray to be trafficked so that they can become the family's pride and this has seemingly made prostitution to appear acceptable among the people (The Independent, 2011).

Plambech (2014) is of the opinion that human sex trafficking to Europe is most common in Benin City and most of the 'victims' and their and their relatives know that in most cases, when these young women are taken to Europe, they are sexually exploited however, The Independent (2011) made a submission that some of them do not know what exactly they will be doing Europe and in actual fact are tricked into believing that they will be doing something honourable. Skilbrei and Tveit (2007) carried out a study and in their interview women revealed that many of these prostitutes are oftentimes being deported from Europe and many of them have claimed that they knew nothing until they got to Europe. But in a study conducted by Plambech (2014) it was revealed that many of these people knew that they were going to work as prostitutes for a period spanning three years to ensure that they are able to repay the cost of bringing them to Europe to 'succeed' after which they will gain freedom and start working for themselves and earning money for their families this strongly negates the position of ignorance claimed by Skilbrei and Tveit (2007) and also suggests that poverty is a contributory factor to human sex trafficking as many of them do not really understand the terms and conditions of the 'business' before setting off for Europe and in many cases, they do not know the actual number of years they will be working for their bosses, the cost of taking them to Europe, the size of their 'debt', the weather condition of the country which they will be working, the length of working hours and the risks involved (Plambech, 2014). The Economist (2004) rather refutes the fact that they do not have an idea that they will be used for prostitution but maintained that it is rather possible that they were lied to about the possible earning and the residence legality in Italy. However, most of the victims are not fully aware of awaits them in Italy. Okojie *et al.,* (2003) however blames educational level and economic capacity of victims as reasons why they cannot question the offers made to them by their traffickers.

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Skilbrei and Tveit (2007) in their interview with some trafficked victims marinated that many of the girls never knew or believed that Nigerian women were into prostitution abroad and never imagined they will used for prostitution. This is in line with the argument of ECPAT UK (2012) which reported that some of the girls were promised studying opportunities in Europe and never knew the nature of the business they will be used for. Earlier, The Economist (2004) had reported that some of them were promised modelling career, education opportunities, housekeeping, maids and nannies, factory work, restaurant attendants etc. (Baye, 2012). The major problem is that many of these victims do not understand the meaning of human sex trafficking despite the level of campaign against it in Nigeria. Many victims do not consider themselves as victims but rather propose that they only sought opportunities in better places and the fact that a lot of money is involved makes them feel rather opportune and lucky than exploited. The victims also do not consider those who take them abroad as traffickers but rather refer to these people as 'guides' or 'Madammes' and many of the trafficked victims graduate themselves to become members of the trafficking network and this had made the fight against trafficking quite difficult as the trafficked victims are most times not ready to cooperate with the law enforcement agencies (Europol, 2011).

c) *The use of Magic and human sex trafficking in Nigeria*

Women and girls from Nigeria who have been victims of trafficking mainly for the purpose of sex trafficking and servitude and while the young boys that are trafficked are forced to work on commercial farming, plantations, mines, construction sites and quarries, girls are used as sex slaves and forced prostitution (Olujuwon, 2008). UNODC (2008) submits that while the boys are from different places, the women and girls who are being recruited for sexual trafficking particularly to Italy and some other European countries like Spain, Scotland, Turkey, Belgium, France, Denmark, Sweden and the Netherlands are mainly from Edo State. Siddharth (2016) find the use of voodoo as an important characteristic in the crime of trafficking in Nigeria as traffickers reportedly employ spiritual manipulation to psychologically manipulate and enslave their victims so that they will consent to being used for sexual exploitation. Willmott (2012) opine that the arrangement for the trip to these European countries are completed by the traffickers but it is not concluded until victims have been taken to shrines for oath taking and different kinds of rituals where the victim swears an oath to repay her debt – an amount she doesn't even know and in most cases, a debt she doesn't have an idea how she incurred.

