

EXPLORING THE ROLE OF GUIDANCE AND COUNSELLING IN THE FIGHT AGAINST FORCED LABOUR AND TRAFFICKING IN PERSONS IN NIGERIA

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Abstract

Forced Labour and Trafficking in Persons (TIPs), also known as human trafficking, are some global problems confronting both developed and developing societies. Trafficking in Persons especially children and women has been existing for centuries and taking different forms and dimensions involving plethora of stakeholders and institutions (UNESCO, 2006). This study which is on forced labour and human trafficking shows some common behavioural practices associated with human trafficking such as: begging, commercial sex, domestic services, bar and restaurant services, hawking, baby reproduction and ritual money. Human traffickers often seek consent of parents of the victims to transport them while others hide under the guise of offering employment to potential victims or settling them after their period of service in order to lure victims into human trafficking ring within and outside the country. Other practices involve baby reproduction and sale by hospitals and orphanage homes. Often voodoo is used to subject the victims under their perpetual control. The study discovered that factors responsible for human trafficking in the study area included economic motivation, poverty, search for employment and lack of knowledge on human trafficking. These precipitating factors seem to be more or less structural in nature and falls within the Marxist analysis of the causes of human trafficking. The study therefore recommends for carefully planned and well implemented poverty eradication programmes for vulnerable group, creation of employment opportunities both for educated and uneducated youth, regular monitoring of health and orphanage institutions to follow up babies giving up for adoption and creation of awareness on human trafficking on the different methods used by traffickers to lure people to the business and how to avoid being a victim.

KEYWORDS: Exploration, Guidance and Counselling, Forced Labour, Human Trafficking, Nigeria.

Introduction

One of the fastest growing and serious forms of transnational crime in the world today is human trafficking. It is estimated that between 800,000 and 4,000,000 people, mostly women and children are trafficked across international borders annually (Ngwe and Elechi, 2012). However, recent indicators show that the trafficking of adult males is underreported and that there has been an increase in the trafficking of adult males for forced labour.

History has it that over 30 billion was estimated as the income and annual revenue returns from human trafficking is estimated (Bales, 2005; Craig, et al, 2007), a situation that has lured many people in indulging in this unwholesome trade. Thus, it is believed that the volume of human trafficking is likely to surpass that of drug and arms trafficking within the next ten years unless something urgently is done to arrest the situation. Many, including world leaders are, increasingly perceiving transnational crime as a major threat to global peace and security

and one that is capable of undermining the economic, social, political and cultural development of the international community. To this end, Kofi Annan (2005 p. 2), avers that:

No nation can defend itself against these threats entirely on its own. Dealing with today's challenges from ensuring that deadly weapons do not fall into dangerous hands to combating global climate change, from preventing the trafficking of sex slaves by organized criminal gangs to holding war criminals to account before competent courts – requires broad, deep, and sustained global cooperation. States working together can achieve things that are beyond what even the most powerful state can accomplish by itself (Annan, 2005 p.2).

Similarly, in another presentation done by International Labour Organization (2008), huge numbers of people are subjected to human trafficking globally while two-third of 110 million children in the world is trafficked (Uwa 2010). The implications of this development is that trafficking in Persons (TIPs), also known as human trafficking, is a global problem confronting almost all societies now. Although, this heinous crime is not new in the society as trafficking in Persons especially children and women has long been existing for centuries and taking different forms and dimensions involving plethora of stakeholders and institutions (UNESCO, 2006) and it has remained one of the most lucrative criminal business ventures in the world after drugs trafficking and arms dealings and also one of the cheapest sources of labour (UNESCO, 2004; Arlacchi, 2000; Ali, 2014).

