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NIGERIA:

AN ASSESSMENT OF THE INTERNATIONAL LABOUR MIGRATION SITUATION The case of female labour migrants

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Foreword

Changing labour markets with globalization have increased both opportunities and pressures for women to migrate. The migration process and employment in a country of which they are not nationals can enhance women's earning opportunities, autonomy and empowerment, and thereby change gender roles and responsibilities and contribute to gender equality. But they also expose women to serious violation of their human rights. Whether in the recruitment stage, the journey or living and working in another country, women migrant workers, especially those in irregular situations, are vulnerable to harassment, intimidation or threats to themselves and their families, economic and sexual exploitation, racial discrimination and xenophobia, poor working conditions, increased health risks and other forms of abuse, including trafficking into forced labour, debt bondage, involuntary servitude and situations of captivity. Women migrant workers, whether documented or undocumented, are much more vulnerable to discrimination, exploitation and abuse – relative not only to male migrants but also to native-born women. Gender-based discrimination intersects with discrimination based on other forms of “otherness” – such as non-national status, race, ethnicity, religion, economic status – placing women migrants in situations of double, triple or even fourfold discrimination, disadvantage or vulnerability to exploitation and abuse.

To enhance the knowledge base and to develop practical tools for protecting and promoting the rights of female migrant workers, a series of case studies were commissioned. These studies were intended to provide background materials for an Information Guide on Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers. The Guide, which is comprised of six individual booklets, aims at assisting and enhancing the efforts of government agencies, workers' and employers' organizations, non-governmental organizations and civil society groups in sending, transit and destination countries to protect the human rights of women migrant workers in the different stages of the migration process.

This working paper is based on one of the country case studies. The countries covered included Bolivia, Costa Rica, Italy, Japan, Nicaragua, Ethiopia, Nigeria, the Philippines, Sri Lanka and the United Arab Emirates. The focus was on the situation of the women migrant workers in their families, workplaces, communities and societies in sending and receiving countries and also on the initiatives, policies and programmes, “good” and “bad” practices implemented by government, private recruitment and employment agencies and a wide range of social actors to assist and protect women migrants against exploitation and abuse and to prevent them from being trafficked.

The case studies represent a collaborative effort between the Gender Promotion Programme and the International Migration Branch, as well as a number of Area and Regional ILO Offices. Katerine Landuyt had main responsibility for commissioning the case studies. Tanja Bastia provided technical guidance to the national consultants, while Minawa Ebisui and Tiina Eskola provided editorial and formatting assistance.

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Preface

International migration has been on the increase in the past few decades due to various reasons, including the demographic imbalance between rich and poor countries, large and increasing differences in the socio-economic development between rich and poor countries, the internationalization of labour markets and the relative low cost of travel. Nowhere is this trend as visible as in Africa where there has been enormous migratory movement. Indeed, emigration is now thought to involve about 10 per cent of Africa's population¹.

Emigration has implications for national policy in, among other things, ensuring that the rights and interests of nationals are respected and protected while they are abroad. Intervention measures may, therefore, be needed to curb recruitment abuses and malpractices and to prevent exploitation.

This report is one of a 10-country study carried out under the general supervision of the Gender Promotion Programme (GENPROM) of the International Labour Office (ILO). An important objective of the study is to explore the environment and national capacity within which migrant workers², especially women, seek employment outside their home countries. More specifically, it investigates national legislation, as well as Government, private sector and NGO initiatives, devised to protect female migrant workers from exploitative working conditions, as well as from trafficking.

The research took a multi-pronged approach consisting of a literature-search, semi-structured interviews, questionnaires and Focus Group Discussions. The discussions were conducted at various sites in order to capture the diverse types and reasons for migration for employment and for trafficking.

The introduction gives an overview of the socio-economic context of Nigeria as a basis for understanding the “pull factors” for migration and trafficking. The legislative framework, including ratified ILO and UN conventions, is considered in Section Two, as well as national laws and implementation mechanisms relating to migrant workers. Sections Three and Four explore Government and private sector programmes for migrant workers and the latter’s assessment of these initiatives.

Migrants face various forms of abuse and exploitation abroad. Sections Five and Six consider Government and non-Governmental programmes to help victims of abuse return home.

Section seven reviews the performance of bodies which promote, enforce and supervise policies and legislations on migrant workers. Section Eight offers conclusions and recommendations.

The study provides information on existing practices to define the scope for collaboration and cooperation between stakeholders in protecting and promoting the rights of female migrant workers³. The study examines the problem of migration in relation to Nigeria, a sending country⁴.

¹ Ricca, S: International Migration in Africa “Legal and Administration Aspects”, ILO, Geneva, 1989.

² The term “migrant worker”, refers to a person who is to be engaged, is engaged, or has been engaged in remunerated activity in a State of which he or she is not a national (Fact sheet 24, the Rights of Migrant Workers).

³ The exercise does not aim at providing an in-depth and comprehensive analysis of the specific situation of female migrant workers in each country.

⁴ Nigeria experiences immense in-flows of migrants and could also be studied as a receiving country.

A study of this kind in Nigeria faces many difficulties. Hard data and literature on the subject are extremely difficult to access, as the natural sources of information relating to migrant workers are extremely bureaucratic. Where there is information, it is often outdated with limited usefulness.

Furthermore, it is difficult to get migrant workers themselves to discuss their situation as they are unsure of the issues to be raised. This reaction is understandable since migration for work is not formalized and the people interviewed are expected to speak about their contravention of laws, either within or outside Nigeria.

Focus Group Discussions, interviews and questionnaires were administered in four major locations. These were Benin City in Edo State, Calabar and Ikom in Cross River State, Abuja in the Federal Capital Territory, and Buea in the Republic of Cameroon.

Justification

Benin City was an obvious location, as the capital city of Edo State from where 95 per cent of trafficked young women are recruited.

Cross River State is reputed as one of three major exit states for labour migrants, both through sea and land borders.

The study in Cross River State was conducted at four sea and two land borders, namely Calcemco, Enita, Mciver and Ikang beaches, and Ikom Agbakim and Ekang routes. Most of the migrants spoken to in the State live in the Cameroons and Equatorial Guinea, but return frequently to Nigeria to transact business.

A growing cosmopolitan city, Abuja has a mix of people from all ethnic, religious, social and economic backgrounds. As the capital of Nigeria, where most public bureaucracies are located, it has the most potential for information gathering.

Finally, Cameroon was chosen for its historical ties to Nigeria. Anglophone Cameroon was a part of Nigeria until 1961, when it was annexed by francophone Cameroon. Over the years, the size of the Nigerian ethnic group in South Western Cameroon has grown, as an increasing number join their mostly peasant countrymen and women who remained in Cameroonians after independence. These latter day migrants are attracted by opportunities which nationals are unwilling to fill, especially in small-scale trading.

Introduction

Overview of socio-economic context

The major framework for economic development in Nigeria since the attainment of political independence in 1960 has been the use of medium-term development plans. As such plans focus on the needs of people at any point in time, the First Plan, 1962–1968, put the priority on agricultural and industrial development in. The Third Plan, 1975–1980, emphasised indigenization of the economy, with the main objective of enabling Nigerians to own and control the majority of shares in industries and other investments. In a country with gender-insensitive cultures and traditions, whose affairs are dominated by men, women lost out in the indigenization programme.