Black magic often employed in ensuing allegiance in human sex trafficking in Nigeria (Okojie *et al.*, 2003). This is the consultation of spirits who are believed in African traditional religion to guide the earth and human existence with the powers to destroy and protect human lives (The Independent, 2011). Despite the superstitious belief that has greeted the practice of witchcraft; many Africans believe that it is more of a reality than superstition (Harrop, 2012). However, Edo State has been described by The Independent (2011) as a society in which juju practice has become 'deeply ingrained' such that virtually everyone believes in the practice but the power to use the magical powers belonging only to the Juju priest. However this is also one of the states that prides of the highest number of adherents of both Christian and the Islamic faiths. The fact that misfortunes and eventual death are blamed on Juju practice has made it very popular among the people and also given the power is may ordinarily not possess (BBC, 2011).

In Most Nigerian societies and also in Benin city, most life eventualities such as psychiatric imbalance, infertility, divorce, motor accidents, terminal diseases, sickle cell attacks and several other misfortunes are blamed on supernatural causes and particularly Juju (BBC, 2011). The fact that these victims are aware of the potentialities of juju makes it a very potent force to be used by human sex traffickers to control trafficked victims (USDOS, 2014).

Traffickers use juju oath taking as a form of psychological manipulation on their victims who fear the possible consequences of not abiding by the dictates of their captors for the fear of spiritual punishments (Pascoal, 2012) and this prevents the victims from revealing the identity of their traffickers to law enforcement agencies and also keeps them loyal to their captors and also as an assurance to pay up the cost of taking them to Europe where they are being used as sex slaves (Danish Immigration Service, 2008). This act of oath taking can also be said to be the oath of allegiance to remain in perpetual silence (ECPAT UK, 2012). Juju has been a way of keeping Nigerian trafficked victims in control and most Nigerian traffickers have fewer problems from their victims compared to traffickers from other parts of the world (Aghatise, 2002). The pact between the victim and the trafficker is being reinforced through the Juju oath (Skilbrei and Tvei, 2007) and this is a major requirement by traffickers (Danish Immigration Service, 2008). Despite this requirement, Isoke Aikpitany, who is a former victim of human sex trafficking submitted that some girls decline from swearing to the oath based on religious grounds particularly those that are Christians (Pascoal, 2012) but these victims do not consider the fact that Christina religion is strictly against sex trade and exploitation. Rituals are performed in secret shrines in Nigeria (UNICRI, 2010) or the destination country (Okojie *et al.,* 2003) to ensure that the oath is sealed and this ceremony is being performed by a juju priest which has

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also become a central force in the Nigerian trafficking industry (Carling, 2006). The juju priests are known by different names and they can alternately be called *Baba-loa*, *Ohen*, *Voodoo Minister* or *Père-Servants* (UNICRI, 2010), they can also be called *Head Priests* (CNN, 2011) or *Medicine Men* (Achebe, 2004). These priests are often times accomplices of traffickers and they are paid by traffickers to control the victims through juju practice (Pascoal, 2012). This according to The Independent (2011) has become a very lucrative business for the priests and they are sometimes paid as much as GBP 120 for a ritual due to the fact that there are fewer shrines in the United Kingdom compared with among where there are numerous shrines but with international branches (Landinfo, 2006).

Okojie *et al.*, (2003) however submits that the most potent shrine for traffickers is located in Nigeria and particularly in Benin City and it is called *Aru'Osun Oba.* Due to the fear of traditional deities, victims cannot think of escaping or telling their stories to law enforcement agencies and this makes the exploitation quite easy (Okojie *et al.*, 2003) since the victims believe in the potency of the juju and also do not want to die as they would have been made to believe so that they wouldn't think of escaping. However, there are cases of those who have escaped and nothing tragic happened afterwards and the seeming tragedies are only lies to keep the victims loyal.

According to Danish Immigration Service (2008) Godwin Morka who is a staff of NAPTIP Lagos office stated that traffickers have reduced the rate at which they make use of juju to trap their victims. But in contrast to this position, Bisi Olateru-Olagbegi who runs a renowned anti-trafficking - The Women's Consortium of Nigeria stated that many of these traffickers still make use of juju and it is common and this strongly hold victims bound (Danish Immigration Service, 2008). Carling (2014) submits that Pentecostal churches are also used to legitimise the juju rituals and since many of these victims believers are Christians, they seem to believe that God will punish them even if the juju doesn't. This implies that victims are not only bound by juju but a collaboration of juju and Christian beliefs.

d) National and international legislations against human trafficking in Nigeria

The Nigerian government has remained committed to fighting the crime of human trafficking as it bleeds the nations of her valued, young and responsible citizens making them slaves in foreign lands. The Nigerian nation despite having enacted national laws is also a signatory of many international conventions that fights against the crime of trafficking. The Nigerian constitution (1999 as amended), Child Rights Act (2002), Labour Act (1974), Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (2003), Criminal Code (as applicable in the Southern States of Nigeria), Penal Code (as applicable in the Northern States of Nigeria) and the Immigration Act.

