

**INTERNATIONAL
PERSPECTIVES
AND
NIGERIAN LAWS
ON
HUMAN TRAFFICKING**

Olaide A. Gbadamosi Esq

Network for Justice and Democracy

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DEDICATION

Dedicated

To

**Girls and Women Trafficked
into domestic servitude and
sexual exploitation**

Preface

Human trafficking has become a heinous transnational crime undertaken by highly organized syndicates.

The syndicates employ deceit, coercion and prey on vulnerable girls whom they traffic overseas for domestic servitude and sexual exploitation.

Human trafficking is inherently demeaning, harmful and violates fundamental human rights to life, liberty, dignity and freedom from discrimination. Human trafficking is incompatible with the worth and dignity of human beings

The book is intended to serve as a practical aid to the understanding of the problem of trafficking in persons and aims to encourage effective actions taken by the various international, regional and national initiatives to curb the menace of human trafficking. It also contains an exhaustive list of Appendices on international conventions, treaties and national legislation on human trafficking to serve as useful reference materials for research.

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Chapter One

Introduction to Human Trafficking

*“Prostitution and the accompanying evil of trafficking for the purposes of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community”**

**Preamble to the Convention for the Suppression of Traffic in Persons and for the Exploitation of the Prostitution of Others (1949)*

Trafficking means “the recruitment, transportation, transfer, harboring or receipt of persons, by the means of threat, or use of force or other forms of coercion, of abduction, fraud or 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 purposes of exploitation.

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.”¹

In the Europol Convention of 1995, Traffic in human beings is defined as follows:

“Subjection of a person to the real and illegal sway of other persons by using violence or menaces or by abuse of authority or intrigue with a view to exploitation of prostitution, forms of sexual exploitation and assault of minors or trade in abandoned children”

The Organization for Security and Cooperation in Europe (OSCE) in “Trafficking in Human Beings: Implications for the OSCE” defines Trafficking in Human Beings as:

- “all acts involved in the recruitment, abduction, transport (within or across borders), sale, transfer, harbouring, or receipt of persons;
- by the threat or use of force, deception, coercion (including abuse of authority), or debt bondage;
 - for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude, forced or bonded labour, or in slavery-like conditions;
 - in a community other than the one in which the person lived at the time of the original deception, coercion or debt bondage.

According to the International Organization for Migration (IOM), trafficking in human beings occurs when:

- a migrant is illicitly engaged (recruited, kidnapped, sold, etc) and/or moved, either within national or across international borders;
- intermediaries (traffickers) during any part of this process obtain economic or other profit by means of deception, coercion and/or other forms of exploitation under conditions that violate the fundamental human rights of migrants.

The Global Alliance Against Trafficking in Women (GAATW), the International Human Rights Law Group and the Foundation Against Trafficking in Women (STV) in conjunction with similar NGOs around the world defined trafficking as:

“Any act or attempt involving the recruitment, transport within or across national boundaries, exchange, sale, transfer, lodging or reception of a person by means of deception, constraint (including the use of force or the abuse of authority) or by means of debt bondage with a view o placing or maintaining the person in question, with or without financial consideration, in a position of servitude (domestic, sexual or reproductive) in forced labour or in conditions analogous o slavery, in a community other than that in which the person lived until the moment the deception, constraint or debt bondage was brought to bear.”

The Geneva Convention on the Abolition of Slavery, adopted by the League of Nations in 1926 and joined by a Supplementary Convention in 1956, provides a precise definition of slavery and trafficking.

The Convention described Slavery as the possession of a person and exercise over the same of any or all the powers attributing to the right of owners hip. The Geneva Convention described trafficking as a practice which includes the act of capturing, acquisition or conferment of a person to reduce the same to slavery, as well as every act of acquisition or conferment by sale or exchange, and, in general, every act of trading or transport of slaves.

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Child, Child Prostitution and Child Pornography (2002) defines Trafficking in Minors in Article 2(a) as:

“any action or transaction that transfers a child from one person or group of persons to another for remuneration or for any other benefit”.

Trafficking is outlawed in the Universal Declaration of Human Rights (1948), the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), the Declaration of the Rights of the Child

(1959), the International Covenant on Civil and Political Rights (1979), the Convention on the Elimination of all Forms of Discrimination against Women (1979), Convention on the Rights of the Child (1989) with its supplementary Protocol on the Sale of Children, Child Prostitution and Child Pornography (2002); Convention No. 182 of the International Labour Organization (ILO) Relating to Prohibition of the Worst Forms of Child Labour (1999) and the Charter of the International Criminal Court (Rome, 1998).

The phenomenal rise in the heinous crime of the trafficking in persons for the purposes of sexual exploitation, slavery or forced labour has assumed frightening dimensions in many parts of the world.

Human trafficking for the purposes of sexual and other forms of exploitation has become a global business reaping huge profits for traffickers and organized crime syndicates, causing flagrant human rights violations and creating serious problems for governments across the globe.

Trafficking in persons represents the world's third largest area of organized crime – after drugs and arms trade. It is an illicit trade that is unbearable to the human heart.

Trafficking in persons is inhuman, immoral and an offence under the laws. Despite the existence of many international instruments against trafficking in persons, the illegal trade goes on unabated.

As the 21st Century began, the dehumanizing

practice of trafficking in persons became rampant throughout the world. Globalization has created an environment where the illicit practice of trafficking and other crimes readily flow across borders.

The trafficking of persons across international borders, especially of women and girls for prostitution and other purposes is a global scourge and worldwide problem of monumental scope.

The use of women and girls in international prostitution and trafficking networks has become a major focus of international organized crime.

Most vulnerable to being trafficked are women and girls who are readily exploited due to gender- based discrimination and inequalities.

A worrisome development is the fact that human trafficking is likely to remain an underreported crime because of its clandestine nature. Trafficking in women and girls for forced labour and sexual exploitation is a common type of gender violence that has grown rapidly over the past decade as a result of wars, displacement, and economic and social inequities between and within countries.

Prostitution and related activities, which inherently are harmful and dehumanizing, also contribute significantly to the phenomenon of trafficking in persons.

Trafficking of women is an endemic social problem that has assumed transnational dimensions in a global world where feminization of poverty has become prevalent. Human trafficking is transnational in nature because of the involvement of organized syndicates who specialize in trafficking in women and children from one country to the other for prostitution.

According to a report on “Trafficking In Persons: Global Patterns,” published by the United Nations Office on Drugs and Crime (UNODC) in April 2006, “Governments need to get serious about identifying the full extent of the problem so they can get serious about eliminating it. The fact that this form slavery still exists in the 21st century shames us all. Virtually no country in the world is unaffected by the crime of human trafficking for sexual exploitation or forced labour”. The report further identified 127 countries of origin, 98 transit countries and 137 destination countries.

African countries are source, transit and destination countries for human trafficking. For instance, Nigeria is a source, transit and destination country for trafficked women and children who are usually trafficked to Europe, Middle East and other countries in Africa for the purposes of forced labour, domestic servitude and sexual exploitation. Recent studies carried out by the Nigerian Embassy in Rome, Italy revealed that 80% of trafficked persons from Africa are young girls including minors of

between 12-16 years.

Traffickers in Africa exploit the lack of effective judicial mechanisms, lack of political will by African leaders to tackle the root causes of the crime, low risks of arrest and convictions, corruption of the law enforcement agencies, lack of protection of victims and other institutional lapses go unpunished.

Trafficking in persons is the largest manifestation of slavery today depriving people of their rights and fundamental freedoms. It is a threat to global development, democracy and peace.

Trafficking is harmful not only to the individual trafficked but also to the society at large.

Trafficking is a multi-dimensional problem. Wijers² recognized the following approaches to addressing the problem:

A moral problem: This approach sees trafficking in women and prostitution as an evil that should be controlled.

Actions against trafficking using this approach aim at controlling and punishing the parties involved.

This places women in prostitution at risk of punishment instead of regarding them as victims.

A criminal problem: The criminal approach aims at introducing heavier punishments, improving international Police cooperation and other measures which will lead to more effective prosecution of

offenders. The interests of the women are subordinated to those of prosecution.

A migration problem: This approach views trafficking as a problem of illegal migration. Actions here are aimed at keeping women at home, stricter border controls, etc. The interest of the State is to keep out undesirable aliens.

A human rights problem: Treating trafficking in women as a human rights problem can be looked at in two ways. Firstly, forced prostitution is seen as a violation of the human rights of women and should be abolished. The other aspect is that prostitution as such does not violate the rights of women, but the conditions women in prostitution live under, such as deceit, debt bondage, blackmail and deprivation of freedom of movement, violate their human rights.

A public order problem: This approach views trafficking in women and prostitution as a public order issue or a public health issue. Solutions are to increase control by, for example, introducing medical examination.

A labour issue problem: Trafficking in women is seen as the result of poor legal and social position of women in most societies: as women, as workers and as migrants. The solution is to improve labour

opportunities and working conditions, pensions, state benefits, etc., to women in prostitution.

The approach adopted towards trafficking determines the strategies used to address the problem.

Current approach for combating human trafficking falls into four categories:

- (a) prevention and deterrence,
- (b) law enforcement and prosecution of traffickers,
- (c) protection of trafficked persons,
- (d) rehabilitation and assistance in social reintegration.

Eliminating the problems of human trafficking presents difficult legal and social challenges of our time. It requires both the resolve of the individual, the community, political will of the State, multi-sectoral approaches and well coordinated international efforts to combat the scourge of human trafficking effectively.

Chapter Two

The Ugly Tide of Trafficking In Persons

*“Trafficking is a complex development issue. It is an economic problem as the vast majority of women seeking to escape poverty are lured into trafficking by the false promise of economic gains. Trafficking is a health problem as trafficked women and children are at the risk of HIV infection. It is a gender problem, as unequal power relations reinforce women’s secondary status in the society. Lastly it is a legal problem, as its victims are stripped of their human rights and lack any access to redress the crimes committed against them”.**

** United States Agency for International Development, 1999*

Trafficking in persons is a complex phenomenon and involves such aspects as human rights violations; fight against organized crime; migration and visa policies; gender inequalities; poverty and socio-economic inequalities within and between countries

The term “traffickers” refers to recruiters; transporters; those who exercise control over trafficked persons; those who transfer and/or maintain trafficked persons in exploitative situations; those involved in related crimes; and those who profit either directly or indirectly from trafficking, its component acts and related offences.

The term “trafficked persons” refers to victims of trafficking in persons as well as persons who are in

the process of being trafficked by deception, threat, coercion, kidnapping, sale, fraud, marriage, child marriage or any other unlawful means.

Trafficked persons include men, women and children. Children are trafficked or forced to beg for alms while women and girls are trafficked into domestic servitude or forced prostitution.

Trafficked persons are victims of violence, threats, ill treatment, incarceration and extortion, and they have to pay off considerable debts to meet the costs of their transportation and documents. They are illegal residents and the fact that they have been robbed of their money and identity documents puts them in a situation of hopelessness and at the mercy of the traffickers.

Trafficking has become a highly organized transactional crime with serious criminal, moral and social implications.

“Trafficking is a transnational criminal enterprise. It recognizes neither boundaries nor borders. Profits from trafficking feed into the coffers of organized crime. Trafficking is fueled by other criminal activities such as document fraud, money laundering and migrant smuggling.”³

According to the Congressional Research Service (CRS) and the U.S. State Department, 700,000 to 2 million people, the majority of them, women and children are trafficked across international borders.

Trafficking in people represents the third-largest source of profits for organized crime after drugs and guns, generating billion of dollars each year.⁴

According to United Nations Children Education Fund (UNICEF), 80% of young women engaged in prostitution in Italy are Nigerians.⁵

They are usually girls between the ages of 12-25 years. Nigerian girls and women make up about 70% of 70,000 African women who are victims of trafficking. About 70% of these Nigerian women end up in Italy⁶.

At least 700,000 persons annually, primarily women and children are trafficked within or across international borders. Approximately 50,000 women and children are trafficked to United States each year.⁷ Many of these persons are trafficked into the international sex trade often by force, fraud, or coercion⁸

The International Labour Organization (I.L.O.) estimates that about 246 million children worldwide are involved in child labour which represents one out of every six children. The ILO reports that about 180 million of this figure are exposed to the worst forms of child labour.⁹ “This exploitation of childhood constitutes the evil, the most hideous, the most unbearable to the human heart.”¹⁰

According to the United Nations Children Education Fund (UNICEF), a great deal of international trafficking in many African countries is as a result of the extended family system where

African parents have traditionally sent their children to work in other households – sometimes entrusting them to better-off relations in the cities. This traditional practice is what traffickers have increasingly abused to exploit children on a commercial basis with high dividends.

In other words, parents, guardians and persons who stand in *loco parentis* to child victims knowingly or unknowingly collude with dubious traffickers to send these children into bondage.¹¹

Chapter Three

Causes and Effects of Human Trafficking

*“Human Trafficking, often for the purpose of sexual exploitation or forced labour, is an appalling crime and amounts to modern day slavery. It causes great harm, not just to the victims, but to the society as a whole. The Government is determined to tackle this terrible crime and reduce the harm it causes...”**

**Paul Googins- U.K Home Office Minister at a Public Consultation on UK’s First National Action Plan to Tackle Human Trafficking in January 2006*

The causes and effects of human trafficking are complex and interwoven.

Traditional, demographic, economic, political, military and motivational “push” and “pull” factors plus recent facilitators like international trade liberalization, the fall of strict and restrictive regulations on migration and improvements in and cheaper transportation are factors which contribute to the rapid rise in the trafficking business.¹²

Countries where such a practice is common, tolerated and accepted, and even sought after because of the (money) it brings, experience every day the devastation it causes.

Any financial profit it may produce is inevitably annulled by the individual, family and social disasters generated by such a practice.¹³

International Labour Office – International

Programmes on the Elimination of Child Labour (ILO-IPEC) identifies three following key clusters of factors, which have facilitated trafficking in West and Central Africa:

- (1) socio-cultural factors such as the social acceptability of putting children to work, traditions of migrations that are centuries old in Africa, illiteracy or low education levels, preparations for marriage (sometimes having to engage in domestic work to pay for dowry),
- (2) economic factors such as the imbalance between rural and urban wealth levels and a desire to escape poverty,
- (3) juridical and political factors such as absence of legislation and the ignorance of parents and trafficked persons of their rights under the law, or mistrust of the law and open borders.

According to *Radhika Coomaraswamy* – the United Nations Special *Rapporteur* on Violence Against Women:

“... the lack of rights afforded to women serves as the primary causative factor at the root of both women’s migration and trafficking in women. The failure of existing economic, political and social structures to provide equal and just opportunities for women to work has contributed to the feminization of poverty, which in turn has led to the feminization of migration, as women leave their homes in search of viable economic options. Further,

political instability, militarism, civil unrest, internal armed conflict and natural disasters also exacerbate women's vulnerabilities and may result in an increase in trafficking".

Trafficking in persons is encouraged by many factors including; misery, hunger and poverty; ignorance, attraction of a perceived higher standard of living elsewhere, weak social and economic structures, lack of employment and educational opportunities, organized crime, violence against women and children, discrimination against women, government corruption, political instability, armed conflict and cultural traditions such as traditional slavery.¹⁴

It is an age-old African tradition for parents of poorer rural families to send their children or allow the third or fourth child to be sent to live and work in an urban centre with a member of the extended family (often an uncle) in exchange for a promise of education and instruction in a trade. Taking advantage of this traditional practice of survival strategy, traffickers often position themselves as employment agents, inducing parents to part with a child to work in prostitution, domestic servitude, or a commercial enterprise.

In the end, the family receives few, if any, wage remittances; the child remains unschooled and untrained and separated from his family, and the hopes for economic opportunity never materialize.¹⁵

Other cultural and religious practices such as *trokosi* in Ghana or the similar *devadasi* and *devaki* in India and Nepal also demonstrate how trafficking and slave like practices can be accepted by a society as a normal cultural practice.

Other contributory factors include inequality, food insecurity, political conflicts, economic crisis, migration, lack of effective policing and poor border control measures, poor coordination among domestic agencies and among regional and international agencies engaged in prevention of trafficking in persons;¹⁶ lack of victim support services particularly in the absence of comprehensive witness protection programmes that can secure the cooperation of the victims in prosecuting offenders,¹⁷ lack of parental care, disintegration of the family and breakdown of traditional family values, the high demand for trafficked persons in Europe, the clandestine involvement of international organized crime groups which have found human trafficking in human beings lucrative and less cumbersome compared to drug and arms trafficking, poor reporting and monitoring of cases by law enforcement agencies, the demand that exists in the rich countries of the West, high rate of girls who drop out of school, low risks of arrest and conviction etc.

There are many abuses suffered by women in the trafficking process. These abuses, coupled with women's limited access to support/redress

mechanisms generally make long-term recovery from the traumatic experience more difficult.

Harmful Effects of Trafficking in Persons

The harmful effects of trafficking in women and children include:¹⁸

1. Health: Women and Girls risk unwanted pregnancies, maternal mortality, sexually transmitted diseases and HIV/AIDS.
2. Drugs and other addictions resulting in physical and mental deterioration.
3. Threat to emotional well-being: Constant fear of arrests, isolation, deprivation of family life and social support systems; humiliation and abuse result in serious emotional stress and psychological consequences.
4. Threat to physical safety by unscrupulous agents, police, custom officials, employers and others.
5. Apprehension by law enforcement agents, detention, prosecution and forced deportation.
6. Difficulties in social integration; for those returning to their communities.
7. Economic slavery. Women have to pay the money, which the traffickers demand for their travel and documentation.

Trafficking in persons has major economic, physical, psychological emotional and health consequences to the victims.

The health characteristics of a trafficked victim include:-

- Malnutrition, dehydration or poor personal hygiene;
- brutal conditions that result in physical breakdowns, emotional abuse and pelvic inflammatory diseases;
- sexually transmitted infections;
- verbal or psychological abuse designed to intimidate, degrade and frighten the individual;
- Signs of rape or sexual abuse;
- Bruises, broken bones, or other signs of untreated medical problems;
- Post traumatic stress psychological disorders;
- Critical illness including diabetes, cancer or heart disease;
- HIV/AIDS is a significant problem that is closely related to trafficking, as many trafficked women and girls suffer rape and forced unprotected sex and thus are vulnerable to HIV.

Unfortunately, criminal investigation and prosecution of the offenders do not accommodate these consequences.

Consequently, legal regimes that will serve as deterrent to the traffickers, redress the above consequences and offer adequate assistance, support

and financial compensation to the victims remain inevitable.

The U.S. Department of Health and Human Services' (HHS) "Look Beneath the Surface" anti-trafficking public awareness campaign recommends that the following indicators can flag potential victims:

- Evidence of being controlled, evidence of inability to move or leave job;
- Bruises or other signs of physical abuse;
- Fear or depression;
- Not speaking on own behalf and/or not speaking local language; or
- No passport or other forms of identification or documentation.

Once identified, a trafficked victim may require any or all of the following services:

- Translation
- Housing, food and clothing
- Medical care
- Legal assistance
- Language training
- Vocational or educational training
- Counselling

Trafficking victims' service needs are complex and acute. Victims typically experience language and communication barriers and lack information about

their legal rights, the legal process, or availability of crime victim assistance.

Some of the critical needs of trafficking victims are appropriate and adequate shelter, mental health treatment, crisis counseling and longer-term support, emergency and ongoing medical attention as well as social services advocacy to help victims understand and access available benefits. These services should be provided to victims in a culturally sensitive manner, taking into account victims' linguistic, cultural, and religious identity.

Unfortunately, trafficking victims face many barriers that prevent them from accessing necessary services.

Due to the clandestine nature of the crime, in which trafficking victims often are held hostage and isolated from others, they are prevented from learning about their legal rights or the services available to them. They often have a great fear of deportation and/or detention by local law enforcement agencies, a fear that is manipulated and exploited by traffickers to keep victims isolated and under their control.

Chapter Four

Modus Operandi of Traffickers

*“In the 21st century world when freedom and democracy are spreading to every country, it is appalling and morally unacceptable that hundred of thousands of men, women and children are exploited, abused and enslaved by peddlers in human misery....Using force, fraud and corruption, coercion and other horrible means, traffickers prey on the powerless, the desperate and the vulnerable...”**

** Colin Powell, U.S Secretary of State.*

Excerpts from his Remarks during the Release of the Trafficking In Persons Report, 2003.

The mode of operation of traffickers is syndicated through well-organized and coordinated networks running through both the receiving, transit and destination countries.

The head pimp, usually a wealthy individual and referred to as the “*madam*” or “*italo sponsor*” heads the syndicate. The head pimp maintains a line of staff or co-conspirators such as recruiters, trolleys, embassy staff and native doctors who play specific roles in getting the girls and facilitating their trips to the destination countries.

The syndicate relies heavily on the assistance and co-operation of other members or allies spread across Nigeria, Libya, Morocco, Mali, other West and North African countries, USA, Italy and other European

countries like France and Spain. They engage the services of trolleys (smugglers who help to cross illegal immigrants across borders) in cases where genuine visas were not readily available for direct flights.

The syndicate procures their victims, particularly young girls, through personal contacts, friends, acquaintances and local agents. The crossing from Algeria, Libya or Morocco to Europe may be by air or sea or land. All along the land routes, victims are kept either in brothels or houses of other members of the groups or other contacts based in countries in the different routes.

Any resistance from such victims is met with threats of abandonment, arrest, repatriation or physical violence. The male escorts or their business partners often rape a number of them. The syndicate usually “pay homage” to other criminal groups in countries along the land routes before they can safely move their victims through such territories.

Traffickers sometimes pay local or resident trolleys to help victims cross at border points for a fee, which ranges from USD 100 to USD 500 per victim.

The trolleys usually organize genuine or fake documents, where necessary to enable victims cross borders legally or take them illegally through smuggling routes.

Traffickers usually prey on the vulnerability of young women and girls who are less privileged and affected by discrimination, inequality, lack of access to educational, economic and employment opportunities particularly from developing countries of the world. They also prey on vulnerable and poverty stricken parents who are overburdened with large families. Traffickers sometimes recruit victims through fake advertisements, mail-order bride catalogues and casual acquaintances.

Traffickers instill fears in the victims that the authorities in the strange country will prosecute or deport them if they complain or ask for help. Women and girls who are forced to work as prostitutes are blackmailed by the threat that traffickers will incriminate them.

The stock in trade of traffickers is the exploitation of persons who are trapped in conditions of poverty and subordinated by conditions, practices or beliefs, such as gender discrimination, gender violence and armed conflicts.

Majority of trafficking victims are innocent women and children who are lured into prostitution, domestic labour and begging.

They are often sexually abused, exposed to hazardous working conditions and denied basic human rights, health care, adequate nutrition, safety and support.

Trafficking victims are kept in bondage through a combination of fear, intimidation, abuse and psychological controls.

The traffickers lure these innocent and ignorant girls into their clandestine networks through fraud, deception, false passports, visas and false promises of attractive working conditions at irresistible salaries as nannies, maids, dancers, models or workers.

The victims unknowingly end up being forced through threats and violence into sex acts or slavery. Women trafficked to Europe are frequently under debt bondage to their traffickers.

Experience in Nigeria shows that the victims generally pay a deposit and then agree (sign a contract) to pay back the outstanding balance through working in prostitution.

Before procuring traveling passports and visas, the victims undergo ritual oaths at shrines undertaking to pay back the money owed to the traffickers (usually not stated at the moment of stipulating the ritual oaths) and to obey their "*madam sponsors*" or "*trolley*" under all circumstances.

The young women are coerced to undergo specific *juju* (fetish) rites, during which they swear never to reveal their experiences and identity of their traffickers to the police nor disclose the origin of their trip abroad.

These ritual oaths are used to intimidate the victims into believing that devastating and fetish

repercussions will befall them or their families if they do not repay their debts.

Security for the traffickers and victims is guaranteed through *voodoo* or *juju* practices both at departure and points of entry in the destination countries.

The contractual bonds of a moral pledge created by the ritual rites (*juju*) have a strong hold on the conscience of the victims. Juju practices are black magic rites in which intimate clothing, body tissues, fragments, or fluids of the girls (e.g., pubic; hair, finger nails, or menstrual blood) are taken and placed before traditional shrines for rituals.

These coercive and exploitative antics of traffickers take various forms, which include:

- Deception about conditions of work and living conditions in destination countries;
- Coercion of victims;
- Seizure of travel documents;
- Threats/physical violence to victims;
- Threats to relations of victims;
- Oath-taking;
- Restriction of movement/communication;
- Seizure of earnings of victims;
- Sexual exploitation.

Trafficked women are generally not aware of the specific conditions of work that await them i.e.

confiscation of documents; forced to work long hours on the streets every day; forced to serve a minimum number of clients per day; physical abuse; threats and debt-bondage.

When they arrive their destinations, they are forced into prostitution; some are thrown into forced marriages, sexual exploitation, forced labour or services, slavery or practices similar to slavery and servitude while others are used for mysterious ritual purposes.

They can only regain their freedom after paying a ransom ranging from \$50,000:00 - \$70,000:00. Their families are threatened with violence and charms if their daughters abscond or renege in their agreements.

Trafficking is a heinous crime that thrives on the network of traffickers across countries' borders. In the trafficking chain, there are the "source", "transit" and "destination" countries. Victims of trafficking originate from source countries; they are taken through transit countries and end up in destination countries.¹⁹

Traffickers resort to various means to entrap victims including persuasion, deception, threats and coercion. The traffickers exercise control and ownership over their victims by:

- (a) forcing them to work against their will;
- (b) restricting their freedom of movement;
- (c) seizing their passports and withholding their earnings;

(d) using harmful practices such as voodoo rituals, imposing oaths of silence, beatings and rape.

Traffickers capitalize on weak law enforcement and poor international cooperation to perpetrate the heinous crime.

Their clandestine networks involve different actors, including recruiters, intermediaries, transporters, employers, brothel/inn operators and even families and friends.

Experience in Nigeria shows that the methods used by the Traffickers are in three phases/stages: ²⁰

Phase/Stage One

The recruitment phase:-

Through involuntary means such as force, coercion or ignorance;

Through voluntary means such as deception;

Through links with prostitution and drug addicts;

Signing of contracts / oath taking;

Procurement of false documents.

Phase/Stage Two

The transportation phase, this is where the victims are transported through familiar / unfamiliar routes.

The transportation routes include:

By Air

Murtala Muhammed International Airport, Lagos.

Aminu Kano International Airport, Kano

By Sea

Oron, Tin Can Island, Apapa, Calabar and Port Harcourt Ports

By Land

Apart from the transportation by air, many undertake the journey overland via other West African countries and cross the Sahara to Morocco, Algeria or Libya and then over to Europe using fake documentation obtained in other West African countries en-route Seme, Jibiya, Ilela, Idiroko and Sahara Desert Borders.

The journey by land is obviously the longest, most tedious and risky.

Phase/Stage Three

This phase deals with receiving or harbouring of persons under coercive, exploitative or forced labour

conditions in the destination countries; some of which include: - Italy, Belgium, Netherlands, Holland, Libya, Saudi Arabia, Germany, United States, Spain, United Kingdom, South Africa and France.

During the travel and transit stages of the trafficking process, the victims are exposed to the risks of arrest, threats, restriction of movement, sexual exploitation, deception of nature of work and living conditions in destination countries, illness, injury and death resulting from dangerous modes of transport, high-risk border crossing and violence.

In a desperate bid to circumvent the aggressive anti-child trafficking measures being carried out by the Federal Government of Nigeria, traffickers have devised new methods to perpetrate their illicit trade. In recent times in Nigeria, human traffickers no longer take their victims out of the country through the airports but via some strategically created footpaths along the borders to the neighboring countries.

When they get to these countries, especially the Republic of Benin, Ghana, Cote d’Vore, Burkina Faso and Togo, the traffickers encourage their victims who are usually Italy-bound, to change their names to the local names of these countries. Some other members of the trafficking syndicate would then arrange with their countries’ embassies to grant their victims asylum, after which fake travel documents would be

procured for the victims (usually ladies) and from there, they find their way to Italy.

These young ladies usually aged between 16 and 21, are smuggled out of the country to practice prostitution and make returns to their sponsors.

Human trafficking is modern day slavery subjugating the victims who are typically forced, defrauded or coerced into sexual exploitation. The victims are often sexually abused, exposed to harsh working conditions and denied basic healthcare and nutrition.

Most trafficking victims are often exposed to HIV/AIDS or experience forced drug addiction.

Under the influence of drugs, a victim of trafficking may be subjected to various forms of human indignities she would never have agreed to.

Traffickers commit the following crimes in the process of trafficking:

- Assault and Battery
- Rape
- Torture
- Abduction
- Sale of human beings
- Unlawful detention
- Murder
- Fraud

Chapter Five

Human and Social Tolls of Trafficking in Persons

*“There is a growing awareness that human trafficking and other types of organized criminal activities pose a serious threat to democracy and that criminals are exploiting democratic freedoms to undermine societies. Sadly however, the freedoms that characterize democracy and free markets can be exploited and are being exploited by criminals... Victims of trafficking are forced into prostitution, hard labour, child soldering and other forms of involuntary servitude. **

** Gillian Milovanonic, United States Ambassador to Macedonia.*

The human impact of trafficking is devastating, multidimensional and immeasurable. Trafficking is a transnational crime against humanity, just as genocide, slavery and torture are. The impact of human trafficking goes beyond the victim; it undermines the health, safety and security of nations worldwide.

Being a transnational crime, its commission triggers universal jurisdiction and should therefore be recognized as a serious breach of the peremptory norms of international law.

Trafficking in persons is not only a serious crime but first and foremost a heinous violation of human rights. The dastardly act promotes social breakdown, fuels organized crime, deprives countries of human capital and imposes enormous economic costs and undermines public health and government authority.²¹

Trafficking has a negative impact on the labour market in the source countries and has been identified as a serious threat to human security. It also has security implications for destination for the destination countries.

Trafficking exposes victims to serious health risks and hazards. Women and children trafficking in the sex industry are exposed to deadly diseases, including HIV/AIDS. Trafficking victims are some times worked or brutalized to death.²²

Trafficking in persons substantially affects interstate and foreign commerce.²³

Victims of trafficking pay a horrible price and suffer physical, psychological harm and diseases. The victims are usually betrayed, cheated and psychologically haunted by their past lives of shame and violence. Victims of trafficking are particularly subjected to racial discrimination, xenophobia, related intolerance and multiple forms of discrimination on the grounds of their gender as well as their origins. Trafficking of women in Nigeria and other African countries for prostitution is predominantly to Italy, Spain, Belgium, France, Germany, Netherlands, South Africa and the United States of America.

Each year, an average of between 200 and 250 girls from Edo State origin mostly below the age of 15 are exported abroad into modern slave trade under very dangerous circumstances.²⁴

Eki Igbinedion²⁵ lamented the horrible experience of victims as follows:

“The cream of our young girls, the future wives and mothers of this country are being recruited and exported *enmasse* to Europe as sex slaves to service the weird sexual appetites of some societal outcasts and publishers of obscene entertainment movies. This trade is exploitative, cruel and dehumanizing and must be eradicated by all means at our disposal.”

Trafficking creates a sense of fear, rejection, abandonment loneliness and a deep sense of hurt and pains. The illicit trade of trafficking of young girls and women is very detrimental to the health of the girls involved, the image of their families and international image of the country. Trafficking leads to the abuse of dignity of womanhood and bodily integrity of women.

Eki Igbinedion further decried the inhuman act of trafficking as follows:

“The drift of the nations young ladies into prostitution is no doubt, an evidence of the moral

decadence in our society which should be arrested. The willingness of our ladies to travel abroad and offer themselves for sex trade is equally a pointer to the level of the crave by our youths to do anything to make money... Our ladies are the future leaders of tomorrow. They must not be allowed to sacrifice the nation's tomorrow on the alter of today's pittance."²⁶

The mad rush into the hazardous sex trade has become detrimental to the image of the country as some parents are known to have withdrawn their female children from school and sent them abroad into prostitution for pecuniary benefits.

The illicit trafficking involves the violation of other laws including labour and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, fraud and extortion.²⁷

Victims of trafficking who usually lack valid travel documents are treated as irregular migrants and often subjected to the risks of deportation in many countries.

The personal and social costs of trafficking tend to be higher for trafficked women:

- * When the mother is trafficked, the impact on the children tends to be more severe and can result in

- emotional problems, schooling difficulties or relatives shying their responsibilities for girl children by marrying them off early.
- * Marital problems when the woman returns home after a long period of separation.
 - * Inability of families to understand the experience of women.
 - * Denials, discrimination and stigmatization of women returnees. These can impact on self-esteem and cause psychological trauma.
 - * Lack of adequate services for assisting the reintegration and rehabilitation of trafficked persons and their families.
 - * Social isolation
 - * Compulsory HIV/AIDS testing for women returnees.
 - * Sexual harassment and violence when abandoned *en route*, in the event of problems with authorities.
 - * Cultural prejudices that label trafficked women as morally corrupt and social outcasts.
 - * Injuries, physical harm and death resulting from physical and sexual violence, including HIV/AIDS.

Chapter Six

Human Trafficking and its Human Rights Violations

*“The trafficking of persons, particularly women and children, for forced and exploitative labour, including for sexual exploitation is one of the most egregious violation of human rights which the United Nations now confronts”.**

** Kofi Annan, United Nations Secretary General*

Human rights are founded on respect and dignity and worth of each individual regardless of race, colour, gender, language, religion, opinions, birth status or ability and therefore apply to every human being. The Universal Declaration of Human Rights (UDHR, 1948) establishes the principle that fundamental human rights and basic freedoms are guaranteed to all persons.

Trafficking in humans is the very antithesis of the Universal Declaration of Human Rights (and) represents one of the most comprehensive challenges to human rights in the world today, for it involves the very denial of the humanity of its victims.²⁹

Human rights are universal, inalienable and indivisible. Examples of human rights which victims

of trafficking are usually denied of are: the right to life, the right to freedom from discrimination, right to dignity, freedom from cruel, degrading and inhuman treatment, privacy etc.

Trafficking is the third largest and fastest growing criminal industry in the world and one of the most urgent human rights issues today.

Trafficking in persons violates the universal human rights of life, liberty and freedom from slavery in all its forms.²⁸ Trafficking is an intolerable violation of human rights and criminal act. Trafficked women are often isolated by their inability to understand the language, social and cultural norms and the legal systems of their destination countries.

The heinous crime of trafficking in persons is abhorrent of the noble principles upon which international instruments on human rights were founded.

Governments have the responsibility to provide protections to trafficked persons pursuant to the Universal Declaration of Human Rights (UDHR) and through ratification or accession to numerous other international and regional legal instruments. Governments have a responsibility under international law to act diligently to prevent trafficking, to investigate and prosecute traffickers, to assist and protect trafficked persons

Both the government and individuals owe the obligation not to infringe on the rights of others.

Human rights of persons are violated by governments when actions taken by its officials or employees violate human rights and by its failure to prosecute traffickers and to recognize and protect the rights of all persons, especially trafficked persons. Governments could be held responsible for its failure to ensure the protection of the human rights of the trafficked persons.

The solution to the problem of trafficking cannot be realized unless the human rights of trafficked persons are respected, protected and promoted by the government and other stakeholders.

Any remedy proposed to combat trafficking and provide assistance to victims of trafficking must be assessed in terms of how it promotes and provides protection for the human rights of women. The rights of trafficked persons must be protected through the provision of an effective legal remedy, legal protection, non-discriminatory treatment, restitution and compensation.

Trafficking in persons is a fatal assault on the dignity of womanhood and an endemic social problem that has eaten deep into the psyche and fabric of the society.

All forms of sexual exploitation are incompatible with human dignity and therefore violate fundamental

human rights, regardless of the age, gender, race, ethnicity or class of the victim.³⁰

Trafficking in persons is a crime against humanity. Trafficking in persons becomes an offence and a violation of human rights when the movement of the trafficked victim is non-consensual and the victim is confined to exploitative or servile work and life.

Victims are subjected to coercive and abusive conditions such as forced labour, servitude and slavery, which are crimes, prohibited as human rights violations in international law.

Trafficking victims are often beaten, imprisoned, tortured and made to live in life threatening conditions. They and their families back home are often threatened with death, if they try to escape to safety.³¹

Upon arrival at their destination, victims are placed in horrible conditions in flagrant violation of their right to human dignity, exploited to earn illicit revenue and threatened if they do not cooperate. Trafficked victims do not have their passports or other travel or immigration documents as their traffickers usually confiscate it to prevent them from absconding.

Trafficking in persons is incompatible with the dignity and worth of the human being. It endangers the welfare of an individual, the family and the community.

Trafficking in children undermines the basic needs of a child to grow in a protective environment and violates their right to be free from sexual abuse and

exploitation, to education and health, and to family life.

Girls will only be free from trafficking if they live in a protective environment, which shield them from unconscionable violation of their rights.

A protective environment includes providing the girls with educational opportunities, creating strong laws that will punish traffickers; a government truly committed to fighting human trafficking and a society fully aware of the risks of human trafficking.

The trafficking of women involves a plethora of human rights violations. The following are the human rights which victims of trafficking are frequently denied of:

- the right to safety;
- the right to privacy;
- right to information;
- right to legal representation;
- right to compensation in damages;
- right to seek medical and social assistance;
- right to seek residence;
- right to be free from slavery or servitude; right to liberty and security of person;
- right to freedom of movement;
- right of the victim to be free from torture, cruel, inhuman or degrading treatment;
- right to free choice of employment and
- right to return to their country of origin.

Gross abuses of fundamental human rights are committed against the victims during the course of trafficking.

Trafficked persons are transported against their wish to unfamiliar places where they are culturally, linguistically or physically isolated and denied legal identity or access to justice.

Such dislocation increases trafficked women's marginalization and therefore increases the risks of abuse, violence, exploitation, domination or discrimination both by traffickers and by State officials such as the police, the courts, immigration officials, etc.

The trafficked victims lack the opportunity to lodge complaints against the gross violation of their fundamental human rights, seek damages, collect their properties and apply for asylum. As a consequence of the abuses suffered, the victim becomes socially and economically handicapped to contribute meaningfully for her self-development and the society at large.

Trafficked persons are exposed to arrest, detention and deportation. An unfortunate aspect of their plight is that the destination countries are unwillingly to recognize that they are victims of the heinous crime of trafficking. Rather, the destination countries treat them as illegal migrants.

Human trafficking is a multi dimensional threat whereby victims are deceived, forced or coerced into labour or sexual exploitation. The victims have little

or no knowledge of their rights and legal options. Eventually, the product of trafficking is a traumatized girl who has lost her self-esteem.

Violations of human rights are both a cause and consequence of trafficking in persons. Accordingly, it is important to place human rights at the center of any measures taken to prevent, punish and suppress all forms of trafficking in persons.

According to Gerald Stoudmann,
“Trafficking has become one of the most
pressing human rights issue...
the fastest growing and lucrative criminal
enterprises in the world.”³²

Human trafficking has major economic, emotional, psychological and physical consequences for the victims, which are not accommodated by criminal investigation and prosecution of the offender. Moreover, most of the actions against human trafficking are of criminal concern and regrettably neglect the human rights of the trafficked person.

The trafficking cycle cannot be broken without due attention to the human rights of trafficked victims.

Many victims are in need of assistance to ensure protection, guidance and counseling and reintegration into the society.

Trafficked persons as victims of human rights should be encouraged to enforce their inalienable rights by seeking remedies such as compensation, injunction

and damages from the courts for the violations of their rights.

The government has the responsibility of protecting and promoting the human rights of trafficked victims by:

- enacting laws that discourage discriminatory practices against women and trafficked victims.
- ensuring that actions taken by public officials and employers do not violate human rights principles.
- exhibiting commitment and political will to prosecute traffickers.

