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# Fighting human trafficking in countries of origin and destination

## Improving multidisciplinary cooperation between Nigeria and European countries

Human trafficking is a multifaceted problem that requires an integrated, holistic and multidisciplinary approach. Cooperation between countries of origin and destination is sometimes limited and fragmented and does not necessarily address the root causes of human trafficking. This article provides an introduction to trafficking in persons as a crime and as a human rights violation, outlines relevant international and regional legislative instruments, and elaborates on the need for a multidisciplinary approach involving relevant stakeholders from countries of origin, transit and destination. It depicts a practical experience bringing together anti-trafficking practitioners from the judiciary, police and specialized service providers regarding the protection of trafficked persons, from Nigeria and European countries. This joint initiative aims to strengthen coordination both formally; by means of cooperation agreements or Memorandum of Understanding, and informally; by establishing direct communication channels. The article also presents challenges faced by anti-trafficking practitioners and provides insight for future action.



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### INTRODUCTION

Trafficking in human beings is a serious crime against an individual and a violation of human rights. Despite some major achievements to counter it, particularly since the adoption of the UN Trafficking in Persons Protocol in 2000<sup>1</sup> and recently the adoption of an EU Directive<sup>2</sup>, human trafficking remains in existence, however there is little evidence to show whether it is decreasing or increasing.

Under the UN Trafficking Protocol as well as other regional instruments such as the Council of Europe Convention and the recent EU Directive, people may be trafficking victims regardless of whether they

were born into a state of servitude or were transported to an exploitative situation, whether they once consented to work for a trafficker, or whether they participated in a crime as a direct result of being trafficked. At the heart of this phenomenon are the myriad forms of enslavement – not the activities involved in international transportation. Therefore, human trafficking must be differentiated from smuggling of migrants.

According to international and regional anti-trafficking instruments, major forms of human trafficking include: forced labour, bonded labour, sex trafficking, debt bondage among migrant labourers, domestic servi-

1904	International Agreement for the Suppression of the White Slave Traffic, League of Nations, Treaty Series, vol. 1, p. 83.
1910	International Convention for the Suppression of the White Slave Traffic, League of Nations, Treaty Series, vol. VIII, p. 278.
1921	International Convention for the Suppression of the Traffic in Women and Children, League of Nations, Treaty Series, vol. IX, p. 415.
1926	Slavery Convention, United Nations, Treaty Series, vol. 212, No. 2861.
1930	Convention concerning Forced or Compulsory Labour, International Labour Organization Convention No. 29.
1933	International Convention for the Suppression of the Traffic in Women of Full Age, League of Nations, Treaty Series, vol. CL, p. 431.
1947	Protocol to amend the 1921 Convention for the Suppression of the Traffic in Women and Children and the 1933 Convention for the Suppression of the Traffic in Women of Full Age United Nations, Treaty Series, vol. 53, No. 770. See also the 1921 International Convention for the Suppression of the Traffic in Women and Children, as amended by the 1947 Protocol (United Nations, Treaty Series, vol. 53, No. 771) and the 1933 International Convention for the Suppression of the Traffic in Women of Full Age, as amended by the 1947 Protocol (United Nations, Treaty Series, vol. 53, No. 772).
1948	Universal Declaration of Human Rights General Assembly resolution 217 A (III).
1949	Protocol amending the 1904 International Agreement for the Suppression of the White Slave Traffic, and the 1910 International Convention for the Suppression of the White Slave Traffic, United Nations, Treaty Series, vol. 30, No. 446. See also the 1904 International Agreement for the Suppression of the White Slave Traffic, as amended by the 1949 Protocol (United Nations, Treaty Series, vol. 92, No. 1257) and the 1910 International Convention for the Suppression of the White Slave Traffic as amended by the 1949 Protocol (United Nations, Treaty Series, vol. 98, No. 1358).
1950	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, United Nations, Treaty Series, vol. 96, No. 1342.
1953	Protocol amending the Slavery Convention, United Nations, Treaty Series, vol. 182, No. 2422.
1956	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, United Nations, Treaty Series, vol. 266, No. 3822.
1957	Convention Concerning the Abolition of Forced Labour (ILO Convention No 105) obliges State Parties to prohibit the use of any form of forced or compulsory labour.
1966	International Covenant on Civil and Political Rights, United Nations, Treaty Series, vol. 999, No. 14668, p. 171.
1973	Convention Concerning the Minimum Age for Admission to Employment (ILO Convention No 138) obliges State Parties to fix a minimum age for employment, not less than the age for completing compulsory schooling and, in any event, not less than 15 years. Developing countries may set the minimum age at 14.
1979	Convention on the Elimination of All Forms of Discrimination against Women, United Nations, Treaty Series, vol. 1249, No. 20378.
1989	Convention on the Rights of the Child, United Nations, Treaty Series, vol. 1577, No. 27531.
1997	The Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation.
1998	Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Convention No 182) obliges State Parties to prohibit and eliminate worst forms of child labour. "Worst forms of child labour" includes the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances.
2000	2000 United Nations Convention Against Transnational Organized Crime, G.A. Res. 25, annex I, U.N. GAOR, 55 <sup>th</sup> Sess., Supp. No. 49, at 44, U.N. Doc. A/45/49 (Vol. I), including the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
2000	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, General Assembly resolution 54/263, annex II.
2002	EU Council Framework Decision 2002/629/JHA on Combating Trafficking in Human Beings.
2004	Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.
2004	Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.
2005	Council of Europe Convention on Action against Trafficking in Human Beings CETS No. 197.
2011	Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