In the Nigerian constitution, it is stated that: *Trafficking in Persons violates sections 17, 34 and 42 of the Constitution of the Federal Republic of Nigeria, (1999), which states as follows: Section 17:*

1) *The State social order is founded on ideals of Freedom, Equality and Justice.*
2) *In furtherance of the social order The sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced; 98*
3) *The State shall direct its policy towards ensuring that–*
4) *Children, young persons and the aged are protected against any exploitation whatsoever, and against moral and material neglect. Section 34: "Every individual is entitled to respect for the dignity of his person and accordingly: (a) No person shall be subjected to torture or to inhuman treatment or to degrading treatments. (b) No person shall be held in slavery; and (c) No person shall be required to perform forced or compulsory labour".*

   Section 42 (2): "No citizen of Nigeria shall be subjected to any disability or deprivation merely because of the circumstances of his birth". A trafficked person can challenge the infringement of the above-mentioned rights under Section 46 of the 1999 Nigerian Constitution, which states as follows: "Any person who alleges that his or her fundamental human rights has been or is been or likely to be contravened in any State in relation to him may apply to a High Court in that State for redress".

In Africa, the Nigerian government remains one of the first to sign and incorporate the Palermo Protocol into is its law. This was done under the Trafficking in Persons (Prohibition) Law-Enforcement and Administration Act of 14 July 2003 but didn't come into force until December 2005. As Nigeria had no pre-existing law, this was a good way to fight against traffickers. The law did not just give penalties to traffickers but also sorted out how seized assets of these traffickers would be properly utilised in rehabilitating victims. According to Ifije (2006) he noted that: The amendments, which came into effect on December 7, 2005, according to [Carol Ndaguba], did not only extend its powers beyond investigations to include prosecutions, she stated that it provides for penalty to convict traffickers traceable to the proceeds of the crime. Added to that, the amendments, she said, also created a Victims Trust Fund, where forfeited assets of convicted offenders are collected for the rehabilitation and restitution of victims. Forfeiture of assets, as provided in the new law, Mrs. Ndaguba stated, has universal application. Under the amendments, the Executive Secretary said, NAPTIP's

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cases can now be prosecuted at State and Federal High Courts and those of the Federal Capital Territory (FCT), Abuja, as against the previous practice, where they were only entertained by state High Courts.

Conversely, there have been very few cases that have been taken to trial as many traffickers make bail and are not put under the proper security that allows them to stay in a specified area. According to a UNICEF report (2015) only 20 traffickers have been tried by the Supreme Court in Nigeria and only 5 have been jailed since 2007. They end up fleeing the country or end up being declared as wanted. This leads scholars like Alemika (2010) to ascertain that maybe the Nigerian authorities are being bribed or get some profit from letting traffickers go.

Trafficking In Persons (Prohibition) Law Enforcement And Administration Act, 2003* 2003 ACT NO. 24 Section 25 of the Trafficking in Persons etc. Act states the following: *Where a person is convicted outside Nigeria for an offence relating to trafficking in persons, he shall, on his return to Nigeria after serving his sentence in that country, be liable to be tried in Nigeria for bringing the image of Nigeria into disrepute, and shall on conviction, forfeit his assets to the Federal Government in addition to serving a term of imprisonment not exceeding two years (Slavery in Domestic Legislation 2012:44).*

Although this is what the law says, but there have been different accounts where traffickers have been returned back to Nigeria and still end up not being persecuted. Many scholars have made note of this with little or no data to support it. This points out that it's better for traffickers to be tried wherever they are caught committing the crime.

However, Weitzer (2012) has criticised the National legislature was adopted but not made modified to fit into the Nigerian society. Despite the amendments, the policy national law has failed to address human trafficking. He claims that this is as a result of lack of communication and education between the Nigerian government and its people. He claims that not only with the anti-trafficking law, but many laws in Nigeria have not been properly passed around, therefore this leads to some people living in ignorance and not knowing to what extent human trafficking is serious a crime.

