**INPUT OF THE NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA TO THE SPECIAL RAPPORTEUR’S REPORT ON THE ROLE OF ORGANISED CRIMINAL GROUPS WITH REGARD TO CONTEMPORARY FORMS OF SLAVERY**

1. **Types of criminal groups involved in contemporary forms of slavery**

a. Yes, there are syndicates specialized in perpetuating human trafficking.

b. In Nigeria, organized criminal groups involved in human trafficking are usually a loose association of persons carrying out mutually beneficial criminal activities. In other words, there isn’t a well-defined criminal structure. In the case of recruitment and exploitation of young females from Nigeria to Europe, it has been noticed that familiar relations play a key role in human trafficking.

i. Nigeria is a source, transit and destination country

ii. Victims are recruited from all states in the country.

iii. Edo, Delta, Kogi, Imo, Abia, Ebonyi are notorious for trafficking of victims to West-Africa and Europe

iv. Benue, Plateau remain the most predominant for recruitment of victims for internal labour exploitation.

v. Cross-river and most States in the South-east and South-west are known for baby sales.

vi. Victims are trafficked from the South-west and parts of the North-central states to the Middle East for domestic labour and sexual servitude.

vii. Recruitment methods are through friends, family and acquaintances for internal trafficking and through labour recruitment agents for trafficking to the middle east.

c. Yes. they operate both domestically and internationally.

2. **The nature and extent of criminal groups’ involvement in contemporary forms of slavery**

a. Human Trafficking in Nigeria is methodological, geographical and commercial in nature. The methodology of modern slavery is the main structure of the crime and it consists of:

i. The recruitment of vulnerable victims

ii. Transportation across internal and external borders; and

iii. Exploitation of the victims at the destination or even during transit.

vi. The geographical Structure of origin, transit and destination countries: The Internal and external trafficking (national and International)

v. The commercial imperative of trafficking implies that traffickers approach trafficking as a business and inevitably have to engage in regular commercial activities like communication, advertising, transportation, accommodation and financial transactions.

vii. The extent of human trafficking in Nigeria may not be specifically measurable but based on international rating, Nigeria is rated as a country of origin, transit and destination for human trafficking.

b. In terms of modern slavery, exploitation is predominantly in sexual or labour. Information from National Agency for Prohibition of Trafficking in Persons (NAPTIP) database shows the following:

i. Total victims rescued from inception (2004 till date) – 15,863

ii. Total male victims – 4,430 (27.9%)

iii. Total female victims – 11,433 (72.1%)

c. Investigation and research activities in progress to fully uncover.

d. Yes. There are also few records of victims’ intimidation by criminals. This adversely affects victims as they are apprehensive of reprisal attacks on themselves and families, resulting in their unwillingness to cooperate with law enforcement authorities.

e. Yes. The relationship of victims with members of criminal groups and their bonding makes them see law enforcement as enemies and as such, they hardly cooperate with security agents on interception. Most times, even telling the truth about their status and conditions is difficult for them, hence, the process of their identification as victims becomes complicated as information extracted from them is useful in their identification.

**3. Legislative Frameworks**

a. In addition to the Anti-Trafficking legislation – Trafficking in Persons (Prohibition) Enforcement and Administration (TIPPEA) Act 2015 and the NAPTIP, Nigeria has other legal instruments which have sections that criminalize acts related to modern slavery. These include:

• The Penal Code of Nigeria

• The Criminal Code of Nigeria

• The Constitution of the Federal Republic of Nigeria 1999 as amended

• The Child’s Rights Act 2003 Child Rights Laws of various states

• The Violence Against Persons (Prohibition) Act 2015, etc.

The statistics below show is on the prosecution activities of the Agency from inception in 2003 to date:

• Total Cases investigated – 4,192

• Total Traffickers Arrested – 7,111

• Total convicted persons - 476

b. No

c. The TIPPEA Act 2015 establishes and promotes intelligence- led law enforcement. This is because the Governing Board of NAPTIP includes representatives of the Nigeria Police Force, the Nigeria Immigration Service and the National Intelligence Agency. Thus section 5 of TIPPEA obligates NAPTIP to among others, establish coordinated preventive, regulatory and investigatory machinery geared towards the eradication of trafficking in persons. Specifically, the Agency’s Investigation and Monitoring Department works with officers from the Nigeria Police Force, the Nigeria Immigration Service, Defence Intelligence Agency and Nigeria Security and Civil Defence Corps.[[1]](#footnote-1)