The human rights of the trafficked persons shall be at the center of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims. Anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum-seekers. Legal and other assistance shall be provided to trafficked persons for the duration of any criminal, civil or other actions against suspected traffickers. States shall ensure that trafficked persons are given access to effective and appropriate legal remedies ³³

Violation of Specific Rights in the context of Trafficking In Persons

The following table illustrates the specific rights that are violated in the context of trafficking and for which governments can be held accountable, in their failure to eliminate gender discrimination, failure to punish traffickers and failure to address the needs and rights of trafficked persons who have escaped*:

Criminal Violations	Right	International Instrument
1. Torture, rape, beating, - physical can also be mental/ threat of violence, psychological	Right not to be tortured or submitted to cruel and/or degrading treatment	Art. 5 UDHR Art. 7 ICCPR CAT entire convention
	Right to be free from physical violence (rape, sexual assault, domestic violence, forced prostitution, trafficking	Art. 3 UDHR Art. 6 ICCPR CEDAW entire convention especially Arts. 2,5,15 & 16.
2. Forced drug or substance abuse	Right to personal autonomy	Para. 97 B.P.F.A.

	Right to enjoy psychological, physical and sexual health	Art. 12 ICESCR
3. Threat of reprisals to family members back home	Right to personal autonomy	Art. 12 UDHR
4. Forced abortion, no access to contraceptives; women's rights of reproduction and control of her body being denied	Right to personal autonomy	Para 97 BPFA
5. Deprivation of food, malnourishment, lack of access to medical and health services	Right to enjoy psychological, physical and sexual health	Art. 25 UDHR Art 12 CESC

6. Physical Confinement, confiscation of passport/identity papers, isolation (prohibited from engaging in social contact, interception of letters)	Freedom of choosing residence and moving within own country	Art. 13(1) UDHR Art. 12(1) ICCPR
7. Overwork, long hours, no rest	Right to work - freedom from forced labour	Art. 8(3) ICCPR ILO Convention No. 29 - entire convention
	Right to just and favourable conditions	Art.23(1)UDHR
8. Bad conditions of work, poor health & safety measures	Right to safe and healthy working conditions	Art .23(1) UDHR Art. 7 CESC Art. 11(f) CEDAW
9. No payment, delayed payment,	Right to just and favourable remuneration	Art. 23(3) UDHR

10. Extraction of big fees, payment, debt-bondage	Freedom from slavery	Art. 4 UDHR Art. 8 ICCPR UNSC entire convention UNSCAS entire convention
	Right to be free from imprisonment for debt or failure to fulfill a contract obligation	Art. 11 ICCPR
11. Violation of contract by employers	Right to equal pay for equal work	Art. 23(2) UDHR

**Adapted from the Human Rights Standards for the Treatment of Trafficked Persons. Published by the Global Alliance Against Trafficking in Women (GAATW) Bangkok, Thailand.*

List of abbreviations used in the Table

- UDHR: Universal Declaration of Human Rights
- ICCPR: International Covenant on Civil and Political Rights
- ICESCR: International Covenant on Economic, Social and Cultural Rights
- BPFA: Beijing Platform for Action
- CAT: Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women
- CRC: Convention on the Rights of the Child
- ILO No 29: International Labour Organization Convention No. 29 Concerning Forced Labour
- ILO No 105: International Labour Organization Convention No. 105 Concerning Abolition of Forced Labour
- UNSC: United Nations Slavery Convention
- UNSCAS: Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery.

Principles for Promoting the Health Rights of Trafficked Women ³⁴

One of the most serious violations of human trafficking is the denial of right to health.

1. The right to health of trafficked women, including the right to necessary care and treatment, is a fundamental human right.
2. Trafficked women have the right to be asked specific questions to determine whether they require medical assistance (physical or psychological). State authorities must fully inform women of their rights to health care, and the health service options available to them. Medical assistance must be provided to trafficked women who request it or require it, before any other action may be taken.
3. No legal proceedings, or other actions that are likely to negatively impact the physical security, or physical or psychological health of trafficked women should be taken by State authorities unless women's health and well-being can be assured.
4. Trafficked women, given the level of harm and mistreatment they have experienced, should be offered access to quality health care on the same basis as citizens of the country, which they are in.
5. Trafficked women have the right to non-discriminatory, gender-appropriate health care.

6. In all health interventions for trafficked women, the best interests of the woman must be the primary consideration.

Governments, medical professionals, public health workers, and NGOs should collaborate to ensure that necessary and appropriate medical resources, including physical health care and psychological support, are made available.

Care should be provided in women's own language, whenever possible.

7. Trafficked women should not be subjected to mandatory medical investigation, procedures or clinical testing, including for HIV/AIDS.

8. Trafficked women's right to privacy and confidentiality must be respected. This includes the right to a private setting for interviews, confidential testing, treatment, and medical files, and non-disclosure of personal information.

9. Trafficked women have the right to their medical and health records. In cases of deportation, removal or voluntary return, these records must be made available to women prior to their departure.

10. Trafficked women have the right to timely forensic examinations and medical reports to pursue cases of sexual or other violence against traffickers.

Chapter Seven

International Mechanisms to Combat Human Trafficking

*“Human trafficking is today’s global slave trade. It constitutes a pervasive and persistent criminal violation of the most fundamental of human rights: the right to life, liberty and security of the person... We strongly denounce and criminalize human trafficking; we will provide increased protection to those most vulnerable to this heinous crime; and we are firmly resolved to bring the perpetrators to justice.”**

**Irwin Cotler, Minister of Justice and Attorney General of Canada*

Recently, international interests in combating human trafficking have reached an unprecedented level. Today, there is a growing spectrum of international measures in the fields of prevention, protection and prosecution with the common objective of eliminating trafficking in persons.

Trafficking in persons is a transnational crime with serious implications for the countries of origin, transit

and destinations. The complexity of the transnational crime of human trafficking warrants the development and implementation of transnational policies in particular, the imposition of transnational sanctions, extradition and exchange of information.

There is a consensus that the frightening dimensions of human trafficking urgently require a concerted and coordinated international response, which addresses the remote and immediate causes of the heinous crime of human trafficking.

The existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children lend credence to the global concern for the fast growing and organized heinous practice of trafficking in human beings.

The International community has remarkably introduced measures to combat trafficking in persons and all forms of slavery and involuntary servitude through the following conventions, declarations, resolutions and documents adopted at international conferences:

1 International Agreement for the Suppression of White Slave Traffic (1904).

This is the first international treaty to address trafficking in human beings.

The Agreement regulated only police measures against trafficking in persons. The State parties undertook to establish some authorities charged with

the coordination of all information – relating to the procuring of women or girls for immoral purposes. The international trafficking in human beings – particularly women and children- also referred to as the white slave trade first gained international recognition in 1904 when the above international agreement for the suppression of white slave traffic was signed.

The term "traffic" was first used to refer to the so-called 'white slave trade' in women around 1900. The trafficking and voluntary migration of white women from Europe to Arab and Eastern States as concubines or prostitutes was of particular concern to European middle-class men, women and governments. The result was the creation of an international agreement for suppression of the 'white slave trade' in 1904.

At this time, "traffic" meant the movement of women for an immoral purpose i.e., prostitution. Initially, this definition required the crossing of country borders, but by 1910 it changed to acknowledge traffic in women could occur within national boundaries. Traffic in women was not only seen as related to slavery, but also closely linked to prostitution.

2 International Convention for the Suppression of the Traffic on Women and Children of 30 September, (1921).

- 3 Universal Declaration of Human Rights (1948).
 - Article 1 - “All human beings are born free and equal in dignity and rights”;

 - Article 3 - “Everyone has the right to life, liberty and the security of the person”;
 - Article 4- “No one shall be held in slavery or servitude, ...slavery and slave trade shall be prohibited in all their forms.”
 - Article 5- “No one shall be subjected to torture or to cruel, inhuman or degrading human treatment or punishment”.

4. The Convention for the Suppression of Traffic in Persons and for the Exploitation of the Prostitution of Others (1949).

The link between trafficking and prostitution became closer in the following decades with the adoption of the 1949 Convention.

- 5 The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade Institutions and Practices Similar to Slavery

- 6 The 1957 Abolition of Forced Labour Convention

- 7 The International Covenant on Civil and Political Rights (1966)

Article 7 provides that:

“No one shall be subjected to cruel, inhuman or degrading treatment or punishment”.

Article 8 provides that:

“No one shall be held in slavery, servitude or be required to perform forced or compulsory labour”.

8 The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Adopted and Opened for Signature and Ratification in 1984

Article 1 provides that:

The term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person... for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from inherent in or incidental to lawful sanctions.

Article 2 provides that:

“Each state party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.”

Article 4 provides that:

“Each state party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to attempt to commit torture and to any act by any person which constitutes complicity.”

9 Convention on the Elimination of All Forms of Discrimination Against Women (C.E.D.A.W. 1979)

Article 6 of the Convention provides that:

“State Parties shall take all appropriate measures including legislation to suppress all forms of traffic in women and exploitation of prostitution of women.”

10 United Nations Convention on the Rights of the Child (CRC, 1989).

The Convention spells out the basic human rights that children everywhere have such as the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation;

and to participate fully in family, cultural and social life.

The four core principles of the Convention are non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child. Every right spelled out in the Convention is inherent to the human dignity and harmonious development of every child.

The Convention serves as a guide for serious actions to combat trafficking in children and protect vulnerable children's rights.

Article 19.1 of United Nations Convention on the Rights of the Child provides as follows:

“States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse....”

Article 34 provides as follows:

“States Parties shall undertake to protect the child from all forms of sexual exploitation and abuse.”

Article 35 urges States parties to take appropriate national, bilateral and multilateral measures to prevent the abduction, sale of, traffic in children for any purpose or in any form.

Article 37 (a): States parties shall ensure that no child shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment.

11 United Nations General Assembly Resolutions 50/167; 51/66 and 52/98

12 Convention for the Protection of All Migrant Workers and their Families (1990)

13 Moscow Document of the Organization for Security and Cooperation in Europe (1991)

14 The Fourth World Conference on Women (Beijing, 1995)

The 'Platform for Action' agreed at the Fourth World Conference on Women in Beijing in 1995 included Trafficking in the definition of Violence Against Women in its Section 114.

States are urged to develop strategies which are effective in suppressing trafficking (s.123) and to strengthen the implementation of human rights instruments to combat and eliminate trafficking (s.230).

The Fourth World Conference on Women (Beijing 1995), as part of its strategic objectives to eliminate trafficking in women and assist victims of violence due to prostitution and trafficking, recommended that the Governments of countries of origin, transit and

destination, regional and international organizations should take the following appropriate actions:

- (a) Consider the ratification and enforcement of international Conventions on trafficking in persons and on slavery (Paragraph 131);
- (b) Take appropriate measures to address the root factors including external factors that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators through both criminal and civil measures;
- (c) Step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;
- (d) Allocate resources to provide comprehensive programs designed to heal and rehabilitate into society, victims of trafficking, including through job

training, legal assistance and confidential health care, and take measures to co-operate with non-governmental organizations to provide for the social,

medical and psychological care of the victims of trafficking;

- (e) Develop educational and training programmes and policies and consider enacting legislations aimed at preventing sex tourism and trafficking; giving special emphasis to the protection of young women and children.

15 International Conference on Population and Development (1994).

Principle 11 states as follows:

“All parties should give the highest possible priority to children and the child shall be protected from all forms of physical or mental violence... maltreatment or exploitation including sale, trafficking, sexual abuse...”

The International Conference on Population and Development (Cairo, 1994) provides as follows:

“countries should take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children...(4.9).”

16 The Stockholm Congress Against Commercial Sexual Exploitation of Children (1996) adopted a Declaration and Agenda for Action to “assist in protecting child rights, particularly the implementation of the Convention of the Rights of the Child...to put an end to the commercial sexual exploitation of children worldwide.”

17 International Labour Organization Convention (No. 182) on the Worst Forms of Child Labour, (1999)

The Convention recognizes child trafficking as one of the worst forms of trafficking, which must be eliminated without delay.

It describes it as “all forms of slavery practices similar to slavery” such as the sale and trafficking of children, debt bondage, serfdom, forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflicts. It also includes the use, procuring or offering of a child for pornographic, performances and any work which by its nature or the circumstances, in which it is carried out, is likely to harm the health, safety or morals of children.

International Labour Organization Convention (No. 182) on the Worst Forms of Child labour, (1999) views child prostitution, child pornography

and the sale and trafficking of children as crimes of violence against children. They are also considered to be economic exploitation akin to forced labour that must be eliminated without delay.

Over the years, the International Labour Organization addressed child trafficking through its Forced Labour Convention (No. 29), which was later, reinforced by the International Labour Organization Worst Forms of Child Labour.

The Convention urges Ratifying States to commit themselves to:

- (a) Undertake immediate and effective measures to prohibit and eliminate the use, procuring, offering a child for prostitution or the production of pornography or for pornographic performances. Article 3 (b)
- (b) Undertake immediate and effective measures to secure the prohibition and elimination of trafficking of boys and girls under 18 years of age.
- (c) Establish mechanisms to monitor child trafficking; its incidence, development, patterns, links with organized crime. Monitoring includes developing methods for gathering critical information, identifying and publishing successful strategies and regularly reviewing the success with which

various actors e.g. labour inspectors, law enforcement officers, immigration officers, customs officers and the judiciary discharge their responsibilities.

- (d) Draw up programme of action to eliminate child trafficking as a matter of priority. Measures to combat trafficking must be properly enforced.
- e) Implement effective time –bound measures to:
 - prevent children from being trafficked;
 - provide the necessary and appropriate direct assistance for both the removal of children from exploitative situations and for their rehabilitation and social integration; e.g. reporting procedures and help lines, rehabilitation programmes and shelters for child victims of sexual abuse and exploitation, and family reunification;
- (f) Ensure access to free basic education and, wherever possible and appropriate, vocational training for all children rescued from trafficking;
- (g) Identify and reach out to children at special risk of being trafficked; and take account of the situation of girls, designate an authority responsible for coordinating action against child trafficking;

- (h) Seek and impart international assistance to combat child trafficking and assist victims, for example through bilateral or regional agreements for repatriation of trafficked children.

Within the International Labour Organization, actions against trafficking of children have been undertaken primarily through the International Programmes on the Elimination of Child Labour (IPEC).

Using ILO Convention 182 as a reference point, Article 3 of the Convention clearly indicates the inclusion of trafficking of children in the areas of concern-

“For the purposes of this Convention, the term *the worst forms of child labour* comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflicts;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”

18 Trafficking Victims Protection Act (TVPA, 2000)

The purposes of this Act are to combat trafficking in persons- a contemporary manifestation of slavery where victims are predominantly women and children, to ensure just and effective punishment of traffickers and to protect their victims.

19 Trafficking Victims Protection Reauthorization Act (2005)

The Reauthorization Act enhances the 3P's strategy- prevention of trafficking, prosecution of those that engage in these acts and protection of the vulnerable individuals who have been trafficked.

The Act gives the U.S. Department of Justice, the authority to pursue extraterritorial prosecutions of federal employees or those accompanying them if they engage in trafficking activities.

It encourages the prevention of trafficking by requiring organizations or contractors engaged in U.S.-supported peacekeeping efforts to have anti-trafficking policies in place.

And it will protect those who have been trafficked overseas by increasing funding for programs for residential treatment facilities.

20 United Nations Convention Against Transnational Organized Crime (2000)

The Convention represents a major step forward in the fight against transnational crime and signifies the recognition of U.N. Member States that it is a serious and growing problem that can only be solved through close international cooperation.

States parties are to rely on one another in investigating, prosecuting and punishing crimes committed by organized criminal groups where either the crimes or the groups who commit them, have some elements of transnational movement.

This should make it much more difficult for offenders and organized criminal groups to take advantage of gaps in national law, jurisdictional problems or a lack of accurate information about the full scope of their activities.

21 United Nations Protocol Against Smuggling Of Migrants (2006) Supplementing the United Nations Convention Against Transnational Organized Crime
The Protocol deals with the growing problem of organized criminal groups who smuggle migrants, often at high risks to the migrants and at great profit for the offenders.

The Protocol is a landmark in the fight against the transport of people across borders for financial gains and has been articulately designed as a tool to strengthen the international community's response in countering transnational organized crime groups and their highly sophisticated networks to smuggle

migrants, exploiting human misery and making sizeable criminal profits in the process.

The Protocol aims to criminalize the smuggling of migrants and those who practice it, while recognizing that migrants are often victims needing protection.

Migrants are often confined or coerced into exploitative or oppressive forms of employment, often in the sex trade, or in dangerous occupations, with the illicit incomes generated from these activities going into organized crimes.

Under the new legal instrument, governments agree to make migrant smuggling, a criminal offence under national laws, adopt special measures to crack down on migrant smuggling by sea, boost international cooperation to prevent migrant smuggling, and seek out and prosecute offenders.

22 Optional Protocol to the Convention on the Rights of the Child on the Sale of the Child, Child Prostitution and Child Pornography (2002)

23 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000).

The Protocol also known as the “Palermo Protocol” seeks to prevent trafficking, protect victims and promote anti-trafficking co-operation among nations. The Protocol is a vital multilateral component of the worldwide efforts to combat modern day slavery.

The United Nations Trafficking Protocol for the first time provides an internationally agreed upon definition of trafficking in persons and aims to prevent and combat trafficking in persons especially women and children, to protect and assist the victims of such trafficking with full respect for their human rights and to promote cooperation among State Parties in order to meet these objectives.

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) Supplementing the United Nations Convention Against Transnational Organized Crime was adopted by the States Parties as a comprehensive international approach to prevent and combat trafficking in persons especially women and children in their Countries of origin, transit and destination.

The Protocol includes measures to prevent human trafficking, to punish the traffickers and to protect the victims of such trafficking including the protection of their internationally recognized human rights.

The Protocol shall apply, except as otherwise stated herein to the prevention, investigation and prosecution of offences established in accordance with Article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group as well as the protection of victims of such offences.³⁵

The Protocol enjoins State Parties to adopt such legislative and other measures necessary to establish

as criminal offences, the conduct amounting to trafficking as defined in Article 3 of the Protocol.

Articles 4-13 of the Protocol contains provisions for the protection of trafficking victims and enjoins State Parties to establish comprehensive policies, programmes and other measures like border control, information exchange and training necessary to prevent and combat trafficking in persons.

The Protocol against Trafficking in Persons deals with the problem of modern slavery, in which the desire of people to seek better life is taken advantage of by organized criminal groups.

Key features of the Protocol are as follows:

- Defines trafficking as a crime against humanity, marked by the intent to deceive and exploit;
- Expands the range of actions considered part of the trafficking process – recruitment, transportation, transfer, harbouring, and receipt of persons in end-institutions;
- Addresses a wide range of means used, from blatant force to subtle inducements that capitalize on vulnerability, to achieve ‘consent’;
- Makes consent to the intended exploitation irrelevant, where any of the means outlined in the definition are used;
- Recognizes a range of purposes of trafficking, in addition to sexual exploitation;
- Contains rights-based and protective social, economic, political and legal measures to prevent

trafficking, protect, assist, return and reintegrate trafficked persons, and to penalize trafficking and related conduct.

24 United Nations Resolution on Eliminating Demand for Trafficked Women and Girls for All Forms of Exploitation (2005)

At the 2005 United Nations Commission on the Status of Women (CSW), the United States presented a resolution to highlight the need to eliminate the demand for trafficked women and girls for all forms exploitation.

The resolution, *Eliminating Demand for Trafficked Women and Girls for All Forms of Exploitation*, attracted more than 50 nations as co-sponsors and was adopted by consensus on March 11, 2005.

The United States advanced this resolution at the CSW as part of its ongoing efforts to build international partnerships to combat human trafficking—and in response to President Bush's call for increased focus on the demand side of the crime.

This was the first resolution of a United Nations body to focus on eliminating demand for human trafficking, and, with this resolution, the CSW also acknowledged the important link between commercial sexual exploitation and trafficking in women and girls.

The resolution took cognizance of the fact that to fully fight this crime, the world must increase attention not

only on the root causes that leave people vulnerable to trafficking, but also on eliminating the demand for commercial sexual exploitation—which overwhelmingly impacts women and girls and fuels the growth of human trafficking.

The resolution calls upon governments to:

- (a) Take all appropriate measures to eliminate demand for trafficked women and girls for all forms of exploitation;
- (b) Take appropriate measures to address the root factors, including poverty and gender inequality, as well as external factors that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriage and forced labour, in order to eliminate such trafficking, including by strengthening existing legislation with a view to providing better protection for the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;
- (c) Criminalize trafficking in persons, especially women and girls, in all its forms and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of trafficking with full respect for their human rights;
- (d) Adopt or strengthen and enforce legislative or other measures, such as educational, social and cultural measures, including through bilateral and multilateral cooperation, to deter exploiters and eliminate the demand that fosters trafficking of women and girls for all forms of exploitation; and;

(e) Conclude bilateral, sub regional, regional and international agreements to address the problem of trafficking in persons, especially women and girls, including mutual assistance treaties, agreements and memoranda of understanding to enhance law enforcement and judicial cooperation, and specific measures aimed at reducing demand, as appropriate to complement the United Nations Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

25 The Vienna Declaration and Programme of Action on the Elimination of Violence (1993) addresses the issue of trafficking as a form of gender based violence and called for its elimination through international cooperation in such fields as economic, social development and through national legislation.

Article 3 of the United Nations General Assembly Declaration on Violence Against Women (1993) states as follows:

“Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

These rights include, *inter-alia*:

“The right to be free from all forms of discrimination;” Article 3(e)

“The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment. Article 3(h)

Vienna Programme of Action- Paragraph 18 states as follows:

“Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudices and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated.

26 The Optional Protocol to the Convention on the Rights of the Child on the Sale of Child, Child Prostitution and Child Pornography (2002) reaffirms the values of the CRC and defines Trafficking in Minors in Article 2a as:

“any action or transaction that transfers a child from one person or group of persons to another for remuneration or for any other benefit”.

It also criminalizes any act that offers, delivers, or accepts, by whatever means, a child for the purpose of sexual exploitation, transfer of organs of the child for profit, or engagement of the child in forced labor.

27 Rome Statute of the International Criminal Court (1998)

Article 7.1- For the purposes of this statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack...

Rape, sexual slavery, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparative gravity.

Article 7 (2) (c) added trafficking to its definition of enslavement as follows:-

“the exercise of any or all the powers attaching to the rights of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children.”

28 The World Conference on Human Rights (Vienna, 1993), stresses the importance of working towards the elimination of violence against women in public and private life, “*the elimination of all forms of sexual harassment, exploitation and trafficking in women... (II.B.38).*”

29 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2001) recommends that-

“...efforts to address gender discrimination should incorporate approaches to eliminate all forms of discrimination including racial discrimination.”

30 The UN General Assembly Resolution ‘Traffic in Women and Girls 1998 (Resolution 53/116).

The resolution encouraged an intensification of strategies to address trafficking and increased attention to its root causes. States were called upon to criminalize all forms of trafficking (which in the context of United Nations policy documents includes mail order bride agencies and sex tourism), to penalize all perpetrators and to ensure exploited women and girls were neither criminalized nor penalized.

An encouragement to governments to adopt standard minimum humanitarian treatment to trafficked persons was also reiterated.

31 United Nations Millennium Declaration (Resolution 55/2), in particular, the resolve expressed by Heads of States and Governments to intensify efforts to fight transnational organized crime in all its dimensions, including trafficking in human beings.

32 United Nations General Assembly, 30 November 2004. Fifty-ninth session A/59/496 Resolution IV on Trafficking in Women and Girls.

Regional Mechanisms to Combat Human Trafficking

Other regional legal frameworks to combat human trafficking are as follows:

- 1 European Convention on Human Rights (1950)
Article 3: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment”.
Article 4: “No one shall be held in slavery or servitude.
No one shall be required to perform forced or compulsory labour.”
- 2 European Social Charter (1961)
- 3 European Convention on the Exercise of Children’s Rights (1996).
- 4 European Convention for the Prevention of Torture, Inhuman, Degrading Treatment and Punishment

5 Charter of Fundamental Rights of the European Union (2000)

Article 1: Human dignity is inviolable and must be respected and protected.

Article 4: No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 5(1) No one shall be held in slavery or servitude.

(2) No one shall be required to perform forced or compulsory labour.

(3) Trafficking in human beings is prohibited.

6 Council of the European Union Legal framework Against Trafficking. 2002/629/GAI.

On 19 July 2002, the Council of the European Union adopted a framework decision on the fight against trafficking in human beings.

Article 1 deals with Offences concerning trafficking in human beings for the purpose of labour

exploitation. The framework provides as follows:

Each Member State shall take necessary measures to ensure that the recruitment, transportation or transfer of a person, including harbouring and subsequent deception and the exchange of control over him or her is punishable, where the fundamental human rights of that person have been and continue to be suppressed for the purpose of exploiting him or her in the production of goods or provision of services in

infringement of labour standards governing working conditions, salaries and health and safety and:

- (a) use is made of coercion, force or threat, including abduction, or
- (b) use is made of deceit or fraud, or
- (c) there is a misuse of authority, influence or pressure
- (d) there is an abuse of authority or of a position of vulnerability, which is such that the person has no real and acceptable alternative but to submit to the abuse involved, or
- (e) payments or benefits are given or received to achieve the consent of a person having control over another person for the purpose of exploitation of that person's labour or services, including at least forced or compulsory labour or services, slavery or practices similar to slavery or servitude, or for the purpose of the exploitation of the prostitution of others or other forms of sexual exploitation, including in pornography.

In addition to the above legal framework, the European Commission has approved a directive of the Council providing for the issue of a special permit to stay to victims of trafficking and illegal immigrants who agree to cooperate with the authorities.

7 Brussels Declaration on Preventing and Combating Trafficking in Human Beings.

This Declaration was the outcome of a key meeting of European Union States and relevant inter-governmental and non- governmental organizations in Europe in 2002.

8 Council of European Convention on Action Against Trafficking in Human Beings (2005)

The Convention is a comprehensive treaty mainly focused on the protection of victims of trafficking and the safeguard of their rights. It also aims at preventing trafficking as well as prosecuting traffickers.

The Convention provides for the setting up of an independent monitoring mechanism guaranteeing parties' compliance with its provisions.

The aims of the Convention are as follows:

- To prevent, combat the trafficking in human beings in all its forms, namely national, or international, whether or not it is linked with organized crime or not and also taking gender equality into considerations;
- To protect the human rights of the victims of trafficking and design a comprehensive framework for the protection and assistance of victims and witnesses; also taking gender equality aspects into consideration as well as to ensure effective investigation and prosecution,

- To promote international cooperation on action against trafficking in human beings
- To establish a monitoring mechanism to ensure effective implementation of the Treaty by the parties.

It also focuses on an action plan where coordinated European Union action can have a real impact in the fight against human trafficking, including common standards for data collection, increased sharing of intelligence and European Union wide information campaigns.

9 The Treaty of the European Union- Articles K-3, 30, 31 and 34 to combat trafficking in human beings for the purpose of sexual exploitation (in force since 1 February 1999). The treaty explicitly ranks trafficking in human beings along with drug trafficking among the sectors in which cooperation on the part of the judicial authorities and the police forces of the signatory nations is required.

The Treaty of Amsterdam, Article 29 made the fight against trafficking in human beings as one of the objectives for the implementation in the areas of freedom, security and justice.

10 Resolution on Trafficking in Women and children Adopted by the Parliamentary Assembly of the Organization for Security and Cooperation (OSCE) in July 1999.

- 11 The Organization for Security and Cooperation in Europe (OSCE) Resolution adopted in Ljubljana, Slovenia on December 6, 2005.
The decision was aimed at preventing military and civilian personnel deployed abroad by any of the 55 OSCE States from engaging in human trafficking or sexually exploiting victims.

- 12 South Asian Association for Regional Cooperation Convention (SAARC) on Preventing and Combating Trafficking In Persons (2002)

- 13 North Atlantic Treaty Organization (NATO) Policy on Combating Trafficking in Human Beings
At the North Atlantic Treaty Organization (NATO) Summit in June 2004, the Heads of State and the Euro-Atlantic Partnership Council endorsed a “zero-tolerance” NATO Policy on combating Trafficking in Persons that reinforces efforts to prevent and combat trafficking. NATO is implementing reporting mechanisms to ensure compliance with the human trafficking policy.

- 14 Among other regional efforts to stem the tide of trafficking is the multi-country regional agreement signed in Myanmar in October 2004.
The regional agreement was a follow up to the 2001 East Asia and Pacific Regional Consultation Against Commercial Sexual Exploitation.

The regional agreement covers the prevention of trafficking, the repatriation, rehabilitation and sensitive treatment of victims and the extradition and prosecution of exploiters.

The agreement includes measures to establish a network to repatriate victims to their home countries, improve extradition procedures and create links between specialist police units in each member State.

The Memorandum of Understanding was a follow up to the 2001 East Asia and Pacific regional consultation against commercial sexual exploitation of children.

15 Inter-American Convention on International Traffic in Minors adopted by the Organization of American States (OAS) on March 18, 1994.

16 The Association of South East Asian Nations (ASEAN) Declaration on Transnational Crime (1997), calls for joint efforts to combat transnational crime – including trafficking in women and children - in the region. In 1999, member states developed the ASEAN Plan of Action to Combat Transnational Crime calling for greater cooperation and assistance in the prosecution of cross-border crimes.

17 The African Charter on Human and Peoples' Rights (1981).

Article 5 states inter-alia:

“Every individual shall have the right

to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, and torture, cruel, inhuman or degrading punishment and treatment shall be prohibited”.

18 The Protocol on the Rights of Women in Africa, (2003)

Article 4 states inter-alia-

(1) Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.

(2) States Parties shall take appropriate and effective measures to:

(a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;

(b) adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women;

(g) prevent and condemn trafficking in women,

prosecute the perpetrators of such trafficking and protect those women most at risk.

19 The African Charter on the Rights and Welfare of the Child, (1990)

Article XXIX (a) of the Charter commits all State signatories to take appropriate measures to prevent the abduction, sale and trafficking of children for any purpose in any form, by any person including parents or legal guardians of the child.

Established under the African Charter on the Rights and Welfare of the Child is the African Committee on the Rights and the Welfare of the Child. In its first session held in Addis Ababa in April 2002, the Committee identified child trafficking as one of the main issues to be addressed together with children in armed conflicts, child labour, sexual abuse of children, orphans affected and infected by HIV/AIDS and the child's right to education.

The Committee reported on different activities including the active role of the Organization of African Unity in drafting the "Plan of Action to Combat Trafficking in Humans, Especially Women and Children", considered by the second Africa-Europe Ministerial Conference in Ouagadougou, December 2002.

20 The Libreville (2000) Common Platform For

Action.

The Plan of Action, which grew from a Sub-regional Consultation, developed the following strategies to fight child trafficking in West and Central Africa:

- (a) Advocacy and awareness raising efforts to reinforce social regulation mechanisms within communities;
- (b) Establishment of an appropriate legal and institutional framework to address child trafficking;
- (c) Enhanced knowledge about, and monitoring of, child trafficking through decentralized and flexible mechanisms;
- (d) Strengthening of cooperation between governments of different countries;
- (e) Strengthening of cooperation between government ministries;
- (f) Ensuring implementation and follow up;
- (g) Improving care received by trafficked children and;
- (g) monitoring the incidence of trafficking through collecting data and improved research.

The Libreville Common Platform of Action of the Sub-regional Consultation of the Development of Strategies to Fight Child Trafficking for Exploitative Labour Purposes in West and Central Africa was signed in 2000 by 21 countries in West

and Central Africa, supported by UNICEF and ILO with the cooperation of the government of Gabon.

21 The ECOWAS Declaration and Plan of Action Against Trafficking In Persons (2001)

The Plan of action urges member states to commit themselves to measures that prevent trafficking in persons, protect and support victims of trafficking, promote awareness raising activities and establish cooperation for law enforcement officials at borders, share data amongst ECOWAS nations and the United Nations.

The Plan of Action, which is the consensus of all heads of governments of member states of ECOWAS itemized all necessary actions to be taken against trafficking in persons.

The ECOWAS Plan of Action specified key initial actions to be undertaken by signatory states for the years 2002-2003. The Plan covers crucial areas such as:

- 1) legislation and ratification of the relevant international and regional covenants;
- 2) interstate collaboration in collecting and exchanging information on trafficking incidence and trends, and in training personnel – including special police units, border police, judges and other law enforcers;
- 3) prevention of future trafficking through intensive

- awareness campaigns and;
- 4) monitoring of the implementation of the plan of action.

ECOWAS is a regional group of 16 West African countries founded in 1975. It is also referred to as 'CEDEAO', i.e.r *Communauté Economique des Etats de l'Afrique de l'Ouest*.

The Declaration and the Plan of Action were both signed in 2001 during a ministerial meeting of 15 ECOWAS States in Dakar, Senegal. The meeting was organized by ECOWAS States and the United Nations Office for Drug Control and Crime Prevention. The ECOWAS States were Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

The Declaration and the Plan of Action against Trafficking in Persons were adopted during the annual ECOWAS Summit held in Dakar in December 2001. These two instruments mainly focus on criminal justice-related response to trafficking in human beings. They also call for the elaboration of a more detailed and far-reaching action Plan in the year 2003, on the basis of a deeper evaluation of the implementation of this initial Plan of Action.

To elaborate an effective legal framework and responsive policy development, the ECOWAS Declaration and Plan of Action established an internal monitoring body for ECOWAS: the Secretariat on the

progress of the implementation of the initial Plan of Action.

At the local level, they invite States to establish a National Task Force on Trafficking in Persons.

The National Task Force activities are mainly dedicated to:

- Enhancing cooperation and coordination between relevant Ministries and Agencies in developing anti-trafficking policies and interventions.
- Developing policy and taking action against trafficking in persons in cooperation with inter Governmental Organizations, NGOs and representatives of civil society.
- Developing recommendations for the national plan of action against trafficking in persons.
- Monitoring and reporting through their government to ECOWAS Secretariat on the progress of the implementation of the initial national plan of action on a bi-annual basis.

Inter-Governmental Cooperation Agreements To Combat Human Trafficking

An example of an Inter-Governmental Cooperation Agreement on anti-human trafficking crusade is the Inter-Governmental Cooperation Agreement between Mali and Cote d'Ivoire.

The Governments of Cote d'Ivoire and Mali on

1st September 2000 signed a Cooperation Agreement on Combating Trans-Border Trafficking of Children.

This groundbreaking agreement, which was signed under the aegis of UNICEF, is the first in West and Central Africa to establish formal procedures for cooperation against child trafficking between two states.

It is built on two principles: the best interests of the child in all circumstances, in line with the provisions of the Convention on the Rights of Child (CRC); and the definition of minimum standards, with each State free to go beyond the obligations listed to combat child trafficking. Its recognition of all those under the age of 18 as children is in line with the Convention on the Rights of the Child.

It uses a broad definition of child trafficking as: *“the entire process whereby a child is displaced inside or outside a country under circumstances which transform him or her into a marketable commodity for at least one of the attendant adults whatever the purpose of the displacement of the child; any act involving the recruitment, transportation, receipt or sale of a child; any act causing the displacement of a child inside or outside a country.”*

The Agreement is based on complementary responsibility and two types of common obligations are established: parallel measures and strategies to be implemented at national level, and actions to be undertaken jointly as follows:

-The country of origin has the obligation to prevent the trafficking and to ensure re-integration of child-trafficking victims in their communities of origin and their families.

-The country of destination has to protect child-trafficking victims, without discrimination, by ensuring that they receive the care they need and that they are repatriated; victims will be ensured full rehabilitation and their right to compensation will be recognized.

-Monitoring and research: countries have to document and monitor child-trafficking practices within their national territory and organize and facilitate the repatriation of children within national territory in association with other bodies.

-Joint funding: the financial burden for repatriations must be shared by the states according to mechanisms to be arranged.

23 United States and Norway Agreement To Combat Human Trafficking

Another example of Inter-Governmental Cooperation Agreement on anti-human trafficking crusade is the United States and Norway Agreement.

Under the leadership of the United States and Norway, NATO adopted a comprehensive plan in June 2004 to help combat worldwide trafficking in persons in Istanbul. NATO personnel will support the efforts of authorities in host countries to combat trafficking while working with non-governmental organizations and anti-trafficking experts.

It is regrettable to note that despite all the above conventions to combat trafficking, the menace continues unabated because most State Parties are yet to domesticate and/or strictly implement the measures set out therein.

Chapter Eight

Legal Frameworks to Combat Human Trafficking in Nigeria

*“The Government of Nigeria has demonstrated its political will by enacting the Anti-Trafficking in Persons Law, 2003 to deal with the problem. It is expected that the civil society, the judiciary, faith based groups and even the victim should join hands in ensuring that the law works and offenders put out of circulation for a better society.” **

** Excerpts from a Paper presented by Carol Ndagugba, Executive Secretary, National Agency For the Prohibition of Traffic in Persons and Other Related Matters at the Nigerian Bar Association Conference (2005) in Jos, Nigeria.*

Human trafficking started in Nigeria in the 1980s following the excruciating economic hardship caused by structural adjustment programmes imposed at the time by the Nigerian government.

The structural adjustment programmes led to the loss of employment by many Nigerians, broken homes and feminization of poverty. Women became breadwinners for the some families.

The desire for the search of better employment opportunities to take care of the needs of the family led to the craze by some young women to become part of the lucrative and flourishing trade of trafficking. For others who are too old to embark on the journey to prostitute in Italy, they send their daughters or resort to act as recruiters for the syndicates.

According to a Report by the United States Department of State (2001), Nigeria is a source, transit and destination country for trafficked persons. Due to gender inequality and discrimination, majority of trafficked persons are women and girls.

The illicit trade started with the exportation of Nigerian girls to Italy to engage in prostitution. Since then, the illicit trade has grown tremendously and traffickers have moved to take advantage of the poverty, ignorance and socio-economic recessions in the country. In 2001, the Nigerian Embassy in Italy reported that there are about 10,000 Nigerian prostitutes in Italy while about 800 of them have been deported between 1999 and 2000.

A number of those who came to Italy during the 1980s ended up as “*madams*” who later perpetuated the sex trade by becoming exploiters of young girls and women from Nigeria.

The girl or young woman is obliged to prostitute and pay the '*madam*' or '*italo sponsors*' a fixed amount of money as refund of debts owed to convey the victim overseas.

The debts, imposed by the traffickers when victims arrive in Italy, are large amounts that range from about 31,000 to 62,000 Euros. In recent times, these sums have doubled thereby exerting severe financial burdens on the victims. Trafficked victims are required, in most cases, to pay the ransom before they can regain their freedom. The debts have to be paid in a matter of a few months, at the risk of violence being meted against them or their families in Nigeria.

Traffickers prey not only on the poverty of victims but also on the breakdown of social and cultural values and the disintegration of family structures.

Nigeria is a signatory to most of the international instruments on human trafficking. However, most of these international treaties have not been domesticated into its local laws as required by Section 12 of the Constitution of the Federal Republic of Nigeria (1999) which provides that such treaties shall not have the force of law until the National Assembly enacts such treaty into law.

The following statutory frameworks exist to combat human trafficking in Nigeria:

1. Constitution of the Federal Republic of Nigeria, (1999)
2. Labour Act (1974)
3. Child Rights Act (2002)
4. Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (2003)
5. Criminal Code (as applicable in the Southern States of Nigeria)
6. Penal Code (as applicable in the Northern States of Nigeria)
7. Immigration Act

These legal frameworks are explained below seriatim:

Constitution of the Federal Republic of Nigeria (1999)

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;

(3) The State shall direct its policy towards ensuring that -

(f) 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”.