He also claims that for the law to be effective there must be proper information system. However, this is something that Nigeria lacks. The information on tracking traffickers, building a strong legal case against them and even seizing their assets. Agwu (2014) argues that even when the properties of these traffickers are confiscated by the Nigerian government, they don't use it for the proper purpose. In contradiction to Weitzer (2012) the modification of the law to fit into the Nigerian society is not the biggest challenge, but the successfully implementation and execution of this law by the Nigerian authority is the big issue.

Despite the fact that there is a national legislation against human trafficking in Nigeria, the Edo State government also has a local law that deals with human trafficking. In 2000, preceding the government trafficking in Persons and so on an Act was passed, Edo State presented a law that changed areas 222, 223, 225, 226 and 233 of the Edo State Criminal Code. Osakue who is a state representative in Edo State was extremely reproachful of this enactment, expressing that the Edo State hostile prostitution law criminalizes prostitutes and truly makes issues worse. It makes our work troublesome as neither casualties nor local specialists will coordinate with us. Elsewhere, she has clarified the issue along these lines: *In Edo State, a law amending the section of the Criminal Code on trafficking in persons was passed in 2000. However, the law criminalizes prostitution as a result of which has made victims of traffickers more willing and at risk to be trafficked or fall into the hands of traffickers. Even the local agent being used by the traffickers like the native doctors tend to be more cautious when dealing with the traffickers. While this makes it look like this may have changed, criminalizing of prostitution has been shown elsewhere to only increase the abuses that sex workers experience and not reduce the incidence of prostitution. Rather than seek to punish the trafficked girl who in reality may be victims of some sort, the law further victimises them by disregarding the International Protocol that the consent to being trafficked is void because no one can consent to becoming a slave* (Osakue, 2005).

In the view of scholars like Agbaegbu (2008) and Onuoha (2011) they contend that Edo state legislature was more effective than the national legislation, as it gave a more forward approach to understanding the crime of human trafficking and the extent to which it was punishable, some scholars like Agwu (2014) will argue that the legislation mainly stood as a paper trail for the international community to see that a little effort was being made. They argue that street awareness were carried out and State emergency numbers were circulated by the State government so locals can call if they notice suspicious people trying to talk to children or young women. Onuoha (2011) goes further to explain that what the importance of a legislation is if it is not communicated to the people duly and properly. He has faulted the Edo government for not being able to pass across the message to its people stating that 'the victims are ignorant of this law and even the traffickers do not understand to what extent this law is punishable'. Standing on the premise that if the people are more aware of the dangers of trafficking and see examples of traffickers who are being trafficked punished, it will probably reduce the rate of trafficking. However, Carling (2015) counters Onuoha (2011) saying that trafficking is not a new trend in Nigeria as it is something that has the life span of over 30 years. He states that the problem is not that the people are not

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aware of the acts of trafficking being a crime but the fact that nothing is being done to the traffickers. He states that unlike Onuoha (2011) who doesn't take into account that some victims know they will be trafficked, some trafficked victims know what they are getting into and still choose to go. This is still a major problem in differentiating between victims and non-victims of human trafficking. It is therefore important for both state and non-state actors in Nigeria to act decisively to ensure that there are new strategies and that the existing strategies against human trafficking in Nigeria is strengthened for the dealing with the crime and getting better results.

III. Conclusion

This paper has been able to argue that human trafficking is a form of organised crime in Nigeria and that Edo State remains the hub of trafficking recruitment in the country. International organisations and the Nigerian government have continued to work assiduously to fight the menace but there is still much to be done. It can however be stated that poverty, the patriarchal nature of the Nigerian society, unemployment and fragmented social values are contributory factors to the rise of human trafficking in Nigeria and weak legislation and corrupt immigration officials also aids the transportation of these 'slaves' to Europe.

