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Implications of Human Trafficking for Human Rights: The Case of Nigeria

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

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INTRODUCTION

I. BACKGROUND TO THE STUDY

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

There seems to be agreement amongst both academic and practitioners' administrators that at the center of all Nigeria's problem is the problem of leadership (Bello-Imam and Robert, 1995:1-2). The problem of bad governance resulting from poor leadership in Nigeria comes to the force and its given

credence by both historical and contemporaneous evidence. For instance, at independence in 1960 and shortly afterwards, and especially with the ascendancy of oil as the dominant source of state revenue, Nigeria was blessed with the requisite human and material resources to ensure its development. Unfortunately, the dynamic of the country's history has imposed on it a succession of leaders who ruled in such a way that sharply contradicts "good governance"

It is pertinent to know that, our past and present leaders failed the nation. Bad governance in Nigeria has resulted to a high of corruption, lack of transparency, lack of accountability, total disregards to laws of the land, lack of respect for human lives. The negatives trends have had and continue to have system-wide effects in Nigeria, which ported uncertainty in the provision of these basic needs to the citizenry. The citizens' perception of their benefit in the social exchange between then and government begins to wane and turn negative. They begins to loose faith and confidence in a government that constitutionally promised the citizens "equality of right, obligations and opportunities before the law" and that "the security and welfare of the people shall be the primary purpose of the government" without providing access able and affordable health care and food, education, roads, shelter, employment and poverty etc. In reaction to these inclement conditions the people felt maligned and marginalized with consequent effects of being unpatriotic to the country.

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

II. HUMAN TRAFFICKING IN NIGERIA

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

Also, human trafficking has put Nigeria on the map of the notorious. The problem has assumed wider dimensions not only to the individual traffickers but also to the country and societies at large. This problem of human trafficking among Nigerians has called for a search of immediate solution as the traffickers have destroyed the image of the nation

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(Nigeria) among comity of nation. Human trafficking of course leads to shade business which is a crime against humanity.

The problem of human trafficking is on the increase and the street following the increase is reverberating on the lives of the citizens, this therefore prompt many people in the society to ask why these human trades? Why Nigerians export human cargo abused in Europe, and other West African countries? Why Nigerians participate heavily in export of human cargo mostly the female (girl) as sex worker to Italy, Belgium, Spain and Togo, Benin Republic, Liberia, Ghana, Cote d'Ivoire, Mali, Mauritania, Morocco, Burkina-Faso, as well as extending its frontiers to Gabon, Cameroon, Equatorial Guinea for monetary gains.

Nigeria has continued to defy solution. Recent media reports tend to portray Nigeria as the major hub for the illicit human trade (trafficking). Daily busts at the nation's seaports, airports and borders give the impression that human trafficking is an insolvable problem. Unfortunately, nothing has changed. This paper is intended to examine human trafficking nexus of crimes of abuse on human rights and thus, design possible therapeutic options to addressing this problem.

a) Objectives of the study

As a result of the increasing wave of human trafficking in Nigeria, it has become very important to find out what is responsible for the crime.

Other specific objectives are:

1. To find out the nature of Human trafficking in Nigeria
2. To find out how does the human trafficking affects human rights in Nigeria
3. To find out how to manage human trafficking with a view of preserving human rights

b) Conceptual Clasifications Human Trafficking

Human trafficking is the illegal trade of human beings for the purpose of reproductive slavery, commercial sexual exploitation, forced labour, or a modern-day form of slavery.

c) Child

Child shall mean any person under the eighteen (18) years of age.

d) Forced Labour

Forced labour is a situation in which victims are forced to work against their own will, under the threat of violence or some other forms of punishment, their freedom is restricted and a degree of ownership is exerted. In Nigeria, able-bodied and healthy men are victims of those who stand the risk of being trafficked for unskilled work.

e) Traffickers

Traffickers are also known as Pimps or Madams. The trafficker victims are those who lack

opportunities in the Nigerian society and exploit vulnerabilities on those down trodden people (victims) in the Nigerian society by deceit and lies. In-fact, most of the victims are cajoled by promises of marriage, employment, education, and or an overall better life, at the end, the traffickers force the victims to become prostitutes or work in the sex industry as: prostitutes, dancing in strip clubs, performing in pornographic films, pornographic, and other forms of involuntary servitude

f) Sex Trafficking

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

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

g) Trafficking of Child

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

h) Child Labour

Child labour is a form of work that is likely to be hazardous to the physically, mental, spiritual, moral, or social development of children which also can interfere with their education.