Labour Act

The Labour Act³⁶ prohibits forced labour by its following provisions:

“Any person who requires any other person, or permits any other person to be required, to perform forced labour contrary to Section 34 of the Constitution of the Federal Republic of Nigeria (1999) shall be guilty of an offence and, on conviction shall be liable to a fine not exceeding N1,000 or to imprisonment for a period not exceeding two years or to both.³⁷

Child Rights Act of Nigeria (2003)

The Child Rights Act of Nigeria (2003) provides inter-alia:

“Every child is entitled to respect for the dignity of his person, and accordingly, no child shall be subjected to torture, inhuman or degrading treatment or punishment; held in slavery or servitude.”³⁸

“No child shall be subjected to any forced or exploitative labour; employed as a domestic help outside his home or family environment.”³⁹

The initial response by the Nigerian Government to the challenges posed by this heinous crime of human trafficking was the establishment of a Task Force on Human Trafficking in the Nigerian Police Force and Nigerian Immigration Service in 2001.

The Task Force was charged with the following responsibilities:

- the investigation and prosecution of cases of human trafficking and other related offences.
- Documentation, screening, and release of deportees to their State Liaison Offices for the purpose of rehabilitation and reintegration with their families.
- Documentation and screening of victims of human trafficking which is considered as one of the most important methods of gathering information from the victims, how they left the country and their sponsors.
- Liaising with Non- Governmental Organizations who are working on the rehabilitation of deportees.
- Enlightenment of the public and informing the deportees on the hazards of prostitution and the modern slavery christened “Human Trafficking”.
- Liaising with other security Agencies, Ministries and Embassies on matters relating to human trafficking
- . Gathering of information on traffickers and their modus of operation.

- Working jointly with security agencies and Ministries in the evacuation of victims of Human Trafficking.
- Attendance to Interpol Conferences, where joint actions are mapped out on the eradication of human trafficking and formulation of “manual of best practices” for the use of the Police on investigation of cases of human trafficking.

The above responsibilities of the Task Force was later taken over by the National Agency for the Prohibition of Trafficking In persons (NAPTIP) as statutory responsibilities under the Trafficking in Persons (Prohibition) and Law Enforcement and Administration Act of Nigeria (2003).

Towards monitoring and evaluating the various measures to combat Human Trafficking and Child Labour in conjunction with the National Agency for Prohibition of Trafficking in Persons (NAPTIP), the President of the Federal Republic of Nigeria created the Office of the Special Assistant to the President on Human Trafficking and Child Labour in its concerted efforts to deal with the increasing incidence of organized crime of human trafficking, its magnitude, effect on the economy, political system, socio-cultural and moral values on the Nigerian society.

The Office was charged with the following responsibilities: -

- (1) Coordinating all the activities of Human Trafficking and Child Labour in the country and making direct input to government in form of policy formulation.
- (2) Advising the President on issues relating to human trafficking and child labour.
- (3) Initiating and developing programmes of action which would help alleviate the problem.
- (4) Coordinate and collaborate with all Governmental and non-Governmental organizations involved directly or indirectly with human trafficking and child labour.
- (5) Continually gather relevant data and information on issues relating to human trafficking and child labour
- (6) To influence governmental policies which could serve as a means of eliminating and reducing the scourge of human trafficking and child labour
- (7) To work with international organizations and countries with specific interest on the subject area.

At a consultative session held on January 2006 in Jos, Nigeria between the various agencies engaged in anti-trafficking measures, the need was emphasized for all the affected agencies to enter into a partnership if they are to subdue the monster called human trafficking.

Factors such as rivalry among the law enforcement agencies, lack of effective training, research and intelligence gathering were identified as part of the hydra headed problems amongst other factors militating against anti-human trafficking crusade.

Other challenges currently facing the crusade against human trafficking in Nigeria are the effectiveness in applying the anti-trafficking legislation by the law enforcement officials, lack of awareness, shortage of resources and lack of cooperation among law enforcement agencies (both at national and regional levels), corruption, lack of effective legal and social environment that is protective of the rights of trafficked victims, weak data base on victims and the traffickers, lack of social services for the rural poor who often fall victims to the enticing offer to send their children to Europe, inadequate international and regional bilateral agreements against trafficking, poor awareness on the antics of traffickers and effects of human trafficking and reluctance by most victims to assist the Police during investigation.

This could be attributed to the oath of secrecy sworn to before their departure or fears of reprisal attacks on members of their families. Their inability to provide police with vital information towards diligent investigation and prosecution frustrate efforts aimed at their protection, and prosecution of the traffickers.

Apparently worried by the adverse social problems and dented international image caused by the unwholesome practice of human trafficking, the Federal Government of Nigeria enacted the Trafficking In Persons (Prohibition) Act (2003).

The Act is a timely initiative and significant legislative milestone to combat trafficking in Nigeria and restore the dignity of womanhood and moral virtues.

Nigeria is the first country in Africa to enact a law against trafficking in persons and to establish a specific agency - the National Agency for the Prohibition of Traffic in Persons and other related matters to implement the law.

An Overview of the Trafficking in Persons (Prohibition) and Law Enforcement and Administration Act, Nigeria (2003)

According to the Act, Trafficking includes all acts and attempted acts involved in the recruitment, transfer ration, within or across Nigerian borders, purchases, sale, transfer, receipt or harbouring of a person involving the use of deception, Grecian or debt

bondage for the purchase 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.

“Trafficked person means a victim of trafficking in persons.

Sections 1 to 10 of the Act deal with the establishment of trafficking in persons; membership, appointment of members of the Governing Board, tenure of office; functions of the Agency; special powers of the Agency; secretariat and appointment of Secretary and other staff of the Agency; establishment and duties of special units, and training programmes.

Sections 11 to 24 of the Act deal with a broad range of activities which constitute trafficking in persons such as exportation of any person from Nigeria, procurement of any person; causing or encouraging the seduction of prostitution of any person under the age of eighteen years; procurement of any person under eighteen years; foreign travel which promote prostitution, unlawful detention with intention to defile; procuring defilement of any person by threats, or fraud, administering drugs and kidnapping from guardianship.

Section 25 states that where a person is convicted outside Nigeria for an offence related to trafficking in persons, he shall on his return to Nigeria after serving his sentence in their 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.

Sections 26 and 27 deal with offences by aliens and their attempts to commit the offence of trafficking in persons.

Section 28 deals with offences committed by corporate bodies and the respective punishments for such offences.

Sections 29 to 32 of the Act deal with commercial carriers, responsibility of the operators and travel agents, responsibilities of Airlines and the Penalties.

Section 33 of the Act confers jurisdiction on the High court of the Federal Capital Territory or the High court of a State to try offences under this Act.

Sections 34 and 35 of the Act deals with forfeiture of passport, power of police officer, custom officer immigration officer or any officer of the Agency or Chairman of the Agency to seize any land, building or carrier or any person whom he has reason to believe has committed an offence under this Act.

Section 36 imposes a duty to ensure that a trafficked person is not subjected to discriminatory treatment in practice on account of race, labour, gender, sex, age, language, religion, political or other opinion cultural beliefs or practices, national, ethnic or social origin, property, birth or other status, trafficking or having worked in the sex industry.

Section 37 deals with non-detention or presentation of a trafficked person in certain circumstances.

According to Section 38 of the Act, a trafficked person, irrespective of his immigration status-

- (a) has the right to institute civil action against a trafficker and any other person including a public officer who have exploited or abused him; and
- (b) is entitled to compensation, restitution and recovery for economic, physical and psychological damages to be met from the assets of the convicted trafficker.

Section 39 provides that the President of the Federal Republic of Nigeria may by an Order published in the Gazette extend the permission of:

- (a) the mutual assistance in criminal matters within the Commonwealth (Enhancement and Enforcement) (Act) and
- (b) the transfer of convicted offenders Enhancement and Enforcement Act.

Section 40 establishes the Fund for the Agency from which all expenses reasonably incurred by the Agency for the execution of this function under the Act shall be paid.

Sections 41 to 43 of the Act deal with accounts and audit, the power of the Agency to borrow money and Annual reports.

Sections 44 to 46 of the Act deal with obstruction of the Agency or authorized officers, protection of informant and information, and power of the minister to give directives to the Agency.

Section 47 deals with offences committed outside Nigeria.

Section 48 deals with the rights of a convicted person to exercise his rights of appeal.

A person convicted for the offence under the Act or any other law prohibiting traffic in persons or for related offences shall exercise any of all such rights of appeal as are conferred on him by the Constitution of the Federal Republic of Nigeria.

Section 49 of the Act gives the Attorney General of the Federation and Minister of Justice to make rules or regulation with respect to the exercise of any of the duties, functions or powers of the agency under the Act.

Section 50 gives interpretation to the various phrases and words in the Act.

The Act prescribes punishment for traffic in persons, particularly women and children, and other related offences.

The Act establishes a National Agency for Prohibition of Traffic in Persons and Other Related Matters vesting it with responsibility for investigation and prosecution of offenders thereof and the counseling and rehabilitation of trafficked persons.⁴⁰

According to its mission statement, the National Agency for Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) is fully committed to the prevention of all forms of human degradation and exploitation.

Through the use of the nation's crime prevention and law enforcement resources, National Agency for Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) is fully committed intends to stamp out human trafficking, to liberate the vulnerable especially women and children from dehumanizing and exploitative employment and usage as well as to ensure their rehabilitation and effective reintegration into the society.

Salient Provisions of the Trafficking in Persons (Prohibition) and Law Enforcement and Administration Act (2003) of Nigeria

The salient provisions of the Trafficking in Persons (Prohibition) and Law Enforcement and Administration Act (2003) of Nigeria are as follows:

“Any person who exports from Nigeria to any place outside Nigeria any person under the age of eighteen years with intent that such persons or knowing it to be likely that such person will be forced or seduced into prostitution in that place; or imports into Nigeria from any place outside Nigeria any person under the age off eighteen years with intent that may be or knowing

it likely that such person will be forced into prostitution anywhere in Nigeria commits an offence and is liable on conviction to imprisonment for life.”⁴¹

“Any person who procures any person under the age of eighteen years to:

- (a) become a prostitute either in Nigeria, or any place outside Nigeria;
- (b) leave Nigeria with intent that such a person may become a prostitute in any place outside Nigeria;
- (c) leave such person’s usual place of abode in Nigeria with intent that such person engage in prostitution either in Nigeria or any place outside Nigeria commits an offence, and is liable on conviction to imprisonment for ten years”.⁴²

“Any person who organizes or promotes foreign travel, which promotes prostitution of any person or encourages such activity commits an offence and is liable on conviction to imprisonment without an option of fine”.⁴³

“Any person who imports, exports, removes, buys, sells, disposes, traffics or deals in any person as a slave or accepts, receives, detains a person against that person’s will as slave commits an offence and is liable on conviction to imprisonment for life”⁴⁴

“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”.⁴⁵

The High Court of the Federal Capital Territory or the High Court of a State shall have jurisdiction to try offences under this Act.

The High court has powers to impose the penalties provided for in this Act notwithstanding anything to the contrary in any other enactment.

Amendments to some sections of the above legislation have been enacted by virtue of the Trafficking In Persons (Prohibition) Law Enforcement and Administration (Amendment) Act, 2005.⁴⁶

The amendments provide sundry amendments to the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act to expand its scope from investigation to prosecution of human traffickers, seizure of properties and forfeiture.

The amendment affected Sections 2, 3, 4, 5, 6, 9,15, 22, 29, 32, 33, inserted new Sections; re-numbered Sections 35 –38, 40, inserted Subsection (2) to section

40, re-numbered Sections 41 -51 of the Principal Act and amended the Schedule to the Principal Act respectively.

In addition to the above legislation, Government responses to counter human trafficking should be:

- to promote a clearer legal framework which recognizes and acknowledges the basic rights of trafficked people (before, mid and after being trafficked)
- to build capacity for law enforcement agencies and introduce system of inspection, monitoring and evaluation of law enforcement,
- to embark on more aggressive awareness raising campaigns across the country
- to empower women and girls who are vulnerable to human trafficking activities
- to initiate more gender responsive approaches to the problems of trafficking in persons.
- to mainstream re-integration services such as micro-credit schemes and skills training and acquisition
- to initiate stronger bilateral and multilateral cooperation agreements on cross border trafficking and network with international non-governmental organizations and the civil society to stem the tide of trafficking in persons.
- to vigorously pursue a comprehensive end-to-end approach covering the different elements of the anti-trafficking strategy which include:

- prevention and demand reduction including support for projects that tackle the causes of trafficking in source and transit countries;
 - investigating and prosecuting the offenders,
 - protection and support for victims including exploring the possibility of providing border control agencies with profiles of trafficking victims to aid identification and appropriate support
- to provide adequate funding for the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) and empower the Agency in tracking, arresting and prosecuting traffickers and the adequate rehabilitation of victims
 - to establish specialized courts to hear and determine human trafficking cases expeditiously as the machinery of justice is too slow in the regular courts.
 - to emulate the practice of Poppy Scheme in the United Kingdom which provides safe shelter and care for adult female victims of trafficking.

Under the Poppy Scheme, support is provided either temporarily, or in return for co-operation. The Poppy Scheme provides long-term shelter

and support services are made available to women who agree to actively assist the authorities in gathering intelligence about traffickers.

Criminal Code

The Criminal Code is another Nigerian Statute that imposes criminal sanctions on prostitution and human trafficking.

It provides inter-alia: ⁴⁷

“Any person who –

1. procures a girl or woman who is under the age of eighteen years and is not a common prostitute or of known immoral character to have unlawful carnal connection with any other person or persons, either in Nigeria or elsewhere; or
2. procures a woman or girl to become a common prostitute, either in Nigeria, or elsewhere; or
3. procures a woman or girl to leave Nigeria with intent that she may become an inmate of a brothel elsewhere; or
4. procures a woman or girl to leave her usual place of abode in Nigeria, with intent that she may, for the purposes of prostitution, become an inmate of a brothel, either in Nigeria or elsewhere; is guilty of a misdemeanor, and is liable to imprisonment for two years.”⁴⁸

“Any person who –

1. by threats or intimidation of any kind procures a woman or girl to have unlawful carnal connection with a man, either in Nigeria or elsewhere; or
- 2 by any false pretence procures or girl who is not a common prostitute or of known immoral character to have unlawful carnal connection with a man, either in Nigeria or elsewhere; or
3. administers to a woman or girl, or causes a woman or girl to take, any drug or other thing with intent to stupefy or overpower her in order to enable any man, whether a particular man or not, to have unlawful carnal knowledge of her; is guilty of a misdemeanor, and is liable to imprisonment for two years.⁴⁹

A person cannot be convicted of any of the offences defined in this section upon the uncorroborated testimony of one witness. The offender may be arrested without warrant.

“Any person who unlawfully confines or detains another in any place against his will, or otherwise unlawfully deprives another of his personal liberty is guilty of a misdemeanour, and is liable to imprisonment for two years.” (Section 365 of the Criminal Code.)

Other Sections such as 222A, 225A, 227, 365, 366 and 369 of the Criminal Code can be used to prosecute cases of human trafficking.

Section 222A punishes any person who, having lawful custody, charge or care of a girl under age 13 years, causes or encourages the seduction, unlawful carnal knowledge or prostitution of, or the commission of an indecent assault upon such a girl with imprisonment for 2 years;

Section 225A punishes every male or female person who exploits female prostitutes for a living with imprisonment for 2 years for first offenders and for a subsequent conviction of a male offender, imprisonment for any number of years in addition to caning.

Section 227 punishes any person who conspires with another to induce any woman or girl, by means of false pretence or other fraudulent means to facilitate unlawful sexual intercourse between her and any man with imprisonment for 3 years;

Section 366 encompasses most of the methods used by traffickers to place their victims under subjection. According to the section, any person who compels another to do any act, which he/she is lawfully entitled to abstain from doing by means of:

- a) Threats of injury to the person, reputation or property of the victim or those of anyone in whom the victim is interested;
- b) Persistent surveillance of victim; and

c) Other forms of intimidation such as name-dropping, seizure of clothing, work tools or other items of property is guilty of an offence punishable with imprisonment for a year;

Section 369 punishes slave dealing with imprisonment for 14 years upon conviction of any offender. The section defines the offence to include:

a) Dealing/trading in, purchasing, selling, transfer or taking of any slave, or for the purpose of holding or treating any such person as a slave; or

b) Placing or receiving any person in servitude as a pledge or security for a current or future debt; or

c) Conveying, sending or inducing any person to go outside Nigeria to enable the person to be possessed, dealt or traded in, purchased, sold or transferred as a slave or be placed in servitude as a pledge or security for debt; or

d) Entering into any contract or agreement with or without consideration for doing any of the acts or accomplishing any of the purposes listed in a) -c).

Section 369 (5)-

“Any person who conveys, or sends or induces any person to go out of the limits of Nigeria in order or so that such person should be possessed, dealt or traded in, purchased, sold or transferred as a slave, or be placed in servitude as a pledge or security for debt is guilty of slave dealing and is liable to imprisonment for fourteen years”.

In its concerted efforts to eliminate human trafficking and project the dignity of womanhood, Edo State, often tagged as the “hub of human trafficking” in Nigeria, amended Section 222A of its Criminal Code as follows:⁵⁰

Deleting the words “girls under the age of thirteen years whenever they appear therein and inserting:-

“shall be liable to imprisonment for two years” and substituting the words thereof “female person” and “shall be liable to imprisonment for seven years or to a fine of fifty thousand Naira respectively.”

In S. 223 by deleting the words:-

“is guilty of a misdemeanor and is liable for imprisonment for two years” and

Substituting the word:-

“is guilty of an offence and shall be liable on conviction to imprisonment for fourteen years”

Also by inserting after section 223, the following new sections:

- (a) Sponsors a girl or woman by giving her any financial, physical or material assistance to

enable her travel out of Nigeria for the purpose of becoming a prostitute or to carry out any immoral act.

- (b) Administers any oath on a woman or girl or perform any fetish ritual in order to enable her to travel out of Nigeria for the purpose of becoming a prostitute or to have unlawful carnal knowledge with any person is guilty of an offence and is liable on conviction to imprisonment for ten years or to a fine or fine of five hundred thousand Naira or both.

The amendment also added the following section:⁵¹

“Any female person who knowingly offers herself for the purpose of prostitution or carry out any immoral act within or outside Nigeria shall be guilty of an offence and shall be liable on conviction to imprisonment for two years or a fine of twenty thousand Naira.”

Penal Code

The Penal Code (as applicable in the Northern States of Nigeria) contains similar provisions of the Criminal Code on trafficking of women and girls for immoral purposes or sexual exploitation.

The relevant provisions of the Penal Code on Human Trafficking are as follows:

- 1) Section 275 provides as follows:

“Whoever by any means whatsoever, induces

a girl under the age of eighteen years to go from any place or to do an act with intent that the girl may be, or knowing, that it is likely that she will be forced or seduced to illicit intercourse with another person shall be punished with imprisonment which may extend to ten years and shall be liable to a fine”.

- 2) Section 278 provides that any person who buys, sells, hires, lets to hire or otherwise obtains possession or disposes of any person below 18 years with intent that the person will be or is likely to be employed or used for prostitution or other unlawful or immoral purposes is guilty of an offence punishable with imprisonment of up to ten years and liable to pay a fine in addition;
- 3) Section 279 creates the offence of slave dealing and provides that any person who imports, exports, removes, buys, sells, disposes of, traffics or deals in any person as a slave or accepts, receives or detains such person is liable to imprisonment for a maximum of 14 years and a fine;
- 4) Section 280 punishes forced labour with a fine and a year's imprisonment;
- 5) Section 281 punishes the procurement, enticement or leading away of any woman or girl (with or without her consent) for immoral purpose with imprisonment of up to 7 years and a fine.

Immigration Act

Section (1)(g-h) frowns at brothel keepers and householders, which permit the defilement of young girl on his premises, persons, encouraging the seduction or prostitution of girl under thirteen years of age, person trading in prostitution or a procurer. If such a person is not a Nigerian, he is liable to be declared a prohibited immigrant and deported.

Apart from its legislation against Human Trafficking, Nigeria is signatory to and has ratified a number of international conventions which are directly or indirectly related to the issues of human trafficking such as the:

- 1 Universal Declaration of Human Rights (1948)
- 2 Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- 3 African Charter on Human and Peoples' Rights (1981)
- 4 United Nations Convention on the Rights of the Child (1989)
- 5 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)
- 6 United Nations Convention Against Transnational Organized Crime (2000)
- 7 United Nations International Labour Convention on Worst Forms of Child Labour (2001)

- 8 ILO Convention on Minimum Age and Forced Labour, 1999.
- 9 Convention for the Suppression of the Traffic in Persons and of the Exploitation of Prostitution of Others, (1949).
- 10 Economic Community of West African States (ECOWAS) Convention A/P.1/7/92 on Mutual Assistance in Criminal Matters, 1992.
- 11 ECOWAS Declaration and Plan of Action Against Trafficking in Persons (2001)
- 12 France-Nigeria Anti-Human Trafficking Agreement (2005). Through this agreement, France is to finance the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) with 30,000 Euros to assist and reintegrate children who have been victims of human trafficking in Nigeria.
- 13 Co-operation Agreement between the Governments of the Federal Republic of Nigeria and Republic of Benin. June 2005.

The agreement applies to the enforcement, prevention and detection of crime of trafficking in persons, protection, repatriation and rehabilitation of victims especially women and children in the territory of both countries.

The objectives of this agreement are:

- To develop a common front to prevent, fight,

suppress and punish trafficking in women and children by setting up joint security surveillance patrols and joint sensitization campaigns along the border areas of both countries;

- To protect, rehabilitate and reintegrate victims of trafficking into their original environment;
- To promote friendly cooperation between the parties with a view to attaining these objectives.

14 International Organization for Migration (IOM), Memorandum of Understanding with Nigeria (2004) which focused on improving National Agency for the Prohibition of Trafficking in Persons –(NAPTIP’s) capacity to provide direct assistance to victims of Trafficking.

15 Memorandum of Understanding on Co-operation between the Attorney General of the Federal Republic of Nigeria and the National Anti Mafia Bureau of Italy in combating trafficking in persons and other related organized crimes and laundering of the proceeds from crime. (11th November 2003).

The Memorandum of Understanding serves the following objectives:

(a) Aims at establishing and developing co-operation in combating trafficking in persons and other related organized crimes and laundering of the proceeds from crimes committed by criminals and criminal

associations committed by criminals and criminal associations.

(b) Co-operation on exchange of information and documents on trafficking in persons and other related organized crimes and persons involved in it.

In this case, the Parties, in compliance with investigation secrecy requirements shall mutually exchange information where any of their nationals, foreign nationals and stateless persons are being investigated for trafficking in persons and other related organized crimes offences committed in the other Party, also for having therein invested proceeds from crime.

(c) Adopt such measures as may be necessary to favor the effective and prompt execution of any request for extradition and legal assistance in criminal matters relevant to trafficking in persons and other related organized crimes.

According to the collaborative agreement, co-operation within this Memorandum shall be effected through the constant willingness of the Parties aimed at adopting practical decisions in combating trafficking in persons and other related organized crimes and in the co-operative spirit which characterizes this document.

16 Nigeria- Italy Republic Anti-Human Trafficking Agreement, 2005

As part of an international collaboration with Italy to fight human trafficking for sexual exploitation, Nigeria signed an agreement with Italy to work together on a United Nations sponsored programme against the practice of human trafficking between the two countries.

The programme (which was designed to stem the flow of Nigerians into Italy for the purpose of sexual exploitation) was set by the United Nations Interregional Crime and Justice Research Institute (UNCRI) and the United Nations Office on Drug and Crime (UNODC).

The programme outlines greater judicial cooperation between Nigeria and Italy, public awareness raising activities in both countries and measures to strengthen Nigerians law enforcement, prosecution and criminal justice agencies.

17 In May 2002, the Nigerian government entered into an agreement with the United Nations to focus on fighting trafficking in Nigeria, Benin and Togo; combat international organized crime and improve the collection and analysis of data on trafficking in the region.

18 Memorandum of Understanding on Co-operation to prevent, suppress and punish trafficking in persons

between Nigeria and the Government of United Kingdom of Great Britain and Northern Ireland, November 2004. Under this agreement, Nigeria and United Kingdom signed a bilateral pact to stem the tide of human trafficking, a practice which the British Solicitor-General, Harriet Harman described as “nothing more than modern slavery.”⁵²

The objectives of the memorandum are:

- To facilitate international cooperation, develop common goals and prevent, suppress and punish trafficking in persons;
- To protect victims of trafficking, and to provide them with assistance to enable re- integration into their original environment;
- To provide mutual support, capacity building and strengthening of institutional capacities to effectively prevent, suppress and punish trafficking in persons.

19 Memorandum of Understanding on Co-operation between the Federal Republic of Nigeria and Spain to Combat trafficking.

A similar co-operation agreement with the United States Agency for International Development has resulted in the United States earmarking a budget of \$3million to support Nigeria’s anti trafficking drive especially in the area of skills training.

Nigeria is also about entering into similar agreements with other countries such as Netherlands, Niger Republic and Saudi Arabia.

The increasing tempo of human trafficking has attracted international opprobrium crisis for Nigeria thereby leading to the listing of Nigeria on Tier 2 of the Watch list for women and children in the 4th Annual Trafficking In Persons Report, June 2004 compiled by the United States Department of State. The Report placed Nigeria on the Tier 2 Watch List because of the continued significant complicity of Nigerian security personnel in trafficking, the lack of evidence of increasing efforts to address this complicity and inadequate funding and personnel to the fight against Nigeria's serious trafficking problem.

According to the Trafficking in Persons Report released by the United States Office to Monitor and Combat Trafficking in Persons, the Government of Nigeria did not comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so through its new anti-trafficking law.

In view of the fact that the criminal provisions in the comprehensive anti-trafficking law passed in June 2003 remain untested, the Report admonished the Nigerian government to move quickly to implement the new law through vigorous high court prosecutions of corrupt officials and traffickers; give adequate support to the new anti-trafficking agency and

improve protection facilities or funding for N.G.O. protection activities.

The Report serves as a primary diplomatic tool through which the United States government encourages partnership and increased determination in the fight against forced labour and sexual exploitation.

The Report further indicated that government officials, particularly police and immigration and border officials, facilitate the trafficking of women and children and there is no discernible commitment to address this trafficking-related corruption. This corruption is reportedly very high, impeding the identification and prosecution of traffickers. The government does not monitor its borders adequately.

The Report also described Nigeria as a “source, transit and destination country for trafficked women and children. The Report accused Nigeria of not meeting the minimum standard stipulated in the U.S. Trafficking of Victims Protection Act (TVPA 2000).⁵³

This poor rating could lead to the withholding by the American government of non-humanitarian and non-trade, economic and security assistance to Nigeria.

It is remarkable to note that due to Nigeria’s renewed commitment to combat human trafficking, the 2005 Annual Trafficking In Persons Report compiled by the United States Department of State removed Nigeria from the Tier 2 Watch List and upgraded her rating to Tier 2.

In many countries including Nigeria, law enforcement against traffickers is hampered by corruption and official indifference/participation in the lucrative practice of trafficking.

Nigeria's efforts at controlling the trafficking of persons across the borders may not yield the desired results unless the Federal Government ensures the prosecution of those behind the crime.

Law enforcement in Nigeria is inadequate to deter trafficking and bring traffickers to justice.

The reasons for this are not far fetched. Lack of adequate manpower and facilities to prosecute the cases in the 36 States of Nigeria and the Federal Capital Territory, delays in the dispensation of justice, frequent adjournments, difficulty in getting the witnesses to testify, an upsurge in the utilization of regular courts for the resolution of disputes, inadequate funding of the judicial arm of government; laziness on the part of some judges; cumbrous and unwieldy rules of court, inadequate preparation by lawyers, and ill-equipping of their chambers, corruption and ineptitude in court registries, inefficiency of police authorities, failure by clients to perfect their briefs timeously.⁵⁴

The burden of proof beyond reasonable doubt, which must be discharged by the prosecution, has allowed many who committed grievous criminal offences to delay the course of justice or even go scot-free.⁵⁵

It is trite law that the benefit of doubt in any criminal case is usually resolved in favour of the accused person.

It is imperative that legislation should be supported by programmes and policies that will make the elimination of trafficking in persons a de facto reality.

Other problems include inadequate funding of government agencies charged with the responsibility of combating human trafficking, poor awareness and rehabilitation programmes by the government, lack of information from victims, inadequate communication facilities, weak enforcement of the laws in prosecuting criminals etc.

Inadequate data on human trafficking trends makes planning for efficient and effective initiatives a difficult task.

Since the enactment of the Trafficking in Persons (Prohibition) and Law Enforcement Act of Nigeria (2003), only few cases have been prosecuted in the Law courts.

There is also the problem of getting the victims to testify due to fear of victimization and shame. Many cases are still pending for hearing and determination.

In the case of Attorney General of the Federation of Nigeria v. Sarah Okoya at the High Court, Benin City, the accused woman was charged with procuring six girls from Benin City, Edo State with the promise of assisting them with jobs in Spain only to end up with them in a hotel in Cotonou, Benin Republic.

She was arrested and charged with 18 counts ranging from procurement for prostitution to deceitful inducement punishable under sections 15 and 19 under the Trafficking in Persons (Prohibition) and Law Enforcement Act of Nigeria (2003).

At the end of the trial, Sarah Okoya was found guilty of the Offences and convicted to 36 months imprisonment without an option of fines.⁵⁶

In a similar case, Attorney General of the Federation of Nigeria v. Hussaina Ibrahim and Another at the High Court, Kano, the accused person was charged for procuring a girl to Saudi Arabia for prostitution. The convicts were deported from Saudi Arabia and handed over to the National Agency for Prohibition of Trafficking in Persons. The court found two Nigerian deportees guilty of trafficking in persons and other related offences and sentenced them to two and three years' imprisonment respectively with no option of fines.

In the case of Attorney General of the Federation of Nigeria v. Mrs Affiong Okon, the Onitsha High Court presided by Hon. Justice Philip Umeadi convicted the accused person under sections 19 and 22 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 and sentenced her to two years imprisonment with hard labour.

Similar cases on Trafficking in Persons in foreign

jurisdictions are as follows:

In the case of three brothers namely Juan, Jose and Raul Reyes Rojas; Mexican nationals both of Gwinnett County, Georgia were indicted by a federal jury in U.S.A. on an 11-count indictment involving human trafficking for the purpose of prostitution.⁵⁷

In the landmark case on June 22, 2005, a U.S. court in Honolulu, Hawaii sentenced Kil Soo Lee, the former owner of an American Samoa garment factory to 40 years' incarceration in the largest human trafficking case ever prosecuted.

The 40 years sentence is the highest sentence ever handed down in a trafficking/slavery case.

Kil Soo Lee was said to have held more than 200 victims from China and Vietnam as forced labourers at his factory in American Samoa. Lee and his "henchmen" used arrests, forced deportations and "brutal physical beatings" to keep workers under control.

Applauding the sentence, United States Attorney General, Alberto Gonzales remarked as follows:

“Human trafficking is more than just a serious violation of the law; it is an affront to human dignity. The Department of Justice is committed to protecting the victims of trafficking and to bringing justice to all those who violate the civil rights of trafficking victims.”

Bradley J. Schlozman, Acting Assistant Attorney General for the Civil Rights Divisions, echoing the

sentiments of Attorney General Gonzales observed as follows:

“Motivated by greed and with no regard for human dignity, these traffickers exploited more than 200 Vietnamese and Chinese workers. The Justice Department is firmly committed to ensuring that traffickers in human lives are aggressively investigated, swiftly prosecuted and firmly punished. Today’s sentencing sends a clear message to those who would attempt to profit at the expense of another’s freedom.”⁵⁸

In another case, the United States Department of Justice on March 15, 2006, convicted three men namely Mark Madison, Justin Evans and Chad Yearby of Federal Child Prostitution Crimes of trafficking children for sexual exploitation.

Madison, Evans and Yearby were arrested in May 2006 after making arrangements with an accomplice who said he had a customer who would pay for a prostitute. The customer was, in fact, City of Miami Police Officer acting in an undercover capacity, and the three defendants were arrested after bringing Jane Doe No. 2 to the customer at a hostel.

A Task Force that includes FBI Special Agents and detectives from the City of Miami Beach and Miami-Dade County developed the investigation, including the undercover operation.

The Task Force was formed as part of operation “Innocence lost”, a program sponsored by the FBI’s

Crime Against Children division, the Child exploitation and Obscenity Section (CEOS) of the Criminal Division, and the National Center for Missing and Exploited Children. Innocence Lost, announced in early 2003, is a nationwide initiative focusing on child victims of interstate sex trafficking in the United States.

Madison pleaded guilty to the crimes and he was sentenced to – one- count of knowingly benefiting from participation in a venture which had engaged in an act of sex trafficking of a child by force, fraud, or coercion, and one count of conspiracy to transport a minor in interstate commerce for purposes of prostitution – on September 9, 2005. Two other co-defendants in the same case had also pleaded guilty and were sentenced previously.

In his plea agreement, Evans admitted to prostituting minors in the Miami area. One of his victims, identified in his plea agreement as Jane Doe No.1, is a Florida resident who was 14 at the time. Evans would either procure “customers” for her, whom she would meet at rented hotel rooms, or he would force her to find customers by walking the streets. The victim gave all the money she earned to Evans, who told her, that she should continue to work every day despite being ill.

Yearby and another victim, identified in his plea agreement as Jane Doe No.2, met in April 2005, when

the victim was 16 years old. He took her from Northern Florida to the Miami area, and introduced her to Madison. The victim began working as a prostitute for Madison, staying at his residence, at hotels and occasionally at Yearby's residence.

Madison would either procure "customers" for her whom she would meet at rented hotel rooms, or he would force the victim to find customers by walking the streets. Madison kept all the money the victim earned, and beat and had sexual relations with the victim.

At a hearing, the Honourable Judge Patricia A. Seitz in U.S District Court in Miami, handed down the prison sentence to Mark Madison, 22, of Miami. The judge also imposed 10 years of supervised release and ordered Madison to undergo health, drug and sex offender treatment.

Justin Evans, 25, of Miami, was sentenced on January 19, 2006 to 282 months in prison for one count of trafficking a child by force, fraud or coercion to engage in a commercial sex act, and one count of using a facility of interstate commerce to entice a minor to engage in prostitution. As part of his sentencing, Evans was classified as a career criminal offender, and ordered to pay restitution in the amount of \$15,846.57 to Medicaid to reimburse medical costs incurred by of one of his victims. He was also sentenced to five years of supervised release.

Chad Yearby of Miami was sentenced on January 24, 2006, to 40 months in prison for one count of

conspiracy to transport a minor in interstate or foreign commerce for the purposes of prostitution.

Yearby, who pleaded guilty on August 15, 2005 and cooperated with the criminal investigation, was also sentenced to three years of supervised release.

In another landmark case in the in the United Kingdom, the Southwark Crown Court sentenced five men to 63 years imprisonment for human trafficking and prostitution.

In the case reported in the United Kingdom Home Office Press release on the launch of the consultation document tackling human trafficking, five Albanian men involved in trafficking women into the United Kingdom for sexual exploitation were sentenced to a total of 63 years imprisonment by Southwark Crown Court on 1st December 2005. The ringleaders, Agron Demarku aged c22 and his brother, Flemur aged 34 were given 18 years imprisonment respectively while Izzedt Fejzullahu aged 32 was sentenced to 14 years imprisonment all for trafficking and prostitution offences. Bedari Demarku aged 22 was acquitted of the most serious charge of causing sex without consent and received 8 years imprisonment while his brother, Xhevair aged 29 received 5 years imprisonment respectively.

The court ordered that all men will be deported to their native country, Albania at the end of their sentence.

Chapter Nine

The Contributions of Non-Governmental Organizations (NGOs) in the Crusade against Human Trafficking

*“We need to close our ranks and erect an impenetrable barricade against human traffickers. No sacrifice is too much to safeguard our dignity, self worth and the future of our children.”**

**Amina Titi Abubakar, Wife of the Vice President of the Federal Republic of Nigeria and the Founder of Women Trafficking and Child Labour Eradication Foundation (WOTCLEF, a non-governmental organization) at a Workshop on “Human Trafficking in West Africa” organized in October 2005 by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and Women Consortium of Nigeria (WOCON)*

Non- governmental organizations are any non-profit, voluntary group, which are organized on a local, national or international level. They perform a variety of services and humanitarian functions bringing citizens’ concerns to government, monitor policies and encourage political participation at the community level.

Many non-governmental organizations have recorded remarkable contributions to the political, socio-economic development of society through intensive campaigns, workshops, seminars and publications over the past years. They have become important channels for delivery of social services and implementation of development objectives.

Non-governmental organizations (NGOs) are offering assistance to the helpless victims of trafficking to champion their plight. NGOs function as bridge builders, watchdogs, defenders of rights of trafficked persons, agents of social protection and economic revitalization. NGOs have been active in laying the groundwork for governments' acceptance of human trafficking as a global reality.

NGOs have been recognized internationally as a pivotal aspect of a comprehensive strategy to address the ills of human trafficking. NGOs have formed alliances to combat trafficking and they often work with international agencies, intergovernmental organizations, donors and governments to combat trafficking.

Nongovernmental organizations (NGOs) around the globe are engaged in combating trafficking engaged in a variety activities including prevention, prosecution, protection, rescues/raids, reintegration, and repatriation.

Contributions from NGOs should include:

- Developing awareness and prevention programmes aimed at sensitizing the public to

raise their consciousness on the problem of trafficking in persons and its prevention.

- Giving assistance such as legal, social, health services, protection and shelter to the survival victims to help the reintegration in their communities.
- Providing hope, care, shelter and other compassionate services to trafficked victims
- Promoting local, national and international NGO networks to combat trafficking in persons.

Strenuous campaigns have been made towards the elimination of human trafficking by many non-governmental organizations since the beginning of the last century.

Much of the new zeal and enthusiasm to combat trafficking in persons has been energized by the efforts of NGOs who are increasingly focusing their attention on the 3Ps- prevention, protection and prosecution. NGOs can assist law enforcement agencies in tracking down traffickers and carrying out raids and rescues. They can provide psycho-social counseling and skills to victims. NGOs can also play a valuable role in holding governments accountable to meet legal standards of crime prevention and victim care.

For instance in 1913, the International Women's Suffrage Alliance (IWSA) in its Conference in Budapest, Hungary where representatives from 24

Countries attended, passed a Resolution demanding the extermination of all forms of trafficking in women.

Immediately after the World War 1, another group, *Franchise pour le Suffrage Des Femmes* convened a Peace Conference in Paris where women from allied countries came together to lobby frantically against the white slave traffic syndrome (the illicit act of selling women as chattels to brothels and pleasure seekers).

A number of non-governmental organizations are now working in collaboration with government agencies, inter-governmental organizations, donor agencies, development partners and trafficked persons.

The following international non-governmental organizations are at the forefront of the campaigns against human trafficking:-

Vital Voices,
Anti Slavery International,
Coalition Against Trafficking in Women (CATW),
Stop Violence Against Women,
Polaris project,
Global Alliance Against Trafficking In Women (GAATW),
Associazione IROKO,
Associazione Tampep,
Angel Coalition,

Captive Daughters, Inc.,
Coalition to Abolish Slavery and Trafficking,
ECPAT (End Child Prostitution and Trafficking),
Foundation Against Trafficking in Persons (STV),
Free the Slaves,
Freedom Network (USA) To Empower Trafficked
And Enslaved Persons,
Protection Project,
Amnesty for Women,
Human Rights Watch (Campaign Against the
Trafficking of Women and Girls,
International Human Rights Law Group Initiative
Against Trafficking in Persons,
International Humanitarian Campaign Against the
Exploitation of Children,
International Organization for Adolescents,
International Youth Trafficking Prevention Initiative,
Project Hope International,
Shared Hope International,
La Strada
Korea Women's Associations United (KWASU) etc

The laudable activities of some of the non-governmental organizations are discussed as follows:

The Global Alliance Against Traffic in Women (GAATW)

GAATW is a network of non-Governmental organizations and individuals from all regions of the world who share a common and deep concern for the

women, children and men whose human rights have been violated by the criminal practice of trafficking in persons. Its aim is to ensure that the human rights of trafficked persons are respected and protected by authorities and agencies.

