

---

# HUMAN TRAFFICKING AND SMUGGLING OF MIGRANTS: A NATIONAL ISSUE IN NIGERIA

BY

POLYCARP C. OKAFOR (REV.FR)<sup>1</sup>

---

## 1.0 INTRODUCTION

Human trafficking and smuggling of migrants are some of the most politically, volatile and socially pressing issues in the present day, but they also have a long history which is transnational and multifactorial by nature. Each year, hundreds of thousands of migrants are moved illegally by highly organized international smuggling and trafficking groups, often in dangerous or inhumane conditions. This phenomenon is a world-wide issue and has been growing in recent years. Its growth is a direct consequence of the global failure to manage migration and deal with its root causes. Until genuine efforts are made to deal with the root causes of forced migration, the international community will stand no chance of developing credible, effective solutions.

In this article, we shall discuss in detail the national and disturbing issue of human trafficking and smuggling of migrants taking cognizance of certain conditions that facilitate the crime, and strategies to prevent and combat them. This discourse will equally expose some of the vulnerabilities associated with this crime and will properly address them.

## 2.0 DEFINITION OF CONCEPTS

For the sake of clarity, the explication of the two key concepts that constitute the topic in question becomes a necessity.

**2.1 What is human trafficking?** International law defines trafficking of persons as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, or abuse of power, for the purpose of exploitation.”<sup>2</sup> Human trafficking is also broken into two categories: sex trafficking and labour trafficking.

---

<sup>1</sup>Polycarp C. Okafor is a priest of Enugu Diocese, he is currently a Doctorate Student at Westfälische Wilhelms-Universität, Münster.

<sup>2</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Article 3.

While sex trafficking relates to a person who is forced to engage in a commercial sex act, labour trafficking is when a person is subjected to involuntary servitude, peonage, debt bondage or slavery.<sup>3</sup> Human trafficking is one of the most serious human rights violations of our modern world that brings high profits to traffickers through the acquisition and exploitation of human beings by improper means such as force, fraud or deception.

**2.2 What is smuggling of migrants?** This involves the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident. In other words, smugglers help people cross borders undetected in exchange for payment.<sup>4</sup> Smuggling of migrants is by definition always transnational and always illegal.<sup>5</sup>

### **3.0 ANY DIFFERENCE(S) BETWEEN THE TWO CONCEPTS**

Human trafficking and smuggling of migrants are two related yet distinct crimes. Some recent media coverage of the global refugee and migrant crisis have used the terms interchangeably. However, there are fundamental differences between these two crimes. They are summarized under consent, exploitation, and transnationality.

**3.1 Consent:** The smuggled person agrees to be moved from one place to another. Trafficking victims, on the other hand, have either not agreed to be moved or, if they have, have been deceived into agreeing by false promises, only to then face exploitation.

**3.2 Exploitation:** Smuggling ends at the chosen destination where the smuggler and the smuggled person part ways. In contrast, traffickers exploit their victim at the final destination and/or during the journey. Hence to be called human trafficking, there must be some form of exploitation involved or intended.

**3.3 Transnationality:** Smuggling always involves crossing international borders whereas trafficking occurs regardless of

---

<sup>3</sup><https://www.nbcnews.com/storyline/immigration-border-crisis/human-trafficking-or-human-smuggling-why-two-crimes-aren-t-n785771> Accessed on 17-02-2020

<sup>4</sup> Protocol Against the Smuggling of Migrants by Land, Sea and Air, Article 3

<sup>5</sup> Holmes, L. (2014). Human Trafficking: Asia and Europe. In W. Hofmeister & P. Rueppel (Eds.), *Trafficking in Human Beings: Learning from Asian and European Experiences* (25-38). Singapore and Brussels: Konrad-Adenauer Stiftung and European Union

---

whether victims are taken to another country or moved within a country's borders.