In the early to mid-1980s, the fall in price of crude oil⁵ and Nigeria's structural adjustment and stabilization policy led to an in-depth restructuring of the economy. The resulting devaluation of the national currency, lowering of industrial capacity and concomitant increase in unemployment as well as weak public institutions and financial markets, all combined to frustrate the objectives of high growth and equitable development. Nigeria's political instability and military takeover further destabilized the country. These factors have militated against the wish of the majority of Nigerians to improve their quality of life and expand the range of human choices.

Economic crisis was a major contributory reason for the near political and social breakdown of Nigeria. The net effect of the above analysis is a battered economy with high rates of population growth, low GNP, low capacity utilization and low productivity, a high unemployment rate and a situation in which Government, as the single most important employer, has been unable to pay workers a “living wage”.

Women are the worst hit. Statistics⁶ show that the ratio of women to men in the Federal Civil Service, the largest employer of labour, is 1:4, and most of these women are engaged in the lowest cadres of public service. Statistics also reveal that the highest percentage of unemployed females is within the age group 20–24 years, closely followed by 15–19 years olds. These age groups are most vulnerable to the lure of migration, especially trafficking.

Whereas most men migrate of their own accord and purely for economic reasons, most women and children are trafficked and lured into commercial sex work and exploitative forced labour. Due to the perceived weakness of women, enhanced by stereotypes, educational discrimination, unemployment and poverty, parents, relations, friends and guardians seize opportunities to dictate and direct the affairs and lives of unsuspecting and helpless young women. Many women and children are exploited in commercial sex work and forced and menial labour (such as, domestic and plantation work, lumbering, smuggling, crude farming, and menial hotel and restaurant jobs, etc.).

The condition of women workers in the national labour market makes the situation worse. Female workers are paid less than men and often under-employed. Discrimination against women is high. In some parts of Nigeria, women are forced into early marriage and childbearing and live by subsistence farming to produce food for the household. In addition, they wash clothes, cook, fetch firewood and water for drinking, washing and

⁵ Oil has been the major source of income in Nigeria since the early 1970s.

⁶ Annual Abstract of Statistics of Nigeria, Federal Office of Statistics, Lagos, 1995.

cooking, keep the house and sometimes combine all this work with petty trading, craft-making or low-paid employment. None of these activities are highly valued and neither is the girl-child in the average Nigerian family. Girls have less chance of going to school, of getting paid work or of participating adequately in social and political circles.

Women also face discrimination in the organised labour market. Because their role as mothers is not recognised or remunerated, they receive less pay and benefits, fewer promotions than men and, in extreme cases, are the first to be fired in case of downsizing. They are also excluded from potentially promising professions, particularly in the military, engineering and technical fields. It is still unusual in Nigeria to see women as mechanics, refrigeration technicians, structural and mechanical engineers, electricians, plumbers, welders, etc.

Statistics from the country's last census indicate a paltry number of women workers in the labour force. Whereas the male-female population ratio is 50-50, of the 26.6 million workers employed, only 9.8 million (36.8 per cent) are females. However, the majority of these women (14.5 per cent) work in sales and another 13.1 per cent in low-level agricultural and related work. Only 9.2 per cent are engaged in the other five fields — professional, technical and related workers, 2.3 per cent; administrative and managerial workers, 0.5 per cent; clerical and related workers, 1.0 per cent; service workers — 1.2 per cent, production and related workers, transport, equipment operators and labourers, 3.3 per cent; and other occupations, 0.9 per cent. On the other hand, women predominate in the informal economy in such jobs as petty trading, processing and sales, tailoring, beauty salons, etc. Even in old age, between 50–70 years and above, they remain active in these jobs.

Men dominate the top tier of employment (professional, technical and related workers and administrative and managerial workers). Managers, directors, chief executives, chairmen of the board and board members are men. Of the 2.46 million workers in these categories, approximately 18 per cent are females. At older ages, the proportion decreases to about 15 per cent and less. Basically, women have fewer opportunities in the labour market and, mainly, at the lower strata.

Although the situation has been gradually improving, the Government is now under pressure to institute an Affirmative Action policy, as agreed upon at the 1995 Beijing Conference for Women. This policy would ensure that women make up at least 30 per cent of elective and appointive positions at decision-making levels. It is hoped that this critical mass would have a snowball effect on promoting gender-sensitive policies to ensure that more women get the requisite education, skills and opportunities to enable them to compete favourably with men.

Laws and policies are needed to eradicate harmful traditional customs such as widowhood practices, early marriage, female circumcision, preference of male to female children, preference or prioritizing of male to female education, job discrimination and stereotyping, etc. There is equally the need to expunge some outdated and discriminatory laws against women in line with the United Nation's Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

Juxtaposed against the economic situation described above is the pervasion of consumerism, get-rich-quick attitudes and widespread corrupt practices⁷.

⁷ The current Government was instrumental in enacting a Corrupt Practices Act and in establishing a Commission to prosecute offenders.

General trends in migration and trafficking in persons

Nigeria has a laissez-faire emigration policy, leaving it up to individuals to decide for themselves on whether to accept employment offers abroad and under what terms. This policy is due, perhaps, to the inherent difficulties of making policy applicable beyond the limits of national borders and sovereignty. Consequently, no administrative structures or measures hinder and /or facilitate the movement of citizens outside the country beyond the normal immigration requirements for all travellers.

As was stated earlier, there is evidence of high outflow of Nigerians seeking employment in other countries. Since the general economic malaise affects the overwhelming majority of Nigerians, migrant workers come from all classes, irrespective of age, educational background and state of origin. Medical personnel, especially doctors, have generally moved towards the Middle East, while other professionals are dispersed in various countries around Europe and America. Lower categories of migrant workers, such as artisans, labourers and traders, have also found their way around the world, including to many other African nations.

A large number of these migrants, excluding trafficked persons, are men. Most of them are engaged in trading activities and a few in such menial jobs as labourers, hotel and restaurant stewards within the 18–40 age group.

Amongst the migrants using the Calabar exit axis, barely 10 per cent are young girls and women, who go to trade in other countries like Cameroon and Equatorial Guinea or who are wives of migrating men. They travel by boat.

Migrants using the Lagos axis are predominantly male traders seeking alternative employment ranging from menial through skilled to professional work, in some African countries as well as in Europe and America. Many of these migrants now go by sea, as air travel is not only expensive but also more prone to immigration control. Only a small percentage of these migrants, less than 10 per cent, are women and young girls.

Migrants using the northern land routes in Sokoto, Kebbi, Katsina, Jigawa and Yobe, Borno are almost entirely men engaging in trading and farming activities in mainly North-Western African countries. Male domination of migration is easily attributable to traditions and culture that hold women down and discourage their exercise of rights and self-will.

An increasing number of migrants travel to or through other African countries, typically taking routes with the least immigration control. If control is rigorous, they bribe their way through. Usually, there is a reception network of family or friends who also secure an initial job or trade for the newcomers. Once the new migrant is settled, he/she will, in turn, try to help others come and would rarely contact Nigeria's diplomatic mission for fear of being exposed⁸.