GAATW is committed to work for changes in the political, economic, social and legal systems and structures which contribute to the persistence of trafficking in persons or other human rights violations in the context of migratory movements for diverse purposes including security of labour and livelihood.

Coalition against Trafficking in Women (CATW)

This non-governmental organization brings international attention to all forms of sexual exploitation, including prostitution, pornography, sex tourism and bride trafficking. They work with national and international policy makers to promote the fundamental human rights of women to be free from sexual exploitation.

Protection Project

Protection Project is a non-governmental organization, which establishes an international framework for the elimination of trafficking in persons, especially women and children.

Stop Human Traffic

Stop Human Traffic is a non-governmental organization involved in international Anti-Trafficking campaign against the modern-day slave trade which features several personal stories illustrating how this practice is a problem throughout the world.

Anti Slavery International

Anti Slavery International campaigns for the freedom of millions of people trapped in slavery or slavery like practices.

Internet and Sex Industries: Partners in Global Sexual Exploitation – looks at how through financial and technological interdependence, the sex industry and the internet industry have become partners in the global exploitation of women and children.

TUCP / Solidarity Center Anti – Trafficking Project – Watch Group Monitoring Human Trafficking is an NGO processing cases, protecting victims and vulnerable groups in the Philippines.

Stop Child Trafficking – international campaign to combat child trafficking.

Association of Albanian Girls and Women (AAGW) is a nonprofit humanitarian organization empowering victims of human trafficking in Albania.

ECPAT (End Child Prostitution and Trafficking)
ECPAT is an international NGO that operates a network of 71 member groups and coalition across 64 countries. ECPAT is committed to end child prostitution, child pornography and Trafficking of Children for sexual purposes.

Stop-Traffic. Stop –Traffic addresses human rights abuses associated with Trafficking in Persons for forced labour, servitude and slavery around the world.

Terre des Hommes is an international NGO engaged in international campaign to protect children better and to guarantee effective prosecution of the offenders.

Free the Slaves is a non-profit organization working to end slavery world wide.

Freedom Network is a non-governmental organization that provides services to and advocate for the rights of trafficking survivors. Since the enactment of the Victims of Trafficking and Violence Protection Act (2000), Freedom Network have worked closely with trafficked persons to ensure that they receive the necessary services guaranteed under the Victims of Trafficking and Violence Protection Act (2000) and

have also been engaged in monitoring and implementation of the law.

Enfants Solidaires d'Afrique et du Monde (ONG-ESAM) (Regional and national level NGO based in Benin)

ONG-ESAM operates in Benin and aims to eradicate child abuse and transborder recruitment of children as domestic workers.

Its target groups are: children in domestic work, communities at risk and/or affected by trafficking, trafficked persons and their parents.

The organization provides capacity building for NGOs and conducts research on child trafficking.

ONG-Stratégies et Développement (National NGO in Benin)

ONG-Stratégies et Développement sees trafficking as being related to the fear of HIV/AIDS and recognizes that selling children is an abuse of human rights. It sees the problem as stemming from ignorance and complicity within the community. Its aim is to reduce the incidence of trafficking and sexual exploitation of children, by training youth educators and, through them, increasing awareness of parents and children

World Association for Orphans (WAO-Afrique) (National NGO in Togo)

WAO-Afrique has identified one root cause of trafficking as the disintegration of social and cultural institutions that support children. Using a child-centred approach, it aims to encourage the participation of trafficked children in the design for and planning of rehabilitation and reintegration activities. The organization has initiated income generation projects, and provides credit facilities, legal rights education and literacy classes for parents. It also assists in acquiring birth certificates for children.

Association pour le Progrès et la Défense des Droits des Femmes Maliennes. (APDF) (National NGO in Mali)

APDF sees the demand for prostitution as a major cause of the trafficking of women. By involving the private sector (hotels, bars, restaurants, and travel agencies) through information, awareness campaigns and advocacy, the organization hopes to influence the private sector to cut back on hosting prostitution for economic gains.

Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN)(National NGO in South Africa)

RAPCAN recognizes that trafficking happens because it stems from a culture of child abuse and exploitation. The organization holds the belief that ending child abuse will help stop child trafficking. It seeks to prevent and address different patterns of

child abuse. A Child-witness programme is organized to help children who have decided to give testimony – providing counselling and support as the child goes through the court procedures.

Save the Children-Sweden (Regional Programme, based in Senegal)

Save the Children-Sweden has supported substantive research on child trafficking. Its action programmes have benefited from the information obtained.

The organization maintains a database of information on trafficking in the region.

The organization builds its practices on four pillars:

- 1) strengthening the capacities of all sectors to address trafficking;
- 2) advocacy for legislation changes;
- 3) support for trafficked persons who return
- 4) assists rehabilitation and reintegration.

Terre des Hommes-Germany (TDH) (Regional Coordination Office based in Burkina Faso)

TDH's target groups are primarily NGOs and local organizations already working on issues of the trafficking of children, covering three countries: Burkina Faso, Gambia and Mali. TDH-Germany conducts research on the context of trafficking, assists in the development of local communication plans, sports competitions, and mobilization of community leaders and local organizations.

In Nigeria, prominent non-governmental organizations that are engaged in the campaign against human trafficking are as follows:

- Women Trafficking and Child Labour Eradication Foundation (WOTCLEF)
- Idia Renaissance
- Network for Justice and Democracy
- Women's Consortium of Nigeria (WOCON)
- International Association of Criminal Justice Lawyers,
- Movement Against Trafficking In Persons
- National Council For Women Societies (NCWS)
- Girls Power Initiative (GPI)
- Royal Pearls Foundation
- Community Partners for Development
- Global Network Against Trafficking in Women and Children
- Sisters of Sacred Heart etc

Women Trafficking and Child Labour Eradication Foundation (WOTCLEF)

Women Trafficking and Child Labour Eradication Foundation (WOTCLEF) is a non-governmental organization founded by Mrs Amina Titi Abubakar, the wife of the Vice President of the Federal Republic of Nigeria. WOTCLEF is committed to build an

international coalition that restores human dignity through empowerment, education and advocacy.

WOTCLEF was established to mobilize community awareness and actions against human trafficking, child labour, abuse of the rights of women and children and to prevent the spread of HIV/IDS.

WOTCLEF's objectives are:

- (a) to place the African dimension on the global agenda for special attention and action,
- (b) to produce and publish multi-media materials, including the arts for local, regional and global users and crusaders,
- (c) to generate, organize and disseminate critical data up to date information on the crusade, using multimedia,
- (d) to mobilize and motivate stakeholders at all levels to respond to the challenges posed by trafficking and child labour migration,
- (e) to rehabilitate, re-orientate and equip victims of this illicit business,
- (f) to network and collaborate with concerned parties and crusaders world wide on concerted, creative, pragmatic and proactive action for the eradication of all forms of trafficking and child labour,
- (g) to mobilize and engage multi-sectoral and trans-agency resource providers for the sustainable prosecution of the crusade,
- (h) to establish the WOTCLEF Rehabilitation and

Special Purpose Centre in Abuja Nigeria with regional affiliates,

- (i) to establish a special school programme for its “Catch them young” sensitization and empowerment,
- (j) to work with relevant partners and concerned parties for the enactment and enforcement of appropriate legislations, conventions and treaties at local, regional and global levels.

- (k) to eradicate women trafficking and child labour migrations.

WOTCLEF’s Strategies for the implementation of its above mission are:

- Training
- Action research and studies
- Advocacy
- Joint ventures
- Advisory / extension services
- Exchange programmes
- Networking
- Publications
- Media support
- Fellowship / scholarships
- Road shows / exhibitions.

It is gratifying to note that vigorous campaigns by WOTCLEF against human trafficking were largely

instrumental to the legislation against human trafficking namely the Trafficking in Persons (Prohibition) Law Enforcement Act, Nigeria (2003).

Idia Renaissance

Idia Renaissance is a non-governmental organization founded by Mrs Eki Igbinedion, wife of the Executive Governor of Edo State of Nigeria.

Idia Renaissance is a Non-Governmental, non-political, non-religious organization working through research, education and enlightenment towards the restoration of dignity of Nigerian women and youth.

Its motto is “Restoring Human dignity” and its mission statement is “Promoting positive cultural values and the restoration of human dignity through education, information, communication, advocacy, mobilization and counseling of women and youths”.

Idia Renaissance ’s objectives include:

- Eradication of trafficking in women and girls (modern day slavery),
- Counseling, training and reintegration of trafficked girls and women,
- Increasing positive cultural practice and eradicating harmful traditional practices against women and children,
- Equipping youth with information to guide against drug abuse and drug-trafficking,

- Empowering women and girls to develop their capacities,
- Advocacy and mobilization of relevant organs for the promotion of gender equality/ equity,
- Supporting all meaningful efforts at promoting our cultural norms and values towards creating distinct personality for the Edo person.

Idia Renaissance has embarked on activities such as:

- Establishment of Idia Clubs in primary and post–primary schools, training of youths as peer-educators and agents-of-change.
- Mass education and enlightenment through mass media campaigns, workshops, seminars and symposia.
- Printing of Information, Education and Communication (IEC) materials for distribution and information dissemination.
- Networking with other NGOs working in the same area
- Public consultative forum on trafficking in women and prostitution
- Establishing a model skills acquisition centre and grassroots level public awareness campaign
- Seminars and workshops and
- Advocacy for legislation regulating crimes related to human trafficking.

Network for Justice and Democracy

Network for Justice and Democracy is a non-governmental organization dedicated to promoting and defending reproductive rights, gender equality and dignity of womanhood through research, information, education, advocacy and mobilization, rendering legal aid and counseling to victims of trafficking.

Some of its programmes to combat human trafficking include the publication of a 357- page Research Project titled “International Perspectives and Nigerian Laws on Human Trafficking.” and an awareness raising seminar on Legal Frameworks Against Human Trafficking in Nigeria and United States Governmental Initiatives To Monitor and Combat Human Trafficking organized in collaboration with the National Agency for the Prohibition of Traffic and Other Related Matters and Law Students Association of Benson Idahosa University, Benin City on April 24, 2006.

Association of International Criminal Justice Practitioners (AICJP).

AICJP provides legal aid to repatriated persons, prosecutes trafficking barons, advocates for adequate legal framework on trafficking, and partners with other NGOs to prevent incidents of trafficking in persons.

Women's Consortium of Nigeria (WOCON)
(National NGO in Nigeria)

WOCON sees trafficking as being related to the ignorance of the community and government's failure to address it. The government is held accountable for the lack of attention paid to awareness and education campaigns in the community; also the lack of measures to address poverty.

The organization acknowledges the diversity of the root causes of trafficking, shaped by a combination of socio-economic and political factors – including geographical location as well as historical processes. WOCON aims to eliminate child labour in Nigerian society by withdrawing children from prostitution and domestic work.

Girls' Power Initiative (GPI) (National NGO in Nigeria)

GPI recognizes comprehensive education in sexuality for children as crucial for their empowerment and the prevention of trafficking.

It aims to find out why girls are more vulnerable to trafficking than boys, and to reduce the incidence of trafficking of girls.

African Women Empowerment Guild (AWEG)
(National NGO in Nigeria)

AWEG accepts that trafficking occurs to 'feed' the sex trade. It believes that women are trafficked also because of their 'compassionate disposition' towards

their family and their desire to fend for family members at all costs. Trafficking results from poverty, economic deprivation, and greed. The N.G.O. aims to empower women by helping them acquire skills (personally and professionally) to open up opportunities for themselves. Target groups are girls trafficked from Nigeria to Italy as well as returnees from other areas, their families and communities.

Sisters of Sacred Heart, Benin City

This religious based organization has helped some victims of trafficking to reintegrate back into the society by providing useful information, counseling and shelter for some period after which the repatriated girls are considered to be autonomous and self sufficient. The shelter facilitates the reintegration process and provides more privacy and protection to trafficked persons.

In addition to the campaigns of the Non-Governmental Associations, prominent religious leaders such as Pope John Paul II (the Catholic Pontiff) have reiterated the need for mass mobilization to combat human trafficking.

In his message in January 1, 1999, Pope John Paul II remarked as follows:

“Dignity of the human person is a transcendent value; always recognized as such by those who sincerely search for the truth. Indeed the whole human history should be interpreted in this certainty. Every person created in the image and likeness of God and therefore radically oriented towards the creator is constantly in relationship with those possessed of the same dignity. To promote the good of the individual is thus to serve the common good which is that point where rights and duties converge and reinforce one another.”

In a similar vein, United States President, George Bush in July 2004 lamented on the scourge of trafficking in persons as follows:

“People come to America hoping for a better life. And it is a terrible tragedy when anyone comes here only to be forced into a sweetshop, domestic servitude, pornography or prostitution. The trade in human beings brings suffering to the innocent and shame to our country and we will lead the fight against it.”

It must be emphasized the government should accept non-governmental organizations as genuine partners in the fight against human trafficking as no sacrifice would be too much to safeguard the dignity of womanhood. The Government should establish an

appropriate framework for meaningful interaction with non-governmental organizations to facilitate sustainable fight against human trafficking.

Non-governmental organizations working in the field of human trafficking should be encouraged through training/capacity building programmes on human trafficking and be supported to provide services to victims of trafficking, mobilize community awareness, participate in the monitoring and evaluation of the human rights impact of anti-trafficking measures.

Recommendations for Civil Society and Government Collaboration to Combat Human Trafficking

Culled from www.vitalvoices.org. website

Government and NGO representatives from **Burma/Myanmar** (NGO only), **Cambodia, China, Laos, Thailand,** and **Vietnam** adopted a 19-Recommendation action plan for Civil Society and Government Collaboration to Combat Human Trafficking. The recommendations include concrete actions for NGOs, international governmental organizations, donors, governments, and the business sector to undertake in the Greater Mekong Sub-region. While the recommendations are specific to the region, they can also be helpful to other regions and countries interested in involving multiple sectors in

the fight against human trafficking. The recommendations are a result of the conference, *Civil Society and Government Collaboration to Combat Human Trafficking in the Greater Mekong Sub-Region*, which took place in Bangkok, Thailand, on May 22-24, 2006. The conference was organized by Vital Voices Global Partnership, in collaboration with the Royal Thai Government's Ministry of Social Development and Human Security, the United Nations Office on Drugs and Crime (UNODC), the US Embassy in Thailand, and the US Agency for Agency for International Development (USAID).

Recommendations

1. Governments and NGOs should more systematically partner with each other in order to ensure that civil society is actively involved in all aspects of the determination and implementation of anti-trafficking policies, including national action plans, regulations, and laws. As part of this partnership, the volume and quality of information shared between the Government agencies, ranging from central to grass-roots/local levels, international organizations and NGOs should increase.
2. Governments and NGOs recognize that consistent, high-quality data collection, mapping of gap areas, and quality research are the essential basis for effective policies and responsive programs.

Donors, international organizations, research organizations, governments, and NGOs should undertake and support on-going research activities – both quantitative and qualitative.

3. Both the Governments and NGOs should broaden their anti-trafficking partnership to include other civil society organizations, such as those from organized labor, faith-based organizations, migrant communities, and the international and national business community. Work on anti-trafficking initiatives with these new allies should occur in a systematic manner to bring forward new knowledge and resources from these partners, and seek support from them for policies and programs to combat human trafficking.

4. Governments and NGOs recognize that significant gaps in anti-trafficking response still exist in the sub-region, both in terms of geographical coverage and sectors of anti-human trafficking response. It is recommended that these gaps be systematically addressed by joint initiatives of Government and NGOs.

5. Information on the positive role of NGOs in cooperating with Governments on anti-trafficking efforts, and the need to have NGOs involved in order to ensure comprehensive anti-trafficking response, should be reflected in all training curriculums at all levels.

6. Both bilateral and multilateral donor agencies should take decisions on funding of technical

assistance and capacity building with particular attention to the need to further strengthen government and civil society cooperation, and to do so in a more coordinated manner.

7. Greater donor coordination, including prioritizing both at the national and regional levels, would enhance and facilitate the process of preventing and combating human trafficking.

8. Government and NGOs recognize the importance of monitoring anti-trafficking projects to ensure accountability, and continuously evaluating impact of those activities, but also recognize that donor agencies should provide longer term commitments to anti-trafficking work being done. Possible approaches could include the development of innovative monitoring modalities, such as regional peer review mechanisms, between and among Governments, NGOs, civil society, international NGOs, and inter-governmental organizations with an emphasis on long-term commitment, and should stress the positive role that NGOs can play in monitoring process and progress.

9. Governments and NGOs recommend that the success of criminal justice actions against human trafficking offenders should be measured according to both the quality of investigations and prosecutions and their quantity.

10. Donors should encourage and support public-private partnerships as a new approach to generate new ideas and additional resources for anti-human

trafficking work.

11. Civil society organizations, including NGOs, and law enforcement authorities should exchange experience and information, as appropriate, build deeper mutual understanding, and reach shared objectives to prosecute traffickers and support the recovery of victims of trafficking; and bilateral and multilateral donors should support such opportunities.

12. Stronger cross-border collaboration in all aspects of anti-trafficking response, and technical, financial and personnel support for those initiatives, should be built among governments and NGOs.

13. Where cross-border collaboration and coordination does occur, it is critical that this be broadened to embrace the concept of multi-disciplinary teams that include NGOs, and encourage governments to initiate pilot projects in identified trafficking hot spots on borders.

14. Governments and civil society actors should consider to either extend existing cross-border mechanisms, or to create similar mechanisms, to address human trafficking.

15. Regional agreements on procedures for cooperation in human trafficking should be developed, taking into account agreements already available at the bilateral level.

16. Governments and NGOs understand the urgent need to deepen anti-trafficking response, and ensure that policies and implementation reach to the provincial and local level.

17. Governments and NGOs should collaborate to build capacity of concerned governments officials and NGO staff working to provide protection and recovery services to victims, and improve the standards of the shelters and the services they provide.

18. Workshops should be convened to clarify the roles and responsibilities of the different stakeholders in anti-trafficking actions. Possible results could include the establishment of a multi-disciplinary operations team at the national level to oversee actions on cases of trafficked persons. This team can direct the process of assistance and protection to the victim, and the victim's participation in the criminal justice investigation and prosecution process. As part of this process, the roles and scope of NGOs could be more clearly defined, which would in turn help facilitate their operations, and monitoring and evaluation systems be established.

19. Governments and NGOs in places of migrant's origin, transit and destination should promote safe migration as a strategy to reduce vulnerability to human trafficking.

Chapter Ten

International Governmental Anti- Trafficking Initiatives

“Because we believe in human dignity, America and other nations have joined together to confront the evil of trafficking in persons. We are supporting organizations that rescue the victims, passing anti-trafficking laws and warning travelers that they will account for this form of modern slavery. Women and children should never been exploited for pleasure or greed anywhere on earth. Because we believe in human dignity, we should take seriously the protection of life from exploitation under any pretext”.

President George W. Bush in his address to the United Nations General Assembly on 21st September 2004.

The trafficking of people for prostitution and forced labour is one of the fastest growing areas of international criminal activities, which poses serious legal and social challenges for the international community. The effective suppression of trafficking in women and girls for the sex trade is a matter of serious international concern.

An appreciable number of countries notably U.S.A, Italy, France, Japan, United Kingdom and Sweden have recorded important milestones in the fight against human trafficking.

The United States is committed to eradicating trafficking, and its efforts include: vigorously enforcing U.S. laws against all those who traffic in persons; raising awareness at home and abroad about human trafficking and how it can be eradicated; identifying, protecting and assisting those victims exploited by traffickers; reducing the vulnerability of individuals to trafficking through increased education, economic opportunity, and protection and promotion of human rights; and employing diplomatic and foreign policy tools to encourage other nations, the UN and other multilateral institutions to work with them to combat this crime, draft and enforce law against trafficking, and hold accountable those engaged in it.

A good example of the Achievements recorded by the U.S. Government in Combating Trafficking can be gleaned from the 2004 Annual report released by the U.S. Department of Justice.

The highlights of the U.S. Government Achievements in Combating Trafficking in the Annual Report are as follows:

- * The Department of Justice (DOJ) and the U.S. Attorneys' Offices across the country filed 29 human trafficking cases more than twice as many as in 2003 and obtained convictions against 43 traffickers.

- * The U.S. Department of Justice has established a telephone hotline for people to report on suspected activities of traffickers. The telephone calls can be made anonymously.

* The Department of Health and Human Services (HHS) issued 163 certification and eligibility letters to victims for them to receive federal benefits.

* The Department of Homeland Security (DHS) issued 136 non-immigrant T Visas to victims and granted 484 continued presence requests, enabling victims to stay in the United States during their recovery.

* The Department of Labour (DOL), Department of State (DOS), and the U.S. Agency for International Development (USAID) awarded approximately \$82 Million to 251 International anti-trafficking programs in 86 countries.

* The Department of Health and Human Services (HHS) distributed \$5.1 million to grant money to domestic nongovernmental organizations.

*The Department of Justice (DOJ) granted \$7.6million to local communities for the creation of anti-trafficking task forces and \$5.6 million to victim services agencies.

* The Human Smuggling and Trafficking Center (HSTC) was created in July 2004 to bring together federal agency representatives from the policy, law enforcement, intelligence and diplomatic areas to work together on a full-time basis to improve the law enforcement response to human trafficking, particularly regarding the use of intelligence. They will also serve as a clearinghouse for information regarding human trafficking.

* The U.S. government has put significant emphasis on the training of NGOs and both Domestic and International enforcement officials.

* U.S government representatives have also helped to organize and participate in international conferences on human trafficking, such as a Conference in Japan from June 22-24, 2004 that was jointly hosted by the U.S. Ambassador to Japan, the International Labour Organization and Vital Voices Global Partnership to help devise strategies for enhancing regional communication regarding trafficking in persons.

Since January 2001, the United States Agency for International Development (USAID) has significantly increased its support for anti-trafficking activities in developing and transit countries.

Since 2001, the President's budget has provided more than \$375 million to support anti trafficking programs in more than 120 countries. Funding goes to governments and non governmental and International organizations to create specialized law enforcement units; train prosecutors and judges; strengthen anti-trafficking laws; provide emergency shelter and care for victims; offer voluntary repatriation assistance; make available long term rehabilitation assistance and vocational training for victims; legal advocacy; psychological and medical assistance for victims; and launch information campaigns.

In 2005 alone, the U.S. government obligated \$95 million to 266 Anti Trafficking in Persons projects in 101 countries

Cooperation with other countries has contributed to the prosecution around the world of nearly 8,000 perpetrators of trafficking crimes, resulting in over 2,800 convictions. In addition, 24 countries have enacted new anti-trafficking legislation and 32 countries are in the process of drafting or passing new anti-trafficking legislation. The Department of States funds over 100 anti- trafficking programs in some 50 countries. Assistance includes shelters for trafficking victims, support for return and reintegration for victims, and law enforcement training.

The Department of Labour negotiated a \$1.2 million cooperative agreement with the International Research and Exchanges Board, anon-governmental organization, to conduct a two-year anti-trafficking project in Eastern Europe. This program aimed to prevent the trafficking of women by creating viable economic alternatives for women at risk in seven major cities.

In January 2004, the U.S. Deputy Secretary of Defence issued a memorandum, which re-affirmed its zero-tolerance policy with respect to trafficking. The memorandum restated the government's opposition to prostitution and any related activities including trafficking in persons, which it considers as inherently harmful and dehumanizing.

The Department of Labour has supported projects through the International Labour Organization's International Program on the Elimination of Child Labour to address child trafficking in 17 countries around the world. These projects rescue children from trafficking and exploitative work situations and provide them with rehabilitation services and educational opportunities. They also undertake efforts to prevent children from being trafficked in the first place.

Finally, the Department of State's Office to Monitor and Combat trafficking in Persons continue to assess the progress of governments around the world in addressing trafficking. The Annual Trafficking in Persons Report describes the action, and in some cases, the lack of actions of governments around the world to end the crime of human trafficking.

The report also brings attention to many varieties of trafficking – including child soldiering, forced labour, prostitution, domestic servitude, and child camel jockeying-while urging a comprehensive, coordinated global response.

The above initiatives are to ensure that human trafficking is prevented, survivors are protected and the traffickers are adequately punished.

European Union (EU) Initiatives to counter human trafficking

The European Union Common Action of 24 February 1997 urges EU Member States to penalize human trafficking offences, to design adequate protection and assistance measures for victims of trafficking and sexual exploitation, and to develop broad judicial cooperation between Member States.

Consequently, the European Commission developed two specific programmes as follows:

1. Daphne programme - This EU programme aims to protect minors, young people and women against violence through prevention and support for victims of violence. The programme promotes establishment and strengthening of multidisciplinary networks and encourages co-operation between NGOs and other organizations in order to improve the exchange of relevant information and best practices with regard to the prevention of violence and support for and protection of minors, young people and women. The Daphne programme promotes improvement of recognition, management and reporting of the consequences of violence.

2 Stop II Programme- This EU programme aims to contribute to the prevention and combating of trafficking in human beings and sexual exploitation of minors. The programme encourages and supports the

setting up of networks of key authorities in the field of preventing and combating trafficking in human beings as well as assisting victims of trafficking in view of the exchange and dissemination of information, experience, new techniques and best practices.

Stop II programme also promotes scientific research as well as the production of manuals and training modules. By providing incentives and support to a multidisciplinary and co-ordinated approach to the issue of trafficking in human beings and the sexual exploitation of minors, the programme seeks to stimulate the involvement of private or public organizations in EU Member States as well as in the Candidate States and third countries.

International Agencies engaged in Combating Human Trafficking

Various international agencies and inter-governmental organisations which are actively engaged in counter trafficking activities of women, girls and children who constitute the vulnerable group include the:-

- International Office of Migration (IOM) Geneva,
- United Nations Inter Regional Crime and Justice Research Institute (UNICRI) Rome,
- United Nations Office on Drugs and Crime (UNODC) Vienna,

- United Nations Special Rapporteurs on Violence Against Women, and on Prostitution, Pornography and the Sale of Children,
- Office of the High Commissioner for Human Rights,
- International Labour Organization,
- United States Agency for International Development (USAID),
- United States Department of State Office to Monitor and Combat Trafficking in Persons.
- United Nations Development Fund for Children (UNICEF)
- The United Nations Development Fund for Women (UNIFEM)
- The United Nations Development Programme (UNDP)

The United Nations has acted as a catalyst for attention to trafficking, and has various reporting and monitoring systems.

The programmes of these international agencies are discussed below:

The International Organization for Migration has many regional activities and programmes that concentrate specifically on trafficking.

Their regional trafficking activities include:

- conducting seminars and foras on a regional

level to provide a forum for discussion on trafficking amongst governments, NGOs and other international organizations,

- information gathering and research,
- technical cooperation and capacity building for government authorities,
- Information dissemination and campaigns in countries of origin,
- Voluntary return and reintegration activities,
- Protection and assistance such as counseling, legal aid and medical support health in coordination with NGOs.

United Nations Inter Regional Crime and Justice Research Institute (UNICRI), Rome is the United Nations entity established to support countries worldwide in crime prevention and criminal justice.

The United Nations Office on Drugs and Crimes (UNODC) is a global leader in the fight against trafficking in human beings, illicit drugs and international crime. It is mandated to assist member states in their struggle against illicit drugs traffic crime and terrorism.

The U.N. Office on Drugs and Crime provides information about the Global Programme Against Trafficking in Human Being (GPAT), as well as other related UN Conventions and Protocols.

The United Nations Programme Against Trafficking in Human Beings (GPAT) was designed by the United Nations Office on Drugs and Crimes

(UNODC) in collaboration with the United Nations Interregional Crime and Justice Research Institute (UNCRI) and launched in March 1999.

GPAT assists Member States in their efforts to combat human trafficking and promotes the development of effective ways of cracking down on perpetrators. The aim is to promote the development of effective ways of cracking down on perpetrators, develop effective criminal justice related responses to human trafficking and assist member states to combat trafficking.

The GPAT's over-reaching objective is to bring to the foreground, the involvement of organized criminal groups in human trafficking and promote the development of effective criminal justice-related responses. As the only entity focusing on the criminal justice element, the GPAT, working through UNODC's Crime Programme, brings special advantages to the fight against trafficking.

At the national level; the Programme aims to:

- Promote awareness-raising (such as public awareness campaigns) of trafficking in human beings and especially strengthen institutional capacity;
- Train law enforcement officers, prosecutors and judges;
- Provide advice and assistance on establishing and strengthening anti-trafficking elements; and
- Strengthen victim and witness support.

At the International level; the Programme aims to

- Provide assistance to agencies, institutions and governments as part of an interdisciplinary effort to design effective measures against trafficking in human beings.

GPAT cooperates closely with other intergovernmental and non-governmental organizations in the implementation of its activities, including on awareness raising.

The International Organization Migration (IOM) is also an active partner in the fight against trafficking providing the following services.⁵⁹

- i. legal and medical counseling and assistance to trafficked victims in the transit and receiving countries.
- ii. safe and dignified voluntary return and reintegration assistance to trafficked victims.
- iii. mass information campaigns in countries of origin in an effort to make potential victims aware of the risks of trafficking.
- iv. Training to increase the capacity of governmental and other civil society organizations to counteract trafficking activities
- v. Research to focus attention on the problems of trafficking and provide governments and

- other actors with essential information for developing various forms of intervention.
- vi. Seminars and forum activities in order to raise general awareness on trafficking, share experience amongst the various partners, disseminate results from research, coordinate/harmonize policies and measures and create formal and informal networks dealing with the issue.
 - vii. Help governments to improve their legal systems and technical capacities to counter trafficking.

The International Labour Organization (I.L.O.) is the specialized United Nations Agency, which seeks the promotion of social justice and internationally recognized human and labour rights.

In 1992, the I.L.O. International Programme on the Elimination of Child Labour (IPEC) was founded with the aim of working towards the elimination of child labour problems, starting with its worst forms, by strengthening national capacities to address child labour problems, by increasing knowledge about child labour and by creating a worldwide movement to combat it. The International Labour Organization has many projects related to trafficking. ILO conducts activities such as research and advocacy on issues such as trafficking and child labour, at the sub-regional level. Most of these are implemented through

national governmental organizations, and ILO coordinates the sub regional aspect.

In Asia, ILO-IPEC (International Programme on the Elimination of Child Labour) has launched a five-country project to reduce trafficking in the Mekong region. This three-year project includes research, advocacy and action strategies specifically addressing the areas of prevention and reintegration.

United Nations Inter Agency project on human Trafficking in the Greater Mekong sub-region (UNIAP) was established in June 2000 to facilitate a stronger and more coordinated response to human trafficking in the Greater Mekong sub-region (Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam).

The United Nations Children Fund (UNICEF) is an inter-governmental agency devoted to promoting and protecting children's rights and their well-being. The United Nations Children Fund (UNICEF) looks at child labour and sexual exploitation of children as a gross violation of children's rights. It has regional and country-level projects on trafficking. UNICEF works closely with other United Nations agencies such as the Office of the High Commissioner for Human rights (OHCHR), Committee on the Rights of the Child, ILO and the United Nations Special Rapporteur on the Sale of Children, Child Prostitution and Pornography in its projects on trafficking.

The Office of the High Commissioner for Human Rights aims to promote and protect the enjoyment of

full realization by all people of all rights established in the Charter of the United Nations and in international human rights laws and treaties.

The Office has a special Rapporteur whose mandate are:

- (a) Take action on violations admitted against trafficked persons and on situations in which there has been a failure to protect their human rights.
- (b) Undertakes country visits in order to study the situations in *situ* and formulate recommendations to protect and/or combat trafficking and protect the human rights of its victims in specific countries of origin.
- (c) Submits annual reports on the activities of the mandate.

The United Nations Development Fund for Women (UNIFEM) provides financial support and technical assistance to innovative programmes promoting women's human rights and issues related to women's empowerment and gender equality.

UNIFEM undertakes advocacy as well as sponsoring action-research in area of trafficking in women.

United Nations Development Programme (UNDP) is the United Nations global development network, an organization advocating for change and connecting countries to knowledge, experience and resources to help people build a better life.

United Nations Development Programme (UNDP) has projects on trafficking under its focus areas of gender and HIV/AIDS in some regions in South East Asia, UNDP has initiated an inter-country project between six countries "Trafficking in Women and Children in the Mekong Sub-Region" under its Gender Division.

Under a UNDP HIV and Development project in South Asia, trafficking and related issues are key areas of focus. In Europe, a regional programme to support Gender and Development also focuses on trafficking in women.

The Southeast European Cooperation Initiative (SECI) Center is a regional law enforcement organization with 12 member nations Albania; Bosnia-Herzegovina; Bulgaria; Croatia; Greece; Hungary, Macedonia; Moldova; Romania; Serbia, Montenegro, Slovenia and Turkey working to address a variety of criminal problems including human trafficking. The demise of communism and the Balkan wars of the 1990s created a turbulent environment in which organized criminal organizations were able to thrive, fluidly moving their activities across national borders.

Recognizing that law enforcement needed to respond with the same agility, regional governments signed the agreement on Cooperation to Prevent and Combat Trans-Border Crime in Bucharest in May 1999, and one year later SECI Center began its activity.

South Asia Association for Regional Cooperation (SAARC). SAARC is a regional association formed to address the issues of Trafficking in Women and Children in South Asian countries.

Asian Regional Initiative Against Trafficking (ARIAT) ARIAT declared a Regional Plan of Action for 23 countries in the Asia-Pacific region in Manila in March 2000. The Plan of Action encourages countries to cooperate with one another and with civil society at all levels in the strategic areas of prevention, protection, prosecution, rehabilitation and reintegration.

There is also now an increased donors' interest to reduce incidents of trafficking as a result of the social, economic, political and human rights issues arising from trafficking in persons in Nigeria.

Some of the International Agencies working in Nigeria to address incidents of trafficking include the Italian Government, United Nations Inter Regional Crime and Justice Research Institute (UNICRI), United Nations Office on Drugs and Crime (UNODC) International Labour Organization, Swedish Government, United Nations Children Fund (UNICEF), Governments of Belgium, France, United Kingdom and United States of America and International Organization for Migration.

Prevention of Trafficking

Prevention is the best way to combat trafficking through warning potential victims and others about the clandestine antics of traffickers. Strategies aimed at preventing trafficking must take into account demand as a root cause. It is necessary to embark on aggressive information campaigns in the victims' countries of origin using films and information jingles to warn people of the dangers of prostitution and human trafficking.

Addressing the problems of trafficking entails well-coordinated efforts from multiple sectors.

The legal framework is in place in international and regional agreements and frequently in national policies but the political will and commitment of resources remains in doubt.

Human trafficking is an international menace, which requires the concerted efforts of all stakeholders to nip in the bud.

Trafficking can be prevented through international initiatives aimed at enhancing the economic opportunities for potential victims of trafficking as a method to deter trafficking.

Such initiatives include:⁶⁰

1. Micro credit lending programs, training in

- business development, skills training, and job counseling.
2. Programs to promote women's participation in economic decision-making.
 3. Programs to keep children, especially girls in elementary and secondary schools, and to educate persons who have been victims of trafficking.
 4. Development of educational curricular regarding the dangers of trafficking.
 5. Grants to non- governmental organizations to accelerate and advance the political, economic, social and educational roles and capacities of women in their countries.
 6. Public awareness and information programs should be carried out to increase public awareness, particularly among potential victims of trafficking and the protections that are available for victims of trafficking.

Challenges for Governments in the Crusade Against Human Trafficking

According to the Executive Director, United Nations Office on Drugs and Crime (UNODC), Antonio Maria Costa in the report "Trafficking In Persons: Global Patterns," published by the United Nations *Office on Drugs and Crime* (UNODC) in April 2006, the three main challenges for governments in the crusade against human trafficking are as follows:

- to reduce demand, whether for cheap goods manufactured in sweatshop under-priced commodities produced by bonded people in farms and mines or services provided by sex slaves;
- to target the criminals who profit from the vulnerability of people trying to escape from poverty, unemployment, hunger and oppression;
- to protect trafficking victims, especially women and children.

CHAPTER ELEVEN

LEGISLATIONS AGAINST HUMAN TRAFFICKING IN VARIOUS JURISDICTIONS OF THE WORLD

“Human trafficking is an offence against human dignity, a crime in which human beings, many of them teenagers and young children, are bought and sold, and often sexually abused by violent criminals....

The Bill I sign today will help us to continue to investigate and prosecute traffickers...

We’ll continue to call on other nations to take action against trafficking within our borders.

Three years ago at the United Nations, I asked

*other governments to pass laws making human trafficking a crime...**

- *President George Bush at the Signing of Trafficking Victims Protection Reauthorization Act (2005)*

Many countries have introduced innovative steps to combat human trafficking by enacting legislations against the heinous crime.

The following countries have specific legislation concerning trafficking, or at least concerning trafficking into prostitution:

ALBANIA

Since 2001, a separate Article in trafficking in persons has been included in the Albanian Criminal Code. Albanian Criminal Code also prohibits prostitution and all parties involved in exercising or facilitating prostitution are penalized.

ARGENTINA

Several articles of the Argentinean Criminal Code prohibit the facilitation or promotion of prostitution through deception, coercion, abuse of another or threat. Penalties range from 2 – 15 years depending on the age of the victim.

ARMENIA

Article 287 of the Criminal Code punishes “involvement in prostitution” including forcing

someone into prostitution, violence, abuse, dependant position, blackmail and other factors.

This is punishable with a five or six year's imprisonment if involving a criminal group.

AUSTRALIA

1999 Commonwealth Criminal Code Amendment (Slavery and Sexual Servitude) contains offences directed at slavery, sexual servitude and deceptive recruitment for sexual services.

Slavery and Sexual Servitude Act 1999 S. 270

AUSTRIA

Trafficking is an offence under section 217 of the Austrian Criminal Code under the following instances:

“When a woman is actually encouraged through false promises regarding work possibilities and earnings to come to Austria regardless of whether a job in another field was promised to her or whether she was willing to work in prostitution; when a sex worker's identity papers or earnings are taken away from her; when a woman is forced into prostitution or into giving sexual services, when a sex worker is blackmailed, threatened, humiliated beaten, raped or imprisoned.

Article 104 of the Penal Code provides as follows:
“Whoever trades in slaves shall be punished by a term of imprisonment of ten to twenty years” and “whoever induces the servitude of another person or reduces him/her to a condition similar to slavery...”

AZERBAIJAN

Articles 110 and 229 of the Criminal Code cover components of trafficking. Forcing individuals into prostitution earns imprisonment of between 10 – 15 years.

BANGLADESH

The Suppression of Immoral Trafficking Act of 1993 prohibits trafficking in women and girls for forced prostitution with severe penalties for perpetrators.

In addition, the Suppression of Violence Against Women Act provides for prosecution of traffickers and victim redress.

A range of other instruments can be added including the “Women and Children Oppression Act” of 1995 which introduces the death penalty for those involved in child trafficking.

Bangladesh National Plan of Action Against the Sexual Abuse and Exploitation of Children including Trafficking (NPA)

A key objective of NPA is to increase the apprehension and prosecution of child traffickers and to take measures regarding cross border trafficking. The Plan of Action also calls for increased coordination among Bangladesh Ministries, other governments, national missions in “receiving” countries and concerned non-governmental organizations.

BELARUS

Trafficking in persons for the purpose of sexual or other exploitation is an offence according to Section 181 of the Criminal Code of Belarus.

BELGIUM

The 1995 Law on the Suppression of Trafficking of human beings and child pornography prohibits trafficking in Belgium.

The law penalizes involvement in the entry of a foreigner into Belgium using violence, intimidation, coercion and deception as well as abuse of the vulnerability of a foreigner such as his/her illegal status, pregnancy, disease or disability. The law of 1995 also penalizes forced prostitution; exploitation of prostitution and management of a brothel.