#### **4.0 THE CONCEPT OF HUMAN PERSON & HUMAN DIGNITY**

The question of the identity and dignity of the human person is a primordial question, one basic and axiomatic. It not only affects each of us individually, but also all human individuals at all times and in all places. It is a question metaphysically significant, as well as one with great practical import. It is a pertinent question we simply must ask before venturing into any discussion about the issue of human trafficking and smuggling of migrants. When we talk about the issue of human trafficking and smuggling of migrants, we are actually talking about human beings created in God's image and likeness. Hence the Church sees in men and women, in every person, the living image of God. The human person, simply put, is a composite of both body and soul (an embodied soul). This human person is essentially a social being and because of this human beings form communities, take responsibility for them, and leave their distinctive mark on them. The social order exists for the sake of human beings and must be guided by what a human being needs for a dignified life. It is not the other way round. Human beings rely on all sorts of relationships, recognizing the necessity of collaboration.

The human person is endowed with dignity. Human dignity originates from God and is of God because we are made in God's own image and likeness (Gen 1:26-27). Human beings have transcendent worth and value that comes from God; this dignity is not based on any human quality, legal mandate, or individual merit or accomplishment. Human dignity is inalienable, that is, it is an essential part of every human being and is an intrinsic quality that can never be separated from other essential aspects of the human person. Article 1 of the Universal Declaration of Human Rights of 1948 states: "All human beings are born free and equal in dignity". This declaration recognizes "the inherent human dignity of all members of the human family. If it is inherent, human dignity needs to be recognized and human rights must be declared, not fabricated ex-nihilo."<sup>6</sup> According to Pope Paul VI, this dignity of the human person has been impressing itself more and more deeply on the

---

<sup>6</sup> Marguerite Peeters, *The New Global Ethic: Challenges for the Church*. Institute for Intercultural Dialogue Dynamics asbl, 2006, p. 14

consciousness of contemporary man and the demand is increasingly made that men should act on their own judgment, enjoying and making use of a responsible freedom, not driven by coercion but motivated by a sense of duty.<sup>7</sup> The dignity of each and every human being is central to the social doctrine of the Church and according to Pope Leo XIII, we are called not to look down upon the human person but to respect in every man his dignity as a person ennobled by Christian character.<sup>8</sup> Man should therefore not be used as a means of reaching or achieving certain goals. He is, rather, an end in himself. As a human person he is entitled to the legal protection of his rights, and such protection must be effective, unbiased, and strictly just.<sup>9</sup> In line with these thoughts, human trafficking and smuggling are considered as sins against the human person and human dignity and must be strictly avoided.

## **5.0 HUMAN TRAFFICKING & SMUGGLING OF MIGRANTS: A NATIONAL ISSUE**

Migrants smuggling and trafficking in human beings, especially women and girls, is not new. Historically it has taken many forms, but in the context of globalization, has acquired shocking new dimensions. It is a complex, multi-faceted phenomenon involving multiple stakeholders at the institutional and commercial level. It is a demand-driven global business with a huge market for cheap labour and commercial sex confronting often insufficient or unexercised policy frameworks or trained personnel to prevent it.

Nigeria has acquired a reputation for being one of the leading African countries in migrants smuggling and human trafficking with cross-border and internal trafficking. Trafficking of persons is the third largest crime after economic fraud and the drug trade. Decades of military regimes in Nigeria have led to the institutionalized violation of human rights and severe political, social and economic crises. This negatively impacts the

---

<sup>7</sup> *Dignitatis Humanae*: declaration of Pope Paul VI on religious freedom, on the right of the person and of communities to social and civil freedom in matters religious, Dec. 7, 1965, art. 1.

<sup>8</sup> *Rerum novarum*: encyclical of Pope Leo XIII on capital and labour, May 15, 1891, art. 20

<sup>9</sup> *Pacem in Terris*: encyclical of Pope John XXIII on establishing universal peace in truth, justice, charity, and liberty, April 11, 1963, art. 27.

development of community participation, especially of women and children, despite international institutions designed to advance their causes.