The Department employs various methods[[2]](#footnote-2) in carrying out its investigation activities which include but not limited to the following;

(i) Proactive Investigation

(ii) Reactive Investigation

(iii) Disruptive operations

(iv) Surveillance

(v) Joint Operations and other Intelligence cooperation mechanisms

Furthermore, NAPTIP has an Intelligence and International Cooperation Unit (IICU) that harness global intelligence and promote international cooperation and achieve mutual Legal Assistance with source, transit and destination countries for information sharing. The Unit holds the responsibility for coordinating intelligence gathering and dissemination[[3]](#footnote-3).

d. Yes. The Constitution of the Federal Republic of Nigeria 1999 as amended guarantees the fundamental human rights of the citizenry. Accordingly, section 46 (1) of the CFRN 1999 as amended provides that any person who alleges that any of the rights guaranteed by the CFRN 1999 as amended (which include right to privacy and fair trail) has been, is being or likely to be contravened may apply to a High Court for redress. An aggrieved person also has a right to appeal a judgement of the High court to the Court of Appeal and the Supreme Court in Nigeria, respectively.

Furthermore, the National Human Rights Commission has the mandate to receive, monitor and investigate complaints on human violations and assist victims to get redress.

e. Yes. These laws are the Money Laundering Act 2004, the Economic and Financial Crimes Commission Act 2004, the Advance Fee Fraud Act 2006, the Independent Corrupt Practices and Other Related Offences Commission Act 2000 and The Code of Conduct Bureau Act 1991.

f. Nigeria does not have a comprehensive legal framework on non-conviction-based asset recovery. However, the CFRN1999 as amended as well as extant legislation provide the basis to achieve non conviction-based forfeiture of stolen assets. Accordingly, the proviso to section 36 (5) of the CFRN 1999 as amended provides:

…nothing in this section shall invalidate any law by reason only that the law imposes upon any such person the burden of proving particular facts

Other laws that provide for non-conviction-based assets recovery include:

i. Section 17 of the Advance Fee Fraud and Other Related Offences Act, 2006:

This Act allows the High Court to make orders for the forfeiture to the Federal Government of Nigeria in respect of any property reasonably suspected to be a proceed of crime.

ii. Section 47 (1) (b) of the Corrupt Practices and Other Related Offences Act, 2000:

The section provides that the court shall make an order for the forfeiture of any property which is proved to be the subject matter of the offence or to have been used in the commission of the offence where-the offence is not proved against the accused but the court is satisfied:

I. That the accused is not the true and lawful owner of such property;

II. That no other person is entitled to the property as a purchaser in good faith for valuable consideration.

iii. Section 329-330 Administration of Criminal Justice Act (ACJA) 2015:

These provisions allow for forfeiture order in criminal cases where the property is suspected to form part of or be proceeds of crimes

iv. Code of Conduct Bureau and Tribunal Act 1991:

section 15 (3) provides that any property or assets acquired by a public officer after any declaration required by subsection (1) of the Act and which is not fairly attributable to income, gifts, or loan approved by this Act shall be deemed to have been acquired in breach of this Act unless the contrary is proved.

v. Civil Procedure Rules:

These Rules provide for injunctions and preservative Orders. In Nigeria, courts generally have powers to grant injunctions and other preservative orders subject to the provisions of their rules.

g. Officials or criminals indicted of corruption in the process of investigating modern slavery cases are handed over to relevant authorities for prosecution. Such institutions include:

• The Nigeria Police Force;

• Economic and Financial Crimes Commission (EFCC);

• Independent Corrupt Practices Commission (ICPC);

• National Agency for the Prohibition of Trafficking in Persons (NAPTIP).

In terms of obstruction of justice, Section 32 (1) a-b of TIPPEA Act 2015 stipulates that:

A person who (a) willfully obstructs the Agency or any authorized officer of the Agency in the exercise of any of the powers conferred on the Agency by this Act; or (b) fails to comply with any lawful enquiry or requirements made by any authorized officer in accordance with the provisions of this Act, commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years or to a fine of N250,000.00 or to both

h. Sections 46 and 47 of TIPPEA Act 2015 respectively provide as follows:

Where a person volunteers to the Agency or an official of the Agency any information which may be useful in the investigation or prosecution of an offence under this Act, the Agency shall take all reasonable measures to protect the identity of that person and the information so volunteered shall be treated as confidential.