Human trafficking for prostitution⁹, a more recent phenomenon in Nigeria, has exploded in the last decade. It is not known how many young girls and women are trafficked every year from Nigeria, partly due to the clandestine nature of the operation. However, the extent of trafficking for prostitution can be deduced from the fact that between March 1999 and December 2000, a total of 1,178 people were repatriated from

⁸ Abella, M. I, "Sending Workers Abroad", ILO, Geneva 1997.

⁹ Other reasons for human trafficking includes forced labour, marriage, ritual, etc.

five countries for traffic related reasons¹⁰. All but 12 were girls and the majority were repatriated from Rome¹¹.

Most of the girls trafficked for prostitution from Edo State are taken away through Lagos. The majority of children and girls trafficked through Cross Rivers State are exploited in plantations, lumbering, restaurant and hotel services, in countries like Cameroon, Gabon, Equatorial Guinea, Benin Republic, Ivory Coast, etc. Others go farther to European, Asian and American countries where they are exploited as labourers, mortuary attendants, domestic servants, and plantation workers. Some are also trafficked for prostitution. The age bracket of this latter group ranges between 10 and 30 years.

It is estimated that about 60 per cent of the total population of trafficked women are aware of the nature of the trade but lured by promises of attractive remuneration. Often, frustrated by enormous problems at home, young women and their families are willing to take chances. The reality of their situation only unfolds over time. Most of those interviewed and Focus Group Discussions (FGD) participants said that they never suspected they would be exploited as they were, but, once there, had no option as they could not come easily return home. All participants of the FGD for trafficking cited poverty and lack of work as the major reasons for their engagement in trafficking. All come from families of an average size of 8.25 people. In 35 per cent of cases, both parents provide for the family. In another 35 per cent and 30 per cent, the father or mother, respectively, was the sole provider for the family. While poverty and survival remain the major reason for other migrants contacted in Cross River State to work outside Nigeria (95 per cent), their average age was higher than that of trafficked persons (26.6 years). This group came from slightly smaller families (an average of 7.8 persons) where responsibility rests almost equally between father (8), brother (7) and interviewee (7).

Once in their countries of destination, trafficked girls are stripped of such fundamental rights as travel documents and freedom of movement. They are further subjected to debt bondage¹², beatings, sexual assault, confinement and other forms of abuse. Such treatment is in contravention of existing international labour and human rights standards, such as the ILO Convention on Forced Labour, 1930 (No 29), and the Convention on the Worst Forms of Child Labour, 1999 (No 182), the United Nations human rights covenants and the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW). It is interesting to note that none of the trafficked migrants spoken to during the study faced such extreme maltreatment. In some cases, they had faced harassment or detention due to their illegal status, but had been able to get by through bribes to law enforcement agents.

The power relationships arising from gender differences are most manifest in the case of trafficking. First, the vast majority of traffickers are men while those trafficked are exclusively females. Second, by their acts, traffickers deny that their victims are ‘born free and equal in dignity and rights’ as provided by most human rights instruments, as they are bought and sold to the highest bidder. It is not difficult to understand how by socializing

¹⁰ WOTCLEF, The Role of the Civil Society in Combating Human Trafficking and Child Labour in Nigeria.

¹¹ Rome ranks highest among other major European countries such as the Netherlands and Belgium where most Nigerian girls are trafficked to.

¹² This arises where a trafficker advances the cost of procuring travel documents and passage of a trafficked person. The “loan” is then repaid over a period of time with high rates of interest from the earnings of the trafficked person.

people to believe in the superiority/inferiority of men and women, respectively, so many young women willingly accept their own debasement.

Furthermore, the increasing number of female migrant workers is a consequence of traditional and social structures that discriminate against women. While men and women both seek to improve their lives by finding employment outside Nigeria, women are more likely than men to be unemployed or underemployed given the limited job opportunities. They also have a higher probability of accepting low paid and exploitative jobs in their countries of destination due to their lower education, skills, and work experience arising from discrimination. Women are also more likely than men to be intimidated by differences in language and culture when relocating to other counties. This often limits their interaction with the wider world, thus limiting their exposure and knowledge of their rights and access to better job opportunities.

Concerns and needs of female migrant workers

The concerns and needs of female migrant workers vary from person to person, depending largely on the kind of migration being undertaken – i.e. whether voluntary or through trafficking. In most cases, women migrants are trafficked and the decision to migrate is taken by others (relations, friends, husbands, and/or parents). This is another indication of the patriarchal nature of Nigerian society, which subjugates women and erodes their independence of thought, initiative, action and decision.

Women, therefore, need freedom and independence from the shackles of traditional and societal norms. They also need adequate education and/or training to afford them better opportunities both at home and in their host countries and they need proper education and orientation on issues relating to migration. Governmental support and protection are necessary for migrants, particularly females, to ensure that they are not abused or exploited and that their earnings in host countries are safeguarded.

I. Legislative framework

1.1. Ratified conventions and bilateral agreements related to migrant workers

The domination of the Government by the military greatly affected legislative development. Ratification and implementation of relevant ILO Conventions have been hampered, mainly due to the non-existence of democratic structures. Consequently, of the number of ILO Conventions, only the following three have been ratified:

- Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
- Migration for Employment Convention (Revised), 1949 (No. 97)
- Equal Remuneration Convention, 1951 (No. 100)

However, none of these conventions have been practically applied, due to the unorganised nature of the migrant workers' activity and lack of national policy and strategies, coupled with Governmental instability... Records relating to migration activities for employment are not available in any Government office.

The above is further evidenced in the report of a research carried out by Eivind Hoffman and Sophia Lawrence on "*Statistics on International Labour Migration, a Review of Sources and Methodological Issues.*" Under statistics on International Migrant Workers, Results from an Exploratory Survey of Availability of National Statistics 1995, Nigeria was observed to lack statistics in all the nine sub-heads relating to migrant workers including:

- population census
- labour force survey
- special migration survey
- administrative registers
- official estimates
- other types of sources
- total employment available
- paid employment available
- send statistics to ILO and type of statistics available
- source or statistics planned to be developed.

1.2. Legislations pertaining to trafficking

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, defines human trafficking as:

- (a) the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force, of deception, of abuse of power or of a position of vulnerability

or of 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 or the prostitution of others or other forms of sexual exploitation, forced labour or service, 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 ... shall be irrelevant where any of the means set forth in sub-paragraph (a) has been used.

Existing legislation does deal with some elements of human trafficking as defined above, including the Nigerian Constitution, and some sections of the Penal and Criminal Codes, and the Labour Act.

Section 34 of the 1999 Constitution states that:

Section a: "No person shall be subjected to torture or to inhuman or degrading treatment"

Section b: "No person shall be held in slavery"

Section c: "No person shall be required to perform forced or compulsory labour".

On its part, sections 222(a), 224 and 225(a) of the Criminal Code, which is operative in the Southern parts of Nigeria, provide for the punishment of those who either cause or encourage seduction or trade in prostitution. Also, sections 278, 279 and 280 of the Penal Code prescribe punishment of imprisonment and fine for the following categories of offence: ten years imprisonment or fine for buying or selling of minors for immoral purposes; fourteen years imprisonment and fine for buying or disposing of persons as slaves; one year imprisonment and/or fine for unlawful compulsory labour. In addition, Section 73(II) of the Labour Act states that:

Any person who requires any other person, to perform forced labour contrary to the Constitution of the Federal Republic of Nigeria 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 both.

