

**United Nations
Office on Drugs and Crime (UNODC)**

**Measures to Combat Trafficking in Human Beings
in Benin, Nigeria and Togo**

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List of Abbreviations

ABPF	Association Béninoise pour la Promotion de la Famille (<i>Benin Association for Family Promotion</i>)
AFJB	Association des Femmes Juristes du Bénin (<i>Women Lawyers' Association of Benin</i>)
AFVP	Association française des volontaires du progrès (<i>French Association of Volunteers for Progress</i>)
Age FIB	Agence pour le financement des initiatives de base (<i>Agency for financing grass roots initiatives</i>)
AHIP	Adolescent Health and Information Project
AHUEFA	Association Humanitaire pour l'Union et la Promotion du pouvoir pour les Femmes (<i>Humanitarian Association for the Union and Promotion of Women's Empowerment</i>)
ALISEI	Association for International Cooperation and Humanitarian Aid
AS (ASI)	Anti-Slavery (Anti-Slavery International)
ASPED	Association pour la sauvegarde et la promotion de l'éducation au service du développement (<i>Association for the protection and promotion of education for development</i>)
AU	African Union (formerly Organization for African Unity)
AWEG	African Women's Empowerment Guild
BCAT	Bureau central de l'assistance technique (<i>Central Bureau for Technical Assistance</i>)
BICE	Bureau International Catholique de l'Enfance (<i>International Catholic Child Bureau</i>)
BCNI	National Central Bureau Interpol Benin
BPM	Brigade for the Protection of Minors
CAEB	Conseil des activités éducatives du Bénin (<i>Benin Council for educational activities</i>)
CAJ	Centre d'Aide Juridique (<i>Legal Aid Centre</i>)
CED	Centre d'éducation à distance (<i>Centre for correspondence school</i>)
CEDEAO	Communauté économique des États de l'Afrique de l'Ouest (<i>Economic Community of West African States – ECOWAS</i>)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEO	Centre d'écoute et d'orientation (<i>Listening and orientation Centre</i>)
CETDA	Centre for Training and Development Activities

CNCLTEF	National Committee of Coordination for the fight against trafficking in children and women
CID	Criminal Investigation Division
CLOSE	The Liaison Committee of the Social Organization for the Defence of the Rights of the Child
CNPE	Comité National de Protection de l'Enfance (<i>National Committee for the Protection of the Child</i>)
CPS	Centre de promotion sociale (<i>Centre for social promotion</i>)
CRIN	Child Rights Information Network
DANIDA	Danish International Development Agency
DEI	Direction of Emigration and Immigration
DGPE	Direction Générale de la Protection de l'Enfance (<i>General Directorate for the Protection of the Child</i>)
DPJEJ	Direction for the Protection of Youth and Young Children
DNA	Italian National Anti-mafia Bureau
ECOWAS	Economic Community of West African States
ECPAT	End Child Prostitution, Child Pornography, and Trafficking in Children for Sexual Purposes
ENDA	ENDA Tiers Monde (<i>Environmental Development Action in the Third World</i>)
EPS	Enseignements primaire et secondaire (Ministère) (<i>Primary and secondary education (Ministry)</i>)
ESAM	<i>Enfants Solidaires d'Afrique et du Monde</i> (Child Solidarity in Africa and the World)
EUROJUST	European Union body investigating and prosecuting serious cross-border and organized crime
EUROPOL	European Law Enforcement Organization
FICEMEA	Fédération internationale des centres d'entraînement aux méthodes d'éducation active (<i>International federation of training centres for the promotion of progressive education</i>)
FIDA	International Federation of Women Lawyers
FOS	Federal Office for Statistics (Nigeria)
GADA	Gender and Development Action
GEN	Grassroots Evaluation Network
GNTENF	Groupe National de réflexion contre le Trafic d'Enfants (<i>National Discussion Group against Trafficking in Children</i>)
GPAT	Global Programme Against Trafficking in Human Beings
GPI	Girls Power Initiative
GRPJ	Global Rights Partners for Justice

ID	Initiative Développement (<i>Development Initiative</i>)
IDEE	Institut pour le développement des études endogènes (<i>Institute for the development of endogenous studies</i>)
IACJP	The International Association of Criminal Justice Practitioners
IGO	Inter-governmental organization
ILO	International Labour Organization
ILO-IPEC	ILO - International Programme on the Elimination of Child Labour
Interpol	International Criminal Police Organization - ICPO
IOM	International Organization for Migration
IRRRAG	International Reproductive Rights Action Group
LAPO	Lift Above Poverty Organization
MAEIA	Ministère des Affaires Étrangères et de l'Intégration Africaine (<i>Ministry of Foreign Affairs and African Integration</i>)
MEPS	Ministère des enseignements primaire et secondaire (<i>Ministry for primary and secondary Education</i>)
MFPSS	Ministère de la Famille, de la Protection Sociale et de la Solidarité (<i>Ministry for Family, Social Protection and Solidarity</i>)
MISAT	Ministère de l'Intérieur, de la Sécurité et de l'Administration Territoriale (<i>Ministry of Interior, Security and Regional Administration</i>)
MISD	Ministry of the Interior, Security and Development
MJCD	Mouvement des jeunes chrétiens pour le développement (<i>Christian Youth Movement for Development</i>)
MJLDH	Ministère de la Justice, de la Législation et des Droits de l'Homme (<i>Ministry of Justice, Legislation and Human Rights Protection</i>)
NAPTIP	National Agency for the Prohibition of Traffic Persons and Other Related Matters
NCWS	National Council of Women's Societies
NMC	Nigerian National Monitoring Centre on Trafficking in Persons
NGO	Non-governmental organization
OAU	Organization of African Unity (now the African Union)
PDDHE—AJ	Promotion pour la Défense des Droits de l'Homme et de l'Enfant – Assistance Juridique (<i>Promotion of the Protection of Human Rights and the rights of the child - Legal Assistance</i>)
PIED	Programme d'Insertion des Enfants Deshérités (<i>Programme for the rehabilitation of underprivileged children</i>)
S&VPT	Santé et Vie Pour Tous (<i>Health and Life for All</i>)

ROBS	Réseau des ONG béninoises pour la santé (<i>Network of Beninese Health NGOs</i>)
SCTIP	Service de Coopération Technique Internationale de Police
SSS	State Security Service
TOC	Transnational Organized Crime
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations International Children's Educational Fund
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNODC	United Nations Office on Drugs and Crime
USAID	U.S. Agency for International Development
VE SOS	Village d'Enfants SOS (<i>Children Village SOS</i>)
WAO Afrique	World Association for Orphans Africa's Section
WOCON	Women's Consortium of Nigeria
WOTCLEF	Women Trafficking and Child Labour Eradication Foundation

Executive Summary

In September 2003, the United Nations Office on Drugs and Crime (UNODC) initiated a project aimed at improving the level of information available on trafficking in human beings within, to and from Benin, Nigeria and Togo, and to recommend measures to strengthen action to counter the problem. The study included extensive research activities in each of the three countries.

Factors Contributing to Trafficking in Human Beings in West Africa

A number of factors contribute to the phenomenon of trafficking in human beings, in particular children, in West Africa. Predominant among these are poverty, large family size, lack of educational opportunities and lack of employment. Other factors facilitating trafficking in persons in Benin, Nigeria and Togo include ignorance on the part of families and children of the risks involved in trafficking, the high demand for cheap and submissive child labour in the informal economic sector, the desire of youth for emancipation through migration, institutional lapses such as inadequate political commitment, non-existent national legislation against trafficking in human beings, and the absence of a judicial framework allowing for the perpetrators and accomplices of trafficking to be held responsible and punished for their acts. Other contributory factors in trafficking in persons in the region include porous borders, corrupt government officials, involvement of international organized crime groups or networks, limited capacity of or commitment by immigration and law enforcement officers to control trafficking at the borders and lack of political will or desire to enforce existing legislation or mandates.

Trafficking Patterns in Benin, Nigeria and Togo

Benin

Benin notes that internal trafficking in children occurs. Young women trafficked from rural areas to larger cities such as Cotonou, Porto-Novo, Parakou and Bohicon are forced into sexual exploitation. Beninese children are trafficked to Nigeria, Ghana, Gabon, Côte d'Ivoire, Cameroon and Guinea. They are lured with promises of employment and then forced into domestic, commercial and agricultural labour. Benin also serves as a destination country for children trafficked for labour exploitation from Niger, Togo and Burkina Faso. Adult women trafficked from Niger, Nigeria and Togo are forced into prostitution in Benin, while Beninese women are trafficked to Belgium, France and Germany, predominantly for the purpose of sexual exploitation.

Nigeria

Nigeria is a centre of trafficking in human beings, especially women and children. It is an origin, transit and destination country for trafficked children and serves predominantly as an origin country for trafficked women. About 83% of child victims of trafficking for domestic service are recruited from the Nigerian State of Akwa Ibom; other child victims come from the states of Cross Rivers, Rivers, Ebonyi, Kano and Kaduna. Children victims of trafficking

originating in Nigeria were all under the age of 16 (the majority was between 6 and 10 years of age). Foreign children trafficked to Nigeria come mainly from Benin and Togo (an estimated 96%, with 90% of that figure coming from Benin alone), Côte d'Ivoire and Niger. Children as young as five and six years old trafficked from Benin have been found working in exploitive conditions in Nigerian mines in the Western part of the country. Trafficked girls are used for domestic service or street trading as well as commercial sexual exploitation while boys are generally forced to work on plantations or in commercial farming, construction, quarries and mines, or engage in petty crimes and the drug trade.

With respect to women trafficked to Europe for the purpose of sexual exploitation, an estimated 94% are from Edo State in Nigeria while the remaining are from Delta, Kano and Borno States. Nigerian women trafficked abroad are sent to different destinations including Europe (Italy, Spain, France); West Africa (Benin, Côte-d'Ivoire); Central Africa (Gabon, Cameroon) and the Middle East (Saudi Arabia). During the religious pilgrimage, the Hajj, young Nigerian children and older Nigerian women travel to Saudi Arabia and are forced into street begging, domestic service and prostitution. Foreign women are reported to have been trafficked to Nigeria from as far away as Moldova, Belarus, Ukraine and the Philippines.

Togo

Togo is an origin country for children trafficked to Nigeria and Gabon for forced domestic labour and prostitution, while Ghanaian children are trafficked to Togo for forced domestic servitude. Adult Togolese women have been reportedly trafficked to Lebanon and European countries for sexual exploitation. The regions most affected by internal child trafficking are the Maritime region (Departments of Yoto, Afangna and Lacs), the Central region (which includes the Departments of Tchaoudjo, Tchamba, Assoli and Sotouboua), the West region (which includes the Departments of Wawa and East Mono) and the region of Kara (which includes the Departments of Bassar and Assolie) to the cities of Lomé, Kara, Atakpamé and Sokodé. With respect to trans-border trafficking, girls and young women are trafficked from the Northern region (Kabou, Bafilo and Sokodé) to Burkina Faso, Côte d'Ivoire and Niger. Young boys are trafficked from Agodjolo (prefecture of Ogou) and Alédjo (prefecture of Assoli) to Nigeria, Gabon and Côte d'Ivoire.

Exploitation

Child victims in Nigeria reported hardship conditions (lack of food, inadequate housing, and exposure to harsh chemicals (pesticides) and insects). Children reported being beaten. With the exception of one child victim, the children were *not* forced into prostitution. This does not mean that children were not sexually abused. Female children forced to work on a plantation in the State of Akwa Ibom reported having been sexually violated by other male trafficked victims and supervisors. Young girls forced to work as domestic servants also reported being sexually abused by male members of the families in which they worked. The same pattern repeats itself in Benin and Togo.

In Togo, victims reported varying degrees of hardship during their travels and exploitation upon arrival at their destination. Children are at times exposed to uncomfortable and dangerous situations during the transport phase. The children told stories of physical and psychological violence, once they were on the journey. They were subjected to harsh treatment and intimidation. Children are often transported without documents across national borders. They have been forced to walk long distances. Children transported by boat have

reported that other child victims have succumbed to thirst or have drowned. In the Togo study, victims reported being forced to work (73% of the sample of child victims and 69% of adult victims), were forced into sexual contacts (13% of child victims and 81% of adult victims) and did not feel safe (60% child victims and 88% adult victims). More than eighty percent (81%) of adult victims experienced restricted freedom of movement.

Nigerian child victims reported being forced to work long hours and were subjected to physical abuse such as deprivation of food, being forced to sleep on bare floors, beatings, and sexual exploitation. Adult women in the Nigeria study who travelled across the Sahara desert on their way to Northern Africa reported being forced into prostitution while en route to their destination.

This exploitation and the situation in which the victims find themselves can vary from short to much longer periods of time. Child victims interviewed in Nigeria lived for periods of a year to 6 years abroad. While 12 children could not estimate periods of time lived abroad, three children spent a period of two years; two other children were abroad for three and four years respectively before being rescued. With respect to adult victims in the Nigeria study, the adult victim, who lived abroad the longest, remained for a period of 4 years in Italy. Another victim spent 3 years in Saudi Arabia, while other adult victims stayed for periods between 3 months and 18 months abroad before being repatriated.

Traffickers

Information was obtained from government case files on a total of 83 traffickers (16 in Benin, 48 in Nigeria and 19 in Togo). Where data is available on gender (n=52), slightly more than a quarter of the traffickers are female (n=14) and almost three quarters are male (n=38). This same pattern repeats itself if gender is examined in the Benin and Nigeria samples. In Togo, the majority of traffickers arrested were female. The majority of traffickers in the Benin and Togo samples were in their twenties and early thirties, although there were exceptions with a few older traffickers. The majority of traffickers had the same nationality as the victims they were trafficking. There were exceptions and the percentage of foreign nationals in the samples varies widely. In Benin, all traffickers were Beninese; in Nigeria, eight traffickers (17% of the sample) were foreigners and the number increased to 42% of the Togo sample. The majority of these foreigners were nationals of neighbouring countries or those in the region.

Arrest and Conviction

Analysis of reviewed case files indicated at the time of the research¹ that Nigeria had brought only two cases to court and only one had resulted in a conviction². When looking at the number of cases, which were reported, resulting in arrests and charges to court, the numbers, while small, have more than doubled (from 3 to 8 cases³) between 2002 and 2003 in Nigeria. Benin and Togo have brought trafficking cases to court (under current penal, labour and immigration code legislation criminalising offences that can be used when an anti-human

¹ The research took place between September 2003 and September 2004.

² During their work, the research team was able to identify only one recorded conviction from the case files under review. A Hajj Tribunal, not the regular courts, handed down this conviction. According to the Nigerian press, in late November 2004, the Nigerian Government secured its first conviction under the new trafficking law in the trial of a female trafficker in Benin City.

³ With respect to the 8 cases, which had gone to court, no information was available on the outcome of the trial at the time that the research was completed.

trafficking legislation does not exist) which have resulted in convictions, however the penalties have been extremely low given the serious nature of the offence. It is unclear if this is due to the lack of anti-human trafficking legislation in the countries or a lack of will on the part of the governments to seriously address the issue.