**Main International and Regional Legislative Instruments**

Source: IOM 2004

tude, child soldiers, child sex trafficking and forced begging.

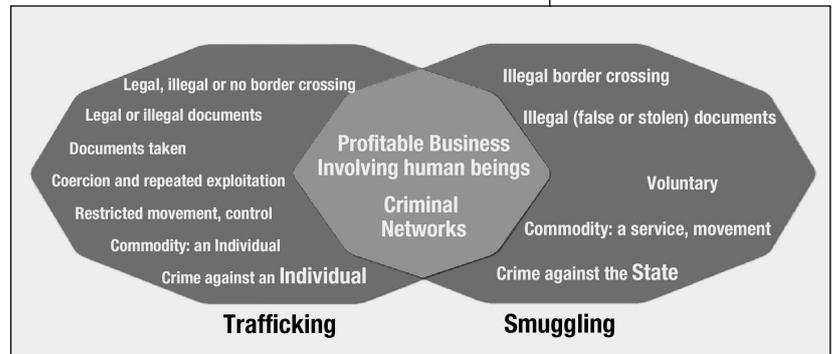
A variety of so-called 'push' and 'pull' factors contribute to human trafficking. Poverty; political and social and economic instability; crises; unequal access to education, particularly for women; restrictive migration channels and inadequate information about legal migration opportunities as well as traditional community attitudes and practices which tolerate violence against women constitute some of the push factors. Among the pull factors the demand for cheap products or services plays an important role. Other factors such as corruption contribute to the persistence of human trafficking.

This article concentrates on current efforts in the fight against trafficking in human beings at the international level. It outlines some of the challenges involved as well as recommendations on how to counter human trafficking stemming from practical experience in the framework of activities implemented by the International Organization for Migration (IOM) and its partners. IOM has been active in countering human trafficking since the end of the 1990s and its approach, within the wider context of migration management, is based on three principles that govern all its activities:

1. Respect for human rights,
2. Physical, mental and social well-being of the individual and his or her community,
3. Sustainability through institutional capacity building of governments and civil society.

### THE IMPORTANCE OF MULTI-DISCIPLINARY COOPERATION IN THE FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS

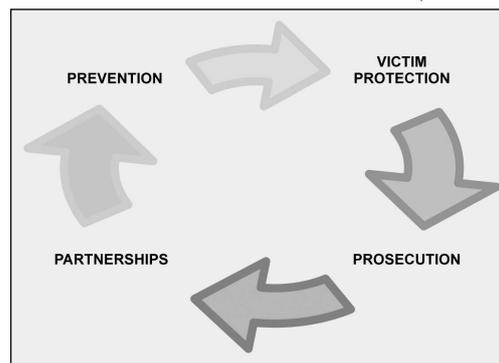
Human trafficking is a multifaceted phenomenon. It is a serious crime and a hu-



Trafficking and Smuggling: Similarities and Differences

man rights violation; combating it requires a human rights as well as a gender-sensitive and child-sensitive based approach (OHCHR 2010). Based on IOM's experience, corroborated by numerous anti-trafficking experts, human trafficking cannot be effectively combated from one angle (ct. also OSCE 2010). The response at national, regional and international levels should be coordinated and coherent, following the 4 Ps approach: prevention, protection, prosecution and partnerships (US Department of State 2011).