The Law on the Suppression of Trafficking in human beings and child pornography in force since 13th April 1995 amended the Penal Code and the Aliens Law.

The law on combating of trafficking in human beings inserts Article 77 into the Aliens law, which provides as follows:

- “Whoever contributes in any manner, directly or through an intermediary to permit entry, stay or transit and
- employs, directly or indirectly, deception, violence, threats or any form of constraint towards a foreigner,
 - or abuses a particularly vulnerable situation in

which a foreigner finds himself or herself due to his/her illegal administrative or precarious situation, pregnancy, sickness, disability, physical or mental deficiency shall be sentenced to a one to five-year term of imprisonment and a (12 euro to 619 euro) fine.”

BRAZIL

Chapter 5, Sections 227 –232 of the Brazilian’s Penal Code prohibit trafficking in women for sexual exploitation. This covers promoting or facilitating entry into exit of women from the country for prostitution. Penalties range from 3 to 12 years imprisonment depending on the involvement of children, family, violence or fraud.

BULGARIA

In 2002, Bulgaria adopted anti trafficking law based on the definition and recommendations of the U.N. Trafficking Protocol.

The law provides for measures for the protection, assistance rehabilitation of victims of trafficking including relief from deportation of foreign nationals and a temporary resident permit for trafficked persons willing to assist the prosecution. The Resident permit entitles a trafficked person to assistance, shelter and work.

Other provisions of the Bulgarian Criminal Code that are related to the prosecution of traffickers includes persuading (or inducing) a female into prostitution or

sexual intercourse, illegal detention of a person, blackmail, kidnapping and unlawful deprivation of liberty, debauchery and rape.

BURKINA FASO

Burkina Faso Anti-Trafficking legislation (2003) prohibits child trafficking and imposes substantial fines and prison sentences of up to 10 years.

CAMBODIA

The Penal Code's Law on the Suppression of Kidnapping and Trafficking, the Sale of Human Persons, and the Exploitation of Human Persons prohibits enticing, coaxing, or coercing a person into prostitution. Punishment is 10 to 20 years prosecution of pimps, brother owners and other facilitators.

CAMEROUN

The Penal Code of Cameroun prohibits Trafficking in persons and slavery.

CANADA

Bill C-49, *An Act to amend the Criminal Code (trafficking in persons)* has passed through Parliament and is now awaiting Royal Assent.

The *Criminal Code* amendments create three new indictable offences that specifically address human

trafficking. The main offence prohibits the recruitment, transportation, harbouring or controlling of the movements of another for the purpose of exploiting or facilitating the exploitation of that person. This offence is punishable by life imprisonment where it involves the kidnapping, aggravated sexual assault, aggravated assault or death of the victim and is punishable by a maximum penalty of 14 years imprisonment in all other cases.

The second offence prohibits anyone from receiving a financial or other material benefit, knowing that it results from the trafficking of a person. This offence carries a maximum penalty of ten years imprisonment.

The third offence prohibits the withholding or destruction of documents - such as a victim's identification, immigration or travel documents – for the purpose of trafficking or facilitating the trafficking of that person. This offence carries a maximum penalty of five years imprisonment.

CHINA

Criminal law

Criminal Procedure law

Women's Rights and Interests Protection law

Under the Criminal law and Criminal Procedure law of China, any activity of kidnapping, buying, selling, transferring, sending or receiving children or women

for the purpose of human trade is considered as trafficking. Punishment ranges from a set term of imprisonment to death penalty.

COLUMBIA

Article 188 of the Penal Code prohibits Trafficking in persons and penalizing anyone promoting coercing, facilitating or participating in entry into /exit from Columbia. Punishment is imprisonment of 4 to 6 years.

COSTA RICA

Article 172 of the Penal Code prohibits facilitating the entry into or exit out of the country of women or minors for the purpose of prostitution. This is punishable by 5 to 10 years imprisonment depending on whether the victim is under 18 years or whether violence, abuse of authority or coercion has been used.

CROATIA

Article 178 of the Criminal Code prohibits recruitment of a person for international prostitution.

CZECH REPUBLIC

The Czech Criminal Law, Article 246 prohibits trafficking in women if it is committed for purpose of sexual intercourse with emphasis on recruiting a person for sexual intercourse abroad. Aggravating circumstances and penalties apply when the act is

committed for the purpose of using women in prostitution.

EL SALVADOR

Criminal Code prohibits trafficking in persons. Inducing, facilitating, promoting, or giving incentives to any one to work as a prostitute are criminal offences.

ETHIOPIA

Article 605 of the Ethiopian Penal Code criminalizes human trafficking using the language of the United Nations Trafficking Convention (1949) by stating ‘whoever for gain or to gratify the passions of another’ traffics in women or infants and young persons by seducing, enticing, procuring or inducing them to prostitution, even with their consent is guilty of the offence of human trafficking”.

This narrow definition of trafficking focuses only on prostitution and lacks the element of exploitation, namely forced labour, slavery and servitude implicit in the UN Protocol.

Under Article 565 Penal Code, those who enslave, sell, alienate, pledge, buy, trade, traffic or exploits another or who keeps someone in a condition of slavery, even in a disguised form, are liable from five to 20 years imprisonment. The Penal Code has specific sections to criminalize trafficking, enslavement and abuse of the human rights of

Ethiopians abroad. Penalties for trafficking are commensurate with those for rape and sexual assault.

FIJI

Penal Code, Article 157 (1)

Constitution, Article 25

GERMANY

Trafficking in human beings is a criminal offence under German Law. Sections 180(b) and 181 Criminal Code / *Strafgesetzbuch* and the maximum sentence is 10 years imprisonment.

GHANA

Ghana Anti-Trafficking Law

Slave dealing in Ghana is prohibited under S. 314 of the Criminal Code.

GREECE

Anti-Trafficking Law 2002

GUATEMALA

Chapter 6, Article 194 of the Country Code prohibits trafficking in women for the purposes of prostitution. The punishment for trafficking in women is 1 to 3 years imprisonment with a fine.

GUINEA

The Guinea Anti Trafficking Law provides for penalty of 5 to 10 years and confiscation of any money or property recovered from the trafficker.

HONDURAS

Article 195 of the Criminal Code of Honduras prohibits trafficking in persons provides as follows:

“Whomsoever shall traffic within Honduras or persons of any nationality or origin, conducting them through the nations, territory, to intern them illegally into another country for any purpose whatsoever will be sentenced with imprisonment for 6 to 9 years....’

Sentences increase if those responsible are public employees or officials.

HUNGARY

The Hungarian Criminal Code, Section 175/B provides as follows:

“Any person who sells, purchases, conveys or receives another person or exchange a person for another party, commits a felony and shall be punishable with imprisonment up to three years”.

Where the offence committed for the purpose of sexual intercourse or forced labour, the punishment is a higher prison sentence.

INDIA

Article 23 of the Indian Constitution provides that:

“Trafficking in human beings and begging and

other similar forms of forced labour are prohibited and any contravention shall be an offence punishable in accordance with law

The Immoral Traffic (Prevention) Act (ITPA) prohibits trafficking in human beings, encompassing sexual exploitation for commercial purposes and enhanced penalties for offences involving minors.

If the person is under 16 years of age, the punishment for 7 years to life. If the victim is between 16 to 18 years, the punishment is 7 to 14 years.

INDONESIA

Trafficking is criminalized in the Criminal Code Article 297 and Article 65 of Law No. 39/1999. Indonesia Labour law could be applicable for prosecuting traffickers in situations of labour exploitation.

Penal Code Ss. 370 – 373

IRELAND

Related legislation for prosecution of traffickers is the 1993 Sexual Offences Act.

The Act makes it an offence to solicit another person for the purposes of prostitution.

ISRAEL

The Penal Law of 1977 amended in 2000 prohibits the buying and selling of persons or forcing them to leave their country of residence to engage in Prostitution.

In addition, Section 6 of the “Equality of Women Law” (2000) states that every woman is entitled to protection from violence, sexual harassment, sexual exploitation and trafficking in her person.

ITALY

Italian Law prohibits trafficking through penalizing slavery for the purposes of sexual prostitution, exploitation of prostitution and inducing an individual to travel abroad for the purposes of sexual exploitation irrespective of whether the crime is committed in Italy or abroad.

Italian legal framework created for assisting victims of trafficking under Article 18 (Italian Law 40/98) Merlin Act. Law No. 75 of 1958 on “Abolition of the Regulation of Prostitution and Combating Exploitation of the Prostitution of Others. The Merlin Act was named after the Senator that drafted the Bill.

Penal Code of Italy, Article 600 provides as follows:

“Any person who reduces another to slavery or to condition similar to slavery is punishable by rigorous terms of imprisonment of between five and fifteen years.

Article 601 provides as follows:

“Whoever trafficks or otherwise trades in slaves or persons in conditions similar to slavery shall be punished by rigorous imprisonment of five to twenty years”

Comprehensive “Immigration” Enactment

JAPAN

Prostitution is prohibited under the Prostitution Prevention Law including coercion into and benefiting from it.

KENYA

The Children’s Act 2001 prohibits all forms of exploitative and hazardous child labour and child sexual exploitation.

KOREA

Criminal Code, Article 242

KOSOVO

The Regulation 2001/4 of the United Nations Mission in Kosovo has prohibited trafficking in persons.

The law punishes those using the sexual services of a victim of trafficking.

LATVIA

In 2000 Latvia amended the criminal Law and made trafficking in human beings for sexual exploitation an offence (Article 165.1). The law punishes sending a person abroad for the purpose of sexual exploitation.

LITHUANIA

In 2000, Lithuania adopted a new Criminal Code in which Trafficking in Human Beings became an offence under Article 149.

The Law penalizes trafficking and selling a person for receiving material or other gains. In addition, trafficking in human beings is included in the list of serious offences in Article 8.1 (Serious Offences) of the Criminal Code of Lithuania. These offences carry stricter conditions in the execution of the sentence.

MALAWI

Criminal Code punishes the trafficking of female children with long prison sentences.

MALAYSIA

Article 16 of the “Women and Girls Protection Act” prohibits procuring women including trafficking. Child Act 2001, S.48(1)

MALI

Malian law criminalizes trafficking in children, which is punishable by five to 20 years in prison. The Malian Constitution prohibits forced or bonded labor, including by children.

Mali National Action Plan- “*Plan national d’urgence de lutte contre le trafic des enfants*”

MAURITANIA

Law Against Human Trafficking (2003), which prohibits forced labour or exploitation for prostitution.

The penalty is 5 –10 years of imprisonment and substantial fines.

MOLDOVA

Trafficking in Human Beings was criminalized under the Penal Code of the Moldova Republic (Article 113.2) in 2001.

It carries a sentence of 5 to 10 years if the activity is for the purpose of providing forced labour; enslaving a person or using the victim in a criminal endeavour.

MOZAMBIQUE

Mozambique National Action Plan where trafficking is mainstreamed in the national campaign against child abuse i.e “*Campanha contra o Abuso de Menores*” developed in the framework of the program on women and children-“ *Programa de Attenimento a Mulher e a Criannca*”.

MYANMAR

Anti-Trafficking Law (2005)

The law provides that:

“Whoever is guilty of trafficking in persons especially women, children and youth shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 10 years to a maximum of imprisonment for life and may also be liable to a fine.

NEPAL

The Human Trafficking Control Act of 1986 prohibits selling persons in Nepal and abroad and provides for penalties of up to 20 years imprisonment for perpetrators.

The Act provides that Human Trafficking includes any of the following acts:

- “To sell a person for any purpose;
- To take a person abroad with an intention of selling him or her;
- To have a woman engage in prostitution by persuasion or enticement or deception and fraud or pressure or to encourage anyone to be engaged in such act;
- To attempt to commit any of the acts above or to render assistance to commit such acts or to encourage anyone to be involved in such acts.”

Constitution of Nepal Article 20 (1), which states as follows:

- “Traffic in human beings, slavery, serfdom or forced labour in any form is prohibited”.

National Policy, Action, Plan, Institutional Mechanism to Combat Against Trafficking In Women and Child For Commercial Sexual Exploitation, 2000
Foreign Employment Act, 1985
Constitution of Nepal, 2000

NETHERLANDS

According to Dutch Criminal law “Trafficking in Human Beings” is a separate offence (Article 250).

The maximum sentence for trafficking in persons is 6 years. In cases involving minors, severe physical violence or organized trafficking, the maximum sentence is 10 years.

NEW ZEALAND

Crimes Act 1961

NICARAGUA

Trafficking for sexual purposes is prohibited within the Criminal Code of Nicaragua with penalties of between 4 to 10 years imprisonment depending on the age of the victim.

NIGERIA

Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003. Nigeria. (Appendix IV)

Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act 2005.(Appendix V)

Child Rights Act

Criminal Code

Penal Code

PANAMA

Article 310 –A of the Criminal Code prohibits trafficking in persons stating that:

“Any person intervening in any form in the trafficking in persons, with their consent, avoiding, or evading by fraudulent means the migration controls established within the continental territory of the Republic, shall be punished with a penalty of five to ten years imprisonment.

PERU

Trafficking in persons and alien smuggling, defined as promoting, executing or assisting in the illegal entry or exit of persons from the country is prohibited by law.

PHILIPPINES

In 2003, the Philippines adopted an Act against trafficking in persons that incorporates into domestic law the Protocol to Prevent, Suppress and Punish Trafficking in persons Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime. The law imposes higher sanctions for trafficking in children and includes provisions related to the rights of victims of trafficking by requiring the Government to make available appropriate social services for their recovery, rehabilitation and reintegration.

The Anti Trafficking Act 2003, Philippines states inter-alia:

“trafficked persons shall be recognized as victims of the act or acts of trafficking and as such shall not be penalized for crimes directly related to the acts of trafficking... or in obedience to the order made by the trafficker. In this regard, the consent of the trafficked person to the intended exploitation set forth in this Act shall be irrelevant.”

POLAND

The Criminal Code of Poland, Article 253 prohibits trade in persons with or without their consent.

Encouraging the prostitution of another person for the purposes of profit making is prohibited by Article 204 of the Polish Criminal Code.

PORTUGAL

In 1998, the Portuguese Penal code was revised in relation trafficking and “*lenocinio*”.

It states that:

“Whoever by violence, serious threat, cunning or fraudulent manipulation leads another person to practise prostitution or obvious sexual acts in a foreign country is sentenced to 2 to 8 year’s imprisonment.

ROMANIA

Legislation adopted in 2001 punished trafficking and related offences with provision for victim protection and assistance.

Article 329 of the Romanian Criminal Code prosecutes pandering, recruiting, facilitating or trafficking for the purpose of prostitution.

SLOVAKIA

The Penal code of Slovakia prohibits enticing and transporting a woman into a foreign country with the purpose of using her for sexual exploitation. (Article 246).

SLOVENIA

Trafficking in women is a crime according to the Penal code of Slovenia.

Provisions related to trafficking in women penalize the transportation of a person from one country to another under slave like conditions and the buying or selling of a person.

SOUTH AFRICA

Sexual Offences Act

Prevention of Organized Crime Act

Child Care Act

SOUTH KOREA

Act on the Punishment of Procuring Prostitution and Associated Acts, 2004 - The Act calls for strict sanctions for trafficking and procuring prostitution.

Act on the Prevention of Prostitution and Protection of its Victims thereof, 2004 - The Act authorizes the establishment of assistance facilities and counseling centers with an infrastructure of social, legal and medical support for victims.

SPAIN

The illegal trafficking of persons from, in transit or on destination to Spain is prohibited by the Spanish Penal code (Article 318). The sentence is higher when the offence is carried out with the aim of making profits, or by using violence intimidation or deceit or abusing the situation of the victim.

SRI LANKA

Penal Code, Article 360

SWITZERLAND

Trafficking in women for sexual exploitation is an offence according to Swiss Legislation.

The Swiss Penal Code criminalizes sexual exploitation, forced prostitution, trafficking and taking advantage of a person's distress in dependency.

SWEDEN

Violence Against Women Act (a groundbreaking law on prostitution outlawing the purchase of sexual services.)

Swedish Penal Code

TANZANIA

Article 140 of the Penal Code criminalizes procurement for prostitution by means of threats, intimidation, false pretences, false representation or by administering drugs and could be used to prosecute trafficking for prostitution both internally and cross-border.

THAILAND

The Prevention and Suppression of Trafficking in Women and Children Act (1997) prohibits trafficking and facilitates the investigation and prosecution of traffickers.

TOGO

Togo Anti –Trafficking Law provides for up to ten years jail term and a fine of \$18,000 for trafficking offences.

UGANDA

Article 125 of the Penal Code criminalizes procuring women for prostitution. More relevant to trafficking, is Article 126 which criminalizes procuring a woman

for unlawful sexual intercourse by using threats, intimidation, deception or by administering drugs. This is slightly broader than Article 125, which only deals with procurement for prostitution. The penalty for both offences is seven years' imprisonment. Illegally detaining another person for immoral purposes or prostitution is also a crime.

UKRAINE

Article 124(1) *Criminal Code* on "Trafficking in People".

UNITED KINGDOM

Offences Against the Person Act (1861)

Sexual Offences Act (1956)

The most relevant provisions for trafficking in the 1956 Act are outlined below:

Section 22

(1) It is an offence for a person:

- (a) to procure a woman to become, in any part of the world, a common prostitute; or
- (b) to procure a woman to leave the United Kingdom, intending her to become an inmate of or frequent a brothel elsewhere; or
- (c) to procure a woman to leave her usual place of abode in the United Kingdom, intending her to become an inmate or frequent a brothel in any part of the world for the purposes of prostitution.

Section 24

(1) It is an offence for a person to detain a woman against her will on any premises with the intention that she shall have unlawful sexual intercourse with men or with a particular man, or to detain a woman against her will in a brothel.

Part (2) details that withholding clothes or any other property belonging to the woman, or making threats of legal action should she attempt to retrieve her property, counts as evidence of having committed the offence. The maximum sentence for offences covered in sections 22-29 of the Act is two years.

Additional charges may be laid under Section 25(1) of the Immigration Act 1971, for facilitating illegal entry into the UK, and these charges are often used in order to make clear to the court that the case involves trafficking.

UNITED STATES OF AMERICA

The Victims of Trafficking and Violence Act (2000) prohibits trafficking in persons (including children). Punishment is 20 years imprisonment.

The Act also enables the U.S. President to impose non- trade and non – humanitarian sanctions on countries failing to meet minimum standards to eliminate trafficking.

Victims of Trafficking and Violence Act, (2000), Mann Act. The Mann Act, a federal law criminalizes an individual who knowingly transports another in interstate or foreign commerce “with intent that such individual engage in prostitution, or in any sexual

activity for which any person can be charged with a criminal offence...”.

The Act also bars an individual from inducing or coercing another to be transported for the purpose of prostitution or other sex related offences.

Peonage and Slavery Act,

Kidnapping Act,

Child Sexual Exploitation Act,

Alien Smuggling Act,

Trafficking Victims Protection Reauthorization Act

VIETNAM

Articles 115 and 149 of the Penal Code prohibit trafficking in women and children with penalties of between 5-20 years in prison.

ZAMBIA

The Constitution prohibits trafficking of children under the age of 18 as well as trafficking in women for immoral activities.

Despite the existence of the above legislations designed to combat crimes committed by traffickers, few traffickers are ever prosecuted or punished for the crime of human trafficking. In some cases, the sanctions imposed against traffickers and their accomplices are not severe enough to serve as deterrents.

In other cases, the victims are criminalized by a system that is as almost as hostile as it is to the traffickers themselves.

Human trafficking is the worst kind of degradation. The cost is measured in human misery. Consequently adequate compensation and protection are not offered to compensate for the real and serious harm done to victims.

Chapter Twelve

Recommendations

*“Because trafficking is transnational, it must be defeated by working jointly with other governments and international organizations. It will require strong political leadership, clear national action plans, appropriate legislations, sufficient resources, training of law enforcement and military personnel, efficient criminal justice systems and programmes to protect victims and witnesses. That’s a long list. These are big challenges. But they can be met through decisive action”**.

* Gillian Milovanonic, U.S. Ambassador to Macedonia.

The total onslaught against trafficking in persons requires a comprehensive approach that addresses all factors and root causes that foster demand and makes women and girls vulnerable to trafficking.

A country that ignores the enormity of the problems of trafficking in persons does so at its own peril.

Human trafficking has become so entrenched the world over that it has become necessary for everybody including governments, development partners, donor agencies, civil society organizations, private sector, individuals, traditional leaders, community leaders, religious leaders and other stakeholders to join hands and pool resources and experience together to combat the hydra headed problem.

The following recommendations are proffered to provide effective solutions to eliminate trafficking in persons:

1. Mobilize the whole society and form a strong multi-community force to prevent trafficking in persons. A multi-sectoral approach involving a plurality of sectors such as education, health, law enforcement, court system and international networks achieves the best results to effectively combat the heinous crime of trafficking.
2. Parents have a significant role to play in the moral upbringing of their children. A child who receives parental nurturing is most unlikely to stray off course in future and venture into the ugly practice of prostitution. Parents are urged to show love and care for their children rather than contribute to the climate of permissiveness. Parental care can prevent family breakdowns, which is often a contributory factor to trafficking.
3. Two sectors that are crucial in combating trafficking and helping victims are law enforcement and the judiciary.
The legal sanctions are not effective enough to serve as a deterrent to those involved in the illicit practice of human trafficking. The sanctions should be higher to reflect current realities. Moreover, there should also be a social action programme to discourage traffickers.
4. Trafficking is characterized by the international nature of the criminal organizations located in the source, transit and destination countries.

If the law enforcement agencies are to work separately, they will not be in a position to identify the whole network of criminal groups associated with each other. Because of the transnational nature of trafficking, cross border cooperation is essential to defeating the scourge of human trafficking. The transnational nature of the crime means that countries of origin, transit and destination must collaborate to prevent trafficking, protect its victims and prosecute the traffickers.

5. Lack of reliable data remains a major obstacle to implementing well-targeted international measures to stop trafficking in persons. The implication of lack of systematic research is that reliable data on the trafficking of human beings, which would allow comparative analysis and the design of counter measures is scarce. Intensive researches that would address the obvious shortcomings and closer monitoring and control strategies should be put in place.
6. The legal regime must guarantee the status, human rights, protection, compensation and rehabilitation of victims, while imposing stiff penalties and sanctions on their exploiters the traffickers, the pimps, the kidnapers the employers and the clients.⁶¹ The judicial system must also guarantee provisions for the prevention of the intimidation of witnesses and their families.
7. Amend and/or adopt national legislation in accordance with the UN Trafficking Protocol and other international standards.

8. Widespread deprivation and greed cannot be controlled by law enforcement. Women and girls must be empowered to make them economically independent. Governments and other stakeholders should intensify efforts to ensure that our ladies acquire a minimum level of education and skills that would empower them to be independent. A gender perspective is essential to understanding the root causes and consequences of trafficking.
9. Legislation is only the first step in developing effective strategies against human trafficking. It is equally important to ensure that the criminal justice system applies the law strictly and that women and girls have sufficient understanding of the anti-trafficking laws to be able to demand for the protection of their rights. Legislation must be supported by programs and policies targeted at attitudinal changes that will extol the traditional values, religious virtues and dignity of womanhood. Only legislation cannot prevent the thoughts and attitudes that are at the root causes of immorality.
Since trafficking often involves deception, ignorance and misinformation, empowerment of women and girls and aggressive awareness campaigns will go a long way to prevent trafficking.
Poverty and poor socio-economic development are the main factors that cause trafficking in persons. Therefore, a fundamental redress to human trafficking is poverty alleviation and balanced economic development of the citizenry.

Good governance will improve the economic fortunes of the citizenry and create employment and other worthwhile opportunities that will wipe out poverty, misery and ignorance which are contributory factors of trafficking in persons.

Africa is perhaps the most appropriate site to put in practice the political will, the international legislative achievements and the accumulated field experience in preventing and reducing trafficking in persons and attendant contemporary and generational consequences.⁶²

9. Actions to combat the problem of trafficking will only be successful when there is sufficient capacity building for staff of the various agencies that are involved in the prevention, prosecution, protection and rehabilitation of victims.
10. Efforts at controlling the trafficking of persons across the borders may not yield the desired results unless the government ensures the prosecution of the heinous syndicate behind the highly organized crime against humanity. Identifying and combating the various syndicates are possible solutions to the eradication of women trafficking.
11. Adequate manpower, infrastructure, materials and financial resources should be committed to vigorously fight the scourge of human trafficking.
12. Although there has been tremendous progress on the legal front in recent years, there are still problems relating to the enforcement of laws in many countries.

Corruption among government officials e.g. the police, immigration and customs officials facilitate the trafficking of women and children; there is no discernible commitment to address this trafficking related corruption. This corruption is reported to be very high impeding the prosecution of traffickers.⁶³

13. International cooperation and networking are crucial to the success of any anti-trafficking measure.

There should be better information exchange between countries as regards trafficking flows, routes and dynamics. This would help countries concerned at any given time to keep tabs on the activities of traffickers, arrest and prosecute them and also keep reliable statistics on the level of trafficking within States and across international borders.⁶⁴

There is need for the international community to establish effective control mechanisms to monitor compliance of various governments with the treaties against human trafficking.

14. The government should adopt measures that will address the plight of victims of trafficking as well as protect their fundamental human rights. Alongside repressive strategies to combat human trafficking, there is a need to develop strategies aimed at improving and ensuring protection of the basic human rights of victims of trafficking in human beings.

15. In view of the powerful influence non-governmental organizations exert on public attitudes and social values, governments and international agencies should cooperate with them by providing them with sufficient resources to combat trafficking.
The onslaught against human trafficking cannot achieve success without strong partnerships with non-governmental organizations. Community and religious leaders should embark on grass root mobilization methodologies to combat trafficking.
16. States must show serious commitment to fulfill and implement their obligations under international treaties particularly through effective judicial cooperation, prevention and counter measures against human trafficking. States parties must implement international treaties effectively. This necessitates more than mere rhetorical commitment.
17. The care, treatment, rehabilitation and reparation of victims are crucial hence practical measures should be put in place to:
 - (a) ensure that a trafficked person is not subjected to discrimination on account of race, colour, gender, sex, age, language, religion and political or other opinion;
 - (b) establish confidential medical, legal services and psychological care for the victims of trafficking,
 - (c) establish welfare fund for the well being and protection of victims;
 - (d) ensure safety and financial measures that will

facilitate the testimony of witnesses for the prosecution of traffickers, facilitate re-integration of victims and create shelter for them. The support and protection of victims who will give evidence is the key to prosecuting the ringleaders behind the phenomenon.⁶⁵

- (e) provide adequate compensation for victims of trafficking in accordance with human rights standards for the treatment of trafficked persons.

18. Legislation is only a first step in developing strategies against Human Trafficking. Make legislative provision for confiscation of assets of traffickers to support and compensate trafficked persons

Legislation is meaningless if not enforced. The law has to be complimented by concrete programmes of preventive and remedial measures that address the underlying causes of human trafficking.

It is important that the criminal justice system applies the law strictly to prevent the heinous crime of trafficking; protect the victims and deter the offenders while women should be equipped with an adequate understanding of their human rights.

19. There is need to strengthen the criminal justice response to trafficking in human beings through legislative reforms, awareness raising and training as well as through national and international cooperation.⁶⁶

The support and protection of victims who give evidence is key to prosecuting the ringleaders behind the phenomenon.

20. The implementation of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others as well as other relevant instruments on human trafficking needs to be reviewed and strengthened to combat the ills of human trafficking effectively.
21. To be effective, anti-trafficking strategies must target the supply side, the traffickers and the demand side. Trafficking thrives because there exists a market to receive the trafficked persons. The war against human trafficking can only be successful if both the demand and supply ends are tackled equally because there can't be one without the other. On the supply side, the conditions that drive trafficking must be dealt with through programmes on the dangers of trafficking, improve and expand educational and economic opportunities to vulnerable groups, promote equal access to education, educate people about their legal rights, create better and broader life opportunities. Regarding traffickers, law enforcement must vigorously pursue traffickers and those who aid and abet them. On the demand side, persons who exploit trafficked persons must be identified and prosecuted.⁶⁷
22. Raise public awareness of the laws prohibiting human trafficking.

- 23 Global efforts to combat human trafficking has been hampered by the lack of accurate global data. This calls for an improved system of data collection on trafficking in persons to ensure that all data collected are effectively used for the formulation, monitoring and evaluation of policies, programmes and projects.
- 24 Establish bilateral agreements and sub-regional multilateral agreements with neighbouring countries to prevent trafficking in persons and develop joint plans of action among the countries concerned.
- 25 Establish mechanisms to monitor the human rights impact of anti-trafficking laws, policies, programmes and interventions
- 26 Decriminalize trafficked persons, regardless of immigration status, recognizing them as victims and survivors.
- 27 Criminalize traffickers, and penalize public officials involved in trafficking and related activities.
- 28 Consult with trafficked persons in the formulation, implementation and monitoring of laws.
- 29 States should establish mechanisms to facilitate the exchange of information concerning traffickers and their modes of operation, confiscation of the proceeds of trafficking and engage in advocacy at the local, national and international levels on behalf of trafficked persons and for full prosecution of all traffickers including their accomplices and other members of their syndicate.

- 30 Governments of the countries of destination should provide assistance to the countries of origin to promote economic independence of women, support local counselling and aid projects, and provide information on safe and legal migration options as well as on tricks used by traffickers.
- 31 .The solution to the problem of human trafficking lies in putting in place practical prevention, protection and rehabilitation measures, close international cooperation and efficient legal machinery that guarantees the universal human rights of the victims of trafficking.

Endnotes

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See the Report of United Nations Special Rapporteur on Violence Against Women, its causes and consequences, Ms. Radhika Coomaraswamy on Trafficking in women, women's migration and violence against women at para 13
See the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act of Nigeria (2003) S. 50. See also Appendix IV
2. Foundation of Women's Forum, 1998, "Trafficking in women for the purpose of sexual exploitation -mapping the situation and existing organizations working in Belarus, Russia, the Baltic and Nordic States", Stockholm, August.
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4. Human Trafficking Exposed, Population Today v. 30 no.1 (Jan 2002) p.1,4
5. Advocacy Project <http://www.advocacynet>.

- org/cpage view18-26html.
- 6 UNICEF. Child Trafficking in West Africa. Policy Responses, Innocenti Insight IRC 2002 at <http://www.uniceficdc.org/cgi>.
 7. Trafficking Of Victims Protection Act 2000 S. 102 (b) According to UN and IOM estimates, four million people are trafficked world-wide and 500,000 victims of trafficking enter Western Europe annually.
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 9. Chris Nwachukwu. Child Labour ILO rates Nigeria Highly Guilty. [http.www.thisdayonline](http://www.thisdayonline.htm) htm p2 assessed on 19/09/03
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 15. ibid
 16. ibid. See also Convention For the Elimination of All

Forms of Against Women (CEDAW)
Recommendations 19 which identify poverty,
unemployment and armed conflicts as causal factors
of trafficking and exploitation of prostitution of
women

17. Rob Boone: United Nations Action Against Trafficking in Human Beings in Tunde Fagbounge (ed.) *The Rape of the Innocents- Evolving an African Initiative Against Human Trafficking.* (Abuja WOTCLEF Publications 2001) pp. 239-240
18. Nwaonuma Florence. Paper presented at a Seminar on “Trafficking In Women and Children” organized by the Edo State of Nigeria Committee Against Trafficking, Benin City. March 2, 2004.
19. V.E. Kalu : *International Juridical Response to 21st Century Slavery: Challenges for Nigeria’s Comatose Legislature.* Faculty of Law Lecture Series No. 2 (August 2004) University of Benin, Benin City, Nigeria.
20. A Keynote Speech by Mrs Dayo Elizabeth Akimoyo, Special Assistant to the President of the Federal Republic of Nigeria at the 3rd Annual “Africans United Against Child Abuse” Conference 2004 in London, United Kingdom. 2004.
21. *Trafficking in Persons Report June 2004*, Published by the U.S. Department of State.
22. *ibid* S. 102 (11)
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25. First Lady of Edo State of Nigeria, The Post Express Newspapers, March 5, 2000.
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 33. United Nations High Commissioner for Human Rights Principles and Guidelines on Human Rights and Human Trafficking. E/2002/68/Add 1 (2002). See also Appendix III.
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35. <http://www.un.cjin.org/documents/convention>, See also Appendix II
 36. Labour Act Cap. L1 Laws of the Federation 2004
 37. *ibid* S. 73
 38. Child Rights Act (2003) S.11 (a) & (d)
 39. *ibid* S.28 (a) & (d)
 40. Trafficking in Persons, (Prohibition) Law Enforcement and Administration Act 2003, Explanatory Memorandum. See Appendix IV
 41. *ibid*. See the Ghana Anti-Trafficking Law; Togo Anti –Trafficking Law which provides for up to ten years jail term and a fine of \$18,000 for trafficking offences. See also the Constitution of Nepal Article 20 (1), which states as follows: “Traffic in human beings, slavery, serfdom or forced labour in any form is prohibited”. See *Ojuya v Nzeogu* (1996) 1 NWLR Pt 427, 715 See also Trafficking of Victims Protection Act of U.S.A. (2000); S. 1590 –1, See Article 2, Convention for the Suppression of the Traffic In Persons and of the Exploitation of the Prostitution of Others, (1949). See also the Italian legal framework created for assisting victims of trafficking under Article 18 (Italian Law 40/98). Other countries should also emulate the worthy example of Sweden, which has enacted the Violence Against Women Act, Sweden, a groundbreaking law on prostitution outlawing the purchase of sexual services

- and penalizing the men who buy women for commercial sexual exploitation.
42. *ibid* S.14
 43. *ibid* S.16.
 44. *ibid* S.23
 45. *ibid* S.25
 46. See Appendix V for fuller details of the Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act, 2005
 47. Criminal Code of the Southern States Of Nigeria S. 223.
 48. See also Section 281 of the Penal Code of the Northern States of Nigeria, which states as follows:
“Whoever, in order to gratify the passion of another person, procures entices or leads away with her consent, any woman or girl for immoral purpose, shall be punished with imprisonment which may extend to seven years or shall be also liable to a fine”
 49. *ibid* S. 224. See also Criminal Code of the Southern States of Nigeria, Section 225 and Immigration Act Cap 171, Laws of the Federation of Nigeria.
 50. Criminal Code (Amendment) Law 2000 of Edo State of Nigeria. Anambra and Cross Rivers States of Nigeria have also adopted similar laws to combat Child labour and Trafficking in Women.
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 52. Vanguard Newspapers November 17, 2004 p. 3
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54. See Ahamba M. (S.A.N.): Delay in Court Proceedings; Causes and Solutions; a public lecture delivered to the Imo State University Law Students Association on April 24, 1986. Some suggestions for reform can be found in Odinakalu A.C. An Agenda for Decongesting the Courts. The Guardian Newspapers, June 16, 1993. p. 22
55. Evidence Act S. 137: See also Woolmington v D.P.P. (1935) AC 462
- 56 Attorney General of the Federation of Nigeria v. Sarah Okoya. Suit No. B/15C/2004, High Court of Justice, Benin City. See Monday Aikhomu, Suit No. B/13C/2004 at the High Court of Justice, Benin City, Hon. Attorney General of the Federation of Nigeria v Franca Asiboja, Suit No. B/31C/2005 and Hon. Attorney General of the Federation v Ese Osagie, Suit No. B/17C/2005.
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See Attorney General of the Federation of Nigeria v. Mrs Affiong Okon where the Onitsha High Court No. 2 convicted the accused person under Ss. 19 (b), (c) (e), 22 and 23 of Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003.

Other pending human trafficking cases at the High Court of Justice, Benin City are namely- Hon. Attorney General of the Federation of Nigeria v Constance Omoruyi in Suit No. B/31C/2004, Hon. Attorney General of the Federation of Nigeria v Sam Emwivrobamkhoe B/20C/2005.

57. Reported in a Release dated January 27, 2004 from the U.S. Attorney General's Office, Northern District of Georgia
58. Reported in Anti-Trafficking News Bulletin U.S Department of Justice Civil Rights Divisions Volume 2, Issue 2 August 2005.
59. <http://www.iom.org>
60. Trafficking Of Victims Protection Act (2000) S. 106 (a) & (b)
61. V. E. Kalu Esq supra at p. 43
62. Rob Boone supra at p. 236
63. Osita Agbu: "Corruption and Human Trafficking, the Nigerian Case Vol. 4 West African Review p.1
64. V. E. Kalu supra p. 47
65. [www.unodc.org/unodc/en/trafficking human/html](http://www.unodc.org/unodc/en/trafficking_human/html). See the Resolution of the European Parliament on the communication from the Commission to the Council and the European Parliament See also the

Communique of the Birmingham Summit (May 1998) committed the G-8 States to combat the smuggling of and trafficking in human beings which include inter-alia to-"develop a multidisciplinary and comprehensive strategy, including principles and an action plan for future cooperation amongst ourselves and with third countries, including countries of origin, transit and destination, to tackle all forms of trafficking in human beings"; and, "consider the future comprehensive UN Organized Crime Convention an important instrument for this purpose".

66. *ibid*

67. Trafficking in Persons Report, 2005, U.S. Dept of State. p.21

APPENDIX I

CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN PERSONS AND OF THE EXPLOITATION OF THE PROSTITUTION OF OTHERS

Approved by General Assembly resolution 317(IV) of 2
December 1949

Entry into force 25 July 1951, in accordance with

Article 24

Status of ratifications, reservations and declarations

Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community, Whereas, with respect to the suppression of the traffic in women and children, the following international instruments are in force:

- (1) International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, as amended by the Protocol approved by the General Assembly of the United Nations on 3 December 1948,
- (2) International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, as amended

by the above-mentioned Protocol,

(3) International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, as amended by the Protocol approved by the General Assembly of the United Nations on 20 October 1947,

(4) International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, as amended by the aforesaid Protocol,

Whereas the League of Nations in 1937 prepared a draft Convention extending the scope of the above-mentioned instruments, and

Whereas developments since 1937 make feasible the conclusion of a convention consolidating the above-mentioned instruments and embodying the substance of the 1937 draft Convention as well as desirable alterations therein:

Now therefore the Contracting parties

Hereby agree as hereinafter provided:

Article 1

The Parties to the present Convention agree to punish any person who, to gratify the passions of another:

(1) Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of

that person;

(2) Exploits the prostitution of another person, even with the consent of that person.

Article 2

The Parties to the present Convention further agree to punish any person who:

(1) Keeps or manages, or knowingly finances or takes part in the financing of a brothel;

(2) Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.

Article 3

To the extent permitted by domestic law, attempts to commit any of the offences referred to in articles 1 and 2, and acts preparatory to the commission thereof, shall also be punished.

Article 4

To the extent permitted by domestic law, intentional participation in the acts referred to in articles 1 and 2 above shall also be punishable.

To the extent permitted by domestic law, acts of participation shall be treated as separate offences whenever this is necessary to prevent impunity.

Article 5

In cases where injured persons are entitled under domestic law to be parties to proceedings in respect of any of the offences referred to in the present Convention, aliens shall be so entitled upon the same terms as nationals

Article 6

Each Party to the present Convention agrees to take all the necessary measures to repeal or abolish any existing law, regulation or administrative provision by virtue of which persons who engage in or are suspected of engaging in prostitution are subject either to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification.

Article 7

Previous convictions pronounced in foreign States for offences referred to in the present Convention shall, to the extent permitted by domestic law, be taken into account for the purposes of:

- (1) Establishing recidivism;
- (2) Disqualifying the offender from the exercise of civil rights.

Article 8

The offences referred to in articles 1 and 2 of the present Convention shall be regarded as extraditable offences in any extradition treaty which has been or may hereafter be concluded between any of the Parties to this Convention.