Although these laws touch on some aspects of trafficking, it is very difficult to prosecute a trafficker based on the testimony of one person, usually the trafficked person, since the offence has to be "proved beyond reasonable doubt". In any case, few trafficked persons have been courageous enough to reveal the identity of their traffickers, due to the oath of secrecy to which they are sworn and fear of repercussions for breaking it. To date, no traffickers have been prosecuted.

The general feeling is that the stipulated punishment in some States is too low to be a deterrent to traffickers. In Edo State, from where an estimated 95 per cent of trafficked girls come, offenders were, up to 10 September 2000, liable to a mere misdemeanour charge, and only if the girls trafficked were under 13 years of age.

Under the auspices of Idia Renaissance¹³, Edo state has amended some of the provisions of the state criminal Code. First, the scope of victims has been widened to all

¹³ Idia Renaissance was founded by Mrs. Eki Igbinedion, wife of the Governor of Edo State to restore the dignity of womanhood in the State by campaigning against human trafficking.

“female persons,” while trafficking now attracts a range of upwardly adjusted fines and terms of imprisonment depending on the severity of the offence.

The law has had some very positive effects. It is a tool for sensitizing people on the ills and consequences of trafficking, thus helping to turn the tide of public opinion against traffickers. Secondly, young girls in the State have found moral backing in the law to resist pressure from family and friends to engage in trafficking. Third, since the promulgation of the law, a number of brothels, which were recruiting grounds for trafficking, have been shut down. The challenge remains to prosecute offenders, given the widespread corruption within law enforcement agencies.

At the national level, a bill was submitted to the National Assembly by Women Trafficking and Child Labour Eradication Foundation (WOTCLEF)¹⁴, on the issue of human trafficking (Bill for the Enactment of the National Agency for Traffic in Persons Law Enforcement and Administration Act 2001). The bill seeks to prohibit and prescribe punishment for trafficking in persons, particularly women and children, and other related offences. It establishes a national agency for trafficking in persons, law enforcement and administration vesting it with the responsibility to investigate and prosecute offenders and the counselling and rehabilitation of trafficked persons. Provisions are also made for the protection of trafficked persons in the course of investigation and especially of anyone who gives information to the Agency of offences committed or likely to be committed by any other person.

The proposed bill provides for a Governing Board with a Chairman and Secretary who shall be the administrative head. The Board consists of members drawn from — the Federal Ministry of Justice, Nigeria Police, Nigeria Immigration Service, Nigeria Customs Service, State Security Service, Federal Ministries of Foreign Affairs, Internal Affairs, Labour, Employment and productivity, Women and Youth Development, Health, Culture and Tourism, Information and National Orientation, National Human Rights Commission, National Directorate of Employment. Others include Nigerian Labour Congress and National Council of Women Societies and 4 members to represent public interest, picked from Non-Governmental Organizations (NGOs). Appointees to the board are to be persons not below the rank of a director or its equivalent. The essence is to ensure that membership of the board is sufficiently broad-based with various interest groups within the Government circle. It would also ensure that decisions taken at the board have sufficient policy considerations and can withstand policy tests.

The proposed bill provided the functions of the Agency to include, *inter-alia*:

- the coordination of all laws on traffic in persons and related offences and the enforcement of the functions conferred on any person or authority by those laws
- adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from traffic in persons and offences connected therewith or property, the value of which corresponds to such proceeds
- adoption of measures which shall include coordinated preventive and repressive action, introduction and maintenance of investigation and control techniques
- enhancing the effectiveness of law enforcement agents to suppress traffic in persons
- establishing, maintaining and securing communication to facilitate the rapid exchange of information concerning offences, and improving international co-operation in the suppression of traffic in persons by road, sea and air

¹⁴ WOTCLEF was initiated by Chief (Mrs.) Titi Atiku Abubakar, wife of the Vice-President of Nigeria and has been in the vanguard of initiatives against the ills of human trafficking.

-
- reinforcing and supplementing the measures in such bilateral and multilateral treaties and conventions on traffic in persons as may be adopted by the Nigerian domestic law, in order to counter the magnitude and extent of traffic in persons and its grave consequences
 - strengthening and enhancing effective legal means for international cooperation in criminal matters for suppressing the international activities or traffic in persons
 - taking charge, supervising, controlling and coordinating all the responsibilities, functions and activities relating to arrest, investigation, prosecution of all offences connected with or relating to traffic in persons, notwithstanding any law to the contrary
 - taking charge, supervising, controlling and coordinating the rehabilitation of trafficked persons.

Equally, special powers apart from those derived from its mandate, were proposed for the Agency as following:

- (a) to cause investigations to be conducted as to whether any person has committed an offence under this Act,
- (b) to cause investigations to be conducted into the properties of any person if it appears to the agency that, that person's ostensible life style and extent of the properties are not justified by his source of income. Special units proposed for the Agency are the investigation unit, the prosecution unit, the Public Enlightenment unit, and the Counselling and Rehabilitation unit.

1.3. Offences covered by the Bill

The offences covered by the bill are as follows:

1. Exportation to, or importation from any country to Nigeria, of any woman or girl under the age of 18 with intent that she may be, or knowing it to be likely that she will be, forced or seduced into prostitution. This offence carries a penalty of life imprisonment on conviction without an option of fine.
2. The use of deception, coercion, debt bondage or any means whatsoever, to induce any woman or girl under the age of eighteen years to go from one place to another to do any act with intent that such woman or girl may be or knowing that it is likely that she will be forced or seduced into illicit intercourse with another person or in order to gratify the passions of another person, procures, entices or lead away, even with her consent, any woman or girl under the age of eighteen years for immoral purpose. This attracts a penalty of ten years imprisonment on conviction without an option of fine.
3. Any person who, with intent to marry or carnally know a female of any age, or to cause her to be maimed or carnally known by any other person, takes her away, or detains her, against her will, commits an offence and is liable on conviction to imprisonment for ten years without an option of fine.
4. Any person who, having the custody, charge or care of a girl under the age of 18 years, causes or encourages the seduction, unlawful carnal knowledge or prostitution commits an offence and is liable on conviction to imprisonment for ten years and such a person shall be deemed to have committed the offence, if he knowingly allows her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

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5. A person who procures a girl who is under the age of 18 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.
 6. A person who procures a woman or a girl under the age of 18 years to:

 - (a) become a prostitute, either in Nigeria, or any place outside Nigeria, or
 - (b) leave Nigeria with intent that she may become a prostitute in any place outside Nigeria or
 - (c) leave her usual place of abode in Nigeria, with intent that she may, engage in prostitution either in Nigeria or any place outside Nigeria, commits an offence and is liable on conviction to imprisonment for ten years.
 7. A person who procures, uses or offers a child for prostitution, or the production of pornography, or for pornographic performance, or procures, uses or offers a child for the production and trafficking of drugs, or traffics a child for the purpose of forced or compulsory recruitment for use in armed conflict, commits an offence and shall be liable on conviction to imprisonment for fourteen years without an option of fine.
 8. Anyone who organizes or promotes foreign travel that promotes child prostitution or encourages such activity commits an offence and is liable on conviction to imprisonment for ten years without the option of fine.
 9. A person who conspires with another to induce any woman or girl under the age of 18 years by means of any false pretence or other fraudulent means, to permit any man to have unlawful carnal knowledge of her commits an offence and is liable on conviction to imprisonment for five years.
 10. A person who detains a women or girl under the age of 18 years against her 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.
 11. A person who by threats or intimidation of any kind or any false pretence, procures a woman or girl under the age of 18 years, to have unlawful carnal connection with a man or an animal, either in Nigeria or any place outside Nigeria or administers to a woman or a girl under the age of 18 years, or causes a woman or girl under the age of 18 years, 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, commits an offence and is liable on conviction to imprisonment for ten years or a fine not exceeding N100'000.00. It is pertinent to note here however, that the penalty of ten years is even low for this grievous crime and the option of N100'000.00 is very far from adequate financial penalty for the offence. There should indeed be no option of fine for this class of crime.
 12. A person who takes or entices any person under eighteen years of age, or any person of unsound mind out of the keeping of the lawful guardian of such person beyond the limits of Nigeria without the consent of someone legally authorized to consent to such removal, commits offence and is liable on conviction to imprisonment for fourteen years without option of fine.
 13. A person who by force compels or 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 and to a fine not exceeding N100'000.00

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- 14.** A person who confines or detains another person in any place against his will, or otherwise unlawfully deprives another person of his personal liberty, commits an offence and is liable on conviction to imprisonment for five years and to a fine of N100'000.00.
 - 15.** A person who knowing that any other person has been kidnapped or has been abducted wrongfully conceals or confines such a person, commits an offence and is liable on conviction to imprisonment for five years.
 - 16.** A person who unlawfully takes an unmarried girl under the age of eighteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, commits an offence and is liable on conviction to imprisonment for 10 years without an option of fine, and it is immaterial that the accused believed the girl was taken with her own consent or at her own suggestion.
 - 17.** A person who with intent to deprive any parent, guardian, or other person who has the lawful care or charge of a child under the age of 18 years, of the possession of such child, forcibly or fraudulently takes or entices away, or detains the child or receive or harbours the child, knowing the child to have been so taken or enticed away or detained, commits an offence, and is liable on conviction to imprisonment for fourteen years without an option of fine.
 - 18.** A person who kidnaps, abducts or by deceitful means lures any person away in order that such person may be killed for any purposes, commits an offence and is liable on conviction to imprisonment for life.
 - 19.** Any person who buys, sells, hires, or lets or otherwise obtains possession or disposes of any person under the age of eighteen years with intend that such person be employed or used for the immoral purposes or knowing it to be likely that such person will be employed or used for any such purpose, commits an offence and is liable on conviction to imprisonment for fourteen years without the option of a fine.
 - 20.** A person who requires any other person, or permits any other person to be required, to perform in Nigeria or any place outside Nigeria, forced labour contrary to section 34(1) of the constitution of the Federal Republic of Nigeria 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.
 - 21.** A person who imports, exports, removes, buys, sells, disposes, traffics or deal in any person as a slave or accepts, receives, or detains against a person's will that person as a slave, commits an offence and is liable on conviction to imprisonment for life:
 - 22.** A person who:
 - deals or trades in, purchases, sells, transfers or takes any slave
 - deals or trade in, purchases, sells, transfers or takes any person in order or so that such person should be held or treated as a slave
 - 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
 - conveys or induces any person to come within the limits of Nigeria in order or so that such person should be held, possessed, dealt with or treated in, purchased, sold or transferred as a slave, or be placed in servitude as a pledge or security for debt
 - holds or possesses any person as a slave

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- enters into any contract or agreement with or without consideration of doing any of the acts or accomplishing any of the purposes enumerated in this section, commits an offence and shall be liable on conviction to imprisonment for life.
- 23.** 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 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.
- 24.** Any alien resident in Nigeria who causes or encourages the seduction or prostitution of a girl under the age of eighteen years, keeps a brothel, permits the defilement of a girl under the age of 18 years in his premises, allows a person under the age of 18 years to be in a brothel, trade in prostitution, procures, uses or offers a person for the production of pornography or for pornographic performance or procures a person into prostitution; commits an offence and is liable on conviction to imprisonment for ten years. A person convicted under the subsection above shall be deported after serving his term of imprisonment unless the provisions of the transfer of convicted offenders (Enactment and Enforcement) Act applies.

The bill also considers an attempt to commit any of the offences as listed above, punishable, as well as make corporate bodies liable for similar offences. It places some responsibilities on commercial carriers, tour operators and travel agents, as well as airline companies although the fines proposed are little. It empowers the Agency to seize any property attached to the offence committed by any person(s) under this Act.

While acknowledging the hundred-fold increase in the prescribed fine in comparison to previous amount, it is felt that the new amount is not likely to be enough deterrent to traffickers in view of the magnitude of the offence and the large sums of money made by traffickers. It is also to be seen if the National Assembly passes the bill or not especially in view of public outcry against the involvement of highly placed public officers in engaging the services of prostitutes.

1.4. Processes of preparing the bill

The bill is a product of a series of activities undertaken by WOTCLEF since its inception in 1999, including workshops organised within the country and those it attended outside. The first of such was the National Conference on Human Trafficking and Child Labour Migration organised in collaboration with the National Centre for Women Development (NCWD) and Network for Poverty Alleviation and Sustainable Human Development (NPASHD) on 11 October 1999. WOTCLEF also attended five international conferences and held three in-house discussions and organised national awareness campaign tours in states like Edo, Delta, Rivers and Osun. The information and inputs drawn from these activities formed the basis for the Bill for the Enactment of the National Agency for Traffic in Persons Law Enforcement and Administration Act.

It then set up the Anti-women Trafficking Bill Committee (ATWBC) inaugurated on Tuesday, 27 June 2000. The terms of reference of the committee as enumerated included:

- to review existing legislation in the area of human trafficking with special attention to women and children
- to review international conventions and treaties relevant to the subject matter including those Nigeria is yet to accede to
- to consider and work with the new culture of democracy, good governance and sustainable development; and

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- to prepare a proposed legislation in form of a draft bill for consideration and enactment by the National Assembly.

Members of the committee were drawn from the citadel of learning, diplomatic world, federal ministry of justice, Nigeria Customs Services, Nigeria Police Force, Nigeria Immigration Service, Ministry of Defence, National Assembly, Civil Liberties Organisation (CLO), National Council of Women Societies (NCWS). The committee then set out to work and sat for a period of about four months resulting to the Proposed Bill for the Enactment of the National Agency for Traffic in Persons Law Enforcement and Administration Act.

A memorandum on the bill was eventually drawn and the proposed bill was subsequently presented to the National Assembly for consideration on 15 February 2001. The presentation of the bill to the National Assembly was supported by a global campaign through the organizing of a Pan-African Conference on human trafficking held between 19–23 February 2001 at Abuja. Over 2'000 delegates from 16 countries, including 10 African countries, attended the conference. The President and Vice President of Nigeria, as well as the Senate President and Deputy Speaker of the National Assembly were in attendance at the conference.

After its presentation, lobbying in the National Assembly for passage of the bill went on. At present, the bill has passed its second reading at the National Assembly and has currently reached the committee level. The bill is expected to pass the test at the National Assembly, given the level of political weight supporting it. For the same reason, funds and logistics have not been its constraints.