In Nigeria for instance, trafficking in Persons appear to be a common phenomenon as the country is reported to be one of the major African countries engaged in both international and internal trafficking (UNESCO, 2006). It has been estimated that 60-80 per cent of all immigrants working in the commercial sex industry in Italy were Nigerians with a substantial number in Netherlands and Spain (Olujowon, 2008). A report by United Nations Office on Drugs and Crime – UNODC (2014) reveals that human trafficking of women for sex business from Nigeria to Europe is one of the most enduring acts in the history of human trafficking in recent memory while UNESCO (2006) report suggest increasing rates of internal trafficking of children and women who trafficked from rural to urban areas for exploitation. It is also worthy of note that Nigeria remains a country of origin, transit and destination of trafficked persons. The stability in trafficking is grounded on unemployment, lack of skills, demand for cheap labour²⁴⁰ and globalised commercial sex industry as an integrate form of modernization (Correr, 2002). Nigeria as a country seems to be susceptible both for internal and external trafficking as it serves as the source, route and destination point for human traffickers (Lambo, 1993). Several states like Anambra, Benue, Cross River, Edo, Kano, FCT, Imo, Abia, Enugu, Osun, Bayelsa, Lagos, Ondo, Ogun, Kwara and Ikwa-Ibom as vulnerable states (UNODC, 2007, UNODC 2012, Lambo 1993).

History of the Study Area

Nigeria serves as a source, transit, and destination country for victims of trafficking, mostly women and children. It currently ranks as a 'tier 2' country on the US Trafficking in Persons Report, although it held a 'tier 1' ranking for three years prior¹. Nigeria has shown keen interest in combating trafficking since it signed the Palermo Protocol in 2003 which eventually

led to its promotion to tier 1. During that same year, the state established the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), a multi-functional response to the historical trafficking plague within Nigeria's borders and a fulfillment to their signed promises. The organization's functions include adopting measures to help combat trafficking, coordinating anti-trafficking laws, and strengthening legislative measures (NAPTIP, 2012). NAPTIP has consistently had success in rescuing victims, capturing traffickers, and spreading awareness to the general population. However, Nigeria received a tier rank demotion 2012 due to its lack of efforts and leniency in prosecuting traffickers, with nearly one-third of those convicted only received fines and no prison time (US State Department, 2012).

Despite relatively strong efforts, Nigeria still remains one of the world's most frequently cited sources of international trafficking victims (Kangaspunta, 2003), and has had an unfortunate reputation as Africa's trafficking hub (UNESCO, 2006). The majority of victims trafficked out of Nigeria are women and children (UNESCO, 2006). Women and young girls are generally sent into domestic servitude and sex work, while boys into various instances of forced labor and begging (US State Department, 2011).

Nigerian traffickers have established several complex networks which run from Nigeria to Europe, Russia, the Middle East, North America, and other parts of Africa. Surprisingly, they very rarely use air travel to transport their victims due to increasingly stringent security measures and instead opt for land and sea routes (UNESCO, 2006). Victims have even been forced to walk through the harsh deserts of North Africa on routes to Europe (US State Department, 2011). The two most prominent networks are 1) between Nigeria and several West African countries², consisting mostly of children for the purposes of forced labor and 2) between Nigeria and Europe³, consisting of women for the purposes of prostitution. Benin City (Edo State), Lagos (Lagos State), Onitsha (Anambra state), and Port Harcourt (Rivers state) have been identified as the most common sources of origin within the second network. The flow between Benin City and Italy is perhaps the most notorious (IOM, 2006); it is estimated that around 60 percent of street prostitutes in Italy are women and girls from Nigeria (ECPAT, 2007).

Trafficked victims come from every nook and cranny of Nigeria, but certain states produce significantly more victims. Edo, Delta, Kano, and Borno provide the large majority of women trafficked internationally for prostitution (ECPAT, 2007; UNODC, 2007). The UNODC (2007) named Akwa Ibom, Cross Rivers, Rivers, Ebonyi, Kano, Abia and Kaduna as child trafficking hotspots. UNESCO (2006) named ten states as the most common sources of victims trafficked externally. Including the IOM's identification of four sex trafficking source states, we have a total of sixteen hotspots that will be used for the Nigerian portion of this study.