The Parties to the present Convention which do not make extradition conditional on the existence of a treaty shall henceforward recognize the offences referred to in articles 1 and 2 of the present Convention as cases for extradition between themselves.

Extradition shall be granted in accordance with the law of the State to which the request is made.

Article 9

In States where the extradition of nationals is not permitted by law, nationals who have returned to their own State after the commission abroad of any of the offences referred to in articles 1 and 2 of the present Convention shall be prosecuted in and punished by the courts of their own State.

This provision shall not apply if, in a similar case between the Parties to the present Convention, the extradition of an alien cannot be granted.

Article 10

The provisions of article 9 shall not apply when the person charged with the offence has been tried in a foreign State and, if convicted, has served his sentence or had it remitted or reduced in conformity with the laws of that foreign State.

Article 11

Nothing in the present Convention shall be interpreted as determining the attitude of a Party towards the general question of the limits of criminal jurisdiction under international law.

Article 12

The present Convention does not affect the principle that the offences to which it refers shall in each State be defined, prosecuted and punished in conformity with its domestic law.

Article 13

The Parties to the present Convention shall be bound to execute letters of request relating to offences referred to in the Convention in accordance with their domestic law and practice.

The transmission of letters of request shall be effected:

- (1) By direct communication between the judicial

authorities; or

(2) By direct communication between the Ministers of Justice of the two States, or by direct communication from another competent authority of the State making the request to the Minister of Justice of the State to which the request is made; or

(3) Through the diplomatic or consular representative of the State making the request in the State to which the request is made; this representative shall send the letters of request direct to the competent judicial authority or to the authority indicated by the Government of the State to which the request is made, and shall receive direct from such authority the papers constituting the execution of the letters of request.

In cases 1 and 3, a copy of the letters of request shall always be sent to the superior authority of the State to which application is made.

Unless otherwise agreed, the letters of request shall be drawn up in the language of the authority making the request, provided always that the State to which the request is made may require a translation in its own language, certified correct by the authority making the request.

Each Party to the present Convention shall notify to each of the other Parties to the Convention the method or methods of transmission mentioned above which it will

recognize for the letters of request of the latter State.

Until such notification is made by a State, its existing procedure in regard to letters of request shall remain in force.

Execution of letters of request shall not give rise to a claim for reimbursement of charges or expenses of any nature whatever other than expenses of experts.

Nothing in the present article shall be construed as an undertaking on the part of the Parties to the present Convention to adopt in criminal matters any form or methods of proof contrary to their own domestic laws.

Article 14

Each Party to the present Convention shall establish or maintain a service charged with the co-ordination and centralization of the results of the investigation of offences referred to in the present Convention.

Such services should compile all information calculated to facilitate the prevention and punishment of the offences referred to in the present Convention and should be in close contact with the corresponding services in other States.

Article 15

To the extent permitted by domestic law and to the extent to which the authorities responsible for the

services referred to in article 14 may judge desirable, they shall furnish to the authorities responsible for the corresponding services in other States the following information:

- (1) Particulars of any offence referred to in the present Convention or any attempt to commit such offence;
- (2) Particulars of any search for any prosecution, arrest, conviction, refusal of admission or expulsion of persons guilty of any of the offences referred to in the present Convention, the movements of such persons and any other useful information with regard to them.

The information so furnished shall include descriptions of the offenders, their fingerprints, photographs, methods of operation, police records and records of conviction.

Article 16

The Parties to the present Convention agree to take or to encourage, through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in the present Convention.

Article 17

The Parties to the present Convention undertake, in connection with immigration and emigration, to adopt or maintain such measures as are required, in terms of their obligations under the present Convention, to check the traffic in persons of either sex for the purpose of prostitution.

In particular they undertake:

- (1) To make such regulations as are necessary for the protection of immigrants or emigrants, and in particular, women and children, both at the place of arrival and departure and while en route;
- (2) To arrange for appropriate publicity warning the public of the dangers of the aforesaid traffic;
- (3) To take appropriate measures to ensure supervision of railway stations, airports, seaports and en route, and of other public places, in order to prevent international traffic in persons for the purpose of prostitution;
- (4) To take appropriate measures in order that the appropriate authorities be informed of the arrival of persons who appear, prima facie, to be the principals and accomplices in or victims of such traffic.

Article 18

The Parties to the present Convention undertake, in accordance with the conditions laid down by domestic law, to have declarations taken from aliens who are prostitutes, in order to establish their identity and civil status and to discover who has caused them to leave their State.

The information obtained shall be communicated to the authorities of the State of origin of the said persons with a view to their eventual repatriation.

Article 19

The Parties to the present Convention undertake, in accordance with the conditions laid down by domestic law and without prejudice to prosecution or other action for violations thereunder and so far as possible:

(1) Pending the completion of arrangements for the repatriation of destitute victims of international traffic in persons for the purpose of prostitution, to make suitable provisions for their temporary care and maintenance;

(2) To repatriate persons referred to in article 18 who desire to be repatriated or who may be claimed by persons exercising authority over them or whose expulsion is ordered in conformity with the law. Repatriation shall take place only after agreement is

reached with the State of destination as to identity and nationality as well as to the place and date of arrival at frontiers. Each Party to the present Convention shall facilitate the passage of such persons through its territory.

Where the persons referred to in the preceding paragraph cannot themselves repay the cost of repatriation and have neither spouse, relatives nor guardian to pay for them, the cost of repatriation as far as the nearest frontier or port of embarkation or airport in the direction of the State of origin shall be borne by the State where they are in residence, and the cost of the remainder of the journey shall be borne by the State of origin.

Article 20

The Parties to the present Convention shall, if they have not already done so, take the necessary measures for the supervision of employment agencies in order to prevent persons seeking employment, in particular women and children, from being exposed to the danger of prostitution.

Article 21

The Parties to the present Convention shall communicate to the Secretary-General of the United Nations such laws and regulations as have already been promulgated in their States, and thereafter

annually such laws and regulations as may be promulgated, relating to the subjects of the present Convention, as well as all measures taken by them concerning the application of the Convention.

The information received shall be published periodically by the Secretary-General and sent to all Members of the United Nations and to non-member States to which the present Convention is officially communicated in accordance with article 23.

Article 22

If any dispute shall arise between the Parties to the present Convention relating to its interpretation or application and if such dispute cannot be settled by other means, the dispute shall, at the request of any one of the Parties to the dispute, be referred to the International Court of Justice.

Article 23

The present Convention shall be open for signature on behalf of any Member of the United Nations and also on behalf of any other State to which an invitation has been addressed by the Economic and Social Council.

The present Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

The States mentioned in the first paragraph which have not signed the Convention may accede to it.

Accession shall be effected by deposit of an instrument of accession with the Secretary-General of the United Nations.

For the purposes of the present Convention the word "State" shall include all the colonies and Trust Territories of a State signatory or acceding to the Convention and all territories for which such State is internationally responsible.

Article 24

The present Convention shall come into force on the ninetieth day following the date of deposit of the second instrument of ratification or accession.

For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification or accession, the Convention shall enter into force ninety days after the deposit by such State of its instrument of ratification or accession.

Article 25

After the expiration of five years from the entry into force of the present Convention, any Party to the Convention may denounce it by a written notification addressed to the Secretary-General of the United Nations.

Such denunciation shall take effect for the Party making it one year from the date upon which it is received by the Secretary-General of the United Nations.

Article 26

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in article 23:

- (a) Of signatures, ratifications and accessions received in accordance with article 23;
- (b) Of the date on which the present Convention will come into force in accordance with article 24;
- (c) Of denunciations received in accordance with article 25.

Article 27

Each Party to the present Convention undertakes to adopt, in accordance with its Constitution, the legislative or other measures necessary to ensure the application of the Convention.

Article 28

The provisions of the present Convention shall supersede in the relations between the Parties thereto the provisions of the international instruments referred to in subparagraphs 1, 2, 3 and 4 of the

second paragraph of the Preamble, each of which shall be deemed to be terminated when all the Parties thereto shall have become Parties to the present Convention.

FINAL PROTOCOL

Nothing in the present Convention shall be deemed to prejudice any legislation which ensures, for the enforcement of the provisions for securing the suppression of the traffic in persons and of the exploitation of others for purposes of prostitution, stricter conditions than those provided by the present Convention. The provisions of articles 23 to 26 inclusive of the Convention shall apply to the present Protocol

APPENDIX II

PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME UNITED NATIONS, 2000

Preamble

The States Parties to this Protocol,

Declaring that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights,

Taking into account the fact that, despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, there is no universal instrument that addresses all aspects of trafficking in persons,

Concerned that, in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected,

Recalling General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument addressing trafficking in women and children,

Convinced that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument for the prevention, suppression and punishment of trafficking in persons, especially women and children, will be useful in preventing and combating that crime,

Have agreed as follows:

I. General provisions

Article 1

Relation with the United Nations Convention against Transnational Organized Crime

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.

2. The provisions of the Convention shall apply, mutatis mutandis, to this Protocol unless otherwise provided herein.
3. The offences established in accordance with Article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

Article 2

Statement of purpose

The purposes of this Protocol are:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) To promote cooperation among States Parties in order to meet those objectives.

Article 3

Use of terms

For the purposes of this Protocol:

- (a) "Trafficking in persons" shall mean 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.

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;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

Article 4

Scope of application

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.

Article 5

Criminalization

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.
2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:
 - (a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;
 - (b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and
 - (c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

II. Protection of victims of trafficking in persons

Article 6

Assistance to and protection of victims of trafficking in persons

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.

2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:

(a) Information on relevant court and administrative proceedings;

(b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.

3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:

(a) Appropriate housing;

(b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;

(c) Medical, psychological and material assistance; and

(d) Employment, educational and training opportunities.

4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.

6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

Article 7

Status of victims of trafficking in persons in receiving States

1. In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.

Article 8

Repatriation of victims of trafficking in persons

1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.

3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.

4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.

5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.

6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

III. Prevention, cooperation and other measures

Article 9

Prevention of trafficking in persons

1. States Parties shall establish comprehensive policies, programmes and other measures:

- (a) To prevent and combat trafficking in persons; and
- (b) To protect victims of trafficking in persons, especially women and children, from revictimization.

2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.

3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

Article 10

Information exchange and training

1. Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law, to enable them to determine:

(a) Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons;

(b) The types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons; and

(c) The means and methods used by organized criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them.

2. States Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking,

prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers.

The training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

3. A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.

Article 11

Border measures

1. Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons.

2. Each State Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of this Protocol.

3. Where appropriate, and without prejudice to applicable international conventions, such measures shall include

establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.

4. Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.

5. Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.

6. Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.

Article 12

Security and control of documents

Each State Party shall take such measures as may be necessary, within available means:

(a) To ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and

(b) To ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.

Article 13

Legitimacy and validity of documents

At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for trafficking in persons.

IV. Final provisions

Article 14

Saving clause

1. Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.

2. The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be consistent with internationally recognized principles of non-discrimination.

Article 15

Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration.

If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 16

Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval.

Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of

the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol.

Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

Article 17

Entry into force

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention.
2. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.
3. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

Article 18
Amendment

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment.

If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it.

Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

Article 19

Denunciation

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

Article 20

Depositary and languages

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

APPENDIX III

United Nations High Commissioner For Human Rights Principles and Guidelines on Human Rights and Trafficking, E/2002/68/Add.1 (2002)

RECOMMENDED PRINCIPLES ON HUMAN RIGHTS AND HUMAN TRAFFICKING

The primacy of human rights

Preventing trafficking

Protection and assistance

Criminalization, punishment and redress

Guideline 1

Promotion and protection of human rights

Guideline 2

Identification of trafficked persons and traffickers

Guideline 3

Research, analysis, evaluation and dissemination

Guideline 4

Ensuring an adequate legal framework

Guideline 5

Ensuring an adequate law enforcement response

Guideline 6

Protection and support for trafficked persons

Guideline 7

Preventing trafficking

Guideline 8

Special measures for the protection and support of child victims of trafficking

Guideline 9

Access to remedies

Guideline 10

Obligations of Peacekeepers, Civilian police and humanitarian and diplomatic personnel Cooperation and coordination between States and regions

RECOMMENDED PRINCIPLES ON HUMAN RIGHTS AND HUMAN TRAFFICKING

The primacy of human rights

1. The human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims.
2. States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons.
3. Anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum-seekers.

Preventing trafficking

4. Strategies aimed at preventing trafficking shall address demand as a root cause of trafficking.

5. States and intergovernmental organizations shall ensure that their interventions address the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination.

6. States shall exercise due diligence in identifying and eradicating public-sector involvement or complicity in trafficking. All public officials suspected of being implicated in trafficking shall be investigated, tried and, if convicted, appropriately punished.

Protection and assistance

7. Trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons.

8. States shall ensure that trafficked persons are protected from further exploitation and harm and have access to adequate physical and psychological care. Such protection and care shall not be made conditional upon the capacity or willingness of the trafficked person to cooperate in legal proceedings.

9. Legal and other assistance shall be provided to trafficked persons for the duration of any criminal, civil or other actions against suspected traffickers. States shall provide

protection and temporary residence permits to victims and witnesses during legal proceedings.

10. Children who are victims of trafficking shall be identified as such. Their best interests shall be considered paramount at all times. Child victims of trafficking shall be provided with appropriate assistance and protection. Full account shall be taken of their special vulnerabilities, rights and needs.

11. Safe (and, to the extent possible, voluntary) return shall be guaranteed to trafficked persons by both the receiving State and the State of origin. Trafficked persons shall be offered legal alternatives to repatriation in cases where it is reasonable to conclude that such repatriation would pose a serious risk to their safety and/or to the safety of their families.

Criminalization, punishment and redress

12. States shall adopt appropriate legislative and other measures necessary to establish, as criminal offences, trafficking, its component acts^[1] and related conduct^[2]

13. States shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-State actors.

14. States shall ensure that trafficking, its component acts and related offences constitute extraditable offences under national law and extradition treaties. States shall cooperate

to ensure that the appropriate extradition procedures are followed in accordance with international law.

15. Effective and proportionate sanctions shall be applied to individuals and legal persons found guilty of trafficking or of its component or related offences.

16. States shall, in appropriate cases, freeze and confiscate the assets of individuals and legal persons involved in trafficking. To the extent possible, confiscated assets shall be used to support and compensate victims of trafficking.

17. States shall ensure that trafficked persons are given access to effective and appropriate legal remedies.

RECOMMENDED GUIDELINES ON HUMAN RIGHTS AND HUMAN TRAFFICKING

Guideline 1: Promotion and protection of human rights

Violations of human rights are both a cause and a consequence of trafficking in persons. Accordingly, it is essential to place the protection of all human rights at the centre of any measures taken to prevent and end trafficking. Anti-trafficking measures should not adversely affect the human rights and dignity of persons and, in particular, the rights of those who have been trafficked, migrants, internally displaced persons, refugees and asylum-seekers.

States and, where applicable, intergovernmental and non-governmental organizations, should consider:

Taking steps to ensure that measures adopted for the purpose of preventing and combating trafficking in persons do not

have an adverse impact on the rights and dignity of persons, including those who have been trafficked.

Consulting with judicial and legislative bodies, national human rights institutions and relevant sectors of civil society in the development, adoption, implementation and review of anti-trafficking legislation, policies and programmes.

Developing national plans of action to end trafficking. This process should be used to build links and partnerships between governmental institutions involved in combating trafficking and/or assisting trafficked persons, and relevant sectors of civil society.

Taking particular care to ensure that the issue of gender-based discrimination is addressed systematically when anti-trafficking measures are proposed with a view to ensuring that such measures are not applied in a discriminatory manner.

Protecting the right of all persons to freedom of movement and ensuring that anti-trafficking measures do not infringe upon this right.

Ensuring that anti-trafficking laws, policies, programmes and interventions do not affect the right of all persons, including trafficked persons, to seek and enjoy asylum from persecution in accordance with international refugee law, in particular through the effective application of the principle of non-refoulement.

Establishing mechanisms to monitor the human rights impact of anti-trafficking laws, policies, programmes and interventions.

Consideration should be given to assigning this role to independent national human rights institutions where such bodies exist.

Non-governmental organizations working with trafficked persons should be encouraged to participate in monitoring and evaluating the human rights impact of anti-trafficking measures.

Presenting detailed information concerning the measures that they have taken to prevent and combat trafficking in their periodic reports to the United Nations human rights treaty monitoring bodies.[3]

9. Ensuring that bilateral, regional and international cooperation agreements and other laws and policies concerning trafficking in persons do not affect the rights, obligations or responsibilities of States under international law including human rights law, humanitarian law and refugee law.

10. Offering technical and financial assistance to States and relevant sectors of civil society for the purpose of developing and implementing human rights-based anti-trafficking strategies.

Guideline 2: Identification of trafficked persons and traffickers

Trafficking means much more than the organized movement of persons for profit. The critical additional factor that distinguishes trafficking from migrant smuggling is the presence of force, coercion and/or deception throughout or

at some stage in the process –such deception, force or coercion being used for the purpose of exploitation.

While the additional elements that distinguish trafficking from migrant smuggling may sometimes be obvious, in many cases they are difficult to prove without active investigation. A failure to identify a trafficked person correctly is likely to result in a further denial of that person's rights. States are therefore under an obligation to ensure that such identification can and does take place.

States are also obliged to exercise due diligence in identifying traffickers,[4] including those who are involved in controlling and exploiting trafficked persons.

States and, where applicable, intergovernmental and non-governmental organizations, should consider:

Developing guidelines and procedures for relevant State authorities and officials such as police, border guards, immigration officials and others involved in the detection, detention, reception and processing of irregular migrants, to permit the rapid and accurate identification of trafficked persons.

Providing appropriate training to relevant State authorities and officials in the identification of trafficked persons and correct application of the guidelines and procedures referred to above.

Ensuring cooperation between relevant authorities, officials and non-governmental organizations to facilitate the identification and provision of assistance to trafficked persons.

The organization and implementation of such cooperation should be formalized in order to maximize its effectiveness.

Identifying appropriate points of intervention to ensure that migrants and potential migrants are warned about possible dangers and consequences of trafficking and receive information that enables them to seek assistance if required.

Ensuring that trafficked persons are not prosecuted for violations of immigration laws or for the activities they are involved in as a direct consequence of their situation as trafficked persons.

Ensuring that trafficked persons are not, in any circumstances, held in immigration detention or other forms of custody.

Ensuring that procedures and processes are in place for receipt and consideration of asylum claims from both trafficked persons and smuggled asylum seekers and that the principle of non-refoulement is respected and upheld at all times.

Guideline 3: Research, analysis, evaluation and dissemination

Effective and realistic anti-trafficking strategies must be based on accurate and current information, experience and analysis. It is essential that all parties involved in developing and implementing these strategies have and maintain a clear understanding of the issues.

The media have an important role to play in increasing public understanding of the trafficking phenomenon by providing accurate information in accordance with professional ethical standards.

States and, where appropriate, intergovernmental and non-governmental organizations, should consider:

Adopting and consistently using the internationally agreed definition of trafficking contained in the Palermo Protocol.[5]

Standardizing the collection of statistical information on trafficking and related movements (such as migrant smuggling) that may include a trafficking element.

Ensuring that data concerning individuals who are trafficked is disaggregated on the basis of age, gender, ethnicity and other relevant characteristics.

Undertaking, supporting and bringing together research into trafficking. Such research should be firmly grounded in ethical principles including an understanding of the need not to re-traumatize trafficked persons. Research methodologies and interpretative techniques should be of the highest quality.

Monitoring and evaluating the relationship between the intention of anti-trafficking laws, policies and interventions, and their real impact. In particular, ensuring that distinctions are made between measures which actually reduce trafficking and measures which may have the effect of transferring the problem from one place or group to another. Recognizing the important contribution that survivors of trafficking can, on a strictly voluntary basis, make to developing and implementing anti-trafficking interventions and evaluating their impact.

Recognizing the central role that non-governmental organizations can play in improving the law enforcement response to trafficking by providing relevant authorities with information on trafficking incidents and patterns taking into

account the need to preserve the privacy of trafficked persons.

Guideline 4: Ensuring an adequate legal framework

The lack of specific and/or adequate legislation on trafficking at the national level has been identified as one of the major obstacles in the fight against trafficking. There is an urgent need to harmonize legal definitions, procedures and cooperation at the national and regional levels in accordance with international standards. The development of an appropriate legal framework that is consistent with relevant international instruments and standards will also play an important role in the prevention of trafficking and related exploitation.

States should consider:

1. Amending or adopting national legislation in accordance with international standards so that the crime of trafficking is precisely defined in national law and detailed guidance is provided as to its various punishable elements.

All practices covered by the definition of trafficking such as debt bondage, forced labour and enforced prostitution should also be criminalized.

2. Enacting legislation to provide for the administrative, civil and, where appropriate, criminal liability of legal persons for trafficking offences in addition to the liability of natural persons. Reviewing current laws, administrative controls and conditions relating to the licensing and operation of businesses which may serve as cover for

trafficking such as marriage bureaux, employment agencies, travel agencies, hotels and escort services.

3. Making legislative provision for effective and proportional criminal penalties (including custodial penalties giving rise to extradition in the case of individuals). Where appropriate, legislation should provide for additional penalties to be applied to persons found guilty of trafficking in aggravating circumstances including offences involving trafficking in children or offences committed or involving complicity by State officials.

4. Making legislative provision for confiscation of the instruments and proceeds of trafficking and related offences. Where possible, the legislation should specify that the confiscated proceeds of trafficking will be used for the benefit of victims of trafficking. Consideration should be given to the establishment of a compensation fund for victims of trafficking and the use of confiscated assets to finance such a fund.

5. Ensuring that legislation prevents trafficked persons from being prosecuted, detained or punished for the illegality of their entry or residence or for the activities they are involved in as a direct consequence of their situation as trafficked persons.

6. Ensuring that the protection of trafficked persons is built into anti-trafficking legislation, including protection from summary deportation or return where there are reasonable

grounds to conclude that such deportation or return would represent a significant security risk to the trafficked person and/or her/his family.

7. Providing legislative protection for trafficked persons who voluntarily agree to cooperate with law enforcement authorities, including protection of their right to remain lawfully within the country of destination for the duration of any legal proceedings.

8. Making effective provision for trafficked persons to be given legal information and assistance in a language they understand as well as appropriate social support sufficient to meet their immediate needs. States should ensure that entitlement to such information, assistance and immediate support is not discretionary but is available as a right for all persons who have been identified as trafficked.

9. Ensuring that the right of trafficking victims to pursue civil claims against alleged traffickers is enshrined in law.

10. Guaranteeing that protections for witnesses are provided for in law. 11. Making legislative provision for the punishment of public sector involvement or complicity in trafficking and related exploitation.

Guideline 5: Ensuring an adequate law enforcement response

Although there is evidence to suggest that trafficking in persons is increasing in all regions of the world, few

traffickers have been apprehended. More effective law enforcement will create a disincentive for traffickers and will therefore have a direct impact upon demand. An adequate law enforcement response to trafficking is dependent on the cooperation of trafficked persons and other witnesses. In many cases, individuals are reluctant or unable to report traffickers or to serve as witnesses because they lack confidence in the police and the judicial system and/or the absence of any effective protection mechanisms. These problems are compounded when law enforcement officials are involved or complicit in trafficking. Strong measures need to be taken to ensure that such involvement is investigated, prosecuted and punished. Law enforcement officials must also be sensitized to the paramount requirement of ensuring the safety of trafficked persons. This responsibility lies with the investigator and cannot be abrogated.

States and, where applicable, intergovernmental and non-governmental organizations should consider:

1. Sensitizing law enforcement authorities and officials to their primary responsibility to ensure the safety and immediate well-being of trafficked persons;
2. Ensuring that law enforcement personnel are provided with adequate training in the investigation and prosecution of cases of trafficking. This training should be sensitive to the needs of trafficked persons, particularly those of women and children, and should acknowledge the practical value of

providing incentives for trafficked persons and others to come forward to report traffickers.

The involvement of relevant non-governmental organizations in such training should be considered as a means of increasing its relevance and effectiveness.

3. Providing law enforcement authorities with adequate investigative powers and techniques to enable effective investigation and prosecution of suspected traffickers. States should encourage and support the development of proactive investigatory procedures that avoid over-reliance on victim testimony.

4. Establishing specialist anti-trafficking units (comprising both women and men) in order to promote competence and professionalism.

5. Guaranteeing that traffickers are and will remain the focus of anti-trafficking strategies and that law enforcement efforts do not place trafficked persons at risk of being punished for offences committed as a consequence of their situation.

6. Implementing measures to ensure that “rescue” operations do not further harm the rights and dignity of trafficked persons. Such operations should only take place once appropriate and adequate procedures for responding to the needs of trafficked persons released in this way have been put in place.

7. Sensitizing police, prosecutors, border, immigration and judicial authorities, and social and public health workers to the problem of trafficking and ensuring the provision of specialized training in identifying trafficking cases, combating trafficking and protecting the rights of victims. Making appropriate efforts to protect individual trafficked persons during the investigation and trial process and any subsequent period when the safety of the trafficked person so requires. Appropriate protection programmes may include some or all of the following elements: identification of a safe place in the country of destination; access to independent legal counsel; protection of identity during legal proceedings; identification of options for continued stay, resettlement or repatriation.

Encouraging law enforcement authorities to work in partnership with non-governmental agencies in order to ensure that trafficked persons receive necessary support and assistance.

Guideline 6: Protection and support for trafficked persons

The trafficking cycle cannot be broken without attention to the rights and needs of those who have been trafficked. Appropriate protection and support should be extended to all trafficked persons without discrimination.

States and, where applicable, intergovernmental and non-governmental organizations, should consider:

Ensuring, in cooperation with NGOs, that safe and adequate shelter that meets the needs of trafficked persons is made available.

The provision of such shelter should not be made contingent on the willingness of the victims to give evidence in criminal proceedings. Trafficked persons should not be held in immigration detention centres, other detention facilities or vagrant houses.

Ensuring, in partnership with NGOs, that trafficked persons are given access to primary health care and counselling. Trafficked persons should not be required to accept any such support and assistance and they should not be subject to mandatory testing for diseases including HIV/AIDS.

Ensuring that trafficked persons are informed of their right of access to diplomatic and consular representatives from their State of nationality. Staff working in embassies and consulates should be provided with appropriate training in responding to requests for information and assistance from trafficked persons.

These provisions would not apply to trafficked asylum seekers.

Ensuring that legal proceedings in which trafficked persons are involved are not prejudicial to their rights, dignity or physical or psychological well-being.

5. Providing trafficked persons with legal and other assistance in relation to any criminal, civil or other actions against traffickers/exploiters. Victims should be provided with information in a language that they understand.

6. Ensuring that trafficked persons are effectively protected from harm, threats or intimidation by traffickers and associated persons. To this end, there should be no public

disclosure of the identity of trafficking victims and their privacy should be respected and protected to the extent possible, while taking into account the right of any accused person to a fair trial. Trafficked persons should be given full warning, in advance, of the difficulties inherent in protecting identities and should not be given false or unrealistic expectations regarding the capacities of law enforcement agencies in this regard.

7. Ensuring the safe and, where possible, voluntary return of trafficked persons and exploring the option of residency in the country of destination or third-country resettlement in specific circumstances (e.g. to prevent reprisals or in cases where re-trafficking is considered likely).

In partnership with NGOs, ensuring that trafficked persons who do return to their country of origin are provided with the assistance and support necessary to ensure their well-being, facilitate their social integration and prevent re-trafficking. Measures should be taken to ensure the provision of appropriate physical and psychological health care, housing, and educational and employment services for returned trafficking victims.

Guideline 7: Preventing trafficking

Strategies aimed at preventing trafficking should take into account demand as a root cause. States and intergovernmental organizations should also take into account the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination

and prejudice. Effective prevention strategies should be based on existing experience and accurate information.

States, in partnership with intergovernmental and non-governmental organizations and where appropriate, using development cooperation policies and programmes, should consider:

Analysing the factors that generate demand for exploitative commercial sexual services and exploitative labour and taking strong legislative, policy and other measures to address these issues.

Developing programmes that offer livelihood options, including basic education, skills training and literacy, especially for women and other traditionally disadvantaged groups.

Improving children's access to educational opportunities and increasing the level of school attendance, in particular by girl children.

Ensuring that potential migrants, especially women, are properly informed about the risks of migration (e.g. exploitation, debt bondage, and health and security issues including exposure to HIV/AIDS) as well as avenues available for legal, non-exploitative migration.

Developing information campaigns for the general public aimed at promoting awareness of the dangers associated with trafficking.

Such campaigns should be informed by an understanding of the complexities surrounding trafficking and of the reasons why individuals may make potentially dangerous migration decisions.

Reviewing and modifying policies that may compel people to resort to irregular and vulnerable labour migration. This process should include examining the effect on women of repressive and/or discriminatory nationality, property, immigration, emigration and migrant labour laws.

Examining ways of increasing opportunities for legal, gainful and non-exploitative labour migration.

The promotion of labour migration by the State should be dependent on the existence of regulatory and supervisory mechanisms to protect the rights of migrant workers.

Strengthening the capacity of law enforcement agencies to arrest and prosecute those involved in trafficking as a preventive measure. This includes ensuring that law enforcement agencies comply with their legal obligations.

Adopting measures to reduce vulnerability by ensuring that appropriate legal documentation for birth, citizenship and marriage is provided and made available to all persons.

Guideline 8: Special measures for the protection and support of child victims of trafficking

The particular physical, psychological and psychosocial harm suffered by trafficked children and their increased vulnerability to exploitation require that they be dealt with separately from adult trafficked persons in terms of laws, policies, programmes and interventions. The best interests of the child must be a primary consideration in all actions concerning trafficked children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. Child victims of trafficking should be provided with appropriate assistance

and protection and full account should be taken of their special rights and needs.

States and, where applicable, intergovernmental and non-governmental organizations, should consider, in addition to the measures outlined under Guideline 6:

1. Ensuring that definitions of trafficking in children in both law and policy reflect their need for special safeguards and care including appropriate legal protection. In particular, and in accordance with the Palermo Protocol, evidence of deception, force, coercion, etc. should not form part of the definition of trafficking where the person involved is a child.

2. Ensuring that procedures are in place for the rapid identification of child victims of trafficking

3. Ensuring that children who are victims of trafficking are not subjected to criminal procedures or sanctions for offences related to their situation as trafficked persons.

4. In cases where children are not accompanied by relatives or guardians, taking steps to identify and locate family members. Following a risk assessment and consultation with the child, measures should be taken to facilitate the reunion of trafficked children with their families where this is deemed to be in their best interest

5. In situations where the safe return of the child to his or her family is not possible or where such return would not be in the child's best interests, establishing adequate care

arrangements that respect the rights and dignity of the trafficked child.

6. In both the situations referred to in the previous two paragraphs, ensuring that a child who is capable of forming his or her own views enjoys the right to express those views freely in all matters affecting him or her, particularly concerning decisions about his or her possible return to the family, the views of the child being given due weight in accordance with his or her age and maturity.

7. Adopting specialized policies and programmes to protect and support children who have been victims of trafficking. Children should be provided with appropriate physical, psychosocial, legal, educational, housing and health-care assistance.

8. Adopting measures necessary to protect the rights and interests of trafficked children at all stages of criminal proceedings against alleged offenders and during procedures for obtaining compensation.

9. Protecting, as appropriate, the privacy and identity of child victims and taking measures to avoid the dissemination of information that could lead to their identification.

10. Taking measures to ensure adequate and appropriate training, in particular legal and psychological training, for persons working with child victims of trafficking.

Guideline 9: Access to remedies

Trafficked persons, as victims of human rights violations, have an international legal right to adequate and appropriate remedies. This right is often not effectively available to trafficked persons as they frequently lack information on the possibilities and processes for obtaining remedies, including compensation, for trafficking and related exploitation. In order to overcome this problem, legal and other material assistance should be provided to trafficked persons to enable them to realize their right to adequate and appropriate remedies.

States and, where applicable, intergovernmental and non-governmental organizations, should consider:

1. Ensuring that victims of trafficking have an enforceable right to fair and adequate remedies, including the means for as full a rehabilitation as possible. These remedies may be criminal, civil or administrative in nature.
2. Providing information as well as legal and other assistance to enable trafficked persons to access remedies. The procedures for obtaining remedies should be clearly explained in a language that the trafficked person understands.
3. Making arrangements to enable trafficked persons to remain safely in the country in which the remedy is being sought for the duration of any criminal, civil or administrative proceedings.

Guideline 10: Obligations of peacekeepers, civilian police, and humanitarian and diplomatic personnel

The direct or indirect involvement of peacekeeping, peace-building, civilian policing, humanitarian and diplomatic personnel in trafficking raises special concerns. States, intergovernmental and non-governmental organizations are responsible for the actions of those working under their authority and are therefore under an obligation to take effective measures to prevent their nationals and employees from engaging in trafficking and related exploitation. They are also required to investigate thoroughly all allegations of trafficking and related exploitation and to provide for and apply appropriate sanctions to personnel found to have been involved in trafficking.

States, and, where appropriate, intergovernmental and non-governmental organizations, should consider:

Ensuring that pre- and post-deployment training programmes for all peacekeeping, peace-building, civilian policing, humanitarian and diplomatic staff adequately address the issue of trafficking and clearly set out the expected standard of behaviour. This training should be developed within a human rights framework and delivered by appropriately experienced trainers.

Ensuring that recruitment, placement and transfer procedures (including those of private contractors and sub-contractors) are rigorous and transparent.

Ensuring that staff employed in the context of peacekeeping, peace-building, civilian policing, humanitarian and diplomatic missions do not engage in trafficking and related exploitation or use the services of persons in relation to

which there are reasonable grounds to suspect they may have been trafficked.

This obligation also covers complicity in trafficking through corruption or affiliation with any person or group of persons who could reasonably be suspected of engaging in trafficking and related exploitation.

Developing and adopting specific regulations and codes of conduct setting out expected standards of behaviour and the consequences of failure to adhere to these standards.

Requiring all personnel employed in the context of peacekeeping, peace-building, civilian policing, humanitarian and diplomatic missions to report on any instances of trafficking and related exploitation that come to their attention.

Establishing mechanisms for the systematic investigation of all allegations of trafficking and related exploitation involving personnel employed in the context of peacekeeping, peace-building, civilian policing, humanitarian and diplomatic missions.

Consistently applying appropriate criminal, civil and administrative sanctions to personnel shown to have engaged in or been complicit in trafficking and related exploitation. Intergovernmental and non-governmental organizations should, in appropriate cases, apply disciplinary sanctions to staff members found to be involved in trafficking and related exploitation in addition to and independently of any criminal or other sanctions decided on by the State concerned. Privileges and immunities attached to the status of an employee should not be invoked in order

to shield that person from sanctions for serious crimes such as trafficking and related offences.

Guideline 11: Cooperation and coordination between States and regions

Trafficking is a regional and global phenomenon which cannot always be dealt with effectively at the national level: a strengthened national response can often result in the operations of traffickers moving elsewhere. International, multilateral and bilateral cooperation can play an important role in combating trafficking activities. Such cooperation is particularly critical between countries involved in different stages of the trafficking cycle.

States and, where applicable, intergovernmental and non-governmental organizations, should consider:

Adopting bilateral agreements aimed at preventing trafficking, protecting the rights and dignity of trafficked persons and promoting their welfare.

Offering, either on a bilateral basis or through multilateral organizations, technical and financial assistance to States and relevant sectors of civil society for the purpose of promoting the development and implementation of human rights-based anti-trafficking strategies.

Elaborating regional and sub regional treaties on trafficking, using the Palermo Protocol and relevant international human rights standards as a baseline and framework.

Adopting labour migration agreements which may include provision for minimum work standards, model contracts, modes of repatriation, etc. in accordance with existing international standards. States are encouraged effectively to

enforce all such agreements in order to help eliminate trafficking and related exploitation.

5. Developing cooperation arrangements to facilitate the rapid identification of trafficked persons including the sharing and exchange of information in relation to their nationality and right of residence.

6. Establishing mechanisms to facilitate the exchange of information concerning traffickers and their methods of operation.

7. Developing procedures and protocols for the conduct of proactive joint investigations by law enforcement authorities of different concerned States. In recognition of the value of direct contacts, provision should be made for direct transmission of requests for assistance between locally competent authorities in order to ensure that such requests are rapidly dealt with and to foster the development of cooperative relations at the working level.

8. Ensuring judicial cooperation between States in investigations and judicial processes relating to trafficking and related offences, in particular through common prosecution methodologies and joint investigations. This cooperation should include assistance in identifying and interviewing witnesses with due regard for their safety; in identifying, obtaining and preserving evidence; in producing and serving the legal documents necessary to secure evidence and witnesses; and in the enforcement of judgments.

Ensuring that requests for extradition for offences related to trafficking are dealt with by the authorities of the requested State without undue delay.

Establishing cooperative mechanisms for the confiscation of the proceeds of trafficking. This cooperation should include the provision of assistance in identifying, tracing, freezing and confiscating assets connected to trafficking and related exploitation.

11. Exchanging information and experience relating to the implementation of assistance, return and integration programmes with a view to maximizing impact and effectiveness.

12 Encouraging and facilitating cooperation between NGOs and other civil society organizations in countries of origin, transit and destination. This is particularly important to ensure support and assistance to trafficked persons who are repatriated.

For the purposes of these Principles and Guidelines, the “component acts” and “component offences” of trafficking are understood to include the recruitment, transportation, transfer, harbouring or receipt of persons over eighteen years of age by means of threat, force, coercion or deception for the purpose of exploitation. The recruitment, transportation transfer, harbouring or receipt of a person under eighteen years of age constitute component acts and component offences of trafficking in children. Source: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Article 3(a), 3 (c).

For the purposes of these Principles and Guidelines, conduct and offences “related to” trafficking are understood to

include: exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery and servitude. Source: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Article 3 (a).

The human rights treaty monitoring bodies include the Human Rights Committee; the Committee on Economic, Social and Cultural Rights; the Committee on the Elimination of Discrimination against Women; the Committee on the Elimination of Racial Discrimination; the Committee against Torture; and the Committee on the Rights of the Child.

The term “traffickers”, where it appears in these Principles and Guidelines, is used to refer to recruiters; transporters; those who exercise control over trafficked persons; those who transfer and/or maintain trafficked persons in exploitative situations; those involved in related crimes; and those who profit either directly or indirectly from trafficking, its component acts and related offences.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) defines trafficking in persons as: “ ... 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.

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” (Article 3 (a)). The Protocol further states that the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth above (article 3 (c)).

1<http://www1.umn.edu/humanrts/instreetraffickingGuidelinesHCHR.html>

2<<http://www1.umn.edu/humanrts/instreetraffickingGuidelinesHCHR.html>>.

3<<http://www1.umn.edu/humanrts/instreetraffickingGuidelinesHCHR.html>>

4<<http://www1.umn.edu/humanrts/instreetraffickingGuidelinesHCHR.html>>

5<<http://www1.umn.edu/humanrts/instreetraffickingGuidelinesHCHR.html>>

APPENDIX IV

TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION ACT, 2003

EXPLANATORY MEMORANDUM

This Act prohibits and prescribes punishment for traffic in person, particularly women and children, and other related offences.

It also establishes a National Agency for Prohibition of Traffic in Persons and Other Related Matters vesting it with the responsibility for investigation and prosecution of offenders thereof and the counseling and rehabilitation of trafficked persons.