Nigeria is a country of origin, transit and destination for human trafficking. There is also evidence of internal trafficking. Destinations for trafficked Nigerians include the neighbouring West African countries (Côte d'Ivoire, Mali, Benin, Equatorial Guinea, Cameroon, Gabon and Guinea), European countries (Italy, Belgium, Spain, the Netherlands, Germany and the United Kingdom), North Africa (Libya, Algeria and Morocco) and Middle Eastern countries (Saudi Arabia). Moreover, longer life expectancy and low fertility rates in developed countries have spurred demand for migrant workers. With a huge and predominantly young population in search of a better life, Nigerians constitute the largest population in a growing flow of migrants from developing countries. However, reluctance by policy makers in receiving countries to recognize and facilitate immigration has ignited human trafficking. The great majority of those who are trafficked are migrant workers who originally chose to leave home in search of an improved standard of living but – when faced by restrictions on immigration – are forced to turn to traffickers and smugglers.

A key dimension of trafficking-migration is the need for protection of the rights of migrant workers. Protection has potential to greatly reduce trafficking and empower migrants to use legal means to get themselves out of exploitative situations. If migrant workers are protected, they can go to authorities to claim non-payment of wages and report abusive employers without fear of immediate deportation, thus helping to stop trafficking and reduce workplace exploitation.<sup>10</sup>

**5.1 Smuggling/Trafficking As An Illegal Market:** Smuggling and trafficking can be viewed as an illicit market. It is the interaction between supply and demand. In the receiving countries there is, and always will be a demand for cheap labour and sex. In countries of origin there is always a dream of a better life and the ability to support oneself and family members back home. There is never a shortage of those willing to take risks to fulfill that dream. What occurs between the supply and demand sides of the market is a

---

<sup>10</sup> <https://www.fmreview.org/peopletrafficking/nwogu> Accessed on 17-02-2020

complex process linking the two. Smuggling usually involves short-term monetary profit whereas trafficking usually involves long-term exploitation for economic gain.<sup>11</sup> The profit in smuggling is generated possibly prior to departure and during the transportation phase. In trafficking, the profit can be made prior to and during the transportation phase and is made, in particular, afterwards through the exploitation, sexual or otherwise, of the trafficked victims.

Smuggling and trafficking in migrants could not have grown to such proportions if it were not supported by powerful market forces. The increased demand for migrant labour coupled with stricter entry controls or requirements and diminishing legal channels to enter destination countries has provided unscrupulous entrepreneurs with a potential for profit. The number of persons attempting to enter a country clandestinely has given rise to a market for services such as the provision of fraudulent travel documents, transportation, guided border crossings, accommodation and job brokering.<sup>12</sup> The crime industry involves the illicit exploitation of business opportunities and is dominated by supply organizations. Criminal organizations provide illicit goods and services to markets where the profits are high.<sup>13</sup>

## **6.0 CONDITIONS FACILITATING TRAFFICKING/SMUGGLING OF MIGRANTS**

This section examines some of the reasons why transnational trafficking and smuggling of migrants can exist and continue with little impunity. There are a number of elements facilitating trafficking and smuggling of migrants.<sup>14</sup> These elements are

---

<sup>11</sup> Richard, A.O., *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime*. Center for the Study of Intelligence, State Department Bureau of Intelligence, US State Department, 1999.

<sup>12</sup> Escaler, N., Keynote address. Report of the US–EU Trafficking in Women Seminar, L’Viv, 9–10 July, 1998, pp. 15–20. L’Viv, Ukraine, 1998

<sup>13</sup> Savona, E., S. Adamoni, P. Zoffi, M. DeFeo, *Organized Crime across the Border*. Helsinki: European Institute of Crime Prevention and Control (HEUNI), 1995, p. 5

<sup>14</sup> Winer, J., *Alien smuggling: Transnational crimes versus national borders*. Presentation to the Working Group on Organized Crime, National Strategy Information Center, Washington, DC, 8 October 1996.

applicable, in varying degrees, to source, transit and receiving countries.

**6.1 Lack of Legislation:** Perhaps the most pervasive problem in many countries is the lack of legislation defining, and putting forth a sentence to punish the offence. While this is true of many countries in transition and development, they often have legislation prohibiting activities included in the trafficking process – falsification of documents, living off of the proceeds of a prostitute, kidnapping and/or transporting children across borders without the permission of the parents, and false imprisonment.