47 (1) The Court may, on a motion by or on behalf of the Minister, Agency or a law enforcement agency, protect a witness or other persons in any proceeding before it.

(2) Where the Court is satisfied that the life of the witness or any other person is in danger, the Court may on its own, take such measures as it deems necessary and expedient to keep the identity and address of the witness secret.

(3) The measures which the Court may take under subsection (1) of this section may include the -

(a) holding of the proceeding at a place to be decided by the Court;

(b) avoidance of the mention of the real name and address of the witness in its orders, judgments or records of the case, which are accessible to the public; or

(c) issuing of a direction for ensuring that the identity and address of the witness are not disclosed.

(4) The Court may also decide, in the public interest, that all or any of the proceedings pending before the Court shall not be published in any manner.

(5) The Court may in the interest of public safety or order, exclude from proceedings for any offence under this Act, any person other than the parties and their legal representatives.

(6) A person who contravenes an Order or direction made under this section commits an offence and shall be liable on conviction to imprisonment for a term of not less than 5 years.

**4. Victims’/survivors’ access to justice and to remedies**

a.

i) Sheltering

ii) Health

iii) Counselling

iv) Family tracing

v) Reunion/repatriation

vi) Integration

vii) Empowerment

viii) Follow up/After care

ix) Disengagement

b. Yes

c. Victims have unfettered access to courts, the National Human Rights Commission and NAPTIP in order to enforce their rights and access remedy. Furthermore, pursuant to section 65 of TIPPEA 2015, a trafficked person, irrespective of his immigration status has the right to institute civil action against a trafficker and any other person including a public officer who has exploited or abused him. In the same vein, the victim is entitled to compensation, restitution and recovery for economic, physical and psychological damages to be met from the assets if any of the convicted trafficker.

d. Section 64 of TIPPEA 2015 stipulates:

65. (1) A trafficked person, irrespective of his immigration status is entitled to compensation, restitution and recovery for economic, physical and psychological damages which shall be assessed and paid out of forfeited assets of the convicted trafficker.

(2) Where an offender is convicted of an offence under this Act, the Court may order the offender to pay compensation to the victim, in addition to any other punishment ordered by the Court.

(3) Notwithstanding any other provision of this Act, a trafficked person has the right to institute civil action against a trafficker and any other person including a public officer who may have exploited or abused his person provided that the amount awarded by the Criminal Court shall be taken into consideration in the determination of the amount of compensation to be awarded in the civil suit

e. Yes. Section 57 (2) of the TIPPEA 2015 stipulates:

Upon receipt of the final court order pursuant to this section, the Director - General shall take steps to dispose of the property concerned by sale or otherwise and where the property is sold, the proceeds shall be paid into the Victims of Trafficking Trust Fund.

f. Yes. Section 62 of the Act provides that where the circumstances so justify, trafficked persons shall not be detained, imprisoned or prosecuted for offences relating to being a victim of trafficking, including non-possession of a valid travel stay or use of a false travel or other document.

5.**Other Questions**

a. The challenges include slow judicial process.

b. Yes, S. 66 of the TIPPEA 2015 provides for Mutual Legal Assistance and transfer of convicts. There are bi-lateral agreements with other countries in areas of investigation of cases of human trafficking.

NAPTIP has an Intelligence and International Cooperation Unit (IICU) that harness global intelligence and promote international cooperation and achieve Mutual Legal Assistance with source, transit and destination countries.

c. During lockdown trafficking generally reduced because of restrictions of movement and curfews over a long period. However, there was increase in online trafficking activities. The situation of victims of trafficking was worsened by the lockdown because their freedom was further restricted and many of them were subjected to domestic and other forms of violence. Notably, there were reports of increasing cases of rape, sodomy and physical violence against victims of domestic servitude and sexual exploitation.

NAPTIP also continued to perform its duties throughout the lockdown period but maintaining the Nigeria Centre for Disease Control regulations. The number of Trafficking in Persons (TIP) cases reported dropped while number of reported cases for gender-based violence increased during the lockdown.

1. See the website of the National Agency for the Prohibition of Trafficking in Persons available on https://www.naptip.gov.ng/contact-2/ <accessed on 20th March 2021> [↑](#footnote-ref-1)
2. Ibid. [↑](#footnote-ref-2)
3. See the website of NAPTIP available on <https://www.naptip.gov.ng/departments/units/intelligence-and-international-cooperation/> <accessed on 13th April 2021> [↑](#footnote-ref-3)