References Références Referencias

1. Achebe, N., ´The Road to Italy: Nigerian Sex Workers at Home and Abroad`, Journal of Women's History, Vol 15, No 4, 2004.
2. Adams, Cherish (2001) *Re-trafficked victims: How a Human Rights Approach can stop the cycle of re-victimization of sex trafficking victims*', Georgia Washington International Law Review 43. pp. 92.
3. Adepoju, A (1998). *An Overview of International Migration in Sub-Sahara African at the Threshold of the 21st Century in International Migration and African Trends and Prospects for the 21st Century*. United Nation Education Scientific and Cultural Organization. (UNESCO), Paris. pp. 50.
4. Agbaegbu, T. (2008) 'NAPTIP Wages War against Human Trafficking' *International Journal of Human Trafficking*. 8 (3), 23-44. Available from < http://www.newswatchngr.com/editorial/allaccess/special/11015205834.htm> [11.06.2017]
5. Aghatise, E., ´Trafficking for prostitution in Italy: concept paper`, Expert Group Meeting on "Trafficking in women and girls", 18-22.11.2002, 8.11.2002 (http://www.un.org/womenwatch/daw/egm/trafficking2002/reports/EP-Aghatise.PDF) (Accessed 9.07.2017).
6. Agwu, O. (2014) 'Corruption And Human Trafficking: The Nigerian Case' West African Review [online] 15(1), 11-35. Available from < http://web.a.ebscohost.com > [7 October 2017]
7. Ajagu, S (2012) *Implications of Human trafficking for human rights: The case of Nigeria*, Global Journal of Human Social Science, Volume XII Issue XI Version I.
8. Annie, K and Lorenzo, T. (2016) *Trafficking of Nigerian women into prostitution in Europe 'at crisis level*, The Guardian, United Kingdom Available at: https://www.theguardian.com/global-development/2016/aug/08/trafficking-of-nigerian-women-into-prostitution-in-europe-at-crisis-level Accessed: 07/07/2017.
9. Aronowitz, Alexis (2001) *Smuggling and Trafficking in Human Beings: the phenomenon, the markets that drive it and the organizations that promote it*, European Journal on Criminal Policy and Research vol. 9. pp. 45-56.
10. Attoh, F and Okeke, G. (2012). *The Nigerian State, Poverty and the Commodification of Women: Insights from Benin City*. British Journal of Arts and Social Sciences, Vol.10.Nos 11. ISSN, 2046-9578.
11. Attoh, F., ´Chattels of their families: trafficking of young women as gender violence.` Council for the Development of Social Science Research in Africa (CODESRIA), Gender, Migration and Socio-economic Development in Africa, 2010 (http://www.codesria.org/IMG/pdf/FRANCA_ATTOH.pdf) (Accessed 12.12.2014).
12. Babawale, T. (2006) *Nigeria in the Crises of Governance and Development: Retrospective and Prospective Analyses of Selected Issues and Events*. Vol.1, In Attoh, F. (2009) *The Political Economy of Development, Governance and Globalization*. Lagos: Concept Publication. Lagos. pp. 66.
13. Baye, E.M.-O., ´Experiences of Nigerian Trafficked Women; Voices and Perspectives from Italy`, Research paper, Conflict, Reconstruction and Human Security (CRS), 12/2012 (http://thesis.eur.nl/pub/13232/) (Accessed 30.07.2017).
14. BBC, ´Trafficked girls controlled by Juju magic rituals`, 7.7.2011 (http://www.bbc.co.uk/news/uk-14044205) (Accessed 8.1.2017).
15. Braimah, T.S., 'Sex Trafficking in Edo State, Nigeria', 1 June 2013, p. 6 (source: Territo L., Kirkham, G., International sex trafficking of women & children, 2010.
16. Carling, J., (2005) ´Trafficking in Women from Nigeria to Europe`, Migration Information Source, (http://www.migrationpolicy.org/article/trafficking-women-nigeria-europe) (Accessed 27.11.2017).
17. Carling, J.´ (2006) Migration, Human Smuggling and Trafficking from Nigeria to Europe`, IOM, (http://publications.iom.int/bookstore/free/MRS23.pdf) (Accessed 21.1.2017).
18. CNN, (2011) ´'Juju oaths' ensnare trafficking victims mind, body and soul`, 1.4.2011 (http://the