Legislation and International Instruments

Nigeria is the only one of the three countries in this study, and one of few countries in Africa with an anti-trafficking law. In August 2003 Nigeria enacted the *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act*. Formal anti-human trafficking legislation is still lacking in Benin and Togo, although a Draft Children's Code, with specific articles dealing with child trafficking, will provide improved anti-human trafficking protections once the Togo Legislature passes it. The Benin Parliament was discussing an anti-human trafficking bill at the time of the research⁴. Until this legislation is passed, both Benin and Togo can utilize legislation that punishes such offences as kidnapping and forced prostitution. Benin has laws against bringing children outside of the country. Benin has ratified and Togo has signed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime. Both countries have ratified the ILO Convention 182 Against the Worst Forms of Child Labour. All three countries have adequate legal means to protect victims and punish offenders for many of the offences related to trafficking. However, despite a wide range of national legislation (penal, labour and family codes) that could be used in the absence of anti-human trafficking legislation, regional and international legal instruments at their disposal, the countries have been only moderately successful in protecting women and children from harm and reintegrating victims.

Government, NGO and International Responses to Trafficking in Benin, Nigeria and Togo

In all three countries, there are a number of Ministries, NGOs, international organizations and intergovernmental organizations involved in addressing certain aspects of the problem. The Ministries most active are Justice, Social Affairs, Education, Labour, and Ministries focusing on the protection of women and children. Local and internationally based NGOs as well as inter-governmental organizations such as UNICEF, ILO-IPEC and IOM have been active in all three countries for a number of years. Organizations have targeted high-risk areas and have been involved not only in research, sensitization and awareness-raising programmes, but also concrete measures to assist families, such as poverty alleviation, micro-credits programmes and educational programmes to keep children in school. Less prevalent are programmes providing for the psychosocial care and reintegration of trafficked children and adults.

One of the most important aspects of fighting trafficking in human beings is the need to address multiple aspects of the problem from different angles. This requires a cooperative working relationship between organizations (both governmental and non-governmental) within a country as well as between countries.

⁴ As of June 2005, anti-trafficking legislation, though under debate in the National Assembly, had still not been enacted. Trafficking in Persons Report, US Department of State, June 2005.

Cooperation within and between countries

Cooperative relationships can be measured from the perspective of cooperation within or between agencies either in the government, or between organizations in the NGO/IGO sector. A second type of relationship would comprise a 'cross-over' relationship between government agencies and NGO/IGOs. A third type of relationship entails international cooperation.

In all countries there are numerous NGOs involved in the area of human trafficking. A small number seem to have established themselves as well-known, reliable and serious NGOs in each of the three countries involved in the study. They tend to work well with each other. There remains some competition with respect to funding, but it appears that many NGOs seem to have carved out their niche within which they work well with other organizations. It is not clear from this analysis whether the cooperation exists on a structural rather than on an incidental level.

It is these same NGOs, which tend to coordinate their activities with government Ministries and agencies. The working relationship between NGOs and government Ministries varies depending upon the Ministries and their functions. Data provided by the NGOs in Nigeria and Togo indicate that the working relationship tends to be closest with the Ministries providing social services. These include the Ministries of Education, Social Affairs, Women's and Children's Affairs. NGOs in Nigeria also appear to have a good working relationship with the police and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). This is also the case in Togo where the Brigade for the Protection of Minors (BPM) plays an important role in rescuing and repatriating trafficked children.

When looking at international cooperation and coordination, the picture becomes more diffuse. Certainly the NGOs work well together with the intergovernmental organizations such as the ILO-IPEC, IOM and UNICEF, as well as with other international NGOs (CARE, Terre des Hommes, Anti-Slavery International, and Plan International among others). NGOs also appear to have good working relationships with NGOs in other countries, particularly when it comes to facilitating the protection, return and reintegration of trafficking victims.

Police cooperation between countries appears to run directly through INTERPOL, although there are exceptions to this rule. Immigration appears to be more directly involved with counterparts in other countries.

Recommendations

As a result of the project a total of 44 recommendations were made. These highlight measures required in a number of key areas and are aimed at different stakeholders including law enforcement and immigration, prosecutors and magistrates, government officials, embassies and foreign governments, NGOs and international organizations, civil society and regional actors.

Recommendations include raising awareness among the general population, assisting child and adult victims, improving cooperation, and enhancing the expertise of criminal justice personnel.

Other measures aimed at improving the current situation include provision of adequate shelter, medical and psychological care to rescued and repatriated victims, adoption of anti-

trafficking legislation, introduction of anti-human trafficking courses in training programmes for law enforcement and immigration personnel, and establishment of a multi-agency Anti-Trafficking Task Force. Some recommendations demand a long-term approach to the problem and these embrace eradicating corruption within criminal justice agencies, providing free, mandatory education to all school-aged children, mobilizing and involving civil society and increasing cooperation within and between government agencies, NGOs and countries.

A full list of recommendations can be found in Chapter 9.

Chapter 1 The UN Global Programme against Trafficking in Human Beings and the Project “Measures to combat trafficking in human beings in Benin, Nigeria and Togo”

1.1 The Global Programme against Trafficking in Human Beings

The United Nations Office on Drugs and Crime (UNODC) in conjunction with the United Nations Interregional Crime and Justice Research Institute (UNICRI) launched the *Global Programme Against Trafficking in Human Beings* (GPAT) in March 1999. In an effort to better enable governments to respond to the issue of trafficking in human beings and smuggling of migrants, the GPAT aims to shed light on the process and causes of human smuggling and trafficking, and promote the development of effective criminal justice responses to these problems. The GPAT comprises policy-oriented research and targeted technical cooperation. UN GPAT technical assistance and assessment projects are currently being formulated or carried out in selected countries in Asia, Africa, Europe and Latin America.⁵

1.2 “Measures to combat trafficking in human beings in Benin, Nigeria and Togo”

The United Nations Office on Drugs and Crime (29 November 2001) signed an agreement with the governments of Benin (7 February 2002), Nigeria (2 May 2002) and Togo (5 February 2002) to implement the project “Measures to combat trafficking in human beings in Benin, Nigeria and Togo”. The project was officially launched in September 2003. The aim of the project was to improve the collection and analysis of data and information on trafficking in persons in Benin, Nigeria and Togo as a tool to enable better policy planning and action and to strengthen the institutional capacity in the countries to better combat trafficking in persons. Research elements included an assessment of trafficking flows and the current governmental and non-governmental responses to the problem. The aim of the project, through its assessment component, was to provide authorities with policy and practical recommendations to strengthen regional joint action against trafficking in persons and transnational organized criminal groups engaged therein. At a national level, the technical assistance activities provided specific training to law enforcement and criminal justice officials designed to enhance the responses of the criminal justice system to combat trafficking in persons. At the regional level, the project promoted closer cooperation among key agencies in countries of origin, transit and destination through the provision of training, to include investigation and prosecution of international cases of trafficking.

Research activities, which form the basis of this report, were carried out by local research teams in the three countries involved (see Appendix 1 for a list of the research teams). The total research project comprises six research components. The research teams were asked to submit an interim report based on a literature review. This report examined the nature of

⁵ For more information on the GPAT programme please refer to the UNODC website at: http://www.unodc.org/unodc/en/trafficking_human_beings.html

trafficking patterns in, from and to the country and addressed the following topics: theories to explain trafficking, demographic information on victims, recruitment practices, routes and experiences during the travel, the use of deception, coercion and exploitation, the involvement of criminal and organized crime groups, legislative, governmental and non-governmental organization (NGO)⁶ responses to trafficking. This information was supported with empirical research carried out in the second part of the project and is presented in chapters two, four and five of this report.

Upon completion of this first assignment, the research teams were asked to conduct empirical research on victims and governmental and non-governmental organization (NGO) responses to trafficking in their countries. Armed with a battery of standardized questionnaires designed by UNODC, research teams interviewed victims, governmental and NGO experts, and personnel from international organizations and Embassies on such issues as responses to trafficking, cooperation between organizations within their country and between countries, challenges to and recommendations for best practices. The information gleaned from this research is presented in chapters six through eight of this report.

1.3 Aims and Objectives of the Study

The study aims at improving the existing level of information on trafficking in human beings within, to and from Benin, Nigeria and Togo for the purpose of providing a tool for better policy planning and action. Based upon information generated from the objectives identified below, it is hoped that the formulation of recommendations will result in improved victim protection as well as strengthening joint action against transnational organized criminal aspects of trafficking in human beings.

The aims of the study are sevenfold:

1. Identify areas of recruitment and the trafficking flows from Benin, Nigeria and Togo to various destination countries;
2. Describe trafficking patterns to include *modus operandi* of recruitment, transportation, deception, coercion and exploitation;
3. Provide demographic information on victims and their experiences;
4. Provide information on the involvement of criminals and/or organized crime groups in the trafficking in human beings from Benin, Nigeria and Togo;
5. Identify governmental agencies and non-governmental organizations (NGOs) involved in anti-trafficking initiatives in the country, their responses to trafficking, and suggestions for good instruments/practices for successful intervention against trafficking;
6. Describe cooperation between agencies within a country and between countries and challenges and recommendations for good practices;
7. Provide recommendations for the purpose of assisting governments and NGOs to strengthen national and international cooperation and approaches to fighting trafficking in human beings in their respective countries and the West African region.

⁶ See Appendix 2 for a list of abbreviations used in this report.

1.4 Data contained in this report

This UNODC final report is based on the data and reports presented by the individual research teams. The level and quality of data differs between country reports. The country reports contain statements provided by individual victims, NGOs and criminal justice experts relating to personal experiences with human trafficking in their country. All persons spoke under guarantee of anonymity. None of the respondents' testimony can be substantiated but is being provided as it was reported to the researchers. UNODC neither supports nor denies the allegations made by individual victims or criminal justice experts. The statements and opinions of individual respondents do not necessarily represent the position or views of the United Nations Office on Drugs and Crime.

1.5 Layout of the report

The first chapter of this report provides background information on the project. Defining the problem and examining the patterns and causes, trafficking areas and routes, markets of exploitation and measurement problems will be addressed in chapter two. This chapter contains background information on human trafficking in West Africa in general, and in Benin, Nigeria and Togo in particular, and includes both reference material from external sources as well as data from the interim and final reports of the research teams. The research instruments, methodology and samples are discussed in each of the three countries in chapter three. Chapter four presents information on the nature of human trafficking, while chapter five discusses legislative measures and other legal instruments in place to protect victims of trafficking and punish transgressions against them. Chapter six provides information on governmental and NGO responses to human trafficking, while chapter seven provides an assessment of cooperation between agencies, departments and organizations within and between countries. Challenges and recommendations for best practices provided by the respondents and presented in the country reports is the topic of chapter eight. The report ends (chapter nine) with a summary and recommendations to countries with the aim of strengthening national and international measures and cooperation in the fight against human trafficking in the region.

Chapter 2 Defining the Problem and its Causes

2.1 Defining the Problem

The United Nations Convention against Transnational Organized Crime (TOC)⁷ and its two supplementing protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, were adopted by the General Assembly at its Millennium Meeting in November 2000. The Convention⁸ and its two supplementing Protocols were opened for signature at a high-level conference in Palermo, Italy, in December 2000 and constitute the first serious attempt by the international community to “invoke the weapon of international law in its battle against transnational organized crime” (Gallagher, 2001; 975). Unlike previous instruments to fight trafficking and forced prostitution, such as the 1949 Convention for the Suppression of the Traffic Persons and of the Exploitation of the Prostitution of Others, or the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which focused mainly on the punishment of traffickers, the recent UN Trafficking Protocol also addresses the issue of victims’ rights. The Convention and both Protocols have entered into force.⁹ In line with the definitions in the Convention and Protocols, the UN Global Programme against Trafficking in Human Beings uses the following definitions:

Organized criminal group shall mean a structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention,¹⁰ in order to obtain, directly, or indirectly, a financial or other material benefit.

Smuggling of migrants shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of

⁷ The United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime can be downloaded from the web at http://www.undcp.org/odccp/crime_cicp_convention.html

⁸ The Convention spells out how countries can improve cooperation on such matters as extradition, mutual legal assistance, transfer of proceedings and joint investigations. It contains provisions for victim and witness protection and shielding legal markets from infiltration by organized criminal groups. Parties to the treaty would also provide technical assistance to developing countries to help them take the necessary measures and upgrade their capacities for dealing with organized crime.

⁹ United Nations Convention against Transnational Organized Crime entered into force on 29 September 2003. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children entered into force on 25 December 2003. The Protocol against the Smuggling of Migrants by Land, Sea and Air entered into force on 28 January 2004.

¹⁰ “Serious crime” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty. “Structured group” shall mean a group that is not randomly formed for the immediate commission of an offence. It does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

This definition is broken down into three separate elements: criminal acts, the means used to commit these acts, and goals (exploitation or for the purpose thereof). At least one element from each of these three groups is required for the definition to apply.

- *the act(ion) of*: recruitment, transportation, transfer, harbouring or receipt of persons;
- *by means of*: threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control of another person;
- *for the purpose of exploitation*, which includes, at a minimum, exploiting the prostitution of others, other forms of sexual exploitation, forced labour or services, slavery or similar practices, and the removal of organs.

Smuggling of migrants and trafficking in human beings differ on four specific points. The first is the issue of consent. The smuggling of migrants, involves persons who, while often subject to dangerous or degrading conditions, have consented to the smuggling. Trafficking victims, on the other hand, have either never consented to such acts or, if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers. A second major difference is the element of exploitation. Smuggling ends with the arrival of migrants at their destination, whereas trafficking involves the ongoing exploitation of the victims in some manner to generate illicit profits for the traffickers. This highlights a third difference, the source of financial gain. Smugglers draw profit from the initial fee paid by the person willing to be smuggled into another country, whereas traffickers' profits are generated by the exploitation at the end of the process. Lastly, smuggling is always transnational, whereas trafficking need not be. Trafficking can occur regardless of whether victims are taken to another country or only moved from one place to another within the same country. Internal trafficking is covered by the definition under the Protocol, when carried out by an international organized crime group.

Cases are not always immediately distinguishable, as often both smuggled migrants and trafficking victims leave their country of origin willingly. However, as noted above, trafficking cases may be differentiated by, for example, the use of force or deceit, and the existence of exploitation. They may be exposed to similar cases of danger or discomfort during long journeys but, upon arrival in the destination country, smuggled individuals are usually left free by the smugglers¹¹. Trafficked persons, upon arrival, are often put in a situation of debt bondage and forced into slavery-like practices in the sex or labor market or exploited in other ways.

¹¹ Their status in the destination country is that of an illegal alien, therefore smuggled migrants are at risk of becoming trafficking victims when exploitation occurs.

Of particular note is the issue of consent. According to the Protocol's definition, actual consent by a person to leave a country and work abroad does not determine the dividing line between smuggling and trafficking. As outlined above, a number of characteristics may distinguish the two crimes. What began as a voluntary activity on the part of the migrant, who may in fact have sought out the services of the smuggler, will still qualify as a case of trafficking if the initial consent is invalidated when any of the means set forth in the definition of the Protocol have been used, or exploitation is evident. A victim may, for example, have consented or agreed to be smuggled to another country, but did not agree to be exploited upon arrival in the destination country. Furthermore, the Protocol extends extra protection to children (Article 3). In the case of children, the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in the definition. The element of consent is irrelevant for a child, which means a person under the age of 18.

2.2 Smuggling, Trafficking and Criminal Offences Linked to these Phenomena¹²

Trafficking in human beings can be viewed from a number of perspectives. It can be linked to organized criminal and law enforcement activities on the one hand, or can be viewed from the perspective of the victim, predominantly as a violation of human rights. These two perspectives are not mutually exclusive but rather inherently linked as can be better understood in the typology presented below (diagram 2.1).