The Nature and Impact of Human Trafficking in Nigeria

The International Labour Organization (2001), describes human trafficking or trafficking in persons as a situation whereby a child or an adult is being subjected to exploitation after migrating to another location. The ILO conceptualizes human trafficking in terms of forced labour, abuse of migrant workers and discrimination of migrants at work. According to United Nations (2000),

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

Further, Women Trafficking and Child Labour Eradication Foundation WOTCLEF (2003) explained the concept of trafficking in persons as the use of deception and force to employ and transport persons either within the domestic borders of a country or across international borders for the purpose of exploitation. The trafficked persons, according to Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), are usually young women, boys and girls who are transferred from rural communities to urban centers to be exploited. Ehindero (2004) conceptualized that Trafficking in Persons (TIPs) as concerning different forms of international and criminal abuse and violation of human rights through activities of illegal recruitment, acquisition, movement, manipulation and marketing of persons, goods and services within and across national and international borders with consequences on the individual, society and the world.

According to Ndifon, Apori and Ndifon (2012), human trafficking is the crudest and most inhumane violations in human history. This sordid practice of humankind has as the authors of a policy paper commissioned by the UNESCO noted, “acquired shocking new dimensions.” Men, women, and children are trafficked for many purposes – sexual exploitation, begging, underpaid and exploited forced labor in the agricultural, manufacturing and construction industries, domestic service and organ harvesting. Human trafficking is a complex, multi-faceted phenomenon involving multiple stakeholders at the institutional and commercial level.

It has been observed that, “trans-national organized criminal syndicates and networks are responsible for the bulk of human trafficking, which is linked to a range of other trafficking such as drugs, firearms, consumables, and other criminal activities including money laundering, smuggling and political bribery and corruption. It is a demand-driven global business with a huge market.” This is not unexpected because human trafficking is now ranked the world’s third largest crime. Approximately 80% are women and up to 50% are minors. The vast majority of those trafficked under 18 years of age are girls. Male minors account for only 2% of trafficking cases. The United Nations estimates a figure closer to 4 million as a total for internationally and internally trafficked people. Equally, UNICEF estimates 1,200,000 children were trafficked globally in 2000.

In a publication by the World Bank (2015), Trafficking has remained an emerging concern in West Africa that is gaining increasing attention from the international community. This paper examines the relationship between trafficking and fragility in the region through a meta-analysis of existing knowledge and data on the subject. Given the scope of this paper, we will

not attempt to provide any primary empirical or qualitative analysis, but instead focus on offering a comprehensive, unbiased overview of the recent policy and academic literature on the subject, which we hope will assist development practitioners working in the region and help the World Bank identify possible programmatic responses. To frame our analysis, we define trafficking as the international movement of goods or persons that originate from either the illegal sector of the exporting country and/or move to the illegal sector of the importing country.

Trafficking therefore combines the illicit character of smuggling—it is conducted in a secretive manner to avoid law enforcement—with the illegal nature of crime—it deals with items produced or acquired by breaching the law. Thus we include in our analysis narcotics, human trafficking, and illegally acquired firearms, oil, timber, and diamonds. However, we leave aside smuggling, which is illicit but not illegal. Certain flows—such as the trade of counterfeit cigarettes or the export of stolen vehicles from Libya into Niger (Shaw and Mangan, 2014)—could also be considered as trafficked goods. However, given their more limited impact on local governance and development and the scope of this paper, we chose to leave them aside.

Section 50 of the Trafficking Act 2003 defines the act of trafficking as “all acts and attempted acts involved in the recruitment, transportation within or across Nigerian borders, purchases, sale, transfer, receipt or harbouring of a person involving the use of deception, coercion or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in force or bonded labour, or in slavery like conditions.” This definition is narrower than the one provided by the Palermo Protocol.

For example, Nigerian legal definition does not include the means such as abuse of power or abuse of the vulnerability of the victim, and does not mention the removal of organs as the purpose of exploitation of the victim. Moreover, unlike the Palermo Protocol, the Trafficking Act 2003 does not differentiate between child trafficking and trafficking of adult persons. Therefore, under Nigerian law, in cases of child trafficking, all three core elements of the crime must be proven as in the case of adult victims: the acts, the means and the purpose.