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cnnfreedomproject.blogs.cnn.com/2011/04/01/juju-oaths-ensnare-trafficking-victims-mind-body-and-soul/) (Accessed 8.07.2017)
19. Danish Immigration Service (2008) *Protection of victims of trafficking in Nigeria*, April, p.5.
20. End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT UK), ´Victims' courage helps to convict trafficker over Nigerian child sex ring`, 29.10.2012 (http://www.ecpat.org.uk/media/victims%E2%80%99-courage-helps-convict-trafficker-over-nigerian-child-sex-ring) (Accessed 26.7.2017).
21. Europol, (2011) ´Trafficking in Human Beings in the European Union`, Knowledge Product, Available at: (https://www.europol.europa.eu/sites/default/files/publications/trafficking_in_human_beings_in_the_european_union_2011.pdf) (Accessed 15.7.2017).
22. Europol, (2011) ´Trafficking in Human Beings in the European Union`, Knowledge Product, (https://www.europol.europa.eu/sites/default/files/publications/trafficking_in_human_beings_in_the_european_union_2011.pdf) (Accessed 12.7.2017).
23. Europol, (2014) ´Trafficking in Human Beings in the European Union`, Knowledge Product, 1.9.2011 (https://www.europol.europa.eu/sites/default/files/publications/trafficking_in_human_beings_in_the_european_union_2011.pdf) (Accessed 15.12.2017).
24. Fanon, F (1961) *The Wretched of the Earth*, Grove Press, New York, USA.
25. Fitzgibbon, K (2003) *Modern-Day Slavery?: The Scope Of Trafficking In Persons In Africa,* African Security Review 12(1). pp. 23-34.
26. Global Finance (2016) "The Richest Countries in the World", available from: https://www.gfmag.com/global-data/economic-data/richest-countries-in-the-world?page=12 accessed July, 17, 2017.
27. Harrop, E. W.,(2012) ´Ties that bind: African witchcraft and contemporary slavery`, http://www.libertyandhumanity.com/themes/human-trafficking/ties-that-bind-african-witchcraft-and-contemporary-slavery/ (Accessed 25.7.2017).
28. Landinfo (Country of Origin Information Centre), (2006) ´Trafficking in Women – Fact-finding trip to Nigeria (Abuja, Lagos and Benin City)`, 12-26.3.2006, 5/2006 (http://www.landinfo.no/asset/224/1/224_1.pdf) (Accessed 22.06.2017).
29. Manbe, D (2016) *Trafficking of Women and Children in Nigeria: A Critical Approach*, American International Journal of Social Science, Vol. 5, No. 3; June.
30. OECD (2017) "OECD Income Distribution Database (IDD): Gini, poverty, income, Methods and Concepts" Organisation for Economic Co-operation and Development, available at: https://data.oecd.org/gdp/gross-domestic-product-gdp.htm accessed July 20, 2017.
31. Okojie, C., Okojie, O., Eghafona, K., Vincent-Osaghae, G. & V. Kalu, (2003) ´Trafficking of Nigerian Girls to Italy. Report of a Field Survey in Edo State, Nigeria`, United Nations Interregional Crime and Justice Research Institute, Programme of Action against Trafficking in Minors and Young Women from Nigeria into Italy for the Purpose of Sexual Exploitation, 2003 (http://www.unicri.it/topics/trafficking_exploitation/archive/women/nigeria_1/research/rr_okojie_eng.pdf) (Accessed 16.4. 2017).
32. Olujuwon O. (2008) "Combating Trafficking in Person: A Case Study of Nigeria European". *Journal of Scientific Research*, 2008; 24(1): 23-32.
33. Onuoha, B. (2011) 'The state trafficking and human rights issues in Africa' *Contemporary Justice Review* [online], 14(2), 149-166. Available from < http://web.b.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=c14cae52-dcae-4da3-9682-f1c65b1fe1ba%40sessionmgr112&vid=0&hid=110> [20 May, 2017]
34. Pascoal, R., (2012) ´The situation of the Nigerian human trafficking victims' and their children in Italy. The study case of Palermo.`, Master in Human Rights and Humanitarian Intervention, Thesis on Law, Immigration and Minorities, 19.12.2012 (http://www.google.fi/url?url=http://www.masterdirittiumani.it/downloadfile.php%3Fpage%3Dpage4%26id%3D37%26file%3D2&rct=j&frm=1&q=&esrc=s&sa=U&ei=04OzVJG_MebjywPjsILgAQ&ved=0CBQQFjAA&usg=AFQjCNEJ-K3krTt_wzjI1z1kUycqu0Q8gg) (Accessed 12.1.2017).
35. Plambech, S., (2014) ´Between 'Victims' and 'Criminals': Rescue, Deportation, and Everyday Violence Among Nigerian Migrants`, Social Politics: International Studies in Gender, State & Society, Vol 21, No 3, 1.9..
36. Plambech, S., ´Between 'Victims' and 'Criminals': Rescue, Deportation, and Everyday Violence Among Nigerian Migrants`, Social Politics: International Studies in Gender, State & Society, Vol 21, No 3, 1.9.2014.
37. Rodney, W (1973) *How Europe Underdeveloped Africa*, Bogle-L'Ouverture Publications, London and Tanzanian Publishing House, Dar-Es-Salaam.
38. Ruhfus, J. (2013) "*The Nigerian Connection*: An investigation into the plight of African women caught in a web of organised crime, prostitution and trafficking". Available at: http://www.aljazeera.com/programmes/peopleandpower/2011/08/201189141348631784.html
39. Siddharth.K (2016) *Sex Trafficking: Inside the Business of Modern Slavery.* Colombia University press. p.90
40. Skilbrei, M.-L. & M. Tveit (2007) ´Facing return. Perceptions of repatriation among Nigerian Women in Prostitution in Norway`, Allkopi AS, 2007 (http://www.fafo.no/pub/rapp/20001/20001.pdf) (Accessed 30.12.2017).