Smuggling of migrants and trafficking in human beings share a number of elements and can be viewed as a process rather than a single offence. The process begins with the abduction or recruitment of a person and continues with the transportation and in the case of transnational trafficking, entry of the individual into another country.¹³ Here the similarities end. In the case of smuggling the illegal migrant is free to leave and seek employment in the unregulated market or seek asylum. In the case of trafficking, entry into the country is followed by the exploitation phase during which the victim is forced into sexual or labour servitude. A further phase may occur, which does not involve the victim but rather the offender. Depending upon the size and sophistication of the smuggling or trafficking operation, the criminal (organization) may find it necessary to launder the illegally obtained proceeds. There may be further links to other criminal offences such as the smuggling of weapons or drugs.

During this process, instrumental criminal activities may be perpetrated by the criminals involved, in direct furtherance of the trafficking activity (Europol, 1999). Examples of these crimes are forgery of documents, corruption of government officials and violence associated

¹² This section is taken almost in its entirety from the UN *Coalitions Against Trafficking in Human Beings in the Philippines – Phase 1 Research Action Final Report*. This report can be downloaded from the web at: http://www.unodc.org/unodc/en/publications/publications_trafficking.html

¹³ Entry into a third country is a prerequisite for smuggling. It can occur, but is not necessary for the offense of trafficking. Internal trafficking occurs as well and possibly to an even greater extent in many countries, than transnational trafficking. It is the subsequent exploitation, and not the crossing of international borders, which defines the act of trafficking in human beings. However, it must be kept in mind that the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the UN Convention against Transnational Organized Crime addresses acts of transnational trafficking or domestic trafficking perpetrated by transnational organized criminal groups.

with maintaining control over victims. Other crimes, such as money laundering and tax evasion, are secondary, and occur as a result of a ‘successful’ trafficking activity.

A typology can be created to further understand the nature of these offences related to the trafficking process. The perpetration of crimes can be characterized according to the victim (the individual victim or the State) or in terms of the phase of the trafficking process: recruitment, transportation and illegal entry of the trafficked person,¹⁴ the exploitation phase or the subsequent phase of profit laundering. The numbers and types of offences are often contingent upon the sophistication of the smuggling and trafficking operation and the criminal groups involved therein. These operations can be as simplistic as the smuggling and subsequent trafficking in an individual by another individual over a border with or without proper or fraudulent documentation by vehicle or on foot, to sophisticated operations moving large numbers of persons, using forged documents and generating huge profits which must subsequently be laundered.

Trafficking and smuggling may involve offences against the State such as abuse of immigration laws, document forgery, corruption of government officials, money laundering and tax evasion. In the case of trafficking, other violations are directed against the victims: unlawful coercion or threat, extortion, aggravated and/or sexual assault, rape or even death. Diagram 2.1 shows the various offences perpetrated at different stages of the smuggling and trafficking process, while indicating whether the “victim” is the State, or the individual who has been trafficked.

¹⁴ The phases of recruitment and transportation occur in both smuggling and trafficking cases. The exploitation phase occurs in trafficking in human beings. The final phase, involving the laundering of criminal proceeds is applicable to both smuggling and trafficking networks.

Diagram 2.1 The Process of Smuggling of Migrants and Trafficking in Human Beings and Crimes Related Thereto



Offences in italics preceded by an asterisk indicate that the offences are perpetrated against the individual victim.

Seldom is violence exercised during the recruitment phase, except in cases where victims have been abducted. During this stage, fraudulent promises are often made to the victim or the parents/ legal guardians of the minor victim to secure the willingness of the victim to leave. It is sometimes during the transportation phase, and much more commonly during the exploitation phase, upon having entered the destination country, that threats and violence are perpetrated against victims. In cases of both labour and sexual exploitation, threats or actual violence are often used to maintain control and prevent the escape of the victim.

2.3 Indicators of Child Trafficking¹⁵

Trafficking in children goes hand in hand with poverty and child labour. Africa has the highest rate of child labour in the world: 41% of five to fourteen year olds work (Robinson and Palus, 2001).

With the exception of Nigeria, most of the research carried out in the field of trafficking and smuggling in those countries has focused primarily on children (Kekeh, 1997, Kouakou , 1998, UNICEF, 1998, 2000; ESAM, 1998, 1999; Entraide Universitaire Mondiale du Canada, 1999; Bazzi-Veil, 2000; Verbeet, 2000; ILO, 2001; Ouensavi and Kielland, 2001; Anti-

¹⁵ Large parts of section 2.3 were taken verbatim from Aronowitz, A. and M. Peruffo, “Human Trafficking in West and Central Africa”, *The Blackwell Companion to Criminology*, Colin Sumner, editor, Blackwell Publishing, Ltd: Malden, Ma. 2004.

Slavery International, 2003b, UNICEF, 2003). This is due to the fact that the discovery and awareness of trafficking situations came about through research and the study of child employment and the living conditions of working children.

Studies on child labour called attention to the phenomenon of trafficking in children through the analysis of their method of entry into the labour market. According to a study carried out in Nigeria in 1992 among children living in five states, it was found that 54% to 70% of children living in the street were migrants and that 40% of the children in domestic service came to town with a third party or non-family member (Bazzi-Veil, 2000). In another survey carried out on 173 children living in the street in four Nigerian cities, it was discovered that 15% came with their parents, whereas 67% came in the company of other adults (friends of the family or strangers); 43% said that they had been victims of trafficking (Veil, 2000).

A similar indicator of trafficking is when a child is in a situation of placement working outside of his immediate family unit and living with his employer (Talens, 2000). In a study conducted in Benin on child labour, from 760 children in three cities, it was discovered that 73% lived with another person other than their parents, and 70% were working outside the parental home. A large number of them were in situations of placement and likely to be exploited (Veil, 2000).

Another factor, which may indicate that a child has been a victim of trafficking is when the child worker is unpaid, and lives with his employer with whom he has no family ties. In a study carried out on 59 Malian children who had been trafficked to Côte d'Ivoire, 63% said they received a salary, while 23% received no remuneration (Kouakou, 1998). In the aforementioned survey of 173 children living and working in four Nigerian cities, 47% of children said that their employers paid their wages directly to the person who brought them, 35% were ignorant of the arrangements made, while 19% said there was no monetary arrangement (Veil, 2000).

2.4 Theoretical Underpinnings: Factors Contributing to the Trafficking in Persons in West Africa

Trafficking in persons, in particular women and children, is intrinsically related to a number of factors known as “push and pull” factors. Push factors are those which induce individuals to leave an area or country in search of a better life elsewhere. In the case of women and children trafficked in the West Africa region, push factors include the difficult socio-economic environment and deep-rooted, abject poverty, regional inequalities and inadequate programmes for the creation of employment or revenue-generating activities, particularly for youth in rural areas (Salah, 2001). Failure of structural adjustment programmes to regulate the economic situation and the massive debt of many countries has resulted in economic decline, placing millions below the poverty line, and making children and their families vulnerable to forms of exploitation to include trafficking (Talens, 1998). Economic insecurity and poverty are aggravated by political instability and a lack of accountability of government institutions, which have been either under military regimes or under one party rule (Talens, 1998).

The director of UNICEF for West and Central Africa¹⁶ identifies poverty as a “major and ubiquitous” causal factor behind child trafficking (Human Rights Watch, 2003; 10). Sending

¹⁶ West and Central Africa comprises the following countries: Benin, Burkina Faso, Cameroon, Cap Verde,

or source states – among others, Benin, Nigeria and Togo – are characterized by situations in which between 33% and 73% of the general population lives on less than US \$1 a day (Human Rights Watch, 2003; 10). Poverty levels are higher in rural areas, from which the majority of trafficked children come.

There is no shortage of children and young women living in poverty in Benin, Togo and Nigeria and thus susceptible to recruitment. Benin has a population of over six million inhabitants, almost 50% of which are under the age of 15. The country's economy remains underdeveloped and heavily dependent on agriculture, in particular cotton production and subsistence farming. With an estimated 33% of the population living below the national poverty line and 14% in extreme poverty, entire communities in the rural areas of Benin are living in precarious conditions. Social and education infrastructures are lacking and jobs are scarce (UNODC Project Document; 21).

The population of Nigeria, the largest on the African continent, is estimated at 126 million (UNFPA, 2003).¹⁷ The United Nations Development Programme (UNDP) estimates that the 2.2% annual growth rate will increase the population to 161 million people by 2015. The population comprises numerous ethnic groups (with more than 250 ethno-linguistic groups) and with a high proportion of children. Forty-four percent (44%) of the population is under the age of 19; 52.2% under the age of 24 (UNDP Human Development Report 2004). Per capita income in 2002 was estimated at \$328 (UNDP Human Development Report 2004) and the number of people living in absolute poverty is increasing. Nigeria ranks 151 out of 173 on the Human Development Index, with over 70% of the population living below the income poverty line on less than \$1 per day.¹⁸ This affects, in particular, women and children and those from rural areas. A lack of education, high illiteracy rates¹⁹ and work in poorly rewarded sectors generally affects girls and women (Aronowitz, 2004).

Togo's population is estimated at 5 million (4,8 in 2002), of which almost 50% are below the age of 15. Its economy remains underdeveloped and heavily dependent on commercial and subsistence agriculture, which employs over 65% of the labour force. Per capita income in 1999 was estimated at \$320. According to the United Nations Office on Drugs and Crime, about 28% of children between the ages of 10 and 14 are working in Togo (UNODC Project Document; 28).

There are particular push factors, which place girls and young women at a higher risk than boys or young men. Girls in many societies are less valued than boys. Girls are expected to sacrifice their education and assume domestic responsibilities taking care of their parents and siblings. Since they will leave the family upon marriage, they are regarded as a poor investment and this makes it easier for the parent(s) to send them out to work. Additionally, domestic work is regarded as a preparation for marriage (Okojie, et al, 1996²⁰; ILO-IPEC,

Congo, Democratic Republic of Congo, Ivory Coast, Gabon, Gambia, Ghana, Guinea, Equatorial Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Central African Republic, Sao Tome and Principe, Senegal, Sierra Leone, Chad and Togo.

¹⁷ Figures cited in the United Nations Office on Drugs and Crime Strategic Framework project *Partnership against Crime and Drugs in Nigeria*, October 2003.

¹⁸ Ibid.

¹⁹ Many families unable to meet the costs of schooling will take girls out of education, resulting in the illiteracy of two thirds of the female population (Aronowitz and Peruffo, 2004).

²⁰ Okojie, C.E.E., O. Chiegwe, and E. Okpokunu, 1996, "Gender Gap in Access to Education in Nigeria. A research report submitted to the African Academy of Sciences, Nairobi, Kenya, cited in Okojie (2003a).

2002, Human Rights Watch, 2003). A study by the Nigerian NGO, Girls Power Initiative²¹ attributes the reason why girls are more susceptible to trafficking abroad than boys/ young men. Firstly there is a demand for their sexual services (they are marketable abroad). “Parents preferred to send daughters abroad because they could be relied upon to assist the family and help lift them out of poverty, girls were more willing to sacrifice themselves for their families. The success stories of other girls, who had been trafficked and had made it, also encouraged others to try their luck. High rates of unemployment among girls due to relatively low levels of female education because of unwillingness of their parents to send them to school, provided a pool of girls to be trafficked abroad”.

The trafficking in children is further fostered by West and Central African nations’ historical and cultural patterns of migration and the placement of children outside the home (Salah, 2001). The practice of “child fosterage”, sending children to live with extended family or friends to be educated, trained or to work, is a culturally accepted practice in West Africa and is done to foster extended family solidarity and to further the educational and vocational training of the child (Bazzi-Veil, 2000). Difficult financial situations within the family often are the basis for the placement. This “strategic fostering out of children” is said to be a stronger causal factor in child trafficking than poverty.²² The majority of trafficked children come from polygamous, large and poorly educated families where the children have limited (if any) opportunities for training and education. Children are often withdrawn from school and forced to help support the family. Parents, who may not even be able to feed their children, are often willing to “give” them to traffickers who promise to provide the child with a job, an education or training (ILO, 2001; UNICEF, 2002).

Children are introduced to work at very young ages and it is believed that through this work they are taught social values. It is also believed that the education of and helping to raise a child is the responsibility of the extended family. It is not uncommon for children to grow up in the family of relatives, or third persons, if these persons are living in better circumstances and can thus provide the child with better educational and work opportunities (Veil 1998; Verbeet, 2000). The voluntary placement of children (which may lead to their trafficking) is driven in part by poverty, in part by the desire to provide a better life for their children (Verbeet, 2000).

Another push factor is the devastation brought by AIDS. Children who have been orphaned by the death of a parent/ parents from AIDS are at risk of being trafficked. Even in instances where one or both parents is still living, a child may be forced to care for or support a sick parent and/or the other children or may be pressured to leave a village due to the stigma attached of having a family member with AIDS. All these factors place children at high risk (Human Rights Watch, 2003) of falling victims to trafficking and exploitation.

“Salah (2001) blames other factors such as ignorance on the part of families and children of the risks involved in trafficking; the high demand for cheap and submissive child labour in the informal economic sector; the desire of youth for emancipation through migration; and institutional lapses such as inadequate political commitment, non-existent national legislation against child trafficking, and the absence of a judicial framework allowing for the perpetrators and accomplices of trafficking to be held responsible and punished for their acts” (Aronowitz and Peruffo, 2004; 401).

²¹ Cited in Okojie (2003;14).

²² Email correspondence between Anne Kielland and Human Rights Watch cited in Human Rights Watch (2003; 13). Kielland cites a report by Bazzi-Veil, “Traffic des enfants en Afrique de l’Ouest et du Centre”, World Bank.

Other push factors of trafficking in persons in the region; include porous borders, corrupt government officials, involvement of international organized crime groups or networks, limited capacity of or commitment by immigration and law enforcement officers to control trafficking at the borders, lack of adequate legislation and lack of political will or desire to enforce existing legislation or mandates.

Pull factors can be attributed to two main causes: the demand for cheap manual labour and the high demand for paid sex in destination countries. Children and women may be targeted for the trade due to their powerlessness, innocence and inability to protect themselves. Children and women are easier to manipulate and less able to claim their rights. Children can be made to work longer hours with less food, poor accommodation and no benefits allowing employers to keep costs down (ILO-IPEC, 2002).

The causes or factors contributing to the trafficking in persons in the West Africa region can be classified as ‘intermediate’ and ‘deep structural’ causes. Intermediate causes, such as the lack of job opportunities in rural areas, children’s desire for more freedom or the failure of parents to recognize the dangers to their children, can be more easily and quickly addressed than deep structural causes. Deep structural causes, such as the historically accepted practice of child placement outside of the home, regional inequalities and countries’ massive structural debt, as well as the endemic practice of those in power trying to protect their interests, require long-term approaches (Aronowitz and Peruffo, 2004). Later chapters in this report will examine some of the approaches taken by government, international organizations and NGO’s to address these intermediate and structural causes.

2.5 Migratory and Trafficking Patterns: the Case of West Africa

Trafficking patterns mirror migratory flows and (il)legal migration and trafficking are driven by the same factors. The shift is always from more economically disadvantaged countries (countries of origin) or areas to those more economically secure (destination countries). The (il)legal displacement of persons - within and across borders – affects those most susceptible to abuse - women and children. The increasing number of migrant workers from poor countries and their exploitation can be understood as a supply and demand phenomenon – “where the supply of workers available for export is a function of specific economic conditions in the poorer country, and the demand for their services is a function of economic and social processes elsewhere within the world” (Taylor and Jamieson, 1999; 5).