Though the Trafficking Act 2003 primarily combats trafficking in persons for the purpose of sexual exploitation, including prostitution and pornography, some of its provisions may also be related to human trafficking for the purpose of “baby harvesting.” For example, one of the purposes of human trafficking included in the definition of this crime is involuntary reproductive servitude. Further, among the criminalised offences are the sale of children for the purpose of exploitation or other immoral purposes; accepting, receiving or detaining a person against that person’s will as a slave, holding or possessing any person as a slave; and procuring a child to have sexual intercourse with a man including by use of threats, intimidation, fraud or administration of drugs. The punishment for these offences varies from imprisonment from 10 years to a life sentence with or without an option of fine.

Forced Labour and Trafficking in Persons: Guidance and Counselling Approach

Trafficking in persons which is on increase has remained a phenomenon in which human beings, especially young persons, are bought and sold for profits through forced prostitution,

bonded labor and involuntary domestic servitude (Department of State, 2010). Similarly, The United Nation's International Labor Organization (2006) estimates that there are currently about 2.5 million people who are victims of trafficking and over half of these people are located in Asia and the Pacific. Other estimates range from 4 million to 27 million (Department of State, 2008). The magnitude of human trafficking is tremendous as traffickers make over US\$32 billion every year (ILO, 2005) and it is the second most profitable criminal activity in the world after illegal drugs trafficking (Belser, 2005).

Consequently, several scholars have developed studies which will help in reducing the menace of human trafficking. For instance, Prawit Thaniyom (2006) is a study on "A Media Campaign to Increase Awareness and Prevention of Human Trafficking in Asia: Background Strategies and Outcome Evaluation of the MTV EXIT Campaign" describes the campaign background, design and message strategies and the outcome evaluation developed to build knowledge and influence attitude and behavior of the target audience on human trafficking.

Picarelli and Johnsson (2008) writing on "Fostering Imagination in Fighting Trafficking: Comparing Strategies and Policies" observed that both The U.S. and Sweden had being outspoken on issues of fighting trafficking and have made anti-trafficking a central tenet of their domestic and foreign policies. According to them, the two countries have made significant outlays to shelter, protect and naturalize victims of trafficking. The countries implemented ground-breaking legal codes addressing trafficking in the late 1990s, and have provided law enforcement with considerable resources to locate and prosecute traffickers. And both countries have led the way to change attitudes towards trafficking. Sweden and the U.S. are the only countries with Ambassadors whose portfolios focus solely on the trafficking issue.

The perception of each country as captured in their assessment is that they each represent a model for fighting trafficking in persons. The American emphasis on strengthening legal codes and law enforcement tools while enhancing services available to victims has led to a victims-centered approach that many countries are seeking to emulate. The Swedish model of criminalizing demand for trafficking and handling the "supply" through more administrative means has drawn positive reviews worldwide. Combined with active international leadership and significant investments of financial, technical and diplomatic resources, the American and Swedish approaches are swiftly becoming the leading models for countries seeking to improve their anti-trafficking strategies and capabilities.

At first glance, it appears that the U.S. and Sweden have significantly different anti-trafficking approaches. The Swedish approach to trafficking is a function of Sweden's domestic promotion of equality in multiple aspects of society. Sweden views trafficking through the lens of equality, thus sex trafficking is seen as a form of violence against women and dealt with accordingly. In the U.S., trafficking policy is more a function of law enforcement and prosecution, and thus the American approach sees trafficking as a form of organized crime to be dealt with accordingly. A more studied comparison, however, yields a significant number of similarities between the two countries. Both countries believe sex trafficking is a major international issue that requires a mixture of law enforcement, social welfare and foreign policies to solve. Both countries also share a commitment to victims of human trafficking as

victims of human rights abuses. In sum, both countries share certain assumptions about trafficking, but have chosen different paths to implement this vision.