i) Bonded Labour (Debt bondage)

Bonded labour or debt bondage, is the least known or debt bondage, is the least known form of labour trafficking today, and yet it is the most widely used method of enslaving people. Victims become bonded labourers when their is demanded as a means of repayment for a loan or service in which its terms and conditions have not been defined or in which the value of the victims' services as reasonably assessed is not applied towards the liquidation of the debt. The value of their work is greater than the original sum of money "borrowed"

j) Trafficking

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

k) Human Rights

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

colour, gender, language, religion, political affliction, property or birth (Odion-Akhaine, 2004:36).

III. LITERATURE REVIEW

The word "trafficking includes the word "traffic" which means transportation or travel. Trafficking is a lucrative industry. It has been identified as the fastest growing criminal industry in the world (<http://www.wakepeopleup.com/pdfs/sex-trafficking-slide5.pdf>). It is second only to drug trafficking as the most profitable illegal industry in the world (<http://www.gfinterity.org/storage/gfip/documents/report-s/transcrime/gfi-transnational-crime-web.pdf>). In 2004, the total annual revenue for trafficking in persons were estimated to be between USD\$5billion and \$9 billion (<http://www.unece.org/press/pr/pr2004/04/genn03e.htm>)

In 2005, Patrick Belser of International Labour Organization (ILO) estimated a global annual profit of \$31.6 (<http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article>). In 2008, United Nations estimated nearly 2.5million people from 127 different countries are being trafficked into 137 countries around the world (<http://www.un.org/apps/news/story.asp?NewsID=25524&Cr=trafficking&CrI>) into forced labour which include: domestic servitudes; agricultural labour; sweatshop factory labour; food service and other service industry labour; janitorial; fuel (petrol) selling attendants (as known in Nigeria) and begging etc which globally generates \$31billion according to International Labour Organization (ILO, 2005).

Human trafficking does not require travel or transport from one location to another, but one form of sex trafficking involves international agents and brokers who arrange travel and job placement for women from one country to another. According to a 2009 U.S. Department of Justice report, there were 1,229 suspected human trafficking incidents in the United State from 2007 to September 2008. Of these, 83 percent were sex trafficking cases, though only 9% of all cases could be confirmed as examples of human trafficking (<http://content.news14.com/humantrafficking.pdf>.)

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

Furthermore, trafficking in children often involves exploitation of the parents' extreme poverty. Parents may sell children to trafficker in-order to pay off

debts or gain income, or they may be deceived concerning the prospects of training and a better life for their children. They may sell their children for labour, sex trafficking or illegal adoptions. These adoption processes legal and illegal, when abused can sometimes result in cases of trafficking of babies and pregnant women between the West and the developing world(<http://news.theage.com.au/breaking-news-technology/china>).

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

IV. NATURE OF HUMAN TRAFFICKING IN NIGERIA

- I. Human trafficking does not require travel or transport from one location to another. According to US Department of Justice Report in 2009, there were 1,229 suspected human trafficking incidents in the United States of America from January 2007 through September 2008. Of these, 83 percent were sex trafficking cases, though only 9% of all cases could be confirmed as cases of human trafficking (<http://content.news14.com/human-trafficking.pdf>)
- II. Sex trafficking involves international agents and brokers who arranged travel and job placement for women from Nigeria. In-fact, these women who are the victims are lured to accompany traffickers based on promises of lucrative opportunities unachievable in Nigeria. They fell as victims to these deceits because of high level of inflationary trends in the society, acute unemployment, and high poverty rate in the country which majorities of Nigerians found themselves which the leaders both at the Federal and State levels had never been conscious enough to address the issue.
- III. It is disheartening to know that once these women (victims) reached their destinations, the women discover that they have been deceived and learn the true nature of work that they will be expected to do. To some extent, many of the women were deceived with lies regarding the financial arrangements and conditions of their employment, later to find themselves in coercive or abusive situation from which escape is both difficult and dangerous to these women (Kara, 2009)

V. HUMAN RIGHTS ARE INALIENABLE RIGHTS OF ALL PEOPLES, WITH PARTICULAR REFERENCE TO NIGERIA

Human rights are basically those rights that are inherent in the human being. The whole idea of human rights acknowledges that every single human being is entitled to enjoy these rights without distinction is to race, colour, gender, language, religion, political affliction, property or birth.