Source: Márquez Sánchez



International approach to combat trafficking

The First report on the implementation of the Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings (12401/11) published in July 2011, clearly states that coordination should be improved in such areas as external relations, development cooperation, social affairs

and employment, migration policy, human rights and gender equality, capacity building and non-discrimination, while relevant governmental, non-governmental and international actors should be involved. It follows that an integrated, holistic and multi-disciplinary approach is required (Council of the European Union 2011).

In this regard, cooperation between countries of origin and destination also comes into play. IOM as the "Migration Agency" has been active in the promotion of close cooperation between sending and receiving countries on migration related issues; effective cooperation is especially important in addressing the issue of human trafficking. While trafficking in human beings may also occur within a country or region, the focus of this article is on the exploitation of individuals across international borders.

Recently, European Member States have reported being affected by Nigerian trafficking networks. While these criminal networks operate successfully across borders, the criminal justice response is often fragmented (Europol 2011). Moreover Nigerian trafficking groups rely heavily upon contracts with their victims that have been reinforced by a voodoo or Juju ritual. The ritual process functions as a method of control for the traffickers, pimps and madams while acting as a significant obstacle in aiding victims who have been subjected to this process (Europol 2009), Nigerian trafficked persons have recently been assisted by European specialized service providers e.g. in Austria (US Department of State 2011). However, victim support structures both in countries of origin and destination are sometimes constrained to national territories. Therefore, aiming to enhance operational cooperation among practitioners in countries of origin and destination, IOM, UNODC (United Nations Office on Drugs and Crime) and

the NGO EXIT have joined forces in the framework of a joint project co-funded by the European Commission. The project follows a multi-stakeholder approach by bringing together representatives from the judiciary, law enforcement and specialized service providers.

The project objectives are twofold:

1. To build capacity of participating and affiliated law-enforcement officers, judges, and victim service providers.
2. To foster prevention by raising awareness about the complexity of the issue among relevant stakeholders and vulnerable groups.

The activities encompass two study visits, a travelling Film Festival, a capacity building workshop and follow-up activities to be carried out at the national level by project participants in order to achieve a multiplication effect. There will also be an evaluation of the awareness raising component to assess its impact, relevance and potential for replicability. In particular, the project aims at strengthening capacities and establishing direct channels of communication between practitioners from Nigeria and from European countries in the areas of joint investigations, mutual legal assistance, extradition, transfer of sentenced persons, seizure of assets and confiscation of proceeds of crime as well as in victim identification, referral, assistance and reintegration.

#### **STUDY VISITS TO NIGERIA AND BELGIUM: EXCHANGING INFORMATION AND BEST PRACTICES BETWEEN COUNTRIES OF ORIGIN AND DESTINATION**

In the framework of this joint initiative, 17 representatives from law enforcement, judiciary and civil society from Austria, Belgium, France, Germany, Switzerland and the United Kingdom gathered to exchange experiences with their Nigerian

counterparts and to gain a greater understanding of the phenomenon of human trafficking in a study visit to Nigeria from 12 to 17 June 2011 and a second study visit to Belgium from 3 to 7 October 2011.

Participants met and visited relevant state bodies in Nigeria such as the National Agency for the Prohibition of Traffic in Persons and Other related Matters (NAPTIP); victim service providers such as Girls Power Initiative (GPI), Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), and Committee for the Support of the Dignity of Women (COSUDOW); and institutions such as the Federal Courts in Abuja and Benin City. In addition participants had the opportunity to attend the launch of the Nawa Film Festival<sup>3</sup> in Abuja and Benin City, which was also organized in the framework of the present programme.

In Belgium, participants met with relevant European institutions such as the European Commission, Interpol, Europol, Eurojust, Frontex, as well as with Belgian governmental and non-governmental counterparts. The aim of the Study Visits was to enhance the transnational cooperation among different stakeholders, by:

- identifying similarities and differences among participating stakeholders regarding methods of dealing with the issue of human trafficking,
- ▶ visiting specialized counter-trafficking and victim support institutions and meet key actors in law enforcement, judiciary and victim support services,
- ▶ identifying gaps and obstacles in terms of victim identification, protection and treatment in countries of origin and destination,
- ▶ discussing European and national legal frameworks regarding the application of provisions, methodologies and procedures of crime investigations and prosecutions,

- ▶ establishing personal contacts with appropriate counterparts in order to develop trust among practitioners,
- ▶ identifying relevant cultural factors related to human trafficking,
- ▶ providing a platform for stakeholders to present their national and international efforts and institutional networks and operations to their peers.