A number of major trafficking patterns have been identified in the West Africa region. Internal trafficking from rural areas to metropolitan areas is common in almost all countries. Internal trafficking in children occurs more frequently than trans-border trafficking.²³ The second major trafficking pattern involves trans-border trafficking flows with respect to the

²³ The internal movement of children is an almost acceptable practice throughout West Africa. There is still an atmosphere of acceptability surrounding the historical practice of child apprenticeship, known as child fosterage or "vidomegon," ("putting a child in a home"). Internal displacement and trafficking in children is met with, if not acceptance, then less outrage than the trafficking in children abroad. This may be due to the fact that stories abound of children succumbing to thirst or drowning on long and unsafe voyages to foreign countries. Children being sent to live or work in a city within their own country are subjected less frequently to these dangers. While the battle against transnational trafficking is more difficult to fight, the issue of internal trafficking may not be overlooked.

exploitation of children for (predominantly) the labour market. While this pattern of trafficking is largely intra-regional, children have been sent as far away as Europe and the Middle East. Male children are trafficked predominantly for labour on coffee or cocoa plantations or in the fishing industry, while female children are trafficked for work as market vendors or domestic servants. Children are also forced into soliciting and begging (ILO, 2001). The third trafficking pattern in West Africa, involves the trafficking in adult women for exploitation in two different sectors. The first entails trafficking for the purpose of forced domestic service; the second example involves trafficking and sexual exploitation of young women, as seen in trafficking cases involving Nigerians to destinations in Western Europe and the Middle East.

The trafficking in (young) adult women for commercial exploitation has been reported from all three countries within the region and to destinations outside of West Africa. Benin reports that their women are being trafficked to Belgium, France and Germany, while Togolese women are reportedly being trafficked to Lebanon and European countries. Nigeria has long been confronted with trafficking of young women to Europe, in particular, Italy, Spain, France and the Netherlands, and to other destinations such as Côte d'Ivoire and South Africa.²⁴

Exploitation of child labour has been the focus of trafficking studies and programmes in the region (UNICEF, 1998; 2003; ILO; Human Rights Watch, 2003). However, trafficking in young children for commercial sexual exploitation is not unknown. Government officials report limited involvement of children in the sex market (ILO, 2001), and ECPAT International (End Child Prostitution, Child Pornography, and Trafficking in Children for Sexual Purposes), in a study of 7 West African nations, reported a growing involvement of the commercial sexual exploitation of children (ECPAT, 2001) in the region. The U.S. Department of State's 2003 Trafficking in Persons Report has supported this shift in trends.²⁵ It should be noted that while the commercial sexual exploitation of children in the region may be limited, even those in forced labour situations are often sexually exploited or abused by their employers.

All three research teams report both internal and trans-border trafficking. The following trafficking patterns were noted in the countries under study:

Benin notes that internal trafficking in children occurs. The research team reports that young women trafficked from rural areas to larger cities such as Cotonou, Porto-Novo, Parakou and Bohicon are forced into sexual exploitation (Fanou-Ako, 2004). Beninese children are trafficked to Nigeria, Ghana, Gabon, Côte d'Ivoire, Cameroon and Guinea. They are lured with promises of employment and then forced into domestic, commercial and agricultural labour (U.S. State Department, 2004). It also serves as a destination country for children trafficked into labour exploitation from Niger, Togo and Burkina Faso. Adult women trafficked from Niger, Nigeria and Togo are forced into prostitution in Benin, while Beninese women are trafficked to Belgium, France and Germany (Fanou-Ako, 2004).

Nigeria is an origin, transit and destination country. About 83% of child victims trafficked for domestic service are recruited from the Nigerian State of Akwa Ibom; other child victims come from Cross Rivers, Rivers, Ebonyi, Kano and Kaduna states. Foreign children trafficked

²⁴ U.S. Department of State, Trafficking in Persons Report, 2004.

²⁵ Ibid.

to Nigeria come mainly from Benin and Togo (an estimated 96%, with 90% of that figure coming from Benin alone), Côte d'Ivoire and Niger (Okojie, 2004).

With respect to women trafficked for commercial sexual exploitation to Europe, an estimated 94% are from Edo State in Nigeria while the remaining are from Delta, Kano and Borno States. Nigerian women have been forced into commercial sexual exploitation in Italy, Spain, France, the Netherlands, Côte d'Ivoire and South Africa (U.S. State Department, 2004, Okojie, 2004). Foreign women are reported to have been trafficked to Nigeria from as far away as Moldova, Belarus, Ukraine and the Philippines (Okojie, 2004). During the Hajj, young Nigerian children and older Nigerian women²⁶ travel to Saudi Arabia. Over the past two years, thousands who have made the journey from the northern states have been repatriated to Nigeria.²⁷ They have been forced into street begging, domestic service and prostitution.

Togo is an origin country for children trafficked to Nigeria and Gabon for forced domestic labour and prostitution, while Ghanaian children are trafficked to Togo into forced domestic servitude. Adult Togolese women have been reportedly trafficked to Lebanon and European countries for sexual exploitation. The regions most affected by internal child trafficking are the Maritime region (Departments of Yoto, Afangna and Lacs), the Central region (which includes the Departments of Tchaoudjo, Tchamba, Assoli and Sotouboua), the West region (which includes the Departments of Wawa, East Mono) and the region of Kara (which includes the Departments of Bassar and Assolie) to the cities of Lomé, Kara, Atakpamé and Sokodé. With respect to trans-border trafficking, girls and young women are trafficked from the Northern region (Kabou, Bafilo and Sokodé) to Burkina Faso, Côte d'Ivoire and Niger. Young boys are trafficked from Agodjolo (prefecture of Ogou) and Alédjo (prefecture of Assoli) to Nigeria, Gabon and Côte d'Ivoire (Amenyedzi, 2004).

2.6 Trafficking Routes²⁸

Studies have indicated clearly defined trafficking routes involving Benin, Burkina Faso, Cameroon, Gabon, Ghana, Guinea, and Côte d'Ivoire, Mali, Niger, Nigeria and Togo. In cross-border trafficking, Benin, Ghana, Nigeria and Togo are the main countries of origin from which child domestic labour is exported to the main urban centres of countries such as Congo, Equatorial Guinea, Côte d'Ivoire, Gabon and Nigeria (UNICEF, 1998). In spite of these patterns, it is not uncommon for a country to supply and receive children, while also serving as a transit country.

There is some indication of a link between sending and receiving countries. These links are influenced by a number of factors, such as the ease in crossing borders (Kelly and Regan, 2000), the traffickers' use of the local customs, key locations or weaknesses in border or migration control (IOM, 2000), or expatriate populations in the country of destination. Other determining factors are the historical/colonial links between countries or the presence and tolerance of an extensive sex industry (Kelly and Regan, 2000).²⁹

²⁶ Okojie (2004) reports that many of these women are widowers or divorcees unlike the younger, single women trafficked from the southern states into prostitution in Europe.

²⁷ This information was provided to both the research team as well as the author of this report during a visit to the Kano Immigration Service Anti-Trafficking Unit in March 2004.

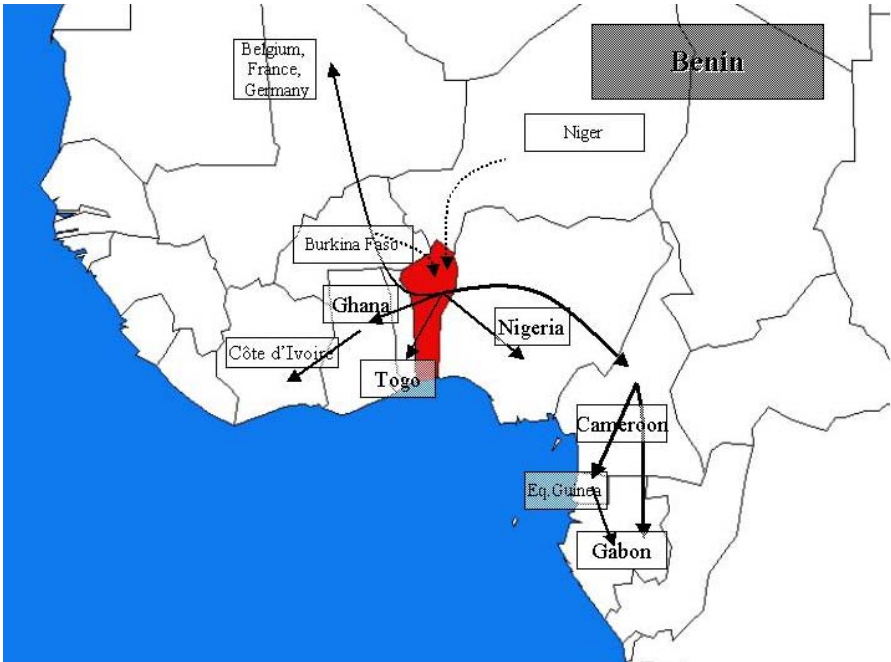
²⁸ Country maps can be found in Appendix 3 of this report.

²⁹ Some of the above-mentioned criteria explain the extensive illegal trade in Beninese children to the western States of Ogun, Oyo and Oson in Nigeria. A common language and tribal history (the Yoruba tribe can be found

The research teams identified specific trafficking routes during their interviews with victims, enforcement experts and analysis of case files. The maps presented below also include known trafficking routes identified in other recent sources mentioned in section 2.5 of this report.

2.6.1 Benin

A number of main trafficking routes were identified in Benin with respect to regional trafficking patterns (Fanou-Ako, 2004). Children may be trafficked to either Togo or Nigeria and on to further destinations. When the final destination is Gabon, the children may be trafficked through Nigeria directly to Gabon, or possibly through Cameroon before reaching Gabon. Another route is known to be used to traffic children through Niger to Equatorial Guinea and Gabon. Trafficking routes in and out of the country can be seen in the map below.³⁰



on both sides of the Nigeria – Benin border), the long, unguarded border and the rural setting of these states facilitate the trafficking in children into quarry mines. Child trafficking in the region gained international attention with the discovery and rescue of more than 200 Beninese children forced into slavery in seven granite mines in the western Nigerian States of Ogun, Oyo and Osun, in the fall of 2003 (Olukoya, 2003, UNICEF, 2003a). The children (all male) rescued from the quarry were between the ages of 4 and 17. The children were forced to work under slave-like conditions, were often beaten and were refused food.

³⁰ A broken line designates trafficking routes into the country. A solid line designates trafficking routes out of the country. Some countries are both transit and destination countries. If this is the case, an arrowhead will appear in the country and the arrow will continue on to another country. For example, victims are trafficking out of Benin both to and through Nigeria. They are moved to Cameroon, which serves as a destination country for some victims, while others continue their journey through Cameroon on to Equatorial Guinea (destination for some and transit for others) to Gabon, or directly to Gabon. The use of solid and broken arrows to indicate trafficking routes in and out of the country applies to the maps for Nigeria and Togo as well.

2.6.2 Nigeria

Four trafficking routes were identified from northern Nigeria:³¹ Those leaving from Kebi or Sokoto travel to the Republic of Benin on to Niger, Ghana, Senegal and from there on the destinations of Libya, Algeria or Morocco. These are transit countries for the destinations in the Middle East or Europe.

The Zindel (Katsina State) and Megatel (Jigawa State) exits are used to trafficking persons through Niger to Mali, Burkina Faso, to Libya and on to Europe or the Middle East.

From Yobe and Borno States, persons travel by road to Chad, Sudan and onwards. Mayo, Sudan is known as the Nigerian traffickers' transit camp. Persons may wait for days to weeks to procure travel documents to take them to Europe or the Middle East.

The fourth transit route takes persons from Adamawa and Taraba States (these two states have the most porous borders) through Cameroon on to Gabon. This route is used predominantly to traffic women and young children out of Nigeria.

Through the southern axis, persons are trafficked from Imo, Cross River and Akwa Ibom States to Gabon, Equatorial Guinea and Cameroon for cheap labour.

There is the "Hajj by land" route starting from Maiduguri (Borno State in Nigeria) through Gambaru, a border town in the state, through Gala to N'djamena through Sudan to Saudi Arabia. This particular route takes months to traverse because Sudan has stricter immigration laws than Nigeria (Okojie, 2004).

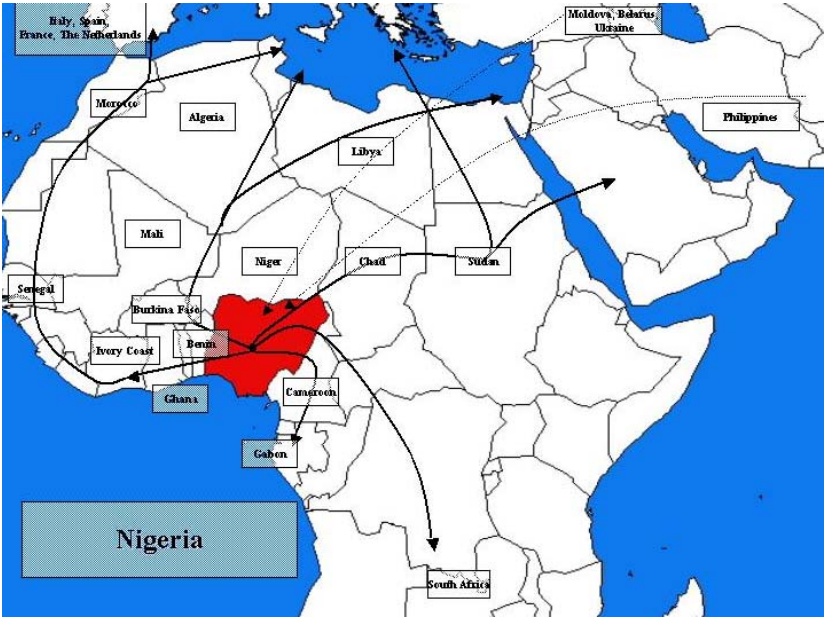
The research team, during the course of their study, identified other routes. The victims trafficked abroad from Nigeria are transported through the land borders in Lagos, Ogun, Akwa Ibom, Cross River, Borno and Yobe States into the West African sub-region. The traffickers and victims travel by road across the land borders in the West African countries such as Benin, Togo, Ghana, Mali, Niger, Guinea and Côte d'Ivoire. Routes take victims into the Northern African countries of Morocco, Algeria or Libya. Victims may be flown out from any of these African countries directly into any of the European (Schengen³²) countries.³³ If not, the victims cross by sea from Morocco into Spain and travel either by train or air to France or Italy. The crossing from Algeria or Libya is usually by air to Europe or to Morocco and from there by sea. The Nigerian Platform Netherlands reports that women are sent to African countries such as Senegal, South Africa, Ghana, Gambia and Côte d'Ivoire to "learn the trade of prostitution" before being sent on to Europe (Nigeriaans Platform Nederland, 2001). The victims are forced into prostitution to support themselves and their traffickers while awaiting documents or travel arrangements to European countries or other destinations.

³¹ This information was provided to the author during a meeting with the head of the Anti-Human Trafficking Unit of the Kano Immigration Service in March 2004 (Aronowitz, 2004).