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

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

Here in Africa, we have the Africa, we have the African Charter on Human and Peoples Rights which incidentally has been included as part of the local laws in Nigeria. The 1999 Constitution in chapter 4, section 30 specifically spelt out in various sections what these rights are, how to enjoy them, and how they can be promoted and protected.

Human rights are concerned with the most immediate and basic needs of all human beings and Nigerians are no exception. These rights are:

- i. The right to life;
- ii. The right to dignify the human person;
- iii. The right to personal liberty;
- iv. The right to fair hearing;
- v. The right to private and family life;
- vi. The right to freedom of thought, conscience, and religion;
- vii. The right to freedom of expression and the press;
- viii. The right to peaceful assembly and association;
- ix. The to freedom of movement; and
- x. The to right to freedom from discrimination and right to property (FGN,1999).

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

VI. HUMAN TRAFFICKING AND HUMAN RIGHTS VIOLATION IN NIGERIA

a) *Human Trafficking*

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

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

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

b) *Sex trafficking*

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

More-so, the victims may be beaten or locked up an promised their freedom only after earning through 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" (an African supernatural power) for failure to pay the cost of traveling and visa smelt instant death in shrines. By these threats the rights to life have been violated by the traffickers.

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

c) *Child labour*

Child labour which is hazardous to the physical, mental, spiritual, moral, or social development of children in Nigeria can interfere with their education. These are infringements to human rights of the Nigerian children who are expected to acquire free and compulsory primary education at the expense of various Federal/ State Governments in Nigeria.

d) *Trafficking victims*

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

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

VII. SANCTION FOR CHILD RIGHTS VIOLATION 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. MEASURES TO CHECK HUMAN TRAFFICKING IN NIGERIA

Nigeria became one of the 117 countries signatories to the Trafficking Protocol that came into force on December 25, 2003 by United Nations at Palermo, Italy. The Protocol is to prevent, suppress and punish "trafficking in persons, especially women and children".

- a) In Nigeria public service announcements have proven useful for different governments and non-governmental organizations in combating human trafficking.
- b) In addition, the UN office on Drugs and Crime (UNODC) has assisted many non-governmental organizations in Nigeria in their fight against human trafficking.

- 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 2nd 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).

- d) Nigeria governments made effort by making public campaigns to fight human trafficking with a focus on sex trafficking of children.
- 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, foster partnerships for joint action, and above all, ensure that everybody takes responsibility for 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 aimed to mobilized state and non-state actors to eradicate human trafficking by reducing both the vulnerability of potential victims and the demand for exploitation in all its forms, ensuring adequate 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.
- i) It has been observed that the UN. GIFT, UNODC released data from global report on trafficking of persons in 155 countries about National responses to trafficking in persons worldwide. This publication exercise has encouraged Nigeria governments to know the number of Nigerians trafficked across the globe and the devastating effect it has on the national image, this have geared up the fight against human trafficking.
- j) Furthermore, UNODC has launched a blue heart campaign against human trafficking in March 6, 2009 which has affected all the 155 countries involved in human trafficking including Nigeria. The

campaign was a motivate action which encouraged people to show solidarity with human trafficking victims by wearing blue heart T-shirt.

- 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) Nigeria governments have developed systems of co-operation between different nations' law enforcement agencies and with non-governmental organizations (NGOs) to tackle human trafficking.
- n) Another actions taken by the governments are:
 1. Raising awareness amongst potential victims in the States (Edo and Delta) where human traffickers are active
 2. Raising awareness among police, social welfare workers and immigration officers to equip them to deal appropriately with the problem
 3. Creating awareness through the use of films or through posters.

IX. CONCLUSION

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

X. RECOMMENDATIONS

Based on the foregoing, the following, recommendations are proffered:

- a. Nigeria governments should create enabling environments for entrepreneurship for the citizens.
- b. The legislations on human trafficking should be made severe and drastic to offenders.
- c. The governments should educate the citizens by creating more awareness to the evils of human trafficking in Nigeria.
- d. The governments should address the issue of massive unemployment and poverty in Nigeria
- e. Human trafficking victims should be encouraged and equipped with skills to enable them settled when deported back to Nigeria
- f. Nigerians should not stigmatized human trafficking victims in the society.

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