The level of awareness and public concern created on the issue of women trafficking and child labour by the bill has resulted in the setting-up of a Presidential committee and NGO coalition on the issue.

II. Government migration policy and programme

2.1. Preparing migrants for overseas employment

The fact that migration for work abroad is not recorded and that Nigeria has no foreign employment policy was alluded to earlier. The result is that no formal programmes or initiatives for pre-departure training or for the management of remittances, exist, with perhaps one notable exception, The Technical Aid Corps (TAC). The TAC was established in 1986 to provide development assistance to African Caribbean and Pacific (ACP) Countries. One of the central aims of the programme is to facilitate contact between Nigerian professionals and their counterparts in ACP countries.

The programme is administered by the Ministry of Foreign Affairs, which provides a two-week pre-departure orientation to prepare volunteers for their deployment abroad. This includes language training, where necessary, and information on the living and working conditions in their countries of deployment.

2.2. Prevention of exploitation

Neither Nigeria's laissez faire migration policy nor trafficking in persons fulfills the provision of Convention No 97, which states that recruitment of migrants should be subject to prior authorization and supervision by public authorities. The Convention also stipulates that migrants should receive written contracts of employment before departure. Without an emigration policy that enables a nation to regulate conditions for its citizens employed in other countries, Nigerians seeking employment abroad are vulnerable to low paid, low-status jobs, with little or no prospects for upward mobility. This vulnerability was evident from this study, as growing global economic instability and rising xenophobia increase the susceptibility of many migrant workers to exploitation.

III. Private initiatives

Due to greater awareness created by NGOs, the Government has recently been compelled (from mid-August 2001) to set up a 10-member Presidential Committee to look into the issue of human trafficking, with a view to plugging legal loopholes and recommending new legislation. The committee is chaired by the Minister of State for Justice and composed of representatives of the security arm (police, military and State Security Service), the prisons, the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the Presidency, Immigration, Women and Youth Development Ministry, Ministry of Justice and WOTCLEF. Specifically, their seven-point terms of reference are:

- to bring back to the country all Nigerians who are victims of trafficking
- to work out modalities for their rehabilitation and integration into the society
- to identify the barons, expose them and bring them to public disgrace
- to extradite such barons from foreign countries to Nigeria to face the law
- to enlighten the public about the menace and social ills of human trafficking and child labour
- to propose efficient legal framework to combat the problem
- to work out modalities for compensating the victims by the barons.

There are concerted efforts by various Non Government Organisations (NGOs), religious bodies and other private organizations to raise awareness about trafficking. Foremost among these is the Women Consortium of Nigeria (WOCON), which had already begun its work before the high profile NGOs, like Women Trafficking and Child Labour Eradication Foundation, (WOTCLEF) and Idia Renaissance, gave national publicity to the scourge. Before the emergence of these organisations, discussions of the problems of human trafficking was taboo, as both victims and their families lived in fear of the traffickers.

The general approach of these initiatives is to stem human trafficking through sensitization programmes. These programmes target school children through the formation of clubs where young people are taught their rights among other things, parents by educating them on the consequences of trafficking (such as HIV/AIDS); and to community, traditional and religious leaders, who as opinion-makers in their constituencies, have a joint responsibility to raise people' consciousness about the ills of trafficking.

Human trafficking involves a chain of persons working within Nigeria, in transit and in destination countries. Consequently, WOTCLEF, Idia Renaissance and other private initiatives, work closely with officials of Nigerian Embassies and High Commissions in the countries in which trafficking is most prevalent. The above activities and the proposing of the bill, as well as formation of an independent NGO body to look into the issue of human trafficking, marks the limit of NGOs and other civil society actors, so far, in this respect.

3.1. Background of some NGOs involved in the campaign against human trafficking and child labour

The two notable NGOs that have pioneered efforts in the eradication of human trafficking and child labour are Idia Renaissance, in Edo State, and Women Trafficking and Child Labour Eradication Foundation (WOTCLEF) at the national level. Idia Renaissance was founded by the Wife of the Governor of Edo State, Mrs. Eki Igbinedion,

and WOTCLEF was founded by the wife of the Vice President of Nigeria, Chief (Mrs.) Amina Titi Abubakar.

Idia Renaissance

Idia Renaissance is a non-Governmental, non-profit, 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 counselling of women and youths”.

Idia’s objectives include:

- eradication of trafficking in women and girls (modern day slavery)
- counselling, 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 Edo person.

Activities

- 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.
- evaluation and monitoring of activities
- research, publication and documentation of activities
- publication of the annual report
- networking with other NGOs working in the same area
- public consultative forum on trafficking in women and prostitution
- establishing a model skills acquisition centre.

WOTCLEF

The founding of WOTCLEF crystallized as the wife of the Vice President, Chief (Mrs) Titi Atiku Abubakar, sought a worthy contribution she could make to her country’s future.

WOTCLEF's mission is the eradication of women trafficking and child labour migrations. Its objectives are:

- to place the African dimension on the global agenda, for special attention and action
- to produce and publish multi-media materials, including the arts for local, regional and global users and crusaders
- to generate, organise and disseminate critical data and up to date information on the crusade, using multimedia
- to mobilize and motivate stakeholders at all levels, to respond to the challenges posed by trafficking and child labour migration
- to rehabilitate, re-orientate and equip victims of this illicit business
- 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.
- to mobilize and engage multi-sectoral and trans-agency resource providers for the sustainable prosecution of the crusade
- to establish the WOTCLEF Rehabilitation and Special Purpose Centre in Abuja Nigeria with regional affiliates
- to establish a special school programme for its "Catch them young" sensitization and empowerment
- 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.

Strategies

- Training and re-training
- action research and studies
- advocacy
- joint ventures
- advisory/extension services
- exchange programmes
- networking
- pilots/models
- publications
- media support
- fellowship/scholarships
- road shows/exhibitions.

In realization of this, WOTCLEF has undertaken various sensitization works and produced 19 publications. Its most notable effort towards fighting the evils of human trafficking remains its bold effort to pass a bill on the creation of a national agency against trafficking in persons.

before an informed assessment can be made.

3.2. Protection and assistance against abuse

As most NGOs working in this area are cash-strapped, their activities are often limited to Nigeria. They are neither able to afford a presence in the host countries, nor offer repatriation-assistance. Most, however, advocate repatriation of trafficked girls.¹⁵ Presently, there is no real protection of and assistance to migrant workers by either the Government or private agencies, except as the presidential committee progresses in its mandate or private organizations become stronger financially and structurally.

3.3. Migrant workers' assessment of private initiatives and suggestions for future intervention

Most of those interviewed laud the on-going programmes aimed at creating awareness of the dangers of trafficking. They appreciate the roles being played by WOTCLEF and Idia Renaissance and call on Government to encourage them do more to support them logistically and financially. They unanimously call on the Government to find long-term solutions to trafficking, such as the revitalization of the economy to create jobs, especially for youth. More specifically, since the average age of the trafficked person is 20 years, respondents would like the extension of the free education scheme beyond the current first nine years of a child's life. Educated youths are better prepared for the challenges of life and more aware of their rights and self-worth and, therefore, less likely to allow themselves to be trafficked or participate in such vices as robbery and prostitution.

¹⁵ Idia Renaissance advocates for the regularization of the immigration status of trafficked girls, as their repatriation is tantamount to double punishment.