³² The Schengen Agreement was signed in 1985 in the village of Schengen, Luxembourg. Its purpose is to remove all controls at internal land, sea and airport frontiers in the 15 Schengen countries. Schengen countries are: Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Italy, Greece, Luxembourg, Netherlands, Norway, Portugal, Spain and Sweden. All these countries except Norway and Iceland are European Union members

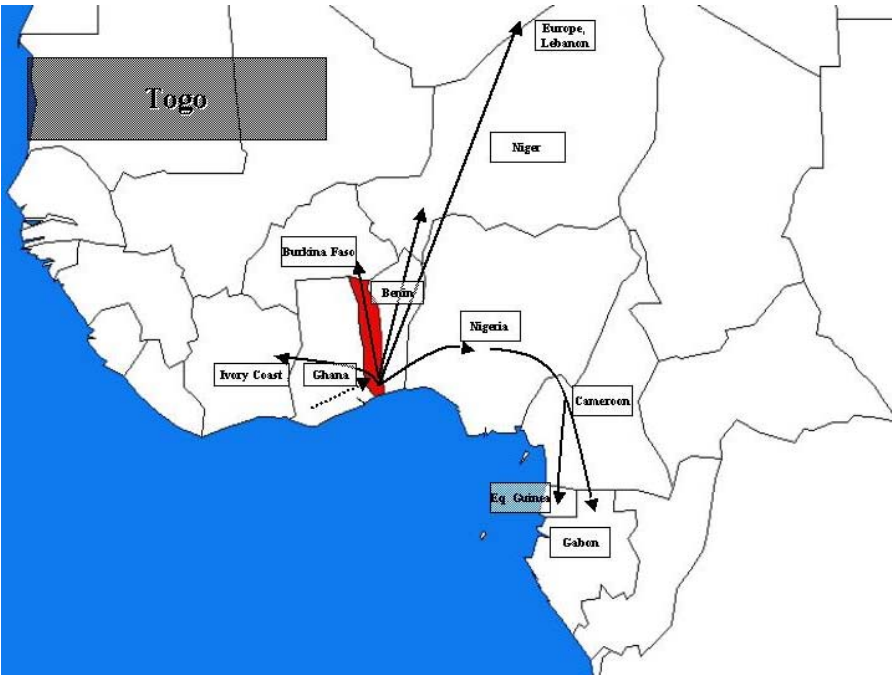
³³ This is often dependent upon whether the traffickers are able to procure fraudulent documents to facilitate movement.

Those trafficked *into* Nigeria come in through the States of Lagos, Ogun, Akwa Ibom, Cross River, Kano and Borno.



2.6.3 Togo

No specific information was provided on trafficking routes. When children are displaced internally they are taken to Lomé, Atakpamé and Kara in the North of the country. When children are trafficked abroad, they are mainly transported to Gabon, Nigeria, Equatorial Guinea and Côte d'Ivoire, with some transiting through Benin and Ghana.



The trafficking patterns throughout the West African region have been known to change based upon such influences as law enforcement patrol and investigation, scrutiny at the Embassies of Western European countries, the ability to bribe border guards or the presence or absence of safe houses. Border crossings, modes of transportation, the use of fraudulent documents or the lack thereof have been known to change. Whereas years ago it was easier to obtain visas to enter Western European countries, this is no longer the case and the Nigerian study indicates that victims are being transported more frequently by land. This fact indicates the fluid and ever-changing nature of traffickers and their illicit operations.

2.7 Measuring the Problem

Accurate statistics on the number of children trafficked in the West Africa region do not exist. The figure of 200,000 is often cited as a UNICEF estimate for child trafficking in West and Central Africa (Human Rights Watch, 2003). UNICEF reports that the number of countries reporting trafficking in children is twice the number of countries reporting trafficking in women (2003). Furthermore, trafficking is recognized as a problem in more than 70% of the countries in Central and West Africa. In a study of child labour in Benin, the World Bank and the Beninese NGO CEO (Ouensavi and Kielland, 2001) found that in April 2000, 49,000 rural Beninese children between six and 16 years old were working abroad; an unknown percentage of these are victims of trafficking.

The true magnitude of the trafficking problem is difficult to gauge. In part this is due to varying definitions used as well as to other factors such as the accepted practice of the placement of children with relatives or other families both within and outside the country, and the hidden economies in which the children work. Other reasons for the lack of accurate data include a lack of anti-trafficking legislation in many countries, the reluctance of victims or their parents to report their experiences to the authorities and the slowness of government agencies to respond to the problem. Statistics may be generated by NGOs, governmental and international organizations, law enforcement and immigration (statistics on interceptions) and NGOs and Embassies (statistics on repatriations). Rarely are these data sources linked and where statistics are even collected, they often include estimates and portray only the tip of the iceberg.³⁴

While immigration statistics often include those who have been deported and/or repatriated and thus include illegal migrants and traffickers/criminals as well as trafficked victims (and thus may be inflated), NGO statistics often report only those who seek help and thus under-represent the true nature of the problem.

Table 2.1 exemplifies the problem of using repatriation statistics as an indication of “trafficked victims”. Clearly, hidden within these statistics, are victims of trafficking, but their true number is anyone’s guess. In this sense, the data inflate the number of (potential) victims of trafficking. On the other hand, the data fail to include the repatriation of children from certain countries that appear in another source. The Nigerian government reported to the U.S. State Department (2004) that in 2003, 29 Nigerian children were repatriated from Gabon, while in the same year, other children were repatriated to Akwa Ibom State from Cameroon.

³⁴ Five hundred and thirty-five (535) trafficked women were returned to Ghana between 1999 and 2000. The Ghana Immigration Service, however, estimates that between 1998 and 2000; 3,582 women were trafficked (IOM, 2001).

As can be seen in the following table, Gabon and Cameroon do not appear in the list of countries, which have repatriated Nigerian citizens. It is unclear why the Nigerian government reports these statistics to the U.S. Department of State, yet these same statistics do not appear in the government statistics of the Nigeria Immigration Service.

Table 2.1 Number of repatriated persons to Nigeria in 2001 - 2004

Country from which repatriated	Male	Female	Children	Total
Europe				
Italy	4	800		804
Spain		327		327
Netherlands	107	174		281
Ireland		6		6
Germany		2		2
Switzerland		2		2
Total Europe				1422
Africa				
Côte d'Ivoire	6			6
Republic of Benin	150	154		304
South Africa	13			13
Libya	13,150			13,150
Niger		6		6
Total Africa				13,479
USA				
USA	40	14		54
Total USA				54
Other				
Saudi Arabia	6486	7260	281	14,027
Turkey	13			13
Thailand	237	55		292
Total Other				14,332
TOTAL	20,206	8,800	281	29,287

Source: Nigeria Immigration Service, Anti-Human Trafficking Unit, Abuja, "Record of Deportations 2001 – 2004"

Perhaps a more valid indicator of trafficking can be found in statistics of children stopped (often in groups) at a national border, or those who have been rescued and repatriated. The Togo research team reported 163 children stopped at the Togo border while 22 were repatriated in 2002. These figures more than doubled the following year when 308 children were stopped at the border and 44 were repatriated (Amenyedzi, 2004). The rescue and repatriation of more than 200 Beninese children from rock quarries in the western states of Nigeria in the fall of 2003 is also a valid indicator of trafficked victims, but provides information only on those who were identified and rescued. There remains a huge dark figure concerning trafficked victims.

With respect to statistics underreporting the phenomenon of human trafficking, the Dutch National Rapporteur Against Trafficking in Human Beings estimates that only 5% of victims

report their victimization. Between 1995 and 2001, 306 women from Africa (the majority are Nigerians, and in fewer numbers from Malawi and Sierra Leone), have sought the help of (and were registered by) the NGO “Foundation Against Trafficking” (*Stichting Tegen Vrouwenhandel*) in the Netherlands (National Rapporteur Mensenhandel, 2002, 2003). If the Dutch National Rapporteur Against Trafficking in Human Beings is correct, and only 5% of victims report their victimization, the number of African victims over this period would amount to 6,120 (Aronowitz, 2004).

2.8 Summary and Conclusions

Numerous organizations have documented and studied the phenomenon of child trafficking within the West Africa region as well as the trafficking in girls and (young) women for the purpose of commercial sexual exploitation to destinations in Europe. The dimension of the problem is difficult to assess due to a lack of accurate statistics. Reports of increases in the phenomenon could be due to actual increases or to a more focused awareness of the problem. Enough studies, however, have been conducted to provide data on socio-demographic indicators of victims, high areas of recruitment, known border crossings, modes of transportation and the sectors in which victims are exploited. NGOs, international organizations and Departments within Ministries, which have worked with repatriated victims, have documented physical, medical and psychological problems associated with the trafficking experience. Organizations, both governmental and non-governmental, have begun addressing the needs of victims and those at risk.

The remainder of this report will examine what is known about trafficking based upon the country studies and what is being done in Benin, Nigeria and Togo to address the problem. The following chapter examines the methodology employed by the research team and looks at the samples. Special attention will be focused on the victims interviewed in the research or identified in the analysis of government agency (police, immigration or prosecution) case files.

Chapter 3 Research Instruments, Methodology and Samples

3.1 Research Instruments

In order to make a comparison between countries, an attempt was made to introduce standard research tools for the purpose of conducting interviews with government and NGO experts as well as victims. A total of 13 instruments were designed. The Nigerian team made use of the English language survey instruments while the instruments were translated into French for the Togo and Benin teams. Ten of these were questionnaires while the remaining three instruments were guidelines for the collection of data on projects and statistics. There was a large degree of overlap in the content of the instruments, in particular for police, immigration, prosecution, judicial experts and Interpol. The content of the survey instruments is described in more detail below.

(1) Questions for (National) Law Enforcement Personnel, (2) Questions for Immigration Personnel, (3) Questions for Prosecution Department Personnel, (4) Questions for INTERPOL Personnel, (5) Questions for Magistrates and Judges

The survey instruments varied from 33 to 48 open-ended questions. They addressed the following topics: agency involvement and operations, awareness, definitions and criteria, processing trafficking cases and cooperation with other agencies, international cooperation, and challenges and recommendations for best practices.

(6) Questions for Embassy Personnel

Research teams were asked to target Embassies of sending, transit and destination countries to measure the degree of cooperation with their own government. This 24-item open-ended questionnaire examined Embassy operations, processing trafficking cases and cooperation with other agencies / countries and challenges and recommendations for best practices.

(7) Survey Instrument for Government Departments and Ministries

This 38-item questionnaire was designed to determine which ministries were involved in providing which services to victims (prevention and repatriation assistance), the degree of coordination between government departments and NGOs and challenges and recommendations for best practices.

(8) The NGO Experience

This 44-item instrument posed questions to the NGOs concerning their services with respect to prevention and assistance to repatriated victims, the degree of coordination with government agencies and challenges and recommendations for best practices.

(9 & 10) Victim Survey Child Victims & Victim Survey Adult Victims

The adult victim survey was the same used in the United Nations GPAT pilot project Coalitions Against Trafficking in Human Beings in the Philippines – Phase 1. This closed-ended questionnaire contained 78 closed-ended questions and sought information on demographic variables of the victim, recruitment practices, deception, exploitation, and experiences with the government and NGOs and reporting practices. The child victim questionnaire contained a guideline of topics for researchers to follow. The research teams were asked to allow the children to tell their stories and to obtain as much information as possible following the guidelines.

(11) Statistics from Government Agencies

Researchers were asked to obtain statistics from government agencies on victims, offenders, criminal justice system responses and budget issues.

(12) Topics for Case File Analysis³⁵

Researchers were asked to analyse case files and provide, where available, information on victims (their experiences with recruitment and exploitation), offenders (demographic variables and their role within the organization), criminal organizations (nature, practice and modus operandi), contacts with the licit and illicit environment, routes taken, costs and proceeds of the criminal activity and case data.

(13) Survey relating to Prevention Projects and Services to Trafficked Victims

Research teams were asked to gather information on projects being implemented in the country with a focus on the following aspects: organization subsidizing the project; geographical coverage / villages/ cities / areas of the country in which these programmes are offered / have been implemented; type of project, strategy and major activities (prevention, - through media, schools, educational or job training projects, shelters, victims services such as counselling, repatriation and reintegration services, police and judicial training, etc.); recipient of project: potential victims, repatriated victims, parents, community at large, etc.; length of time the project was offered and whether or not follow-up activities have been implemented (is there sustainability?); known results (number of courses taught, number of children repatriated; number of children/women offered jobs in their community; etc.).

³⁵ The checklist is a modified version of the checklist originally developed by the Research and Documentation Centre (WODC) of the Dutch Ministry of Justice to analyse justice case files for the Organized Crime Monitor. This checklist was adapted from one that was developed by members of a parliamentary inquiry commission in the Netherlands to examine the role of police investigative methods and organized crime (the Van Traa Commission). For more information see Kleemans, et. al. (1998). This checklist is being used in an EU-funded “Falcone” project on organized crime and is set to become the standard instrument for analyzing police and prosecution case files of organized crime involving offences such as drug and arms trafficking, human smuggling and trafficking.

3.2 Survey Methodology

3.2.1 Selection of Research Teams

During a mission to Benin, Nigeria and Togo prior to the implementation of the project, UN staff members and the research consultant from UNODC met with a number of representatives from universities, NGOs and private research organizations. Project proposals and curriculum vitae were solicited from interested parties. Based upon knowledge of the field of trafficking, prior experience and publications and their proposal and budget, the research teams were selected. In Benin, the NGO *Enfants Solidaires d'Afrique et du Monde* (ESAM), with prior research experience and an extensive network with government agencies and NGOs, was selected to carry out the research. Academic researchers and consultants supported ESAM. The Nigeria team, members of the faculty of Economics and Statistics and of Law (University of Benin, Benin City) had previous experience in conducting research on trafficking in human beings in Nigeria for the United Nations Interregional Crime and Justice Research Institute. In Togo, the research team from the Department of Anthropology and African Studies, University of Lomé, was selected to conduct research in their country. All three research teams were required to hire members or consultants with legal, social science and research expertise.

3.2.2 The Training Seminar

Prior to the conduct of the research, UNODC organized a two-day training session in each country. The purpose of the training seminar was to allow the research team and UNODC to meet and discuss the project and its broader perspectives, the research instruments, methodology, and discuss their target populations. Work progressed on the survey instruments and the research teams made presentations on the trafficking situation and what measures were being used to address the problem in their countries. The first morning of the training seminar was used to invite stakeholders – from government, police, immigration, prosecution, NGOs and intergovernmental organizations - to the presentation in order to introduce the research and technical assistance components of the project, to solicit their support and facilitate the research team's entry into various governmental departments and other organizations. During the remainder of the meetings, members of the survey team met with the UNODC research consultant, the National Project Officer, and a representative of the UNODC Nigeria office.

3.2.3 Data Collection and Time Frame

The training seminars were held in November 2003. Research teams were required to conduct a desk review based on current literature in their countries. These mid-term reports were submitted in March 2004. Parallel to this, the research teams began data collection (individual interviews of victims, government and NGO/IGO and Embassy personnel) for the final report. Preliminary reports were submitted in July 2004 and completed in September and October 2004.

3.3. Difficulties in Obtaining Data on Trafficking in Human Beings

Quality data are scarce in the field of human trafficking. The data that exist are problematic and range from estimates of those trafficked to the number of persons repatriated. This last figure may include smuggled persons and illegal migrants as well as trafficked victims. Other reasons for the lack of accurate data are numerous. First and foremost is the fact that victims, particularly adult victims trafficked for sexual exploitation, rarely report their victimization, nor do they want to grant interviews to researchers. This may be out of fear of reprisal, guilt or shame. Data generated on samples of victims tend to remain limited: samples are often small or studies are anecdotal. The problem is further compounded by lack of anti-human trafficking legislation, as there can be no accurate government registration of a phenomenon, which legally does not exist. Where countries may use penal, labour or immigration codes to punish trafficking-related offences, there is a danger that the offences will be recorded under the various codes thus masking the true size of the problem. Most countries lack a national institution or central registry to collect and compile trafficking data. Government officials often lack expertise and where this does exist, officials are often rotated out of special Anti-Human Trafficking Units before others can be properly trained.³⁶ In many countries there is no “trafficking focal point” within government agencies tasked with data collection, investigation or prosecution. Where these experts exist, researchers are dependent upon their ability to secure an interview or to examine case files. Case files may be missing relevant data (age, gender or number of victims or offenders) and police files do not always contain a case disposition.