ARRANGEMENT OF SECTIONS

SECTIONS:

1. Establishment of National Agency for the prohibition of traffic in persons
2. Establishment, membership, and appointment of member of the Governing Board
3. Tenure of office etc.
4. Function of the Agency
5. Special power of the Agency
6. Secretariat and Appointment of Secretary and other staff of Agency

7. Pensions: Cap, 246 LFN, 1990
8. Establishment of the Special Units
9. Duties of the Special Units
10. Training programmes
11. Exportation of any of person from Nigeria
12. Procurement of any person
13. Causing or encouraging the seduction of prostitution of any person under eighteen years
14. Procurement of any under eighteen years
15. Procurement of any person for prostitution pornography and use of armed conflict.
16. Foreign travel which promote prostitution
17. Unlawful detention with intent to defile
18. Procuring defilement of any person by threats or fraud administering drugs
19. Kidnapping from guardianship
20. Kidnapping and abducting in order to commit culpable homicide
21. Buying or selling a person for a purpose

22. Unlawful forced labour

23. Traffic in slaves

24. Slave dealing

25. Effect of conviction abroad

26. Offence by Alien

27. Attempt
28. Offence by bodies Corporate
28. Commercial carrier
29. Responsibility of our operators and travel agents
30. Responsibilities of Airlines
31. Penalties for breach
32. Jurisdiction etc
33. Forfeiture of passport
34. Power to Search, Seize and Arrest
35. Treatment of trafficked persons
36. Non-detention or presentation of a trafficked person
37. Right to institute a violation
38. Application of certain enactment, Cap. 25 LFN 1990
39. Fund
40. Account and Audit
41. Power to borrow money

42. Annual report
43. Obstruction of the Agency or authorized officers
44. Protection of informant and information
45. Power of the Minister to give directives to the Agency
46. Offences committed outside Nigeria etc.
47. Right of appeal
48. Power to make regulations
49. Interpretation
50. Short title

SCHEDULE

A BILL FOR AN ACT TO ESTABLISH THE NATIONAL AGENCY FOR THE PROHIBITION OF TRAFFIC IN PERSONS AND OTHER RELATED MATTERS AND TO VEST IT WITH THE RESPONSIBILITY TO ENFORCE LAWS AGAINST TRAFFIC IN PERSONS, INVESTIGATE AND PROSECUTE PERSONS SUSPECTED TO BE ENGAGED IN TRAFFIC IN PERSONS, AND TO TAKE CHARGE AND COORDINATE THE REHABILITATION AND COUNSELING OF TRAFFICKED PERSONS; AND FOR RELATED MATTERS.

Enacted by the National Assembly of the Federal Republic of Nigeria

Commencement

PART 1 – ESTABLISHMENT OF THE NATIONAL AGENCY FOR TRAFFIC IN PERSONS LAWS ENFORCEMENT AND ADMINISTRATION

Establishment of National Agency for Prohibition of Traffic in Persons

1. (1) This is established a body to be known as the National Agency for prohibition of Traffic in Persons and Other Related Matters (in this Act referred to as “the Agency”)

(2) The Agency –

(a) Shall be a body corporate with perpetual succession and a common Seal; and

(b) May sue or be sued in its corporate name.

Establishment Membership, and Appointment of Members of the Governing Board.

2.(1) These is established for the Agency, a part time governing Board (in this Act referred to as “the Board”).

(2) The Board shall be the governing authority responsible for supervising the activities of the the Agency, and for the formulation of its policies and shall also superintend generally, the affairs of the Agency, promoting the interest, objects and purposes of the Agency.

(3) The Board shall consist of –

(a) a Chairman, being a person who by reason of his ability, character, experience and knowledge can deal with the problem of trafficked persons; and

- (b) 12 other members, two of whom shall be appointed from each of the six Geo-political zones on the recommendation of the Minister,
- (4) The Chairman and other members of the Board shall be appointed by the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria.
Schedule

(5) The provisions of the Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters mentioned therein. Tenure of Office etc.

3-(1) The Chairman and members of the Board shall hold office for a term of four years and shall be eligible for reappointment for another term and no more.

(2) The office of the Chairman or a member of the Board shall become vacant if-

- (a) he resigns his office by notice in writing under his hand addressed to the President and is accepted by him;
- (b) the President is satisfied that it is not in the interest of the Agency or of the public for the person appointed to continue in office; or,
- (c) he dies;
- (d) he become of unsound mind or incapable of carrying out his duties;
- (e) he becomes bankrupt;
- (f) he is guilty of gross misconduct relating to his duties

- (3) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment by the president, of a successor to hold office for the remainder of the term of office of his predecessor, and the successor shall represent the same interest as that member whose exit created the vacancy.

Functions of the Agency

The Agency shall be responsible for –

- (a) the enforcement and due administration of this Act;
- (b) the co-ordination of all laws on Traffic in persons and related offences and the enforcement of those laws;
- (c) adoption of measures to increase the effectiveness of eradication of traffic in person;
- (d) the facilitation or encouragement of the presence or availability of persons, including persons in custody, who consent to assist in investigation or participate in proceeding relating to traffic in persons and related offence;
- (e) enhancing the effectiveness of law enforcement agents to suppress traffic in persons;
- (f) establishing, maintaining and securing communication to facilitate the rapid exchange of information concerning offences, conduct research and improving international co-

- operation in the suppression of traffic in persons by road, sea and air.
- (g) reinforcing and supplementing measures in such bilateral and multilateral treaties and conventions on traffic in persons as may be adopted by Nigeria to counter the magnitude and extent of traffic in persons and its grave consequences;
 - (h) taking such measures and or in collaboration with other agencies or bodies that may ensure the elimination and prevention of the root causes of the problem of traffic in any person;
 - (i) strengthening and enhancing effective legal means for international co-operation in criminal matters for suppressing the international activities of traffic in persons;
 - (j) strengthening of co-operation between the office of the Attorney-General of the Federation, the Nigeria Police Force; the Nigeria Immigration Service, the Nigeria Customs Service, the Nigeria Prison Service, welfare officials and other law enforcement agencies in the eradication of traffic in person; and
 - (k) taking charge, supervising controlling and coordinating the rehabilitation of trafficked persons and participating in proceedings relating to traffic in persons.

Special Power of the Agency.

- 5-(1) The Agency shall have the power to cause investigations to be conducted-
- (a) as to whether any person has committed an offence under this Act; and
 - (b) with a view to ascertaining whether any person has been involved in offences under this Act.

Secretariat and Appointment of Secretary and other Staff of the Agency.

- 6-(1) There shall be established a Secretariat for the Agency
- (2) There shall be for the Agency, a Secretary who shall not be below the rank of Director in the Public Service of the Federation and who shall be appointed by the president on the recommendation of the Attorney General of the Federation.
 - (3) The Secretary shall-
 - (a) be the Chief Executive and Accounting Officer of the Agency;
 - (b) be responsible for the day-to-day administration of the Secretariat ;
 - (c) keep the books and records of the Agency; and
 - (d) be subject to the supervision and control of the Board of the Agency
 - (4) The Agency may; from time to time, appoint such other staff as it may deem necessary, to assist the Agency in the performance of its functions under this Act.

- (5) The staff of the Agency appoint under subsection (2) shall be appointed on such terms and conditions of service as the Agency may, after consultation with the Federal Civil Service Commission determine.
- (6) The staff of the Agency shall be public officer as defined in the Constitution of the Federal Republic of Nigeria and other existing laws.

Secretary and other Staff of the Agency.

- 7-(1) Service in the Agency shall be public service for the purpose of the pensions Act and, accordingly, officers and other staff of the Agency shall in respect of their service in the Agency be entitled to such pensions, gratuities and retirement benefits as are prescribed in the Pensions Act.

Pensions; CAP; 246 LFN 1990

- (2) Notwithstanding the provision of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.
- (3) For the purpose of the application of the provisions of the pensions Act, any powers exercisable thereunder by a Minister or other authority of the Government of the Federation (not being the power to make regulations under section 23 thereof) are hereby

vested in and shall be exercisable by the Agency and not by any other person or authority.

Establishment of Special Units.

- 8-(1) For the effective conduct of the functions of the Agency, there shall be established the following units-
- (a) the Investigation Unit;
 - (b) the Legal Unit;
 - (c) the Public Enlightenment Unit;
 - (d) the Counseling and Rehabilitation Unit; and
 - (e) such other Units as the Agency may establish with the approval of the Board.
- (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms, which preclude the grant of pension ad gratuity in respect of that office.

Duties of the Special Units

- 9-(1) The Investigation Unit shall liaise with the police for the prevention and detection of offences in violation of the provision of this Act, and shall work in collaboration with

the Immigration Service, Customs Service and other relevant security agencies.

- (2) The Public Enlightenment Unit shall, in collaboration with the Federal Ministries of Information and National Orientation Agency. Women and Youth development, Employment, Labour and Productivity, be responsible for campaigns, seminars and workshops aimed at educating the public on the problem of trafficking in any person, thereby stimulating interest in and awareness about the problem.
- (3) The Counseling and Rehabilitation Unit shall, in collaboration with the Federal Ministries of Women and Youth Development Employment, Labour and Productivity and Culture and Tourism, be responsible for:

- [a] Counseling, after care rehabilitation, social re-integration and education of trafficked persons; and
 - [b] Counseling and the promotion of the welfare of convicts.
- (4) There shall be appointed for each of the Units a Principal Officer who shall be known by such designations as the Agency may determine.

10-(1)The Agency may initiate, develop or improve specific training programmes for the relevant law enforcement agents and other personnel of the Agency charged with the responsibility for the section of offences created by this Act and the programmes shall include-

- [a] methods used in the detection and suppression of offences under this Act;
- [b] give information on routes and techniques used by persons involved in offences under this Act and appropriate counter-measures;
- [c] assistance in monitoring of the movement of trafficking person; and
- [d] dissemination of information about traffic in traffic in person laws. Exportation of persons persons out of Nigeria and Importation of of persons into Nigeria.

Exportation of persons out of Nigeria and Importation of persons into Nigeria

11-Any person who-

[a] exports from Nigeria to any place outside Nigeria any person under the age of

eighteen years with intent that such person, or knowing it to be likely that such person will be forced or seduced into prostitution in that place; or

[b] imports into Nigeria from any place outside Nigeria any person under the age of eighteen years with intent that may be or knowing it to be likely that such person will be forced into prostitution anywhere in Nigeria, commits an offence and is liable on conviction to imprisonment for life.

Procurement of any person

12-Any person who-

[a] by the use of deception, coercion, debt bondage or any means whatsoever, induces any person under the age of eighteen years to go from one place to another to do any act with intent that such person may be, or knowing that it is likely that the person will be forced or seduced into illicit intercourse with another person, or

[b] in order to gratify the passions of another person, procures, entices or leads away, even with such person's consent, any person under the age of eighteen years, commits an offence and is liable on conviction to imprisonment for ten years without an option of fine.

Causing or Encouraging the seduction or prostitution of any person under eighteen years.

13-(1) Any person who, having the custody, charge or care of any person under the age of eighteen years, causes or encourages the seduction unlawful carnal knowledge or prostitution or the commission of an indecent assault upon any person, commits an offence and is liable on conviction to imprisonment for ten years.

(2) A person shall be deemed to have caused or encouraged the seduction, unlawful carnal knowledge, or prostitution of or the commission of indecent assaults upon any person who has been seduced, unlawfully carnally known, or indecently assaulted, or who has become a prostitute, if he knowingly allows such person to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

Procurement of any person under eighteen years.

14-(1) Any person who procures a person who is under the age of eighteen years to have unlawful carnal knowledge with any other person or persons, either in Nigeria or any place outside Nigeria, commits an offence and shall be liable on conviction to imprisonment for ten years.

(2) Any person who procures any person under the age of eighteen years to-

[a] become a prostitute, either in Nigeria, or any place outside Nigeria.

- [b] leave Nigeria with intent that such person may become a prostitute in any place outside Nigeria
- [c] Leave such person's usual place of abode in Nigeria with intent that such person engage in prostitution either in Nigeria or any place outside Nigeria commits an offence and is liable on conviction to imprisonment for ten years.

Procurement of any person for prostitution pornography and use in armed conflict

15. Any person who-
- [a] procures, uses or offers any person for prostitution or the production of pornography, or for pornographic performance
 - [b] procures, uses or offers any person for the production and trafficking in drugs:
 - [c] traffics any person for the purpose of force or compulsory recruitment use in armed conflict commits an offence and is liable on conviction to imprisonment for fourteen years without an option of fine

Foreign travel which promote Prostitution

16. Any person who organizes or promotes foreign travel, which promote prostitution of any person or encourages such activity commits an offence and is liable on conviction to imprisonment for ten years without an option of fine.

Unlawful detention with intent to defile

17. Any person who-

[a] conspires with another to induce any person under the age of eighteen years by means of any false pretence or other fraudulent means, permit any man to have unlawful carnal knowledge of such person commits an offence

and is liable on conviction to imprisonment for five years:

[b] Detains person under the age of eighteen years against such person's will in or upon any premises for the purposes of being unlawfully carnally known by any man, whether a particular man or not, commits an offence and is liable on conviction to imprisonment for ten years.

Procuring defilement of any threats, fraud or administering drugs

18. Any person who-

[a] with threats or intimidation of any kind procures any person under the age of eighteen years, to have carnal connection with a man or an animal, either in Nigeria or any place outside Nigeria.

[b] under false pretence procures of any person under the age of eighteen years to have carnal connection with a man within or outside Nigeria.

[c] administers to any person under the age of eighteen years, or causes any person under the age of eighteen years, to take any drug or any

other thing with intent to, stupefy or over-power such person in order to enable any man, whether a particular man or not, to have carnal knowledge of such person, commits an offence and is liable on conviction to imprisonment for ten years or a fine not exceeding N200,000:00.

Kidnapping from guardianship

19.(1) Any person who-

- [a] takes or entices any person under eighteen years of age or any person of unsound mind out of the custody of the lawful guardian of such person without the consent of the guardian or conveys any such person beyond the limits of Nigeria without the consent of someone legally authorized to give consent to such removal, commits an offence and is liable on conviction to imprisonment for fourteen years without an option of fine:
- [b] by force compels by any deceitful means induces any person to go from any place, commits an offence and is liable on conviction to imprisonment for ten years or to a fine not exceeding N200,000.00 or both:
- [c] confines or detains another person in any place against his will, or otherwise unlawful deprives another person of his personal liberty, commits liberty, commits an offence and is liable on conviction to imprisonment for five years or to a fine of N100,000.00 or both;

- [d] unlawfully takes an unmarried person under the age of eighteen years out of the custody or protection of such person's father or mother or other person having the lawful care or charge of such person and against the will of such father or mother or persons having lawful care or charge of such person commits an offence and is liable on conviction to imprisonment for ten years without an option of fine; and
- [e] with intent to deprive any parent, guardian, or other person who has the lawful care or charge of a person under the age of eighteen years, of the possession of such person forcibly or fraudulently takes or enticed away or detained, commits an offence, and is liable on conviction to imprisonment for fourteen years without an option of fine.
- [f] A person is deemed to detain any person in or upon any premises in paragraph (e) of subsection (1) of this section when the person is in or brought upon any such premises with a view to such person being so carnally known, or to detain such person in such premises with intent to compel or induce such person to remain in or upon the premises, he withholds from such person any wearing apparels, other property belonging to such persons or the person's traveling documents.

Kidnapping and abducting in order to commit culpable homicide

20. A person who kidnaps abducts or by deceitful means lures any person away in order that such person may be killed for any person away in order that such person may be killed for any purpose, commits an offence and is liable on conviction to imprisonment for life.

Buying or selling a Person for a purpose.

21. Any person who buys, sells, hires lets or otherwise obtains possession or disposes of any person under the age of eighteen years with intent that such person be employed or used for immoral purposes or knowing it to likely that such person will be employed or used for any such purposes, commits an offence and is liable on conviction to imprisonment for fourteen years without the option of a fine.

Unlawful forced labour

22. Any person who requires any other person, or permits any place outside Nigeria, to be used for force labour commits an offence and is liable on conviction to imprisonment for five years or to a fine not exceeding N100,000.00 or to both fine and imprisonment.

Traffic in Slaves

23. Any person who imports, exports, removes, buys, sells, disposes, traffics or deals in any person as a slave or accepts, receives, or detains a person against that person's will as a slave, commits an offence and is liable on conviction to imprisonment for life.

Slave dealing.

24. Any person who-

- (a) deals or trades in, purchases, sells, transfers or takes any person in order or so that such person should be held or treated as a slaves;
- (b) places or receives any person in servitude as a pledge or security for debt whether then due and owing, or to be incurred or contingent whether under the name of a pawn or by whatever other name such person may be called or known.
- (c) conveys or induces any person to come within the limits of Nigeria in order or so that such person should be held, possessed, death with or treated in, purchased, sold, or transferred as a slave or be placed in servitude as a pledge or security for debt;
- (d) hold or possesses any person as a slave;
- (e) enters into any contract or agreement with or without consideration of doing any of these accomplishing any of the purposes enumerated in this section, commits an offence and is liable on conviction to imprisonment for life.

Effect of conviction abroad

25. 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.

Offence by Alien

- 26-(1) Any person resident in Nigeria who-
- (a) causes or encourages the seduction or prostitution of any person under the age of eighteen years;
 - (b) keeps a brothel;
 - (c) permits the defilement of any person under the age of eighteen years in his premises;
 - (d) allows a person under the age of eighteen years to be in a brothel or trades in prostitution;
 - (e) procures, uses or offers a person for the production of pornography or for pornographic performance, and
- (2) An alien convicted under subsection (1) of this section shall be deported after serving his term of imprisonment unless the provisions of the Transfer of Convicted Offenders (Enactment And Enforcement) Act apply.

Attempt.

- 27- (1) Where a person is charged with any of the offences under this Act and the evidence establishes an attempt to commit this Act and the evidence establishes an attempt to commit that offence, he may be convicted of having attempted to commit that

offence and shall be liable on conviction to 12 months imprisonment or a fine of N50,000.00 or both.

- (2) Where a person is charged with an attempt to commit an offence under this Act, but the evidence establishes the commission of the full offence, the offender shall not be entitled to acquittal but shall be convicted of the offences as prescribed in this Act

Offence by Bodies Corporate.

- 28-(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed on the instigation or with the connivance of or is attributable to any neglect, on the part of a Director, Manager, Secretary of the body corporate, or any person purported to act in any such capacity, he shall be liable on conviction to imprisonment for 3 years or to a fine of N200, 000.00 or both.
- (2) Where a body corporate is convicted of an offence under this Act, it shall be liable to a fine of N2 million and the court may issue an order to wind up the body and its assets and properties forfeited to the Victims of Trafficking Trust Fund

Commercial Carrier.

29-(1) Any commercial carrier who knowingly carries any person in contravention of this Act in addition to any other penalty provided in any other Act or enactment, commits an offence and is liable on conviction to imprisonment for 2 years or a N2, 000,000.00 instead thereof.

(2) Where an offence under this Act which has been committed by a body corporate is proved to have been committed on the instigation or with the connivance of or is attributable to any neglect, on the part of a Director, Manager, Secretary of the body corporate, or any person purported to act in any such capacity, he shall be liable on conviction to imprisonment for 3 years or to a fine of N2,000,000.00 or both. Responsibility of Tour

Operators and Travel Agents.

30. Every tour operators and travel agents shall-

[a] Notify its clients of its obligation under this Act not to said and abet, facilitate or promote in any way the traffic in any person;

[b] Notify their clients of their obligation under this Act not to aid, abet, facilitate or promote in any way, any person's pornography and other person's exploitation in tourisms;

[c] Insert in contracts with corresponding suppliers in destination countries, clauses requiring them to comply with the obligation stated in the preceding paragraphs of this subsection;

- [d] Refrain from utilizing messages on printed material, video or the Internet that could suggest or allude to behaviour incompatible with the objective of this Act;
- [e] Inform their staff of their obligations under this Act and
- [f] Include clauses regarding their obligations under this Act to their staff in new employment contracts

Responsibilities of Airlines

31. Every airline company shall promote through every possible means, public awareness of the guiding principles of this Act in in-flight magazines, tickets jackets, Internet units and Video on long lane flights.

Penalties for Breach.

32. Any tour operator, travel agent or airline who violates the provisions of sections 30 and 31 of this Act commits an offence and in addition to any other penalty provided in any other law or enactment is liable on conviction to a fine not exceeding N200,000.00.

Jurisdiction etc

- 33-(1) The High Court of the Federal Capital Territory or Territory or the High Court of a State, shall have jurisdiction to try offences under this Act.
- (2) The High Court has powers to impose the penalties provided for in this Act, notwithstanding anything to the contrary in any other enactment.

Forfeiture of passport.

34. The passport of any person convicted of an offence involving traffic in person under this Act shall be forfeited to the Federal Government and shall not be returned to that person unless or until the President directs otherwise, after the grant of a Person or on the exercise of the Constitution of the Federal Republic of Nigeria.

Power to search, seize and arrest.

35-(1) Any police officer, customs officer, immigration officer, or the Chairman of the Agency or any officer of the Agency authorized by regulation in that behalf, may for the purpose of this Act-

- [a] with a warrant, enter and search any land, building or carrier, including aircraft, vehicle or container or any other instrumentalities whatsoever, which he has reason to believe is connected with the commission of an offence under this Act.
- [b] Perform, test and take samples of any substance relating to the commission of an offence under this Act, which are found on land or building or carrier, including aircraft, vehicle, container or any other instrumentalities whatsoever searched pursuant to Paragraph (a) of this subsection;
- [c] Arrest any person whom he has reason to believe has committed an offence under this Act; and
- [d] seize any item or substance which he has reason to believe has been used in the Commission of an Offence under this Act

- (2) A written receipt of the agency shall be given by a duly authorized member of the Agency for any item, substance or thing seized under subsection (1) of this section, to the person from whom any such item or substance is seized.

Treatment of trafficked persons

36. The Agency shall ensure that-

- [a] a trafficked person is not subjected to discriminatory treatment in practice on account of race, colour gender, sex, age, language, religion, political or other opinion, cultural beliefs or practices, national ethnic or social origin., property, birth or other status, including his status as a victim of trafficking or having worked in the sex industry;
- [b] a trafficking person has access to adequate adequate health and other social services services during the period of temporary temporary;
- [c] a trafficked person has access to the embassy or consulate of the country of which he is a citizen or where there is no embassy or consulate, ensure access to the diplomatic representative of the state that takes charge of the country's interest or any national or protect him.
- [d] a trafficked person is not denied temporary residence visas during the tendency of any criminal, civil or other legal actions;

- [e] investigation, detection, gathering and interpretation of evidence are conducted in such a manner as to minimize intrusion into the personal history of trafficked persons;
- [f] the identity of a person trafficked is protected;
- [g] the use by any person's history of being trafficked to discriminate or cause harm to any trafficked person or his friends in any way whatsoever, particularly with regards to freedom of movement, marriage or search for gainful employment is not encouraged;
- [h] it takes steps to maintain and rehabilitate facilities provided for trafficked person; and
- [I] a trafficked person is protected from intimidation, threats, and reprisals from traffickers and their associates including reprisals from person in position of authority.

Non-detention or presentation of a trafficked person in certain circumstances

37. Where the circumstances so justify, trafficked person shall not be detained, imprisoned or prosecuted for offences relating to being a victim of trafficking, including non possession of valid travel stay or use of a false travel or other document.

Right to institute civil action

38. A trafficked person, irrespective of his immigration status-
- [a] has the right to institute civil action

against a trafficker and any other person including a public officer who have exploited or abused him; and [b] is entitled to compensation, restitution and recovery for economic, physical and psychological damages to be met from the assets of the convicted trafficker.

Application of certain Enactment Cap. 25 LFN 1990

39-(1) The President of the Federal Republic of Nigeria may by order published in the Gazette extend the provisions of-

[a] the Mutual Assistance in Criminal Matters with the Commonwealth (Enhancement and Enforcement) Act; and

[b] the Transfer of Convicted Offenders (Enhancement and Enforcement) Act, to apply to any country outside the Commonwealth and accordingly the provisions of the Acts mentioned in paragraph (a) and this paragraph of this subsection shall have effect in their application to this Act.

Fund

40- (1) There shall be established for the Agency a Fund from which all expenses reasonably incurred by the Agency for the execution of its function under this act shall be paid.

(2) There shall be paid and credited to the Fund such moneys as may in each year be approved by the National Assembly for the purpose of the Agency.

(3) The Agency may accept gifts of land, money or other property (whether within or outside Nigeria) upon such terms and conditions, if any, as may be specified by the person or organization making the gift, provided that the terms and conditions are not contrary to the objectives and functions of the Agency under this Act.

Account and Audit

41. The Agency shall keep proper accounts, in a form, which conforms with existing laws on auditing of its receipts, payments assets and liabilities and shall submit the accounts annually, for auditing by a qualified auditor from the list of auditors supplied by the Auditor-General of the Federation.

Power to borrow money

42. The Agency shall have power to borrow money from Banks with the approval of the Board and the Agency shall have power to borrow money on recommendation of the Board and approval by the Attorney-General of the Federation.

Annual Report

43. The Agency shall, not later than 30th September in each year, submit to the Federal Executive Council, a report of its activities during the immediate preceding year and shall include in such report the audited accounts of the Agency.

Obstruction of the Agency or authorized officers.

44. 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 under this Act, and is liable on conviction to imprisonment for a term not exceeding 5 years or to a fine of N50,000.00 or to both.

Protection of informant and information

45 Where a person volunteers to the Agency or an official of the Agency any information, which may be useful in the investigation 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.

Power of the Minister to give directives to the Agency

46(1) The Minister may from time to time, give general policy guidelines to the Agency.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Minister may give to the Agency directives of a general or specific nature relating generally to a

- particular matter or case, as the case may be.
- (3) The Agency shall comply with any policy guideline or any directive given to it by the Minister pursuant to subsection (1) or (2) of this section.

Offences committed outside Nigeria. etc

47 (1) Where an offence under this Act is committed in any place outside Nigeria by any citizen or person granted permanent residence in Nigeria, he may be dealt with in respect of such offences as if it was committed at any place within Nigeria.

(2) The Agency has the power to engage the service of International Police or any local or International Agency on the detection of cross border crimes through the Nigerian Police

Right of Appeal

48. A person convicted for an offence under this Act or any other law prohibiting traffic in persons or for related offences shall have an exercise any of all such rights of appeal as are Conferred on him by the Constitution of the Federal Republic of Nigeria in such case.

Power to make regulations

49. The Minister may make rules or regulation with respect to the exercise of any of the duties, functions or powers of the Agency under this Act.

Interpretation

50. In this Act-

“Agency” mean the National Agency for prevention for prohibition of traffic in persons, and other related matters established under section 1 of this Act:

“Commercial carriers” means any person or any public, private or other entity engage in transporting persons goods or mails for remuneration, hire or any other benefit;

“Confiscation” includes forfeiture or the permanent deprivation of property by order of a court;

“Freezing” means temporarily prohibiting the transfer, conversion, disposal or movement of money or temporarily assuming custody or control of money;

“Force” or “coercion” includes obtaining or maintaining through act of threat the labour, service, or other activities of a person by physical, legal, psychological or mental coercion, or abuse of authority;

“High court” means the High Court of Federal Capital Territory, High Court of a State

“Minister” means the Minister of Internal Affairs,

“Slave” means a person who is held in bondage whose life; liberty, freedom and property are are under absolute control of someone;

“Trafficking” includes all acts and attempted acts involved in the recruitment, transportation within

or across Nigerian borders, purchases, sale, transfer, receipt or harboring 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; Trafficked persons “ means a victim of trafficking in persons;

51. This Act may be cited as Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003.

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC PROCEEDINGS

- 1.(1) The Board shall, for the purpose of this Act, meet not less than three times in each year.
- (2) Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend any particular meeting, a member may be appointed by the members present to act as Chairman for that particular meeting.
- (3) A quorum at a meeting of the Board shall be one-third.
- (4) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by a notice

given to him by not less than five other members, he shall summon a meeting of the Board to be held within fourteen days from date on which the notice is given.

- (5) Where the Board desires to obtain the advices of any person on a particular matter, the Board may co-opt him to the board for such period as it thinks fit but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

COMMITTEES

2. (1) The Board may appoint one or more Committees to carry out, on behalf of the Board, its functions under this Act as the Board may determine.
- (2) A Committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board as may be determined by the Board) and a person other than a member of the Board shall hold office in the Committee in accordance with the terms of his appointment.
- (3) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

MISCELLANEOUS

3. (1) The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman, Secretary or any other person

authorized generally or specifically to act for that purpose by the Board.

- (2) Any contract or instrument, which if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Board by the Chairman, Secretary or any person generally or specially authorized to act for the purpose by the Board.
- (3) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

APPENDIX V

TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION (AMENDMENT) ACT, 2005

ARRANGEMENT OF SECTIONS

SECTION:

1. Amendment of 2003 No. 24
2. Amendment of Section 2
3. Amendment of Section 3
4. Amendment of Section 4
5. Amendment of Section 5
6. Amendment of Section 6
7. Substitution of the word “Unit”
8. Amendment of Section 9
9. Amendment of Section 15
10. Amendment of Section 22
11. Amendment of Section 29
12. Amendment of Section 32
13. Amendment of Section 33
14. Insertion of new Sections
15. Re-numbering of Sections 35 –37 of the Principal Act
16. Re – numbering of Section 38 of the Principal Act, insertion and deletion
17. Re – numbering of Section 40 of the Principal Act, insertion of Subsection (2)

- 18 Re-numbering of Sections 41 -49 of the Principal Act
- 19 Re – numbering of Section 50 of the Principal Act and insertion of words
- 20 Re-numbering of Sections 51 of the Principal Act
- 21 Amendment of Schedule to the Principal Act
- 22 Short Title

Schedule

TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION (AMENDMENT) ACT, 2005

ACT NO. 14

AN ACT TO AMEND THE TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION ACT, 2003, NO. 24; AND FOR RELATED MATTERS

Commencement: (7th December 2005)

ENACTED by the National Assembly of the Federal Republic of Nigeria-

Amendment of 2003 No. 24

1. The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 (In this Act referred to as “the Principal Act”) is amended as set out in this Act.

Amendment of Section 2

2. Section 2 of the Principal Act is amended by –

(a) Substituting for the existing subsection (3) a new subsection (3) -

“(3) The Board shall consist of –

(a) a chairman being a person who by reason of his ability, character, experience and acknowledge can deal with the problem of trafficked persons;

(b) 6 other members who shall be appointed from each of the six geo-political zones on the recommendations of the Minister; and

(c) the executive Secretary”.

(b) in sub-section (5) by inserting the word “First” immediately before the word “Schedule”

Amendment of Section 3

3. Section 3 of the Principal Act is amended by substituting for the existing subsection (1) a new sub-section (1) –

(1) “The Chairman and members of the Board other than the executive Secretary shall hold office for a term of four years and shall be eligible for re-appointment for another term and no more”.

Amendment of Section 4

4. Section 4 of the Principal Act is amended –

(a) in paragraph (j) by inserting immediately after the words “Office of the Attorney-General of the Federation” the words “Ministry of Foreign Affairs”;

(b) by inserting immediately after the existing paragraph (K) new paragraphs (1) and (m)

“(1) taking charge of, supervising, controlling, co-ordinating all the responsibilities, functions and activities relating to current investigation and prosecution of all offences connected with or relating to traffic in persons and other related matters in consultation with the Attorney – General of the federation; and

(m) carrying out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under this Act”.

Amendment of Section 5

5. Section 5 of the Principal Act is amended -

(a) by deleting the figure (1) immediately before the words “The Agency”;

(b) by inserting immediately after the existing paragraph (b) a new paragraph (c)

“(c) subsequently prosecute any person found to have committed an offence under this Act”.

Amendment of Section 6

6. – (1) Section 6 of the Principal Act is amended –

(a) by substituting for the existing sub-section (2) a new sub-section (2)-

“(2) There shall be for the Agency, an Executive Secretary who shall be from the Directorate cadre in the Public Service of the Federation and shall be appointed by the President on the recommendation of the Attorney-General of the Federation”;

(b) in sub-section (3) by inserting immediately after word "the", the word "Executive";

(c) by inserting immediately after sub-section (3) a new sub-section (4)-

"(4) The Executive Secretary of the Agency shall hold office for a term of five years in the first instance and shall be eligible for re-appointment for another term and no more"

(d) by renumbering sub-sections (4), (5), and (6) as sub-sections (5), (6) and (7) respectively.

Substitution of the word “Unit” Amendment of section 9

7. The Principal Act is amended by substituting for the word “Unit” the word “Department” wherever it appears in the Act.

8. Section 9 of the Principal Act is amended-

(a) by inserting a new sub-section (2)-

“(2) The Legal Department shall be responsible for prosecuting offenders under this Act, supporting the investigation department with legal advice and assistance whenever it is required, acting as secretariat to the Board, conducting such proceedings as may be necessary towards the recovery of any asset or properties forfeited under this Act and performing such other legal duties as the Agency may refer to it from time to time”;

(b) by renumbering sub-sections (2), (3) and (4) as sub-sections (3), (4) and (5) respectively;

(c) by inserting in the new sub-section (3), the words “Federal Ministry of Education” immediately after the words “Labour and Productivity”; and

(d) by inserting in the new sub-section (4) the words “Nigerian Prison Service” immediately after the words “Culture and Tourism”.

Amendment of Section 15

9. Section 15 of the Principal Act is amended –

(a) by inserting immediately after the existing paragraph (a), new paragraphs (b) and (c)-

“(b) Keeps a brothel;

(c) allows a person under the age of eighteen years to be in a brothel or trades in prostitution”

(d) by renumbering paragraph (b) and (c) as paragraphs (d) and (e) respectively.

Amendment of section 22

10. Section 22 of the Principal Act is amended –

(a) by inserting new sub-sections (1), (2), and (3)-

“(1) Any person who-

(a) requires any other person, or permits any place within or outside Nigeria to be used for forced labour, or

(b) employs a child to work in any capacity except where he is employed by a member of his family or light work of an agricultural, horticultural or domestic character, or

(c) employs a child in any case to lift, carry or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral or social development, or

(d) employs a child as a domestic help outside his own home or family environment, or

(e) employs a child in an industrial undertaking, commits an offence and is liable on conviction to a fine not exceeding N10,000:00 or imprisonment for a term of five years or both such fine and imprisonment.

(2) when an offence under this section is committed by a body corporate, any person who at the time of commission of the offence was a proprietor, director, general manager or other similar officer, servant or agent of the body corporate, shall be deemed to have jointly and severally committed the offence and may be liable on conviction to a fine of N250,000:00.

(3) Nothing in sub-sections (1) and (2) shall apply to work done by children in technical schools or similar approved

institution if the work is supervised by the appropriate authority.

Amendment of section 29

11. Section 29 of the Principal Act is amended-

- (a) in sub-section (1) by inserting immediately after the expression words “2 years or a” the words “fine of”;
and
- (b) by deletion of the existing sub-section (2) thereof.

Amendment of section 32

12. Section 32 of the Principal Act is amended by substituting the figures “28 and 29” for the figure “30 and 31”.

Amendment of section 33

13. Section 33 of the Principal Act is amended in sub-section (1) by deleting the words “The High Court of the Federal Capital Territory or” and the words “of a state” immediately after the words “The High Court”

Insertion of new sections

14. The Principal Act is amended-

- (a) by inserting new sections immediately after the existing Section 34, to be numbered as section 35 to 48-

Forfeitures after conviction in certain cases

“Section 35 – (1) A person convicted of an offence under the Act shall forfeit to the Victims of Trafficking Trust Fund-

Conviction in certain cases

(a) all the assets and properties which may or are the subject of an interim order of the Court after an attachment by the Agency as specified in section 40 of this Act;

Second Schedule

(b) and assets or properties confiscated, or derived from any proceeds the person obtained, directly or indirectly as a result of such offence not already disclosed in the Assets Declaration form specified in form 1 of the second Schedule to this Act or not falling under paragraph (a) of this subsection;

(c) any of the person’s property or instrumentalities used in any manner to commit or to facilitate the commission offence not already disclosed in the assets Declarations Form or not falling under paragraph (a) of this subsection;

(d) any of the person’s property or instrumentalities used in any manner to commit or to facilitate the commission of such offence not already disclosed in the Assets Declarations Form or not falling under paragraph (a) of this subsection.

(2) The Court in imposing a sentence on any person under this section, shall order, in addition to any other sentence imposed pursuant to this Act, that the person forfeit to the Victims of Trafficking Trust Fund all properties described in subsection (1) of this section.

(3) In this section, “proceeds” means any property derived or obtained, directly or indirectly, through the commission of an offence under this Act.

Forfeiture Property

36. All properties of a person convicted of an offence under this Act and shows to be derived or acquired from such illegal act which are already the subject of an interim order shall be forfeited to the Victims of Trafficking Trust Fund.

Foreign assets

37. –(1) Where it is established that any convicted person has assets or properties in a foreign country, acquired as a result of such criminal activity, such assets or properties subject to any treaty or arrangement with such foreign country, shall be forfeited to the Victim of Trafficking Trust Fund.

(2) The Agency shall, through the office of the Attorney-General of the Federation, ensure that the forfeited assets or properties are effectively transferred and vested in the Victims of Trafficking Trust Fund.

Property subject to forfeiture

38. Any property-

- (a) whether real or personal, which represents the gross receipts which a person obtain directly as a result of the violation of this Act or which is traceable to such gross receipts;
- (b) within Nigeria which represents the proceeds of an offence under the laws of a foreign country within whose jurisdiction such offence or activity would be punishable by imprisonment for a term exceeding one year and when would be punishable by imprisonment under this Act if such act or activity has occurred within Nigeria, is subject to forfeiture to the Victims of Trafficking Trust Fund.

Further provisions as to forfeiture of property

39. Without prejudice to the provisions of any other law permitting the forfeiture of property, the following shall also be subject to forfeiture under this Act and no proprietary right shall exist in them-

- (a) all means of conveyance, including vehicles or vessels which are used or are intended for used to transport or in any manner, facilitate trafficking or any person such as-
 - (i) Known means of conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under this section unless I shall appear that the owner or other person in charge of such means of

conveyance was a consenting party or privy to a violation of this Act.

- (ii) Known means of conveyance which shall be forfeited under this section by reason of any act established by the owner thereof to have been committed by any other than such owner thereof to have been committed by any person other than such owner while such means of conveyance was unlawfully, in the possession of a person other the owner in violation of the criminal laws of Nigeria or any part thereof, and
- (iii) Known means of conveyance which shall be forfeited under this section to the extent of an interest of an owner, by reason of any act established by that owner to have been committed without the knowledge, consent or willful connivance of that owner;

(b) all monies, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for any illegal act or in violation of this Act or all proceeds traceable to such an exchange, and all monies, negotiable instruments and securities used or intended to be used to facilitate any violation of this Act;

(c) all real property, including any right, title and interest (including any leasehold interest) in the whole or any piece or parcel of land and any improvements or appurtenances which is used or intended to be used, in any manner or part to commit, or facilitate the commission of an offence under this Act.

Seizure of property

40. –(1) Seizure of any property subject to forfeiture under this Act may be effected by the Agency where –

- (a) the seizure is incidental to an arrest or search;
- (b) the property is liable to forfeiture upon process issued by the Court following an application made by the Agency in accordance with the prescribed rules.

(2) Whenever property is seized under any of the provisions of this Act, the Agency may-

- (a) place the property under seal; or
- (b) remove the property to a place designed by the Agency.

(3) Properties taken or detained under this section shall be deemed to be in the custody of the Agency, subject only to an order of a Court.

Investigation of assets and properties of an arrested person

41. Where a person is arrested for an offence under this Act, the Agency shall immediately trace and attach all the assets and properties of the person acquired as a result of such illegal act and shall thereafter cause to be obtained an interim attachment order by the Court.

Disclosure of assets and properties by an arrested person, etc. Second Schedule

42. –(1) Where a person is arrested for committing an offence under Act, it shall be obligatory for such person to

make a full disclosure of all his assets and properties by completing the Declaration of Assets Form as specified in Form 1 of the Second Schedule to this Act.

(2) The declaration of Assets Form shall be forward to the Agency for full investigation by the Department of the Agency.