**6.2 Lack of Political Will and Corruption:** These two elements often go hand in hand. Corrupt government officials who profit from the practices involved in trafficking of human beings – payment for false documentation, visas, or the safe passage at border crossings – often lack the political will to commit to passing and enforcing legislation.

**6.3 Lack of Capacity:** Extensive, unguarded borders and weak border patrols as a result of a lack of manpower and material resources hinder many immigration and law enforcement agencies and thus facilitate the smuggling of migrants and children.

**6.4 Lack of Co-operation Both Internally and Internationally:** Domestically, various agencies are concerned with the protection of individuals' rights and safety as well as the investigation of criminal activities. Co-operation between agencies does not always exist within a country. In order to address the problem of transnational trafficking, international police and justice co-operation is essential.

These factors, however, do not address the real causes which drive persons to take the risks: increased and widespread poverty, insufficient educational and training opportunities, high demand for cheap labour and sex, and ignorance of the risks and dangers involved.

---

## **7.0 STRATEGIES TO PREVENT AND COMBAT TRAFFICKING/SMUGGLING**

Only an integrated and comprehensive approach will be effective in fighting and reducing the transnational trafficking in human beings. This approach must meet the following three-pronged test:

prevention, protection and assistance to trafficked victims, and enforcement and prosecution of traffickers.<sup>15</sup>

**7.1 Prevention:** Awareness and sensitization campaigns are important at two levels. On the one hand, it is necessary to target persons at risk of becoming trafficking victims in their countries of origin. Sensitization campaigns are also necessary in the transit and destination countries to inform the local population of the plight of these victims. Too often the victims are criminalized because of their illegal status in the country or their involvement in prostitution. Populations in the receiving countries must be made to understand that these trafficked migrants are victims and need legal protection and social support services.

Research is essential to identify individuals or groups at risk and to determine whether or not awareness-raising campaigns, assistance programmes and laws are effective. A study on trafficked women from Central and Eastern Europe who were brought to the Netherlands and forced to work in prostitution shows that the majority of those interviewed were working as prostitutes in their own countries and/or at least knew that they would be working as prostitutes abroad. This, of course, has implications for awareness-raising campaigns in countries of origin, where information about the dangers of trafficking must be targeted toward the local prostitution population as well as towards other potential victims.<sup>16</sup>

Economic alternatives require strengthening educational, training and job opportunities in the countries of origin. Numerous intergovernmental organizations such as UNICEF and NGOs in the countries of origin are actively involved in providing such opportunities to children and young women to prevent their departure or facilitate their return.<sup>17</sup> Intervention and deterrence measures (development of training material) are important to help

---

<sup>15</sup> Warnath, S., Trafficking of women and children: The future direction of United States policy. Report of the US–EU Trafficking in Women Seminar, L’Viv, 9–10 July, 1998, pp. 63–66. L’Viv, Ukraine, 1998.

<sup>16</sup> Warnath, S., Trafficking of women and children: The future direction of United States policy. Report of the US–EU Trafficking in Women Seminar, L’Viv, 9–10 July, 1998, pp. 63–66. L’Viv, Ukraine, 1998.

<sup>17</sup> Warnath, S., Trafficking of women and children: The future direction of United States policy. Report of the US–EU Trafficking in Women Seminar, L’Viv, 9–10 July, 1998, pp. 63–66. L’Viv, Ukraine, 1998.



those in consular offices, immigration, police and health care workers recognize a situation and be able to intervene to assist trafficking victims extract themselves from dangerous situations. This, however, is not sufficient but must be followed-up with assistance to the victims.