3.4 Experiences and Problems Encountered in Data Collection by the Research Teams

During the collection of data, the research teams experienced a number of problems. Primary among these in all countries was the lack of reliable data. There are no central governmental databases for the collection of statistics on trafficking. Researchers had to rely upon data generated by agencies in various “departments” or states. The data report isolated cases and are not collected and registered on a regular basis.

Restricted budget and time constraints limited the amount of work that the research teams were able to conduct. The research team, in Nigeria, in particular was forced to sample a number of states in which to conduct their research. The limited amount of time (one week in each state) meant that missed interviews were difficult to reschedule and researchers were unable to obtain important material. Repeated requests and reminders on the part of the research team to have documents sent to them did little to elicit response and cooperation.

Research teams in two countries reported that the police and gendarmerie (Benin) and certain criminal justice personnel (Nigeria) refused to answer specific questions contained in the survey, while the Nigerian team experienced open hostility on the part of certain criminal justice personnel in some states and non-response of Embassies to the surveys.

³⁶ This is the case in Nigeria and was reported to the author of this study during an assessment of trafficking in Nigeria in March 2004 (Aronowitz, 2004).

A problem encountered in many studies involving trafficked victims is the unwillingness of victims (or the parents of child victims) to talk with the researchers.³⁷ In the case of Nigeria, this reluctance extended as well to community leaders. The Nigerian research team reported that some of the community leaders in two states were said to be hostile to visitors making inquiries that may ruin their lucrative business.³⁸

A particular problem encountered by the Nigerian team was the religious crisis and subsequent instability in Kano State and other parts of northern Nigeria which slowed down the pace of work as the visit to that part of the country had to be put on hold until the situation became stable.

3.5 Quality of Data

The individual research teams faced a number of problems in obtaining the data. The level and quality of data differs between country reports. While the Nigerian research team used the survey instruments to generate quantitative data, the Benin and Togo teams used the survey instruments more as a guideline for interviews. Information provided in their country reports is of a more descriptive nature.

In spite of the fact that the victim surveys were quite detailed, the research teams provided varying degrees of information. The Benin data was limited to general demographic information on gender, age and area of the country in which victims lived. The Nigeria and Togo teams provided more information in their country reports. All three research teams were able to provide more detailed data on offenders and victims from case files. All three research teams also provided in-depth descriptions of government agencies and organizations active in the fight against human trafficking in their respective countries.

The validity of the data cannot be verified as all subjects interviewed spoke under the guarantee of anonymity. It is hoped that their opinions of the nature of trafficking in their countries and the government and NGO response thereto reflects an accurate assessment of the situation at this time and in their respective environments.

3.6 Samples

In Benin, Nigeria and Togo research teams were required to conduct interviews with government and criminal justice officials, NGOs, intergovernmental organizations (IGOs) and victims. Additionally, they were asked to analyse police, prosecution and court files relating to trafficking cases. The samples for each country will be presented in this section. An overview of the total sample will be presented following the section on each individual country.

³⁷ This reluctance is due to a number of factors, including fear of reprisal from the traffickers, shame over their involvement in prostitution, or their own complicity (particularly on the part of parents) in handing their child to traffickers. In some instances this reservation to discuss the trafficking has to do with the victim's intention to return to the country from which he or she was deported or the parents' intention to place the same child or another child with traffickers.

³⁸ By contrast, community leaders aided the Benin research team, village chiefs, local authorities and sometimes officers from rural police brigades who helped identify and facilitated contact with the victims.

3.6.1 Benin

The Beninese research team interviewed a total of 94 persons from governmental agencies or departments including representatives from police commissariats, the Gendarmerie or national police, prosecution department, judges and magistrates, and representatives from Embassies and Ministries, which provide technical services in the field of human trafficking.

In total, 182 children (102 female and 80 male children) and 102 adult victims (65 women and 37 men) were interviewed from the following regions: Atlantique-Littoral (n=86), Mono-Couffo (n=56), Ouémé-Plateau (n=16), Zou-Collines (n=56), Atacora-Donga (n=34), Borgou-Alibori (n=36).

In addition to the victims, the research team analysed a total of 13 case files. Table 3.1 represents the Benin sample by agency and number of persons interviewed. Table 3.2 provides information on the sample of those interviewed by geographical distribution and age (child/adult) distribution of the Benin sample.

Table 3.1 Interviews Conducted in Benin by Position of Person Interviewed and Institution

Institution	Department/ Services Concerned Rank / Position of Person Interviewed	Number of Persons Interviewed
Gendarmerie / Police		32
Immigration		10
INTERPOL		4
Prosecutors		4
Magistrates		16
Ministries	Ministry of Interior (Brigade for the Protection of Minors), Ministry of Justice (DPJEJ) and the Ministry of Family Affairs (DFEA), Ministry of Defence (Gendarmerie)	16
Government Departments		6
NGOs / IGOs ³⁹		22
Embassies	Niger, France, Denmark, Nigeria and the United States	5
Subtotal interviewees		115
Child Victims		182
Adult Victims		102
Total interviewed		399
Case Files		13

³⁹ The Directors of the following NGOs were interviewed: Bureau International Catholique de l'Enfance (BICE), WAO-Afrique, AHUEFA, CARE-International, Terre des Hommes. Representatives from other NGOs were also interviewed along with personnel from UNICEF, UNDP, ILO/IPEC, SCTIP, BCAT/UE.

Table 3.2 Benin Sample of those interviewed by Region

Region	Children	Adults	Government Agency
Atacora/Donga	26	8	6
Atlantique /Littoral	50	36	10
Ouémé/Plateau	14	2	18
Mono/Couffo	40	16	26
Borgou-Alibori	20	16	10
Zou/Collines	32	24	24
TOTAL	182	102	94

3.6.2 Nigeria

The Nigerian research team conducted interviews with children (19) and adult (11) victims in six states. (States were selected based upon their status as origin and/or transit states.)⁴⁰ Additionally, interviews were held with experts in other states in which victims were not interviewed. The Nigerian study focuses on trafficking in nine states.⁴¹ The research team also interviewed a number of government and criminal justice experts and analysed 15 case files. Questionnaires for government departments and ministries were distributed to relevant officers in the Ministry of Women Affairs, Ministry of Information, Youth and Sports. In some states, the Child Department of the Ministry of Women’s Affairs responded to the questionnaire. Questionnaires for law enforcement personnel were administered to police officers in the Anti-Human Trafficking Units in the police commands in the different states. Legal officers in the Ministry of Justice and the office of the Director of Public Prosecutions answered the questionnaires for prosecution officers.

Table 3.3 provides information on the entire sample of those interviewed, while table 3.4 provides information on the victims and the states in which they were interviewed.

⁴⁰ Origin states are those, which supplied trafficked victims, while transit states are states through which victims are trafficked outside the country. Some states are both origin and transit states.

⁴¹ **Kano State** has an international airport through which victims are trafficked to the Middle East. **Borno State** was chosen in preference to Sokoto State, as there have been more reports of border arrests of traffickers and victims at the Borno State border. Victims are trafficked through the Sahara Desert. **Cross River State** was selected, as it is one of the major origin states for child victims of trafficking, along with **Akwa Ibom State**. **Abuja** (Federal Capital Territory) was chosen, as it is the national capital and the headquarters of several government agencies and Embassies. **Lagos** and **Ogun States** were selected because two border towns – Idiroko and Seme – through which victims are smuggled in and out of Nigeria are located in those states. Ogun State is also a destination state for children trafficked into the State from Benin Republic. Lagos State is the seat of commands of the Immigration Service, Interpol and police. **Edo State** was selected as a major origin state for adult victims trafficked to Europe, especially to Italy. **Delta State** was included because an earlier study indicated that some adult victims originate from this state.

Table 3.3 Interviews Conducted in Nigeria by Position of Person Interviewed and Institution

Category	Department/ Services Concerned Rank / Position of Person Interviewed	Number of interviews
Law Enforcement Personnel		8
Immigration Personnel		21
Interpol		1
Prosecution Department		7
Magistrates and Judges		8
Government Departments and Ministries	Ministry of Women's Affairs (6), Child/Youth Development Departments of Ministries of Women Affairs and Ministries of Information Youth and Sports (4), Office of the Special Adviser to the President on Human Trafficking in the Federal Ministry of Justice	17
Embassies	Embassies of Italy and France	2
NGOs/IGOs ⁴²		19
Adult Victims		11
Child Victims		19
Total interviewed		113
Case files		15

Table 3.4 Nigeria Victims by State and Age (Child/Adult)

State	Children		Adults
	Female	Male	
Kano	8		2
Borno			
Cross River			1 (male)
Akwa Ibom	4	3	2
Abuja	3		
Lagos			
Ogun	1		
Delta			
Edo			6
Total		19	11

⁴² NGOs and IGOs responding to the interview were: Save the Children, Royal Pearl's Foundation International, Inc., National Council of Women's Societies (NCWS), Idia Renaissance, Girls Power Initiative (GPI), IRRAG, African Women's Empowerment Guild (AWEG), Women's Consortium of Nigeria (WOCON), Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), Global Rights Partners for Justice (GRPJ), International Programme on the Elimination of Child Labour of the International Labour Organization (ILO-IPEC), Gender and Development Action (GADA) Centre for Training and Development Activities (CETDA), The International Association of Criminal Justice Practitioners (IACJP), Adolescent Health and Information Project (AHIP). A number of the branch organizations were interviewed in different states.

3.6.3 Togo

The research team in Togo interviewed a total of 72 persons from law enforcement, immigration, prosecutors and magistrates, Interpol, government ministries, Embassies and NGOs/IGOs. Additionally, 15 child and 15 adult victims were interviewed, while ten case files were analysed. Table 3.5 provides more detailed information on the samples.

Table 3.5 Interviews Conducted in Togo by Position of Person Interviewed and Institution

Categories	Department/ Services Rank / Position of Person Interviewed	Number of persons interviewed
Law enforcement personnel*		
Immigration		4
Customs		2
Gendarmerie		2
Interpol		2
Prosecution	Appellate court, Lomé, tribunal Lomé, prosecutor from Aného (Lac Préfecture), examining magistrate, from Sokode (Central region).	4
Magistrates and judges		8
Ministries Justice Foreign Affairs Social Affairs	Ministry of Justice (Director of the Cabinet) Ministry of Foreign Affairs (Direction of Social Services) Ministry of Social Affairs (Direction for the Promotion and the Protection of the Family and Child and the Director General of Family Planning)	4
Government personnel	Department for Population Planning	2
Embassies	United States France (Chief of the delegation of SCTIP) Nigeria (2 counsellors) Gabon (2 counsellors)	6
NGOs	Bureau International Catholique de l'Enfance (BICE) Lomé, WAO-Afrique, AHUEFA, CARE-International Plan-Togo, Terre des Hommes, IPEC/BIT, UNICEF	8
Adult Victims	Central and Savannah regions	15
Child Victims	Maritime region	15
Total interviewed		72
Case Files		10

* As there is no anti-human trafficking law, there is no expertise or specialization in the application of the law in trafficking cases. There are no services specialized in law enforcement in the areas of trafficking and smuggling. Law enforcement personnel and magistrates use some of the texts (penal code) mentioned in the report to engage prosecution procedures, but gaps exist in the current legislation, and the lack of a legal framework makes their work difficult.

3.6.4 The total sample

In total, the research teams analysed 38 case files and interviewed 178 persons from governmental agencies (to include ministries, law enforcement, immigration, prosecutors, judges and magistrates and Interpol), 13 embassy personnel, 49 NGOs (and international

agencies / intergovernmental organizations).⁴³ The table below provides an overview of the total sample.

Table 3.6 Total Sample of those Interviewed in Benin, Nigeria and Togo by Institution

Institution	Benin	Nigeria	Togo	Number of Persons Interviewed
Police / Law Enforcement (to include Gendarmerie)	32	8	2	42
Immigration	10	21	6*	37
Interpol	4	1	2	7
Prosecutors	4	7	4	15
Magistrates and Judges	16	8	8	32
Ministries / Governmental Departments	22	17	6	45
NGOs / IGOs	22	19	8	49
Embassies	5	2	6	13
Total interviewed	115	83	42	240
Case Files	13	15	10	38

* The data for Immigration in Togo also include customs (four immigration and two customs officers were interviewed).

It was deemed appropriate to exclude the number of victims interviewed in this table for a number of reasons. The Benin research team reports to have interviewed 284 child and adult victims of trafficking. The success of the Benin research team in obtaining the agreement of victims to be interviewed was not clearly explained in their research report. Furthermore, it should be noted, that data and information provided on and by these respondents was limited and extremely general in nature and provides only background information on gender and age. Therefore, much of the information in chapter four on the nature of trafficking is provided by a much smaller sample generated through the analysis of case files. Information in chapters six through eight is provided by the sample of 240 interviewees distributed over various agencies and embassies in the three countries covered in this study.

3.7 Summary and Conclusions

The sample sizes vary dramatically. The Benin research over-inflates the sample due to the large number of victims interviewed in this study. It should be noted that the Nigerian research team conducted interviews with representatives from agencies and NGOs in high trafficking states (either as source or exit states), whereas the Togo sample focused predominantly on (high-ranking) government experts in the capital. The Togo sample, with

⁴³ Data on the number of victims interviewed (344) has been intentionally omitted from this table. The figure is misleading given the fact that the Benin sample comprises 284 victims but the researchers provided extremely limited information on victims. Information was limited only to demographic variables such as age and gender and the region from which victims came.

respect to government experts, is smaller than the sample in the other two countries.

This study claims to provide a representative sample of case files, victims and criminal justice experts. The individuals interviewed are expected to be experts in their field and should thus have a comprehensive view of the situation in their particular area, region or country. Their responses remain personal opinions, although it is hoped that they provide a representative picture of the situation or practices among particular agencies within their countries. The purpose of this research was to provide UNODC and the governments in Benin, Nigeria and Togo with descriptive data to determine the degree to which the countries involved in this study have taken measures to address the problem of human trafficking, whether these measures are adequate and where more resources may be needed.

The following chapter examines the nature of trafficking based upon information gleaned from the case files and through interviews with victims and anti-human trafficking experts.

Chapter 4 **The Nature of Trafficking in Human Beings in Benin, Nigeria and Togo**

4.1 Introduction

This chapter is based upon the information contained in the desk review conducted in the three countries as well as on research conducted on limited samples during the data collection phase for the final report. Research teams provided information presented here in their respective interim and final reports.⁴⁴ This chapter is a synthesis of information contained in the three reports discussed by theme. It will shed light on the nature of trafficking in the three countries to include the age, gender, family size and constitution, recruitment areas and practices, exploitation of victims, and characteristics of traffickers. The amount of detail provided by the researchers varied from one country report to the next. The reader will note that the sample size varies depending upon the variable (age, gender) under consideration.