(3) Any person who-

- (a) Knowingly fails to make full disclosure of his assets and liabilities; or
- (b) Knowingly makes a declaration that is false; or
- (c) Fails to answer any question, or
- (d) Fails, neglects or refuses to make a declaration or furnish any information required, in the Declaration of Assets Form, commits an offence under this act and is liable on conviction to imprisonment for a term of ten years.

(4) Subject to the provision of section 39 of this Act, whenever the assets and properties of any person arrested under this Act are attached, the Agency shall apply to the court for an interim forfeiture order under the provisions of this Act.

Interim forfeiture order

43. Where –

- (a) the assets or properties of any person under this Act has been seized; or
- (b) any assets or property has been seized by the Agency under this Act, the Agency shall cause an application

to be made to the court for an interim forfeiting the property concerned to the Victims of Trafficking Trust and the court shall if satisfied that there is prima facie evidence that the property concerned is liable to forfeiture make an interim order forfeiting the property to the Victim of Trafficking Trust Fund.

Final order

44. Where an arrested person is convicted of an offence under this Act, the Agency or any authorized officer shall apply to the Court for the order of confiscation and forfeiture of the convicted person's assets and properties acquired or obtained as a result of the crime already subject to an interim order under this Act.

Final disposal of forfeited property

45. –(1) A copy of every final order forfeiting the assets and property of a person convicted under this act shall be forwarded to the Agency.

(2) Upon receipt of a final order pursuant to this section, the Executive Secretary to the Agency shall take steps to dispose of the property concerned by sale or otherwise and where the property is sold, the proceeds thereof shall be paid into the Victims of trafficking Trust Fund.

(3) Where any part of the property included in a final order is money in a bank account or in the possession of any person, the Agency shall cause a copy of the order to be produced and served on the manager or any person in control of the head office or branch of the bank concerned and that manager or person shall forthwith pay over the money to the

Agency and the Agency shall pay the money received into the Victims of Trafficking Trust Fund.

(4) The Attorney – General of the Federation may make rules or regulations for the disposal or sale of any property or assets forfeited pursuant to this Act.

Offences in relation to forfeiture orders

46. – (1) Any person who, without due authorization by the Agency, deals with sells or otherwise disposes of any property or assets which is the subject of an attachment, interim order or final order commits an offence and is liable on conviction to imprisonment for a term of five years without the option of a fine.

(2) Any manager or person in control of the head office or branch of a bank or other financial institution who fails to pay over to the Agency upon the production to him of a final order commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than one year and not more than three years, without the option of a fine.

Consequences of an acquittal in respect of assets and property

47. –(1) Where a person is discharged or acquitted by a Court of an offence under this Act, the court may take an order of revocation or confirmation as the case may be, of an interim order made pursuant to this Act whichever order is considered just, appropriate or reasonable within the circumstances.

(2) The property may be attached where a discharge is merely given on technical grounds.

(3) Where an interim order is revoked by a Court under subsection (1) of this section, all assets and properties of the person concerned shall be released to him by the Agency.

Freezing order on banks or other financial institutions Second Schedule

48. –(1) Notwithstanding anything contain in any other enactment or law, where any person is arrested under this act, the Executive Secretary of the Agency may, if he is satisfied that the money in the account of an arrested person is made through the commission of an offence under this Act, apply to the federal High Court *ex parte* for power to issue an order as specified in Form2 of the Second Schedule to this Act, addressed to the manager of the bank or any person in control of the financial institution where the account is or believed by him to be at the head office of the bank or other financial institution to freeze the account.

(2) The Executive Secretary of the Agency or bank examiner may by an order issued under subsection (1) of this section, or by any subsequent order, direct the bank or other financial institution to supply any information and produce books and documents relating to the account and to stop all outward payments, operations or transactions (including any bill of exchange) in respect of the account of the arrested person.

(3) The manager or any other person in control of the institution shall take necessary steps to comply with the requirements of the order made pursuant to subsection (2) of this section.

(4) In this section-

1991 No.25

- (a) “bank” has the meaning given to it in the Banks and Other Financial Institution Act 1991 as amended; and
- (b) the reference to an order issued includes a reference to nay order, direction or requirement addressed to the manager of a bank or any other officer of a bank which directs or purports to direct the manager or such officer to stop all outward payment, operations or transaction in respects of any account with that bank.

Renumbering of section 35-37 of the Principal Act and insertion of words.

15 –(1) the Principal Act is amended-

- (a) by re-numbering section 35-37 as section 49-51;
- (b) by substituting in paragraph (b) of the new section 50, the word “trafficking” with the word “trafficking”;
- (c) by inserting in paragraph (h) of the new section 50, the words “this family” immediately before the words “or his friends”;
- (d) by inserting in paragraph (j) of the new section 50, the words “and family” immediately after the words “a trafficked person”

Renumbering of section 38 of the Principal Act and insertion of deletion

16 –(1) The Principal Act is amended-

- (a) by re-numbering section 38 as section 52;
- (b) by inserting in paragraph (b) of the new section 52, the word “if any” immediately after the word “assets”;
- (c) by deleting in paragraph (b) of the new section 52, the full stop immediately after the words “trafficker” and inserting the words “forfeited and paid to the Victims of trafficking Trust Fund”; and
- (d) by re-numbering section 39 as section 53.

Renumbering of section 40 of the Principal Act and insertion of subsection (2)

17. The Principal Act is amended-

- (a) by re-numbering section 40 as section 54
- (b) by inserting immediately after subsection (2) of new section 54 a new sub-section (3)-

Establishment of Victims of Trafficking Trust Fund

“(3) “there shall be established for the Agency a victim of Trafficking Trust Fund, where all proceeds of the sale of assets and properties of traffickers are paid into”;

- (c) by re-numbering section 40(3) as section 54(4).

Renumbering of Section 41-49 of the Principal Act

18. The Principal Act is amended by re-numbering section 41-49 as sections 55-63.

Renumbering of section 50 of the Principal Act and insertion of words

19. the Principal Act is amended

(a) by re-numbering section 50 as section 64;

(b) by inserting in alphabetical sequence the interpretation of the following words-

“Brothel” includes any enclosure, house premises, hotels, restaurants, drinking places, vessels or stationary or moving receptacles where a person offer her body commonly for acts of lewdness and sexual gratification;

“Export” with its grammatical variations and cognate expression means to take or cause to be taken out of Nigeria;

“High Court” mean federal High Court, High Court of the Federal Capital Territory and the High Court of a State;

“Import” with its grammatical variations and cognate expressions means to bring or cause to be brought into Nigeria;

“Minister” mean Attorney-General of the Federation and Minister of Justice.

Renumbering of section 51 of the Principal Act

20.the Principal Act is amended by renumbering section 51 as 65.

Schedule

21. The Schedule of the Principal Act is amended-
- (a) by inserting the “First” immediately before the word “schedule”;
 - (b) by substituting for section 2 (4) in the marginal note, section 2 (5); and
 - (c) by inserting a “Second Schedule” to contain Form 1 – Assets Declaration Form and Form 2- Freezing Order-

Short Title

22. This Act may be cited as the Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act, 2005

Summary of the contents of the Bill

This Bill seeks to provide sundry amendments to the trafficking in Persons (Prohibition) Law Enforcement and Administration Act to expand its scope from investigation to prosecution of human traffickers, seizure of properties and forfeiture.

APPENDIX VI

United Nations Resolution on Eliminating Demand for Trafficked Women and Girls for All Forms of Exploitation

United States Human Trafficking Resolution presented to the United Nations Commission on the Status of Women-Introduction:

An estimated 75 percent of all victims of human trafficking are trafficked for sexual exploitation (*Collecting Data on Human Trafficking*, Kristiina Kangaspunta, United Nations Office on Drugs and Crime).

To fully fight this crime, the world must increase attention not only on the root causes that leave people vulnerable to trafficking, but also on eliminating the demand for commercial sexual exploitation—which overwhelmingly impacts women and girls and fuels the growth of human trafficking. Simply put, we must dry up the "market" for victims if we are serious about ending human trafficking. At the 2005 United Nations Commission on the Status of Women (CSW), the United States presented a resolution to highlight this need. The resolution, *Eliminating Demand for Trafficked Women and Girls for All Forms of Exploitation*, attracted more than 50 nations as co-sponsors and was adopted by consensus on March 11, 2005.

The U.S. advanced this resolution at the CSW as part of its ongoing effort to build international partnerships to combat

human trafficking—and in response to President Bush's call for increased focus on the demand side of the crime.

This was the **first Resolution of a United Nations body to focus on eliminating demand for human trafficking**, and, with this resolution, the CSW also acknowledged the important **link between commercial sexual exploitation and trafficking in women and girls**.

The text of the United Nations Resolution is below:

Eliminating Demand for Trafficked Women and Girls for All Forms of Exploitation

The Commission on the Status of Women,

PP1 Reaffirming the provisions pertaining to all forms of trafficking of women and girls contained in the outcome documents of relevant international conferences and summits, in particular the strategic objective on the issue of trafficking contained in the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women;

PP2 Recalling the full range of previous resolutions on the problem of trafficking in women and girls adopted by the General Assembly and the Commission on Human Rights, in particular their reaffirmation of the principles set forth in the relevant human rights instruments and declarations and the resolve expressed by heads of government in the Millennium Declaration to intensify efforts to fight

transnational organized crime in all its dimensions, including trafficking in human beings;

PP3 Recalling the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography, and ILO Conventions 29 and 182;

PP4 Emphasizing that the fight against trafficking in women and girls for all forms of exploitation requires a comprehensive approach that addresses all factors and root causes that foster demand and make women and girls vulnerable to trafficking, as well as the protection and rehabilitation of victims;

PP5 Acknowledging the fact that the majority of trafficked persons are women and girls, in particular from developing countries and countries with economies in transition;

PP6 Concerned about the increasing occurrence of trafficking for all forms of exploitation, especially for commercial sexual exploitation, which overwhelmingly affects women and girls;

PP7 Concerned that multiple forms of discrimination and conditions of disadvantage contribute to the vulnerability to

trafficking of women and girls, and that indigenous, refugee, internally displaced and migrant women and girls may be particularly at risk;

PP8 Bearing in mind that all states have an obligation to exercise due diligence to prevent, investigate and punish perpetrators of trafficking in persons and to provide protection to the victims, and that not doing so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms;

PP9 Concerned that the exploitation of women in international prostitution and trafficking networks has become one of the major focuses of transnational organized crime;

PP10 Convinced that eliminating demand for all forms of exploitation, including for sexual exploitation, is a key element to combating trafficking in women and girls; and

PP11 Welcoming the appointment of the special rapporteur on the Commission on Human Rights on trafficking in persons, especially women and children, and her intention to devote special attention in her annual report to thematic issues, including inter alia, the root causes of trafficking and the discouragement of the demand that fosters trafficking for the purposes of all forms of exploitation.

OP1 Calls upon governments to:

- a) Take all appropriate measures to eliminate demand for trafficked women and girls for all forms of exploitation;
- b) Take appropriate measures to address the root factors, including poverty and gender inequality, as well as external factors that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriage and forced labor, in order to eliminate such trafficking, including by strengthening existing legislation with a view to providing better protection for the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;
- c) Criminalize trafficking in persons, especially women and girls, in all its forms and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of trafficking with full respect for their human rights;
- d) Adopt or strengthen and enforce legislative or other measures, such as educational, social and cultural measures, including through bilateral and multilateral cooperation, to deter exploiters and eliminate the demand that fosters trafficking of women and girls for all forms of exploitation; and
- e) Conclude bilateral, subregional, regional and international agreements to address the`problem of trafficking in persons, especially women and girls, including mutual assistance treaties, agreements and memoranda of understanding to enhance law enforcement and judicial cooperation, and specific measures aimed at reducing demand, as appropriate

to complement the UN Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

OP2 Calls upon governments and encourages civil society to:

a) Take appropriate measures to raise public awareness of the issue of trafficking in persons, particularly in women and girls, including to address the demand side of the problem, and to publicize the laws, regulations and penalties relating to this issue, and to emphasize that trafficking is a crime, in order to eliminate the demand for trafficked women and girls, including by sex tourists;

b) Implement educational programs, including at the local level, to raise awareness of the negative consequences of trafficking in women and girls, including its links to commercial sexual exploitation, organized crime, and harmful public health effects, such as the spread of HIV/AIDS, and of the rights and needs of trafficked women and girls; and

c) Undertake research on best practices, methods and strategies, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in women and girls, in particular to eliminate demand.

OP3 Encourages governments to intensify collaboration with non-governmental organizations to develop and implement comprehensive programs, including to provide

shelter and helplines to victims or potential victims of trafficking and for effective counseling, training and social and economic reintegration into society of victims.

OP4 Encourages the business sector, in particular the tourism industry and Internet providers, to develop or adhere to codes of conduct with a view to preventing trafficking in persons and protecting the victims of such traffic, especially for commercial sexual exploitation, and promoting their rights, dignity and security, including through collaboration with governmental and non-governmental organizations.

APPENDIX VII

Worst Forms Of Child Labour Convention, 1999 (No. 182)

Convention concerning the prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admissions to employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

Adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

Each Member, which ratifies this Convention, shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term “Child” shall apply to all persons under the age of 18.

Article 3

For the purpose of this Convention, the term “the worst forms of child labour” comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and worker concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child labour Recommendation, 1999.

2. The component authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.

3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Article 5

Each Member shall, after consultation with employers' and workers' organization establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

2. Such programmes of action shall be designed and implemented in consultation with relevant government

institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measure to:

- (a) prevent the engagement of children in the worst forms of child labour;
- (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
- (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
- (d) identify and reach out to children at special risk; and,
- (e) take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programme and universal education.

APPENDIX VIII

United Nations General Assembly, 30 November 2004 Fifty-ninth session A/59/496 Resolution IV Trafficking in Women and Girls

The General Assembly,

Recalling all previous resolutions on the problem of trafficking in women and girls adopted by the General Assembly and the Commission on Human Rights, including their reaffirmation of the principles set forth in relevant human rights instruments and declarations, as well as the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,¹ the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women² and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,³

Welcoming the entry into force of the United Nations Convention against Transnational Organized Crime⁴ on 29 September 2003 and of its Protocols, namely, the Protocol to Prevent, Suppress and Punish Trafficking in

1 Resolution 54/263, annex II.

2 Resolution 54/4, annex.

3 Resolution 317 (IV), annex.

4 Resolution 55/25, annex I.

Persons, Especially Women and Children,⁵ on 25 December 2003 and the Protocol against the Smuggling of Migrants by Land, Sea and Air⁶ on 28 January 2004, *Recalling* the United Nations Millennium Declaration,⁷ in particular the resolve expressed by Heads of States and Governments to intensify efforts to fight transnational organized crime in all its dimensions, including trafficking in human beings, *Reaffirming* the provisions pertaining to trafficking in women and girls contained in the outcome documents of relevant international conferences and summits, in particular the strategic objective on the issue of trafficking contained in the Beijing Declaration⁸ and Platform for Action⁹ adopted by the Fourth World Conference on Women, *Acknowledging* the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court,¹⁰ which entered into force on 1 July 2002,

5 Ibid., annex II.

6 Ibid., annex III.

7 See resolution 55/2.

8 *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

9 Ibid., annex II.

10 *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

Recognizing the need to address the impact of globalization on the particular problem of trafficking in women and children, in particular girls,
Bearing in mind that all States have an obligation to exercise due diligence to prevent, investigate and punish perpetrators of trafficking in persons and to provide protection to the victims and that not doing so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms,
Seriously concerned that an increasing number of women and girls from developing countries and from some countries with economies in transition are being trafficked to developed countries, as well as within and between regions and States, and that men and boys are also victims of trafficking, including for sexual exploitation,
Recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination on the grounds of their gender as well as their origins,
Acknowledging that women and girl victims of trafficking, on account of their gender, are further disadvantaged and marginalized by a general lack of information or awareness and recognition of their human rights, as well as by the obstacles they meet in gaining access to information and recourse mechanisms in cases of violation of their rights, and that special measures are required for their protection and to increase their awareness,
Recognizing the importance of bilateral, subregional and regional cooperation

mechanisms and initiatives of Governments and intergovernmental and nongovernmental organizations to address the problem of trafficking in persons, especially women and children,

Recognizing also that global efforts, including international cooperation and technical assistance programmes, to eradicate trafficking in persons, especially women and children, demand the strong political commitment, shared responsibility and active cooperation of all Governments of countries of origin, transit and destination,

Recognizing further that policies and programmes for prevention, rehabilitation and reintegration should be developed through a child- and gendersensitive, comprehensive and multidisciplinary approach involving all actors in countries of origin, transit and destination,

Concerned about the use of new information technologies, including the Internet, for purposes of exploitation of the prostitution of others and for child pornography, paedophilia and any other forms of sexual exploitation of children, trafficking in women as brides and sex tourism,

Concerned also at the increasing activities of transnational criminal organizations and others that profit from international trafficking in persons, especially women and children, without regard to dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards,

Convinced of the need to protect and assist all victims of trafficking, with full respect for their human rights,

1. *Takes note with appreciation* of the report of the Secretary-General;¹¹
2. *Welcomes* the efforts of Governments, United Nations bodies and agencies and intergovernmental and non-governmental organizations to address the particular problem of trafficking in women and girls, and encourages them to continue doing so and to share their knowledge and best practices as widely as possible;
3. *Also welcomes* the appointment of the Special Rapporteur of the Commission on Human Rights on trafficking in persons, especially women and children;
4. *Urges* Governments to take appropriate measures to address the root factors, including poverty and gender inequality, as well as external factors that encourage the particular problem of trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriage and forced labour, in order to eliminate such trafficking, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;
5. *Also urges* Governments to devise, enforce and strengthen effective measures to combat and eliminate all forms of trafficking in women and girls, including for sexual exploitation, as part of a comprehensive anti-trafficking strategy that integrates a gender and human rights perspective, and to draw up, as appropriate, national action plans in this regard;

11. A/59/185 and Corr.1.

6. *Further urges* Governments to consider signing and ratifying and States parties to implement relevant United Nations legal instruments such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Convention on the Elimination of All Forms of Discrimination against Women,¹² the Convention on the Rights of the Child,¹³ the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the Convention concerning Discrimination in respect of Employment and Occupation, 1958 (Convention No. 111), and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182), of the International Labour Organization;

12 Resolution 34/180, annex.

13 Resolution 44/25, annex.

7. *Encourages* Member States to conclude bilateral, subregional, regional and international agreements, as well as to undertake initiatives, including regional initiatives,¹⁴ to address the problem of trafficking in persons, and to ensure that such agreements and initiatives pay particular attention to the problem of trafficking in women and girls;
8. *Calls upon* all Governments to criminalize all forms of trafficking in persons, recognizing its increasing occurrence for purposes of sexual exploitation and sex tourism, and to condemn and penalize all those offenders involved, including intermediaries, whether local or foreign, through the competent national authorities, either in the country of origin of the offender or in the country in which the abuse occurs, in accordance with due process of law,

14 Such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, the Action Plan for the Asia-Pacific region of the Asian Regional Initiative against Trafficking in Persons, Especially Women and Children (see A/C.3/55/3, annex), the initiatives of the European Union on a comprehensive European policy and programmes on trafficking in human beings, as expressed in the conclusions of the European Council at its meeting held at Tampere, Finland, on 15 and 16 October 1999 (see Tampere European Council, Presidency Conclusions (SN 200/99). Available on the Internet at www.europa.eu.int), and the activities of the Council of Europe, the Organization for Security and Cooperation in Europe, the International Labour Organization and the International Organization for Migration in this field.

while also ensuring that the victims of those practices are not penalized for being trafficked, and to penalize persons in authority found guilty of sexually assaulting victims of trafficking in their custody;

9. *Invites* Governments to strengthen international cooperation aimed at preventing and combating corruption and the laundering of proceeds derived from trafficking, including for purposes of commercialized sexual exploitation;
10. *Also invites* Governments to consider setting up or strengthening a national coordinating mechanism, for example, a national rapporteur or an interagency body, with the participation of civil society, including non-governmental organizations, to encourage the exchange of information and to report on data, root causes, factors and trends in violence against women, in particular trafficking;
11. *Encourages* Governments and relevant United Nations bodies, within existing resources, to take appropriate measures to raise public awareness of the issue of trafficking in persons, particularly in women and girls, including to address the demand side of the problem and to publicize the laws, regulations and penalties relating to this issue, and to emphasize that trafficking is a crime, in order to eliminate the demand, including by sex tourists, recognizing that the majority of trafficked victims are women and girls;
12. *Urges* concerned Governments, in cooperation with intergovernmental and non-governmental organizations, to support and allocate resources for programmes to strengthen preventive action, in particular education and campaigns to increase public awareness of the issue at the national and grass-roots levels;
13. *Calls upon* concerned Governments to allocate resources, as appropriate, to provide comprehensive programmes for the physical, psychological and social

recovery of victims of trafficking, including through job training, legal assistance and health care, including for HIV/AIDS, and by taking measures to cooperate with intergovernmental and non-governmental organizations to provide for the social, medical and psychological care of the victims;

14. *Encourages* Governments, in cooperation with intergovernmental and non-governmental organizations, to undertake campaigns aimed at clarifying opportunities, limitations and rights in the event of migration so as to enable women to make informed decisions and to prevent them from becoming victims of trafficking;

15. *Also encourages* Governments to intensify collaboration with nongovernmental organizations to develop and implement programmes for effective counselling, training and reintegration into society of victims of trafficking and programmes that provide shelter and helplines to victims or potential victims;

16. *Calls upon* Governments to take steps to ensure that the treatment of victims of trafficking, as well as all measures taken against trafficking in persons, in particular those that affect the victims of such trafficking, pay particular attention to the needs of women and girls and are applied with full respect for the human rights of those victims and are consistent with internationally recognized principles of non-discrimination, including the prohibition of racial discrimination and the availability of appropriate legal redress, which may include measures that offer victims the possibility of obtaining compensation for damage suffered;

17. *Invites* Governments to take steps to ensure that criminal justice procedures and witness protection programmes are sensitive to the particular situation of trafficked women and girls and that they are enabled to make complaints to the police or other authorities, as appropriate, and to be available when required by the criminal justice system, and to ensure that during this time they have access to protection and social, medical, financial and legal assistance, as appropriate;

18. *Also invites* Governments to consider preventing, within the legal framework and in accordance with national policies, victims of trafficking in persons, in particular women and girls, from being prosecuted for their illegal entry or residence, bearing in mind that they are victims of exploitation;

19. *Further invites* Governments to encourage Internet service providers to adopt or strengthen self-regulatory measures to promote the responsible use of the Internet with a view to eliminating trafficking in women and children, in particular girls;

20. *Invites* the business sector, in particular the tourism and telecommunications industries, including mass media organizations, to cooperate with Governments in eliminating trafficking in women and children, in particular girls, including through the dissemination by the media of information regarding the rights of trafficked persons and services available to victims of trafficking;

21. *Stresses* the need for systematic data collection and comprehensive studies at both the national and international levels and the development of common methodologies and

internationally defined indicators to make it possible to develop relevant and comparable figures, and encourages Governments to enhance information-sharing and data-collection capacity as a way of promoting cooperation to combat the trafficking problem;

22. *Urges* Governments to strengthen national programmes to combat trafficking in persons, especially women and girls through increased bilateral, regional and international cooperation, taking into account innovative approaches and best practices, and invites Governments, United Nations bodies and organizations, intergovernmental and non-governmental organizations and the private sector to undertake collaborative and joint research and studies on trafficking in women and girls that can serve as a basis for policy formulation or change;

23. *Invites* Governments, with the support of the United Nations as required, and other intergovernmental organizations, taking into account best practices, to formulate training manuals for law enforcement and medical personnel and judicial officers, with a view to sensitizing them to the special needs of women and girl victims;

24. *Urges* Governments to provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention and combating of trafficking in persons, including the sexual exploitation of women and girls, which should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of victims, including protecting the victims from traffickers, to ensure that the training includes human rights and child- and gender-sensitive perspectives, and to encourage cooperation

with nongovernmental organizations, other relevant organizations and other elements of civil society;

25. *Invites* States parties to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Covenants on Human Rights¹⁵ to include information and statistics on trafficking in women and girls as part of their national reports to their respective committees and to work towards developing a common methodology and statistics to obtain comparable data;

26. *Requests* the Secretary-General to compile, as reference and guidance, successful interventions and strategies in addressing the various dimensions of the particular problem of trafficking in women and children, in particular girls, based on reports, research and other materials from within the United Nations, including the United Nations Office on Drugs and Crime, as well as from outside the United Nations, and to submit a report on the implementation of the present resolution to the General Assembly at its sixty-first session.

¹⁵ Resolution 2200 A (XXI), annex.

INTERNET SITES ON GENERAL TRAFFICKING

Further resources, links and information on human trafficking can be obtained from the following list of some Internet sites on general trafficking and migration issues, trafficking in Africa, databases with contact addresses, UN and international organizations and others.*

** Culled from Poverty, Gender and Human Trafficking in Sub-Saharan Africa: Rethinking Best Practices in Migration Management by Thanh-Dam Troung. Published by UNESCO 2005*

ON HUMAN TRAFFICKING IN AFRICA

- <http://www.antislavery.org/archive/submission/submission1999-03Child.htm>
- <http://www.antislavery.org/archive/other/networktraffickingchildrenwafrica2003.htm>
- <http://www.antislavery.org/homepage/resources/humantrafficking/Hum%20Traff%20Hum%20Rights,%20redef%20vic%20protec%20.nal%20full.pdf>
- <http://www.antislavery.org/archive/other/trafficking-benin-synopsis.htm>
- <http://www.antislavery.org/archive/other/trafficking-children-wafrica.htm>
- <http://www.irinnews.org/report.asp?ReportID=19693&SelectRegion=WestAfrica>
- <http://www.unicef-icdc.org/publications/pdf/insight7.pdf>

- <http://www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=ZA1Z03>
- <http://nahtiwa.virtualactivism.net/countryreports.htm>
(Network against human trafficking in West Africa)
- http://www.unicri.it/nigeria_website.htm
- http://www.irinnews.org/report.asp?ReportID=43754&SelectRegion=Southern_Africa
- <http://usinfo.state.gov/products/pubs/traf.ck/>
- <http://www.globalmarch.org/worstformsreport/world/benin.html>

On Best Practices

- <http://www.bestpractices.org/>
- http://www.ecpat.net/eng/CSEC/good_practices/index.asp
- <http://www.state.gov/g/tip/rls/tiprpt/2004/33186.htm>
- <http://www.unesco.org/most/bphome.htm>
- <http://www.unesco.org/most/welcome.htm>
- http://portal.unesco.org/shs/en/ev.phpURL_ID=1211&URL_DO=DO_TOPIC&URL_SECTION=201.html
- <http://www.promisingpractices.net/>
- <http://www.iom.int/>

The Participating Practices and Other Practices in Africa

- <http://www.catwinternational.org/about/index.html#phil>
- http://www.advocacynet.org/cpage_view/nigtraf.ck_girlsfor_sale_6_25.html

- <http://www.uri.edu/artsci/wms/hughes/mhvmali.htm>
- <http://www.antislavery.org/archive/other/networktraf.ckingchildrenwafrica2003.htm>
- http://www.advocacy.net.org/cpage_view/nigtraf.ck_family_school_6_30.html
- <http://www.enda.sn/eja/anglais/index.htm>
- <http://www.cooperation.net/info/111446.html>
- <http://www.enda.sn/eja/anglais/endafrs/enda%20jai.htm>
- <http://www.enda.sn/eja/anglais/endafrs/enda%20mali.htm>
- http://portal.unesco.org/en/ev.phpURL_ID=20372&URL_DO=DO_TOPIC&URL_
- <http://www.electroniccommunity.org/GirlsPower/>
- http://www.electroniccommunity.org/GirlsPower/gender_dev.htm
- <http://www.hri.ca/organizations/viewOrg.asp?ID=5639>
- <http://www.terredeshommes.org/en/Welcome/default.asp>
- <http://www1.umn.edu/humanrts/africa/mali.htm>
- <http://www.icon.co.za/~crisp/songololo.html>
- http://www.advocacy.net.org/cpage_view/nigtraf.ck_girlsfor_sale_6_25.html
- <http://www.ifrance.com/toiledudeveloppement/>
- <http://www.ifrance.com/stradev/presentation.htm>
- <http://www.justicemali.org/apdf.htm>
- <http://www.rapcan.org.za/news/annual99b.htm>
- <http://www.saspcan.org.za/>
- <http://www.rb.se/eng/>
- <http://www.bice.org/en/presentation/&prev=/search%3Fq%3Dbice%2Btogo%26hl%3Den%26lr%3D%26ie%3DUTF-8%26oe%3DUTF-8>

- <http://www.bice.org/fr/presentation/bicenerationaux/togo.php&prev=/search%3Fq%3Dbice%2Btogo%26hl%3Den%26lr%3D%26ie%3DUTF-8%26oe%3DUTF-8>
- <http://www.tampep.com>
- <http://www.europap.net/links/tampep.htm>
- <http://membres.lycos.fr/waoafrique/>
- <http://www.enda.sn/eja/anglais/presentation/wao%20africa.htm>
- http://www.wildaf-ao.org/fr/mb_geria.htm
- <http://www.enda.sn/eja/anglais/index.htm>
- <http://www.enda.sn/eja/anglais/endafrs/enda%20jai.htm>
- <http://www.enda.sn/eja/anglais/endafrs/enda%20mali.htm>
- <http://www.enda.sn/eja/anglais/presentation/wao%20africa.htm>
- <http://www.wocononline.org/home.html>
- <http://www.wocononline.org/index.htm>
- http://216.239.39.104/translate_c?hl=en&u=http://www.stradev.fr/st/&prev=/search%3Fq%3Dongstrategies%2Bet%2Bdeveloppement%2Bbenin%26hl%3Den%26lr

On General Trafficking and Migration Issues and UN projects

- <http://www.antislavery.org/homepage/resources/link.htm#link8>
- <http://www.antislavery.org/archive/submission/submission1999-03Child.htm>
- <http://www.antislavery.org/index.htm>

- <http://www.antislavery.org/homepage/resources/humantraffc/Hum%20Traff%20Hum%20Rights,%20redef%20vic%20protec%20.nal%20full.pdf>
- <http://www.vaw.umn.edu/documents/traffc/bib/traffc/bib.html> (trafficking bibliography)
- <http://globalmarch.org/worstformsreport/world/childtrafficking.html>
- <http://www.enda.sn/eja/anglais/endafriens/enda%20mali.htm>
- http://portal.unesco.org/en/ev.phpURL_ID=20372&URL_DO=DO_TOPIC&URL_SECTION=201.html
- <http://www.electroniccommunity.org/GirlsPower/>
- http://www.electroniccommunity.org/GirlsPower/gender_dev.htm
- <http://www.hri.ca/organizations/viewOrg.asp?ID=5639>
- <http://www.terredeshommes.org/en/Welcome/default.asp>
- <http://www1.umn.edu/humanrts/africa/mali.htm>
- <http://www.icon.co.za/~crisp/songololo.html>
- http://www.advocacynet.org/cpage_view/nigtraffc_girlsfor_sale_6_25.html
- <http://www.ifrance.com/toiledudeveloppement/>
- <http://www.ifrance.com/stradev/presentation.htm>
- <http://www.justicemali.org/apdf.htm>
- <http://www.rapcan.org.za/news/annual99b.htm>
- <http://www.saspcan.org.za/>
- <http://www.rb.se/eng/>
- <http://www.bice.org/en/presentation/&prev=/search%3Fq%3Dbice%2Btogo%26hl%3Den%26lr%3D%26ie%3DUTF-8%26oe%3DUTF-8>

- <http://www.bice.org/fr/presentation/bicenerationaux/togo.php&prev=/search%3Fq%3Dbice%2Btogo%26hl%3Den%26lr%3D%26ie%3DUTF-8%26oe%3DUTF-8>
- <http://www.tampep.com/>
- <http://www.europap.net/links/tampep.htm>
- <http://membres.lycos.fr/waoafrique/>
- <http://www.enda.sn/eja/anglais/presentation/wao%20africa.htm>
- http://www.wildaf-ao.org/fr/mb_geria.htm
- <http://www.enda.sn/eja/anglais/index.htm>
- <http://www.enda.sn/eja/anglais/endafrs/enda%20jai.htm>
- <http://www.enda.sn/eja/anglais/endafrs/enda%20mali.htm>
- <http://www.enda.sn/eja/anglais/presentation/wao%20africa.htm>
- <http://www.wocononline.org/home.html>
- <http://www.wocononline.org/index.htm>
- http://216.239.39.104/translate_c?hl=en&u=http://www.stradev.fr.st/&prev=/search%3Fq%3Dongstrategies%2Bet%2Bdeveloppement%2Bbenin%26hl%3Den%26lr%3D%26ie%3DUTF-8
- <http://www.enda.sn/eja/anglais/endafrs/enda%20mali.htm>
- http://portal.unesco.org/en/ev.phpURL_ID=20372&URL_DO=DO_TOPIC&URL_SECTION=201.html
- <http://www.electroniccommunity.org/GirlsPower/>
- http://www.electroniccommunity.org/GirlsPower/gender_dev.htm
- <http://www.hri.ca/organizations/viewOrg.asp?ID=5639>
- <http://www.terredeshommes.org/en/Welcome/default.asp>

- <http://www1.umn.edu/humanrts/africa/mali.htm>
- <http://www.icon.co.za/~crisp/songololo.html>
- http://www.advocacynet.org/cpage_view/nigtraf.ck_girlsfor_sale_6_25.html
- <http://www.ifrance.com/toiledudeveloppement/>
- <http://www.ifrance.com/stradev/presentation.htm>
- <http://www.justicemali.org/apdf.htm>
- <http://www.rapcan.org.za/news/annual99b.htm>
- <http://www.saspcan.org.za/>
- <http://www.rb.se/eng/>
- <http://www.bice.org/en/presentation/&prev=/search%3Fq%3Dbice%2Btogo%26hl%3Den%26lr%3D%26ie%3DUTF-8%26oe%3DUTF-8>
- <http://www.bice.org/fr/presentation/bicenationaux/togo.php&prev=/search%3Fq%3Dbice%2Btogo%26hl%3Den%26lr%3D%26ie%3DUTF-8%26oe%3DUTF-8>
- <http://www.tampep.com/>
- <http://www.europap.net/links/tampep.htm>
- <http://membres.lycos.fr/waoafrique/>
- <http://www.enda.sn/eja/anglais/presentation/wao%20africa.htm>
- http://www.wildaf-ao.org/fr/mb_geria.htm
- <http://www.enda.sn/eja/anglais/index.htm>
- <http://www.enda.sn/eja/anglais/endafrs/enda%20jai.htm>
- <http://www.enda.sn/eja/anglais/endafrs/enda%20mali.htm>
- <http://www.enda.sn/eja/anglais/presentation/wao%20africa.htm>
- <http://www.wocononline.org/home.html>
- <http://www.wocononline.org/index.htm>

- http://216.239.39.104/translate_c?hl=en&u=http://www.stradev.fr.st/&prev=/search%3Fq%3Dongstrategies%2Bet%2Bdeveloppement%2Bbenin%26hl%3Den%26lr%3D%26ie%3DUTF-8
- <http://www.nswp.org/mobility/untoc-comment.html>
- http://www.uncjin.org/Documents/Conventions/dcatoc/.nal_documents/index.htm
- <http://www.december18.net/web/general/start.php>
- <http://www.hrw.org/>
- <http://www.huridocs.org/catwen.htm>
- <http://www.bayswan.org/FoundTraf.html>
- <http://www.gaatw.org/> (GAATW website sometimes not functioning)
- <http://hrw.org/background/wrd/traf.cking-framework.pdf>
- <http://www.unicef.org/protection/traf.cking.pdf>
- <http://www.humantrafficking.com/humantrafficking/htindex.aspx>
- <http://www.anti-slaverysociety.addr.com/slavetrade.htm>
- <http://training.itcilo.it/actrav/cr/download.htm>
- <http://www2.fmg.uva.nl/imes/>
- <http://www.unesco.org/most/migration/convention/#Top>
- http://portal.unesco.org/shs/en/ev.php@URL_ID=1211&URL_DO=DO_TOPIC&URL_SECTION=201.html
- <http://www.iom.int/>
- http://www.iom.int/DOCUMENTS/GOVERNING/EN/MCINF_270.PDF
- <http://databases.unesco.org/migration/MIGWEBintro.shtml>
- <http://www.migrationinformation.org/Feature/display.cfm?id=231> (Mode 4 debate)
- <http://www.migrantwatch.org/index.html>

- <http://www.polarisproject.org/polarisproject/>
- <http://www.catwinternational.org/index.php>
- <http://www.unhchr.ch/huridocda/huridoca.nsf/%28Symbol%29/E.CN.4.2000.68.En?Opendocument>
- <http://www.ifrance.com/stradev/presentation.htm>
- <http://www.uri.edu/artsci/wms/hughes/pubvio.htm>
- <http://www.web.net/~ccr/traf.cking.html>
-
- http://www.hrdc.net/sahrhc/hrfquarterly/Oct_Dec_2002/Traf.cking_solution.htm
- http://www.undp.ro/governance/law_enforcement.php
(UNDP BP manual in Romania)
- http://portal.unesco.org/shs/en/ev.phpURL_ID=3582&URL_DO=DO_TOPIC&URL_SECTION=-473.html
- <http://photobank.unesco.org/exec/index.html>
- <http://www.unescobkk.org/culture/traf.cking/unesco.htm>
- <http://www.unicri.it/>
- <http://www.humantraf.cking.com/humantraf.cking/client/view.aspx?OrganizationID=260>
- <http://www.unifem-eseasia.org/resources/others/traf.c.htm>
- http://www.unodc.org/unodc/en/trafficking_comparative_advantages.html
- <http://www.unodc.org/unodc/index.html>
- <http://www.state.gov/g/tip/rls/tiprpt/2003/>
- http://www.usaid.gov/our_work/crosscutting_programs/wid/activities/trafficking_persons.html
- http://usmex.ucsd.edu/justice/documents/richard_trafficking_biblio.pdf

Various African groups and databases for contacts

- <http://www.anppcan.org>
- <http://www.anppcan.org/new/resources/international/home.htm>
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ADVOCACY AND AWARENESS-RAISING CAMPAIGN AGAINST HUMAN TRAFFICKING*

Trafficking in persons is inhuman, immoral, illegal and a gross violation of fundamental human rights.

Severe criminal sanctions await traffickers for this form of modern slavery, which debases the dignity of womanhood.

Please join the campaign against this heinous crime and inhuman practice by taking the following actions:

- Warn potential victims of the health hazards, risks and other imminent dangers of human trafficking.
- Sensitize public opinion and mobilize popular support to eliminate human trafficking.
- Support the strict enforcement and serious implementation of legislation against human trafficking that are consistent with international standards
- Advocate for the protection of the dignity of womanhood.
- Reject the advances and ploys of Traffickers.
- Report traffickers and their accomplices to the law enforcement agencies.
- Render assistance, counseling, support and rehabilitation to victims of human trafficking.
- Expose the antics of traffickers to prevent innocent girls from being lured into prostitution.
- Network and Partner with civil society organizations and other pressure groups to ensure that your Country ratifies and implements the

various international Conventions against human trafficking.

- Promote international cooperation to prohibit and eliminate human trafficking.
- Encourage the education of girls to equip them with knowledge and skills to resist the temptations of traffickers.
- Assist the girl-child to realize her immense potentials.
- Warn parents against sending their daughters into prostitution.

*** An Advocacy and Mobilization Campaign from the:**

Network for Justice and Democracy

(A Non-Governmental organization dedicated to combating human trafficking, promoting and defending reproductive rights and gender equality through research, legal analysis, education and advocacy.)

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