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41. Taran, P. and Demaret, L (2006) *Actions Imperatives for trade Unions and Civil Society*" in Asian and Pacific Migration Journal, special Issue on: Migration Labour NGOs and Trade Union: A Partnership in Progress?. 15 (3).
42. Territo, L and Kirkham, G (2010) 'International sex trafficking of women & children: understanding the global epidemic', Looseleaf Publications.
43. The Economist, (2004) ´A trade that cannot be curbed because so few Nigerians think it wrong`, 22.4.2004 (http://www.economist.com/node/2618421) (Accessed 25.11.2014).
44. The Independent, (2011) ´The curse of 'juju' that drives sex slaves to Europe`, available from: (http://www.independent.co.uk/news/world/europe/the-curse-of-juju-that-drives-sex-slaves-to-europe-2264337.html) (Accessed July 17, 2017)
45. U.S. Department of Health and Human Services (2016) "A National Human Trafficking Resource Centre, "National Human Trafficking Resource Centre Data Breakdown 2015," U.S. Department of Health and Human Services, 2016), https://humantraffickinghotline.org/resources/2015-nhtrc-annual-report.
46. U.S. Department of State (2016) "*2016 Trafficking in Persons Report"*, http://www.state.gov/documents/organization/258876.pdf.
47. U.S. Department of State (2016) "*2016 Trafficking in Persons Report"*, http://www.state.gov/documents/organization/258876.pdf.
48. UNESCO (2006) Human Trafficking In Nigeria: Root Causes and Recommendations, Policy Paper Poverty Series n° 14.2 (E) Paris.
49. United Nations office of Drugs and Crime (2009) Global Reports on Trafficking in Person, Global Initiative to fight Trafficking.
50. United Nations office of Drugs and Crime (2009) Global Reports on Trafficking in Person, Global Initiative to fight Trafficking.
51. United Nations Office on Drugs and Crime (UNODC) (2006) Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo.
52. United States Department of State (2012) *Trafficking in Persons Report - Nigeria*, 19 June 2012.
53. United States Department of State (2016) *Trafficking in Persons Report June 2016*, United States Department of State.
54. United States of America Department of State (USDOS), Trafficking in Persons Report 2014, 2014 (http://www.state.gov/documents/organization/226848.pdf) (Accessed 24.04.2017).
55. UNODC (2014) *Global Report on Trafficking in Persons*, 2014, p. 56.
56. Weitzer R (2012) 'Sex trafficking and the sex industry: The need for evidence-based theory and legislation', *Journal of Criminal Law and Criminology*, 101(4): 1337–1370. http://www.law.northwestern.edu/jclc/backissues/v101/n4/1014_1337.Weitzer.pdf
57. Willmott, E (2012) *A bewitching economy: witchcraft and human trafficking* (17 September 2012, Think Africa Press. http://thinkafricapress.com/society/african-witchcraft-contemporary-slavery-human-trafficking-nigeria.

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