**7.2 Strengthening Protection and Assistance to Victims:** Victims require a variety of services. These range from financial and legal assistance to psychosocial support, and support and protection for the families in the country of origin. Should victims desire to return home, co-operation between destination and source countries is necessary in order to strengthen reintegration. Reintegration assistance must be provided to victims who chose to or are forced to return.<sup>18</sup>

Efforts must be made to strengthen NGOs which are often the front line workers with victims of trafficking, particularly with migrants who fear or mistrust the police. Furthermore, a positive and strong working relationship must be established between police and NGOs if efforts to assist and protect victims and strengthen prosecutions are to be successful. It must be remembered that victims of trafficking, even if the initial departure from the country of origin was voluntary, have often suffered unspeakable degradations and physical violence at the hands of the traffickers. Until their safety can be guaranteed in the destination country and the country of origin, should they choose to, or be forced to return, they should be given the right to remain safely in the destination country. A number of countries (Belgium, Germany, Italy, etc) have implemented this protection which grants victims of forced prostitution temporary resident permits.

---

### **7.3 Effective Legislation, Law Enforcement and Prosecution:**

First and foremost, legislation must exist prohibiting the offences of smuggling and trafficking. This Legislation must be enforced and should offer victims protection, particularly in situations when their life is in danger.<sup>19</sup> Governments must take the violation of this

---

<sup>18</sup> Vocks, J. and J. Nijboer, The promised land: A study of trafficking in women from Central and Eastern Europe to the Netherlands. *European Journal on Criminal Policy and Research*, 8(3), pp. 379–388, 2000.

<sup>19</sup> Giammarinaro, M.G., Legislation, protection and victim assistance: Italy's recent experiences. Report of the US–EU Trafficking in Women Seminar, L'Viv, 9–10 July, 1998, pp. 33–37. L'Viv, Ukraine, 1998.

legislation seriously. According to Bales, a key finding (in his study) is the importance of governmental corruption in predicting trafficking. This analysis suggests that reducing corruption should be the first and most effective way to reduce trafficking. In other words, potential traffickers need to understand that their government perceives trafficking as a crime and that they cannot bribe their way out of prosecution or through the border if they commit the crime.<sup>20</sup>

More research must be done on trafficking routes, the modus operandi of criminals and their organizations and the relationship that victims have with their traffickers. Law enforcement and intelligence agencies must keep abreast of new technology and the use of the Internet for recruitment purposes. Technical assistance programmes are essential to help strengthen law enforcement and criminal justice systems in developing countries and those in transition which are the countries of origin and increasingly new countries of transition and destination. Awareness-raising and training among law enforcement officials are essential in many countries. It is of the utmost importance that cases be recognized as trafficking cases and not simply classified, for instance, as document forgery or prostitution cases. Further, expertise must be developed and these 'task forces' must be adequately staffed. Law enforcement should dedicate sufficient staffing to work with victims to ensure their protection and co-operation.<sup>21</sup>

---

Law enforcement should not, however, rely upon evidence and testimony supplied by trafficked victims. It is essential that agencies, in addition to taking a reactive approach (responding to a complaint) take disruptive and proactive measures to fight trafficking in human beings. When evidence is insufficient to mount a criminal investigation, disruptive measures can be taken by implementing health, safety, and fire regulations to 'interfere' with the smooth operation of suspected businesses. Proactive approaches

---

<sup>20</sup> Bales, K., What predicts global trafficking? Paper presented at the International Conference on New Frontiers of Crime: Trafficking in Human Beings and New Forms of Slavery, Verona, 22–23 October 1999b

<sup>21</sup> Kelly, L. and L. Regan, Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK. London: Home Office, Policing and Reducing Crime Unit, Research, Development and Statistics Directorate, 2000.

require intelligence gathering (such as wiretaps or surveillance) aimed at collecting enough evidence for a prosecution.<sup>22</sup>

The improvement of data collection and information sharing is essential in the fight against organized trafficking schemes. This must occur at the local and national level to fight internal trafficking and at the international level to aid in the fight against transnational trafficking operations. Furthermore, this information must be shared between law enforcement agencies in countries of origin, transit and destination. Awareness-raising, information sharing and training must also occur among consular and embassy offices in foreign countries to ensure that traffickers do not use false documents to apply for visas. Domestically, at the local and national level, interagency co-operation is needed to strengthen prosecutions. Penalties for smuggling must be strengthened. Research found that an increased sentence for the smuggling of human beings in the Netherlands resulted in more cases being investigated and prosecuted in the courts than under the previous law.<sup>23</sup>