4.2 The Victims

4.2.1 Age

From analysis of secondary sources empirical research, the studies indicate that the majority of children exploited in the labour market are under the age of 14.⁴⁵ However, cases involving children as young as five and six years of age have been reported (among the Beninese children rescued from Nigerian rock quarries in the fall of 2003 were children as young as five years of age). The Benin study reports that the majority of child victims interviewed were between the ages of 10 and 15.⁴⁶ Almost 80% of the sample (140 of 182 children), are under the age of 16. The majority of adult victims in the Benin sample (83%) is between the age of 18 and 36, while the remaining victims are under the age of 45. Of the 19 children interviewed by the Nigerian research team, all were under the age of 15. Two of the victims were under the age of five, while 11 others were between the ages of six and ten. Six more children were between the ages of 11 and 15. With respect to the women trafficked abroad for commercial sexual exploitation, the majority are between the ages of 17 and 30.

With respect to the Togo data, the majority of those interviewed (total n=15) were over the age of 14. Only 20 percent were between the ages of 10 to 14; 80% were between the ages of 15 and 18. The age distribution of those recorded in case files shows a similar pattern: 35% of

⁴⁴ Original citations, which were provided in the interim reports, will not be presented in this report.

⁴⁵ A study of child Beninese labourers (Ouensavi and Kielland, 2001) working abroad indicates at the time of departure the girls are approximately 11 years of age and the boys are 12 years of age, but there are fluctuations between regions. In one region, Oueme, trafficked children average as young as 9.7 years (boys) and 10.1 years (girls).

⁴⁶ The Benin research team did not provide an exact breakdown in age of the 182 child victims interviewed. They reported only that the victims were between the ages of 10 and 15, with 80% under the age of 16. Table 4.1 only provides an age distribution based on child victims described in Government case files where information on exact age was given.

the sample (of those for whom exact age is known, n=45) were below the age of 15 (children between the ages of six and ten were reported as victims in the case files).

The data collected by the research teams vary in the amount of detail. Not all information is available from all sources (interviews and government case files) therefore data and samples are not always comparable. With respect to the age of victims based on material presented in the case file analysis of Benin and Togo, and the child victim interviews held in Nigeria, the following can be reported:

Table 4.1 Age of Victims⁴⁷

Age	Benin*	Nigeria**	Togo***	Total Number
0 – 5		2	-	2
6 – 10	1	11	5	17
11 – 15	9	6	11	26
16 – 18	5	-	9	14
19 – 20	-	-	10	10
21 – 25	-	-	7	7
26 – 30	-	-	2	2
30 +	-	-	1	1
(Exact) information unavailable	18		3	21
Total Number	33	19	48	100

* Benin sample based on data gleaned from 13 case files

** Nigeria sample based on interviews with 19 child victims

*** Togo sample based on data gleaned from 10 case files

The data indicate that of the 79 children on which exact age is known, a third (33%) are between the ages of 11 and 15 (an exception to this appears to be in Nigeria where more than half of the child victims were between the ages of 6 and 10). Very young children between the ages of 6 and 10 comprise the second largest age group (21.5%), followed by the age group 16-18. The Benin research report did not provide the exact age of child victims. It is only reported that the large majority of child victims interviewed in Benin (total sample=182) are between the ages of 10 and 15. It was thus impossible to provide information on age distribution of the total sample of child victims in the table above. If we had used, in Table 4.1, the general age category (between 10 and 15 years of age) provided by Benin, the conclusion drawn would have been that children in this age range are the most at risk of being trafficked. However, if we leave this source of data aside and use the information retrieved from Benin case files in order to have a more equal sample between the three countries, data shows that younger children are also very much at risk.

4.2.2 Gender

There are conflicting data with respect to the gender of children most susceptible to trafficking, and this may be more a function of the area of the country from which the child is recruited or the industry or market into which a child is trafficked. The U.S. Department of

⁴⁷ The Togo team reports that the victims were either stopped at the border or if the child was trafficked and repatriated, the research team reported the age at the time of trafficking.

State in 2000 reported that 61% of trafficked children in Benin were boys and 39% were girls.⁴⁸ A study financed by the World Bank (Ouensavi and Kielland, 2001) reported that a clear majority of Beninese children between 6 and 16 years old working abroad were boys. The results of these studies are contradicted by other studies, which showed that female children are more frequently the victims of trafficking than male children. In a study of child trafficking between Benin and Gabon, 198 (86%) of the 229 children interviewed were female and more than 50% were under the age of 16 (ESAM, 1999).⁴⁹ As for adults, given the emphasis of trafficking and exploitation in the prostitution sector, trafficking victims are almost exclusively females.

Of the data collected by the three research teams on child victims, the overwhelming majority of victims were female. Togo reports that 69% of victims interviewed were female. In the case files of the three countries, the gender of 87 victims was known. 76 i.e. 87% were female. This data is limited to information gathered from victims who were willing to cooperate with the researchers and information provided in police and prosecution case files, but both sources seem to point to a high prevalence of females being trafficked. This information concerning gender and age by country is reported in table 4.2.

Table 4.2 Gender and age (minor⁵⁰ or adult) of victims by country

Gender	Benin*		Nigeria**		Togo***		Total
	Minor	Adult	Minor	Adult	Minor	Adult	
Male	85	37	3	1	2		128
Female	112	65	16	10	17	20*	240
Age/Gender unknown	Age and gender unavailable for 18 victims				6 (+ 3 girls – age unknown)		24

* The Benin sample includes information on gender from the 284 (182 children and 102 adults) victims interviewed and the information contained in the 13 case files.

** The Nigeria sample includes information on 30 victims interviewed.

*** The Togo sample includes information on 45 victims obtained from case files. One of the case files involved 16 Nigerian girls and young women stopped in transit through Togo. They were being trafficked to The Netherlands and Italy for work in prostitution.

If the case files are taken as the point of departure, there appears to be an even distribution between children (those under the age of 18) and adults, except in the case of Benin. It is difficult to draw a clear picture here, given the fact that information on age and/or gender is unavailable for more than half of the sample. It is also worth noting here that the case files contain information not only on nationals trafficked out of their country, but also on individuals from other countries who were stopped in transit (e.g. the case of 16 Nigerian girls and young women stopped by immigration officers in Togo). While the sample of those interviewed (Benin and Nigeria) clearly contains more children than adults, this may be

⁴⁸ U.S. Department of State, *Country Reports on Human Rights Practices – 2000*, February 2001, cited in Global March Against Child Labour – Worst Forms of Child Labour – Benin.

⁴⁹ This has been attributed to the fact that emphasis is placed on the education of male children. In families that can only afford to educate one child, it is the male child who will be sent to school while the female child is placed in a family to work.

⁵⁰ The age of 18 is being used to determine whether a person is a minor (a child is a person under the age of 18) or an adult. This definition was established by the study, rather than by the laws in Benin, Nigeria and Togo.

attributed to the fact that children are more willing than adult trafficked victims to grant interviews with the research team members.

4.2.3 Family size and constitution

Trafficked children often come from large families. The divorce or death of a parent may also force the family into extreme poverty. The Nigeria study reports that “Child victims were often from large families, of between five and 25 in number. Children from smaller families were often those with a widowed mother and her children. (Examples of this include a widow and three children, a widow and five children, two widows and seven children between them, living in their late husband’s house and two sets of women/widows with seven children each). The smallest family size was that of a widow and three children, while the largest was a man with two wives, 13 children, ten grandchildren, and one great grandchild all under the same roof” (Okojie, 2004).

Trafficked children in Togo often came from poor, agricultural backgrounds and prior to being trafficked, had little schooling. “Many of the children...were trafficked following the death of at least one parent. Others had parents who were divorced or at least one parent was living and working away from home”.⁵¹ HIV/AIDS and the resulting death of one or both parents have made many orphaned children susceptible to trafficking.

4.3 Recruitment Practices

All three studies report that recruitment promises vary from educational or training opportunities for children, to good paying jobs for both children (and payment to their parents) and adult victims. Children who are recruited without parental consent are often promised material goods such as bicycles or radios. Recruitment almost always involves deception, and victims, both children and adults, willingly depart with their traffickers. In Nigeria almost all victims left the country willingly.⁵² Togo reports that for adult victims, 62% departed with a work contract while 38% had no contract upon departure.

To fully understand how parents might be so willing or trusting in allowing their children to leave the family and village, it is perhaps necessary to understand the recruitment process, and the degree to which the family itself, is involved in the recruitment process. In a study of 400 trafficked children, 147 children (37%) were recruited by a family member⁵³. In the case of 30 other children or 8% of the sample, a friend of the family was involved in the recruitment. In the case of 190 children (48%), a person unknown to the family was involved in the recruitment. The Togo study reports that the number of children recruited by family members or friends was slightly less than the number of children who were recruited by an unknown person. In the Nigeria study, there are also cases of family members bringing the traffickers into contact with the parents of the child (7 of the 19 child victims).

⁵¹ Human Rights Watch, 2003, 1.

⁵² The Nigerian research team (Okojie, 2004) reported that one child and one adult victim were abducted (the child was abducted by a relative while the adult was abducted by an unknown person who approached her at the market with promises of a job in farming on the outskirts of the city – she was subsequently trafficked outside of the country).

⁵³ Plan International has reported in the Togo study (Amenyedzi, 2004).

A similar pattern can be found in the data presented in the Benin study. In a study involving 167 trafficked child victims discussed in the Benin interim report, 25% of the children departed their village with one or both parents, while 31% of the children departed with a friend (of the family). A smaller percentage (9%) departed alone, while 21% of the children departed with a stranger (Fanou-Ako, 2004). Clearly, over half of the children departed with someone known to them and whom they would have trusted.

A practice found in Nigeria (and more specifically in Benin City, Edo State), yet not reported in the other studies, is the use of ju-ju or voodoo practices to bind victims to their traffickers, thus preventing the victims from cooperating with the police.⁵⁴ An older woman, or ‘madam’ who facilitates the contact between the girls and the organization preparing the migration may recruit girls and women. The women enter into a contract to repay the costs of their trip. This contract varies from US\$ 35,000 to US\$ 55,000.

“When traffickers draw up a contract, they often call on a traditional priest to give approval. This is usually done at a traditional “shrine”. The priest takes something deeply personal from the girl. It might be hair from her head, some pubic hair, a nail clipping, or some underwear. This trophy is wrapped up with a flourish, and the priest leaves no doubt that it will be used to control the victim from a distance. This use of voodoo is a way of keeping the girl in bondage because it plays on her deepest superstitions.”⁵⁵

4.4 Areas of Recruitment

4.4.1 Benin

With respect to internal trafficking, children are recruited in rural areas for trafficking to urban centres (Cotonou, Porto-Novo, Bohicon and Abomey). Trafficking occurs from the northern part of the country to the south and centre of the country. There is a high prevalence of child trafficking in the zones of Zakpota, Zogbodomey and of Glazoué.

In the South, Zou, the Mono-Couffo, and the Ouémé-Plateau are high recruitment zones for the markets of Littoral. In the zone, the practice of trade in young women occurs on certain days in certain markets. Kétou (Plateau), Zakpota (Zou) in the centre of the country and Copargo (Donga) in North are also high-risk areas for trafficking.

⁵⁴ The Nigerian Platform Netherlands reports that there are cults, sects or voodoo priests (*asigbikan*) that work for traffickers and which are in close contact with the cults or sects of traffickers (*asigidi*). Within these trafficking cults women are bought, traded and sold (Nigeriaans Platform Nederland, 2001).

⁵⁵ Advocacy Project, The, *Sisters of Mercy*; 1.

4.2.2 Nigeria

Child victims were mainly recruited from remote villages and smaller towns. Many of the child victims were from villages and rural towns in Akwa Ibom State. In Akwa Ibom, Ekoru is regarded as the headquarters of trafficking in the state. Other origin states were Cross River and Abia States. Child victims were recruited in Akwa Ibom State and trafficked to coca plantations in Ondo State (Nigeria) and Cameroon.

Adult victims came largely from the bigger towns or cities. Adults were recruited from big towns or cities such as Benin City (Edo State), Asaba (Delta State), Yola (Adamawa State) and Kano, (Kano State) – all state capitals. Many of the adult victims were women trafficked from Edo State to West African cities and European countries. Some adult victims were trafficked to the Middle East through the Kano International Airport under the guise of going on a religious pilgrimage (the Hajj). Older women, mostly divorcees or widows, travelled to Saudi Arabia. In Borno State, the survey team was informed that trafficking occurred secretly in the state.

4.2.3 Togo

The research team in Togo identified a number of regions and towns or villages, which are particularly susceptible to trafficking. These are the Savannah region (Bogou, Djangou, Cinkasse, Dapong); the Kara region (the localities of Matchatom, Kémériida, Soudou); the Central region (the prefectures or localities of Sotouboua, Tchamba, Tchaoudjo Kambolé, Agoulou, Pagala, Kri-Kri, Kolina Koulowaré, Dahitcho and Krikri); the Plateau region (Est Mono and Atakpame) and the Maritime region (Vogan, Ave and Tabligbo). The following table shows the region and localities of recruitment as well as the transit and destination countries involved in the trafficking in children.

Table 4.3 Regions of Recruitment, Transit and Destination Countries

Region	Locality	Transit Country/City	Destination ⁵⁶
Savannah	Dapaong, Cinkassé (Togo-Burkina Faso border)	<u>Burkina- Faso</u> : Tenkodogo, Ouagadougou	Burkina Faso, Nigeria, Benin, Gabon, Côte d'Ivoire, Libya, Persian Gulf States, Europe
Kara	Kara, Kabou, Kambolé	<u>Ghana</u> : Accra,	
Centrale	Kémériida, Alédjo	Kumassi, Yendi	
Plateau	Akébou	<u>Benin</u> : Cotonou, Sème	
Maritime	Lomé		

4.3 Exploitation

Victims reported varying degrees of hardship during their travels and of exploitation upon arrival at their destination. Children are at times exposed to uncomfortable and dangerous

⁵⁶ Of the victims interviewed in the Togo study, 62.5% were trafficked to Nigeria, 12.5% to Côte d'Ivoire and 12.5% to Gabon (Amenyedzi, 2004).

situations during the transport phase. The children had stories of physical and psychological violence occurring during the journey. They were subjected to harsh treatment and intimidation. Children are often transported without documents across national borders and forced to walk long distances. Children transported by boat have reported that other child victims have succumbed to thirst or have drowned.⁵⁷ In the Nigeria study, adult women reported travelling across the Sahara desert on their way to Northern Africa and being forced into prostitution while en route to their destination.

Child victims in Nigeria reported hardship conditions (lack of food, inadequate housing, and exposure to harsh chemicals (pesticides) and insects). Children reported being beaten. With the exception of one child victim, the children were *not* forced into prostitution. This does not mean that children were not sexually abused. Female children forced to work on a plantation in the State of Akwa Ibom reported having been sexually violated by other male trafficked victims and supervisors. Young girls forced to work as domestic servants also reported being sexually abused by male members of the families in which they worked (Okojie, 2004).

The same pattern repeats itself in Benin and Togo. In Togo, victims reported being forced to work (73% of the sample of child victims and 69% of adult victims), were forced into sexual contacts (13% of child victims and 81% of adult victims) and did not feel safe (60% child victims and 87% adult victims). Slightly more than 80% of adult victims experienced restricted freedom of movement.

This exploitation and the situation in which the victims find themselves can vary from short to much longer periods of time. Child victims interviewed in Nigeria lived for periods of a year up to six years abroad. While 12 children could not estimate the periods of time lived abroad, three children spent a period of two years, two other children were abroad for three and four years respectively before being rescued. With respect to adult victims in the Nigeria study, the adult victim who lived abroad the longest, remained for a period of four years in Italy. Another victim spent three years in Saudi Arabia, while other adult victims stayed for periods between three months and 18 months abroad before being repatriated (Okojie, 2004).