Despite some logistical challenges, impressions were generally positive, with increased knowledge of the society, culture and people of Nigeria rated as especially valuable in understanding the human trafficking context. Socio-cultural themes including the influence of Juju on human trafficking proved especially interesting to the European participants, many of whom had not previously been familiar with the way in which this folk religion is frequently misused as a tool to coerce victims of trafficking. Participants also appreciated the opportunity for closer communication and cooperation among partners, and had the opportunity to further in depth collaboration on the subject of trafficking in human beings in the course of the second study visit to Belgium and the capacity building workshop in Vienna from 28 November to 2 December 2011.

The aim of the capacity building workshop in Vienna was to:

- ▶ present concrete cases of trafficking in human beings by each country,
- ▶ meet experts from Austria and Spain,
- ▶ share knowledge and best practices, as well as challenges among peers and in the group,
- ▶ develop follow-up action plans for each country.

Some of the main challenges identified by participants during project activities<sup>4</sup> comprised:

- ▶ The need to address human trafficking in the wider context of migration management and to strengthen cooperation in this area.

- ▶ Difficulties in victim identification and the need for comprehensive training.
- ▶ The problem of corruption which affects both countries of origin and destination.
- ▶ The issue of parents/families being involved or knowing about the exploitation of their children; how to engage with the families of victims of trafficking.
- ▶ Granting compensation to trafficked persons.
- ▶ The role played by cultural factors such as the juju oath; how to raise awareness on this issue, empower young women and girls and involve religious leaders.
- ▶ The lack of information regarding the profile of human traffickers.

Source: IOM 2011



Comic strip made by COSUDOW portraying the trafficking process

Source: IOM 2011



Ayelala Temple in Benin City

Participants' input on improving cooperation and efficiency in fighting human trafficking included:

- ▶ Implementing cooperation agreements or Memoranda of Understanding (MoUs) between Nigeria and European countries.
- ▶ Addressing human trafficking for other purposes such as labour exploitation and domestic servitude, and not focusing on sexual exploitation only.
- ▶ Adapting and implementing at the national level harmonized indicators on victim identification.
- ▶ Developing and strengthening reintegration programmes for trafficked persons returning to the country of origin following a risk assessment plan.
- ▶ Initiating joint international investigations involving countries of origin and destination to increase the number of convictions.
- ▶ Stressing the importance of looking for additional evidence and not only relying on the victims' testimony, as this may be challenging to obtain. Continuing the implementation of multistakeholder trainings for relevant practitioners including those practitioners having received few or no anti-trafficking training such as judges and prosecutors, labour inspectors, border guards and military personnel.

### CONCLUSION

The outlined project activities proved instructive for all partners involved. Participants gained a deeper insight into the cultural, social and economic factors which contribute to the prevalence of human trafficking from Nigeria as well as an understanding of the systems dedicated to combating it. Information exchange between and among partners allowed for the sharing of best practices and facilitated increased knowledge of procedures used by

counterparts. Most importantly, through establishing and promoting channels of communication, the study visits as well as the capacity building workshop contributed to building trust between participants from different disciplines and backgrounds who share a common objective: to prevent and combat trafficking in human beings.

Improving cooperation between actors within and across national boundaries is of course a lengthy process, and the study visit built on previous work at national and inter-

national levels. In order to ensure sustainable cooperation which goes beyond personal contacts, the project will promote the development and implementation of Memoranda of Understanding as per the IOM/UN.GIFT “Guiding Principles on Memoranda of Understanding and Cooperation Agreements between Key Stakeholders and Law Enforcement Agencies on Counter-Trafficking Cooperation”. In this way it is hoped to achieve an integrated and coherent response to human trafficking from countries of origin and destination.

<sup>1</sup> *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, was adopted by General Assembly resolution 55/25 and it entered into force on 25 December 2003.*

<sup>2</sup> *Directive PE-CONS 69/10 of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.*

<sup>3</sup> <http://www.nawafestival.org>.

<sup>4</sup> *For additional information on the project as well as other counter-trafficking activities carried out by the IOM Mission in Austria see: [www.iomvienna.at](http://www.iomvienna.at).*

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