**7.4 International Co-operation:** Unless countries begin co-operating, law enforcement and criminal justice responses will continue to be ineffective. International co-operation must include, but not be limited to, the exchange of information, coordination and harmonization of national policies and laws, bilateral or multilateral agreements with respect to victim protection and repatriation and reintegration assistance, and extradition of criminals. More technically advanced nations should provide technical assistance to developing nations and those in transition in the fields of legislation, data collection and travel documentation. The provision of training and assistance is necessary to help eradicate corruption amongst poorly trained government officials.

---

<sup>22</sup> Kelly, L. and L. Regan, *Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK*. London: Home Office, Policing and Reducing Crime Unit, Research, Development and Statistics Directorate, 2000.

<sup>23</sup> Slobbe, D.F. and M.M.C. Kuipers, *Verhoging van de strafmaat op mensensmokkel*. Enschede: International Politie Instituut Twente, Universiteit Twente, 1999.

## 8.0 ADDRESSING VULNERABILITIES ASSOCIATED WITH THIS CRIME

**8.1 States Approach:** States have made considerable progress in developing measures to protect victims of trafficking and migrants in vulnerable situations in the context of smuggling. For instance, in some cases identified victims of trafficking have access to temporary or permanent residency and work permits, safe accommodation, medical and psychological support and integration opportunities. However, trafficked persons who no longer have authorization to stay – for example, because their temporary residency permit attached to criminal proceedings has expired - are often not afforded the opportunity to apply for permission to remain.<sup>24</sup>

It is therefore crucial that states increase their capacity to properly identify and subsequently protect and assist victims. In many countries, this will require increasing identification and referral capacities among a wide variety of front-line responders to migrants, notably at locations where there are large numbers of migrants such as reception and detention centers. A number of entities, including the Global Migration Group (GMG), have developed guidance designed to assist states and other stakeholders to protect migrants facing situations of vulnerability, including in situations of abuse experienced when resorting to the use of smugglers or exploitative facilitators.<sup>25</sup>

---

**8.2 Human Rights Approach:** Trafficked persons are victims of serious human rights violations. Smuggled migrants are often fleeing human rights violations or situations of extreme violence or poverty. This approach ensures that human rights are not marginalized any further. It also aims at protecting and promoting respect for the human rights of the individuals who have been victims of trafficking, including those who have been subjected to involuntary servitude, forced labour and for slavery-like practices.

---

<sup>24</sup> Report of the Special Rapporteur on trafficking in persons (A/HRC/29/38), para. 28.

<sup>25</sup> GMG Principles and practical guidance on the protection of the human rights of migrants in vulnerable situations (A/HRC/34/31); GMG, Exploitation and abuse of international migrants, particularly those in an irregular situation: A human rights approach, 2013; UNHCR, 'Migrants in vulnerable situations': UNHCR's perspective, 2017

This approach protects the rights of trafficked persons by providing them with an effective legal remedy, legal protection, non-discriminatory treatment, and restitution, compensation and rehabilitation. Under international law, states have a duty to respect and ensure respect for human rights law, including the duty to prevent violations, to investigate violations, to take appropriate action against the violators and to afford remedies and reparation to those who have been injured as a consequence of such violations.

## **9.0 CONCLUSION**

Human trafficking and smuggling of migrants represent great challenges for both West and Central Africa. They are an obstacle to development, to the rule of law and a serious threat to human security as both crimes affect directly the lives of human beings. There are several different sub-regional patterns of trafficking and smuggling and the crimes are continuously changing as the traffickers and smugglers exploit the factors that make countries and persons vulnerable to the crimes. From the foregoing, there is an absolute need to put up a fight against this very crime. This fight must be a team work. One voice will not be capable of eliminating it; rather our combined voices and efforts will make the difference. Silence is never an option.