IV. Government initiatives relating to returnees

4.1. Social and economic reintegration

To date, no Government programmes exist for the social and economic reintegration of victims of abuse/exploitation. One of the terms of reference of the Presidential Committee discussed above is the establishment of a framework for the rehabilitation and reintegration of trafficked persons. Repatriation efforts are currently limited to support (excluding financial) of embassy officials in assisting host Government authorities in the process of preparing victims for repatriation.

4.2. Remittance management

In spite of the recognized advantages of a well-articulated remittance management regime to aid growth and development by providing much needed foreign exchange, and as a source of liquidity and a palliative for its balance of payment deficit, Nigeria does not put the remittances of migrant workers to their best use. This failure is not surprising, given the informality of migration activities. The Government, however, has encouraged upwardly mobile, high-salaried, professional groups to repatriate part of their earnings back to Nigeria, by introducing the Domiciliary Account¹⁶. The success of this indirect intervention has not been evaluated.

Currently, most remittances are in the form of money sent to family members and friends through informal channels. Rather than being harnessed towards savings and investment, this inflow of hard currencies is unpredictable and often used for ostentatious spending.

Additionally, the traders among the migrants interviewed indicated that profits are constantly reinvested in purchasing new goods for sale, so that there is never enough to remit.

4.3. Migrant workers' assessment of Government initiatives for returnees and suggestions for future initiatives

Trafficked persons showed unanimity and concern about the non-involvement of Government in repatriating victims of abuse and exploitation. The young women reported that they felt abandoned by the Government. While embassy officials are aware of the activities of most of the girls, they do not consider it their duty to intervene, unless authority comes from Abuja. Migrants indicated that the return to Nigeria could be facilitated if the Government were to financially empower embassies around the world to repatriate those in distress. Within this context, the recent Government efforts through the constitution of the Presidential Committee is a welcome development. Their touring of the world would provide Government with first-class insight into the issue of human trafficking and child labour, including their plight, needs and activities. The migrants requested the Government to provide embassies and missions with special funds to facilitate their effective intervention and adequate logistics to monitor the activities and plight of Nigerian workers in foreign lands.

¹⁶ A convertible currency account which was hitherto not available.

Furthermore, 50 per cent of the participants of trafficking and 100 per cent of non-trafficked migrant workers would like the Government to establish more skill-acquisition centers, especially for youth, create more jobs and offer loans with low interest rates to unemployed persons. The skill-acquisition centres should offer such marketable trades as tie-and-dye, shoe and bag making, weaving, carpentry, hairdressing, fashion and designing, etc. The migrant workers would like to be supported with soft loans to enable them establish in their areas of trade when rehabilitated. They would like to be supported with soft loans to enable them come back to Nigeria and re-establish their businesses. Reminiscent of the World Bank New Poverty Agenda of 1990, they also advocated the creation of a social security scheme for the less privileged as a deterrent for engaging in trafficking and other forms of migration. They were unanimous in stating that there would be no reason to settle outside Nigeria if the social, political and economic environment were improved and people were assisted in usefully engaging themselves.

V. Private initiatives related to returnees

5.1. Social and economic reintegration

Action in this area is undertaken by the same set of private organisations in the vanguard of the campaign against trafficking. Efforts at reintegration alluded to earlier include skill-acquisition programmes and provision of micro-credit geared towards their economic empowerment. WOTCLEF recently launched an appeal fund to enable it build a rehabilitation centre for 600 girls in the capital city of Abuja. Idia Renaissance currently has 113 girls in its rehabilitation centre learning five different trades.

While the lack of resources prevents these organisations from sponsoring the repatriation of abused and exploited young women, they nonetheless work towards this objective in coalition with destination Governments and international NGOs such as TAMPEP and CARITAS, both located in Italy.

However, both WOTCLEF and Idia Renaissance are establishing clubs in primary and post-primary schools, using youths as peer- educators, where some of the rehabilitated trafficked persons, particularly girls assist in educating their peers on the dangers of trafficking. They are also undertaking mass education campaigns of the entire citizenry.

5.2. Support and counselling for victims of exploitation

Some NGOs and religious bodies working individually or as members of a National Coalition for Trafficking in Persons offer counselling to returning victims of trafficking. Coverage is still insufficient and sometimes unprofessional (for example, it is carried out in full view of television cameras).

5.3. Returnees organising themselves

There is no known case of returnees of trafficking or other returning workers organizing themselves. The idea was however welcomed by the founder of Idia Renaissance and 50 per cent of participants of FGDs in Benin city. Apart from providing support for common experiences, it was thought that the personal experiences of returnees have the potential to deter those intending to be trafficked. Ten percent of the same FGD group were vehemently opposed to it, arguing that, since a lot of trafficked girls return to Europe, such a group would provide a recruitment ground for other girls. Other FGD participants noted the inherent difficulty of forming such a group, since trafficked persons are dispersed around the country once they return.

5.4. Migrant workers' assessment of private initiatives for returnees and suggestions for future intervention

Most would like to see efforts maintained and expanded in coverage and scope. They would like to see the introduction of more remunerative, non-traditional courses in the skill-acquisition centres and an increase in the current amount of soft loans given to graduates. Some of the non-traditional skills mentioned include: carpentry, painting, auto-mechanics, electrical, plumbing, refrigeration, small-scale manufacturing and photography. training in such skills, they said, would help to eliminate the usual gender stereotyping and traditional and cultural discrimination against women and girls. In their view, the soft loans

some of them receive from the NGOs are often insufficient to establish a business or encourage expansion. Worse, the available credit facilities is insufficient to go round and does not get to most of the returnees, as the NGOs lack funds. They argue that the current level of assistance in most cases is insufficient to prevent some returnees from re-engaging in trafficking, since their living standards will not have changed appreciably. They call on the Federal Government to assist the NGOs in adequately rehabilitating returnees.

The problem is a gender issue since most skill-acquisition centres for women in Nigeria offer such traditional courses as sewing, hairdressing, catering, etc. — skills which reflect the traditional roles of girls and women as homemakers and nurturers. Women in Nigeria constitute 70 per cent of people in these trades, mainly in the unorganized and unregulated informal sector of the economy. It is no wonder that women in Nigeria make up majority of the poorest of the poor and are increasingly taking a lead in migrating in search of better opportunities. However, their chances of success are equally limited given the similar attitudes to women in destination countries. They face the double discrimination of being both women and foreigners.

VI. Institutional framework

In a laissez-faire policy environment as exists in Nigeria, no special institutional framework deals with the problem of trafficking. The market determines individuals' ability to negotiate the terms and conditions of employment contracts and migrant workers can only have the protection of laws in their States of employment. This gap leaves many people vulnerable to abuse.

From the foregoing discussions, it is evident that women have no control of the national machinery, they are not in positions of authority, either politically, economically or socially and do not occupy a reasonable number of elective or appointive positions. However, things are gradually changing with the advent of democracy. Recently, the Government, as well as the legislative bodies both at the state and national levels, is addressing issues of women empowerment and elimination of discrimination against women. Equally, NGOs are working on programmes and legislation to better the conditions of women and girls and advance their cause. The Bill for the Enactment of the National Agency for Traffic in Persons Law Enforcement and Administration Act proposed by WOTCLEF, as well as the bills on female genital mutilation passed in Edo State and Cross-Rivers State and that on widowhood practices and inheritance in Enugu State are evidence of efforts by the women's groups and NGOs to advance the cause of women.