This article also identifies the major elements of each country's fight against primarily trafficking for sexual purposes and argues that neither country has a turnkey model that "solves" trafficking. Rather, each country has adopted an anti-trafficking strategy and the policies to implement it that reflect their value system, attitude towards prostitution, governmental capacities, historical experiences, legal codes and geopolitical outlooks. By comparing the origins, elements and implementation of each country's anti-trafficking policies, we arrive at two broad conclusions. First, the similarities between each country's anti-trafficking strategy and policies suggest "best practices" that other countries can emulate. Second, the differences between the U.S. and Sweden are the result of larger social, political, historical and geographical contexts, including attitudes towards prostitution and gender equality. Such contexts might potentially limit the transferability of U.S. and Swedish policies to other countries. No country could adopt either approach without considerable adjustment of governmental structures, legal codes, social norms and other structural considerations. Any failure to consider these contexts is likely to yield less significant results for countries seeking to "improve" their anti-trafficking efforts.

Chuang (2006) situated within its broader frame, the problem of human trafficking demands that efforts to combat this international crime and human rights violation take seriously the need to address its root causes. Over a decade of global counter-trafficking initiatives adopting a "law and order" approach to the problem, which according to him, has yielded questionable, if not disappointing, results. He observed that the international community and other stakeholders are coming to the growing realization that treating human trafficking predominantly, if not solely, as a border and crime control issue is but to respond only to a snapshot view of a much larger problem. There is no question that confronting the poverty, unemployment, discrimination, and gender-based violence, among other factors, that increase an individual's vulnerability to trafficking is a tremendous task that demands creative and long-term strategic thinking. This article has provided a cursory view of two possible approaches by which someone might begin to undertake this project. The work concludes that far more analysis and deeper understanding of the trafficking problem are necessary prerequisites of the project, as is dispossessing ourselves of the traditional view that realization of economic, social, and cultural rights can wait. As daunting of a task as this may be, it is a necessary one if global efforts to eliminate trafficking are to succeed.

Methods of Preventing Human Trafficking

It is unarguable that successful counter-trafficking requires political will and cooperation at all levels, at points of origin, transit and destination. Thus, to fully address this section, we will be adopting the UN Trafficking as advanced by the United Nations.

The United Nations in her UN Trafficking Protocol, Article 9, requires states to prevent and combat human trafficking and protect victims from re-victimisation. According to this declaration, measures should be taken by all nations to alleviate factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment

and lack of equal opportunities. To this end, bilateral or multilateral cooperation, including non-governmental organisations, is encouraged.

Following this development, a large number of international instruments have been produced. The Trafficking Protocol advances international law by providing, for the first time, a working definition of human trafficking and requiring ratifying states to criminalise such practices. Several United Nations conventions and regional instruments form the international legal framework within which states must define their own counter-trafficking laws. These instruments also provide a framework for states wishing to collaborate with each other against human trafficking.

Equally, The Protocol recognises that human trafficking should be dealt with from both the demand and the supply side, requiring measures intended to discourage the demand for services, which fosters the exploitive element of trafficking and hence its major source of illicit revenue. Certifying products or services as “forced labour free”, for example, is one way to do this. The Protocol also takes into consideration that former victims are vulnerable later on, especially if they are repatriated to places where trafficking is common. Hence, in addition to the basic requirements to protect victims from intimidation or retaliation by offenders, Article 9(1) of the Protocol calls for measures to protect victims from being trafficked again and from other forms of re-victimisation.

Conclusion

In addition to evaluating specific counter-trafficking programs and policies, governments should endeavor to assess their overall priorities vis-A-vis the types of programs they pursue—that is, whether oriented toward short-term or long term results. The SEE experience reveals that funding for programs tends to be channeled toward anti-migration projects reflecting the interests of countries of destination, or in the alternative, “charity work” focused on direct assistance to victims. This has had the unfortunate effect of diverting money away from programs focused on development, equality, and human rights, which hold greater promise of long-lasting change. Trafficking research suffers from the same shortsightedness. Most of the research in the trafficking field is “action oriented” or designed to prepare for specific counter-trafficking interventions on the ground, typically conducted within a six- to nine-month time frame.

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