Conclusions and recommendations

Until recently, the issue of migrant workers was not known or thought about at the official Government level. Even now, the emphasis is on human trafficking and child labour. Ministry officials are not used to dealing with issues arising from migrant workers. Relevant statistics or records are not available. The general belief is that anyone who succeeds in migrating to another country does so for his or her own personal benefits, and at his or her own risks. Consequently, international agreements and conventions signed have not been activated or implemented.

The reasons are not difficult to find. For 27 of the 40 years of Nigeria's independent existence, the military has been in power. Given the pervasive abuse of human rights during this time, international covenants and agreements have been neglected, while citizens' welfare and protection received little attention. National policies were not properly articulated.

However, the internationalization of the issue of human trafficking and child labour in Nigeria has brought into focus the danger of the neglect migrant workers. Action by the NGO community has now drawn the Government's attention towards checking the tide of trafficking in women, girls and in child labour. Inter-sectoral Committees have been set up to examine the issues. It is expected that they will help mobilize resources essential in the campaign against the reduction or total elimination of human trafficking.

The challenge of such a campaign cannot be underestimated since the underlying causes of trafficking permeate the social and economic fabric of the nation. These factors include cultural and traditional discrimination against women and girls, unemployment, weak political leadership, military intervention into politics, poverty, the absence of social infrastructure in rural areas, etc. It is evident that, apart from the activities of private NGOs in the area of human trafficking and child labour in recent times, interest in the plight and needs of migrant workers has been limited to official attendance of international fora on the issue.

Investigations show that many migrants are compelled to leave the country in search of better opportunities and a stable economic, social and political environment. It has also been established that trafficked women and girls are tricked into migrating. Action is needed for all categories of migrant workers, including the following:

- (1) the Government should empower the 10-member presidential committee on human trafficking and child labour to prosecute identified traffickers and compensate victims of trafficking. Funds recovered from traffickers could be utilized to rehabilitate victims
- (2) Government should adopt a migrant policy that reflects the country's realities. This framework is indispensable for both assessing the enormity of the problems and in seeking solutions to them
- (3) the adoption of a specific regime will naturally lead to greater controls and monitoring of the situation of migrants, e.g. tightening immigration control
- (4) the passage of the "Bill for the Enactment of the National Agency for Traffic in Persons Law Enforcement and Administration Act 2001" by the National Assembly will provide a legal framework for dealing with the problems in checking human trafficking and child labour

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- (5) amendment of the criminal justice laws as well as legislation against obnoxious traditional and cultural practices that infringe on the human rights of women should be undertaken
 - (6) the Government should strengthen its embassies and missions abroad to perform their functions efficiently and provide them with special funds to respond to migrant workers' needs in times of distress. Foreign missions should also help to gather information and data on migrant workers in their host countries
 - (7) the private NGOs working in the area of human trafficking and child labour need to be encouraged and provided with more funds to enable them to continue with their intervention and assistance to victims of human trafficking and child labour
 - (8) the restructuring of post-primary education curriculum to make it more functional through the incorporation of vocational course would help empower young people, especially girls, with marketable skills. Being better able to find jobs will reduce the tendency to migrate through trafficking
 - (9) the Government of Nigeria should establish functional skill-acquisition centres in rural areas to provide additional self-reliant vocational education to many unemployed school leavers and married women. It should also expand existing efforts at providing start-up funds for these categories of persons
 - (10) the Government of Nigeria should provide employment opportunities through the revitalization of the agricultural sector and development of the solid mineral sector to tap the latent natural resource potentials in the country, for the benefit of its citizens who suffer exploitation through trafficking and child labour
 - (11) there is need for further comprehensive research on the issue of migrant workers in Nigeria. Sufficient information is not available.

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Appendix 1

List of Organisations & Individuals Interviewed

WOTCLEF, Abuja

Idia Renaissance, Benin

Bisi Olateru-Olagbegi

Dr. Nosa Aladeselu

Ministry of Labour and Productivity

Ave Maria Chambers, Benin

Nigeria Labour Congress, Abuja

Members of the Nigerian Union of Journalists, Cross Rivers State

Central Bank of Nigeria, Abuja

Ministry of Foreign Affairs, Abuja

Technical Aid Corps, MFA, Abuja

Federal Ministry of Justice, Abuja

Immigration Department, Abuja

Consul General of Nigeria in Buea, Cameroon

Note: Despite many attempts, the Deputy Commissioner of Police/Head of Interpol Task Force on Human Trafficking was unavailable for interview.

Appendix 2

(a) Personnal

How old are you?

Where are you from?

Number of persons in your family?

Who supports the family?

What work does he/she do? (the breadwinner)

What influence your decision to travel to another country to work?

Who initiated the idea — you, parents, others (specify)

(b) For all

Are you aware of any law on trafficking/migration?

What do you like/dislike about migration/trafficking?

How do you think Government can help you and others in your situation?

1. So that you disengage from your activity?
2. So that things are better even if you decide to continue in this activity
3. In the event that you go and want to come back?

Do you think Government should help in transferring money you make abroad back to Nigeria

Do you think those who come back should form a self-help group?

(c) For migrants/traffickers who went and came back

- i) What were your expectations?
- ii) Were your expectations met?
- iii) What was your experience like?
- iv) What difficulties did you face?
- v) Was the purpose of migration met?
- vi) If not, how did reality differ from expectation/promises?
- vii) Would you do it again?
- viii) If yes, why?
- ix) If no, why not?

Appendix 3

Guidelines for Semi-Structured Interviews

Introduction

The ILO in Geneva is undertaking a 12-country study on migrant workers. Specifically, it wishes to draw up a resource kit on ‘Best Practices’ to help all countries take positive steps to ensure that their citizens’ rights are protected when they engage in economic activities in other countries. We wish to highlight Nigeria’s good practices in this study.

In carrying out the Nigerian study as a sending country, the study is expected to explore the legislative framework that guides migrant workers. How effective is this framework in the opinion of migrants themselves? What can be done to make it more effective and what private initiatives are (can be put) place to complement Government efforts?

The term ‘migrant worker’ refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he/she is not a national. (International Convention on the Protection of Rights of Migrant workers, and their family, Art. 2, Para. 1,1990).

1. Give possible reasons why people migrate/engage in trafficking?

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2. How do you think these conditions could be ameliorated to stem migration/trafficking?

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3. What legislative and other frameworks are in place or could be adopted to protect the rights of migrant workers, including traffickers in terms of:

- (a) Preparing potential migrants

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.....

- (b) Protecting migrants against abuse.....

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.....

- (c) Assisting victims of abuse in the country of migration, to return and on return.....

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4. What enforcement mechanisms will ensure effectiveness of the frameworks suggested in 3 above e.g. to regulate/control recruitment agencies?

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5. What are the gender issues relating to migration/trafficking?

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6. What work does your organization do with regard to migrant workers/traffickers

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7. In the case of Edo State, do you think that the law on trafficking is enough to stop trafficking?

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8. How can it be re reinforced?

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9. In what ways?

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10. How can we ensure its effective implementation?

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