4.4 Criminals: Individual Traffickers and Criminal Networks

Trafficking organizations can range from individuals who are involved in the recruitment, transportation and exploitation of an individual victim, to networks providing isolated services and linking together to expand coverage, to numerous people who provide the entire range of services in highly sophisticated, structured networks. Limited information is available on the degree of organization behind the trafficking in women and children from, to and through Benin, Nigeria and Togo, provided usually by law enforcement officers involved in investigating trafficking cases. All three studies provided limited information on individual traffickers available from police and judicial files. These are often the individuals who were stopped at border crossings or prior to having departed the country with a number of children or young women. Unfortunately, without more extensive investigation, it is impossible to say

⁵⁷ Human Rights Watch documented a boat trip from Nigeria to Gabon in which nine Togolese girls drowned off the coast of Cameroon when their boat capsized. According to a Nigerian newspaper, *This Day*, about 20 percent of children bound for Gabon from Nigeria die in open seas due to boat mishaps, about 150 children in the year 2001 alone (Human Rights Watch, 2003).

anything about the degree of organization or the size or length of trafficking operations.⁵⁸ Only the Nigerian research team provided more in-depth information on criminal networks.

4.4.1 Benin

Of the 13 case files analysed by the Benin research team, 16 traffickers were involved in trafficking 33 victims. In one case, no information was available on the traffickers; in the remaining 12 cases, a single trafficker was intercepted in nine cases, while in the remaining three cases, two traffickers were involved. In all but two cases, the traffickers were male (there were three female traffickers arrested). They ranged in age from 15 (the youngest male) to 42 (a female). All had the Beninese nationality. Data in the case files provide the following picture: the majority of traffickers are young males in their early to mid-twenties (their victims are both male and female and usually young teenagers). In one case, two older females were (33 and 42 years) involved. Information on the ‘trafficker’ usually pertains to those who are stopped at the border with the children, the transporters, and not necessarily those who are involved in the recruitment and exploitation. Table 4.4 provides demographic information on the traffickers.

Table 4.4 Demographic information on traffickers and their victims

Case #	Traffickers		Victims	
	Gender	Age	Gender	Age
1	(1) M	15	(1) M	7
2	(1) M	Adult	(1) M	17
3	(2) M	Adults	11 (gender unknown)	Unknown
4	(2) M	20 & 27	(1) F	Minor
5	(1) M	22	(1) F	13
6	(1) M	24	(1) F	15
7	(1) M	30	(1) F	14
8	(1) M	23	(1) F	16
9	(1) M	27	(3) M	14,16,16
10	(1) M	27	(1) F	16
11	(2) F	33 & 42	(4) F	Under the age of 18
12	Data missing	Data missing	2 (gender unknown)	Data missing
13	(1) M (1) F	22	5 (gender unknown)	11 - 15
Total	16 Traffickers 13 (M) and 3 (F)		33 Victims (5) M & (10) F Information unavailable for 18 victims	

⁵⁸ The research team carrying out research in Nigeria conducted prior research for the United Nations Interregional Crime and Justice Research Institute (UNICRI) on trafficking between Nigeria and Italy (under the auspices of the joint UNODC and UNICRI project NIR/R88 Programme of Action against Trafficking from Nigeria into Italy). For this study, the team used a questionnaire developed by UNICRI designed to examine the role of organized criminal networks in trafficking. For this reason, the information provided by this team is more detailed with respect to the organization of and cooperation among traffickers and their networks.

4.4.2 Nigeria

From the case files analysed by the Nigerian research team, detailed information was provided on offenders, their victims and the transit and destination countries. In some case files, additional information was provided on the status of the victim. Tables 4.5 and 4.6 provide more detailed information gleaned through case files analysis.

Table 4.5: Analysis of Police Files and data on offenders

Case No.	Number of offenders	Sex of offender	Number of victims	Sex of victims	Year of offence	Transit/ Destination countries	Charges if any
1	2	M & F	1	F	1999	Italy	Yes
2	1	M	Nil	Not stated	-	Not stated	Yes
3	2	M	Not stated	F	Not stated	Mali	Yes
4	17	Not stated	34	F	2001	Guinea	Yes
5	3	Not stated	5	Not stated	2001	Benin	Yes
6	2	M	1	F	Not stated	Austria	Nil
7	3	M	2	F	2002	Benin	Yes
8	4	Not stated	11	Not stated	2002	Nigerian Border	Yes
9	1	M	2	F	Not stated	Burkina Faso	Nil
10	9	8M & 1F	116	M	Not stated	Nigeria	2 Nigerians
11	Nil	Nil	74	M	Not stated	Nigeria	Nil

Table 4.6: Analysis of Police Files and data on offenders

Case No.	Number of offenders	Sex of offender	Number of victims	Sex of victims	Year of offence	Transit/ Destination countries	Present situation of victims
12	1	M	Not stated	F	1995-1999	European countries	Some in Europe and others back home
13	1	M	4	F	1996-1997	Lebanon	Still abroad
14	1	F	1	F	2001	N/A (Nigeria)	Unknown
15	1	F	1	F	Not Stated	Saudi Arabia	Back with family

Forty (40) out of a total of 48 offenders (83%) were Nigerians and the remaining eight (17%) were nationals from other countries. Police interrogations of the traffickers reveal that they collaborate with Nigerians as well as nationals from Benin, Niger, and Côte d'Ivoire, Ghana, Morocco, Mali, Libya, Italy and Israel. These foreigners are in the minority. Most times, these foreign nationals work as temporary guides or "trolley" (illegal smugglers of humans across borders). Some of them provide shelters and safe houses along the routes to harbour victims travelling by land.

Nigerians conduct all of the work, which takes place in Nigeria. This ranges from recruiting agents, the native doctors (voodoo priests) who perform ceremonies, the lawyers who draw up

the debt bondage agreements, the estate agents who help to launder trafficking proceeds through real estate transactions, and the travel documents touts and agents. The smugglers are scattered along the routes from Nigeria through Benin, Cameroon, Gabon, Togo, Côte d'Ivoire, Ghana, Senegal, Mali, Niger, Morocco, Algeria, Libya, and Spain, France, Russia, Switzerland, Lebanon and Saudi Arabia (Okojie, 2004).

Where women are trafficked for commercial sexual exploitation, there is evidence of highly sophisticated international networks involved in recruitment, provision of travel documents, transportation, accommodation and the exploitation of the women in the receiving countries. There is evidence to suggest that the trade is highly organized and syndicated. Criminal groups based in Europe are sponsoring traffickers working at local levels.⁵⁹

Officials believe that the networks are more informal, particularly given the fact that women are often recruited by persons known to them – family members, neighbours, friends. The degree of organization may be dependent upon the size of the operation and the number of women an organization is “moving and managing” and the degree to which fraudulent documents must be obtained, or government officials (in source, transit and destination countries) corrupted.

Intermediaries provide girls and women with travel documents and tickets, and then create a debt bondage relationship, based on economical and psychological subordination. Another “Madam” in the destination country⁶⁰ supervises, controls, organizes the groups (comprising ten to fifteen girls or women), coordinates their activities and collects their profits. Most “Madams” started as prostitutes themselves and, once their debt⁶¹ has been paid to their “Madam”, they, in turn, use the same method to make money.

The case is different for child victims of trafficking. Based upon victim interviews, the survey team reports that between one and three people were involved in the recruitment, transportation and finally the exploitation stage. All those involved at different levels, including that of the middlemen, were seen working together in a group. The child victims reported that at the recruitment stage there was always someone, in most cases the middleman, who spoke their local dialect and posed as a friend. The children usually left their home base with the recruiter and were later joined by few other children going to the same destination. Children reported being moved or kept with other children. In four cases, the number of children kept together in the same place as victims were as many as, 5, 6, 12 and 15 children. None of the child victims could identify foreign nationals among the traffickers.

All of the adult victims admitted to the fact that at the different stages of their recruitment and trafficking, those they came in contact with were all working together for a common purpose. Apart from recruiters, transporters and the final exploiter who were mainly Nigerians, some foreign nationals were seen assisting the traffickers when they passed through their countries – Malians, Ukrainians, Moroccans. Victims who travelled through long routes by land were kept in safe houses.

⁵⁹ The head of the Nigerian Police Task Force on Human Trafficking in an interview disputed this information with the author of this report during a mission to Nigeria in March 2004 (Aronowitz, 2004).

⁶⁰ This is particularly true in Italy (Okojie, 2003).

⁶¹ Police and Italian NGOs report that women incur debts of ranging from US \$50,000 to \$60,000 to pay back to their “madam”.

One particular case illustrates the high degree of organization of the criminal trafficking networks. In Mali, a victim and other fellow victims were constantly rotated between cities because of incessant raids on hotels by the Malian police. In this particular incident, the victim claimed that up to 15 people had been trafficked by the same group that brought her to Mali. At least 200 people were all working in the same business with the victims for an overall boss.

4.4.3 Togo

Similar to the data found in the Benin study, case files often contained information on only one trafficker, who, in most cases, was in control of more than one victim. Of the ten files reviewed, all but two involved multiple victims; with generally one trafficker. In one case file, six persons were arrested for the trafficking of 16 Nigerian girls and women. In this case, the majority of traffickers were of the same nationality as the victims. In the remaining nine cases, six of the traffickers were Togolese, while one was Ghanaian, an accomplice in another case was Nigerian and a Libyan was involved in another case. This means that slightly more than half of the 19 traffickers identified in the case files were Togolese (n=10), while nine traffickers were foreign nationals. Both women and men are involved as traffickers. The gender of the six traffickers in case one is unknown; of the remaining 12 traffickers where the gender of the trafficker is known, seven were female and five were male. The traffickers ranged in age from their early 20s to 50. Table 4.7 provides demographic information on traffickers and their victims.

Table 4.7 Demographic Information on Traffickers and their Victims

Case number	Traffickers			Victims	
	Gender and number of traffickers	Age	Nationality	Gender	Age
1	(6) Unknown	23,25,26,30, 38,38	(5) Nigeria; (1) Democratic Republic of Congo	(16) F	(2 x) 16, 17, (2x) 18, (3x) 19, 20, (2x) 21, 22, (2x) 25, 26, 31
2	(1) F	50	Ghana	(5) F	(2X) 16, (2x) 12, 13
3	(1) F	38	Togo	6 (Unknown)	7, 8, 9, (2x) 10, 12
4	(1) F	25	Togo	(6) F	12, 13, (2x) 14, 15, 17
5	(1) M	27	Togo	(1) F	14
6	(1) M	30	Togo	(3) F	20, 22, 24
7	(1)M	46	Togo	(2) M	13,17
8	(2) F; (1)M	28, 40, 40	Togo	(3) F	not available
9	(2) F & (1)*	18, 27	(2) Togo, Nigeria	(5) F	18-20
10	(1) M	38	Libya	(1) F	26
Total	19			48	

* The gender of one of the traffickers is unknown.

4.4.4 Total sample of traffickers

Information was obtained on a total of 83 traffickers (16 in Benin, 48 in Nigeria and 19 in Togo). Where data is available on gender (n=52), slightly more than a quarter of the traffickers are female (n=14) and almost three quarters are male (n=38). This same pattern repeats itself if gender is examined in the Benin and Nigeria samples. In Togo, the majority of traffickers caught were female. The majority of traffickers in the Benin and Togo samples are in their twenties and early thirties, although there were exceptions with a few older traffickers. The majority of traffickers had the same nationality as the victims they were trafficking. There were exceptions and the percentage of foreign nationals in the samples varies widely. In Benin, all traffickers were Beninese, in Nigeria, eight (17% of the sample) were foreign nationals while in the Togo sample, nine of the traffickers (47% of the sample) were foreign nationals. The majority of these foreigners were nationals of neighbouring countries or those in the region.

4.5 Arrest and Convictions

A number of obstacles stand in the way of effective law enforcement response to trafficking in Benin, Nigeria and Togo. These will be discussed in greater detail in the following chapters. In spite of this, the governments have had some measure of success in arresting traffickers. Arrest statistics for 2003 reported by the governments of the respective countries to the U.S. Department of State for compilation in the annual Trafficking in Persons Report provides the following: Benin reported the arrest of nine traffickers in 2003 (following the repatriation of 200 child victims); the Nigerian Police reported the arrest of 98 trafficking suspects of whom 44 remained under investigation; Togo reported the arrest of 28 persons for having trafficked children and 11 arrests for trafficking in women.⁶²

4.5.1 Benin

The information on convictions based on the case files presented shows that in all cases traffickers were fined and/or given prison sentences ranging from two months to a year. Given the serious nature of the offences, these sentences are relatively short. Table 4.8 provides information on the offences with which traffickers were charged, the law under which they were prosecuted and the sentence handed down by the court.

⁶² U.S. Department of State, Trafficking in Persons Report, 2004. Respectively pages 44, 71 and 80.

Table 4.8 Status of Trafficking Cases Investigated

Case #	Charge against trafficker	Conviction (under which law)	Sentence
1	Minor trying to sell another minor (7 years old) for 8 Million CFA ⁶³	No information	No sentence, the minor offender was released
2	Smuggling in persons and kidnapping of minors of 17	Art. 354 and 345A (Penal Code) modified by ordinance 73-37	6 months imprisonment Fine 80,000 CFA
3	Smuggling children out of the country with the intention of selling them	Art. 354 and 345A (Penal Code) modified by ordinance 73-37	3 months imprisonment (non-suspended)
4	Fraud and violence against a minor	Art. 356 of the Penal Code	2 months imprisonment and fine 180,000 CFA
5	Fraud and violence against a minor of 13	Art. 356 of the Penal Code	4 months imprisonment
6	Fraud and violence against a minor of 15	Art. 356 of the Penal Code	Fine 80,000 CFA
7	Fraud and violence against a minor of 14	Art. 356 of the Penal Code	6 months imprisonment
8	Contributing to the delinquency of a minor of 16 years, contributing to the debauchery of a 21 year old	Art. 334b paragraph 2 of the Penal Code	2 months imprisonment and fine of 20,000 CFA
9	Smuggling children and illegal exit of minors from national territory	Art. 1 and 3 of the law No. 61-20 relative to the displacement of minors	3 months imprisonment
10	Withdrawing a minor from school	Art. 356 of the Penal Code	2 months imprisonment
11	Being in the company of minors without papers	Art. 1 and 3 of the law No. 61-20 of 05/07/61 of the Penal Code	12 months imprisonment (suspended)
12	Kidnapping of minors	Law No. 61-20	Information not available
13	Illegal exit of minors from the country	Information not available	Information not available

4.5.2 Nigeria

The Nigerian study reviewed 15 case files. In only two cases were traffickers prosecuted. One is a high profile case involving the arrest of seven Beninese and two Nigerians involved in the exploitation of 116 Beninese children in Ogun State in Nigeria in September 2003. The Beninese traffickers were extradited, and the two Nigerian suspects are awaiting trial. In another case awaiting trial, a trafficker sent three young women to Lebanon to work in prostitution. In the other 13 cases, the police had no information on the case, and the traffickers were released or suspects were acquitted due to lack of evidence.

At the time the research was conducted, the Nigerian research team reported only one successful prosecution for trafficking. This involved a female suspect who trafficked another woman to Saudi Arabia under the guise of attending the Hajj pilgrimage. The victim was repatriated and, upon her return to Nigeria, reported her trafficker and her experiences to the police. The trafficker was arrested, interrogated and charged before the Hajj Tribunal sitting

⁶³ The West African CFA fluctuates against the U.S. dollar. The December 2004 UN exchange rate of 496.6 CFA equals one U.S. dollar, is being used in this table and elsewhere in the report. Figures have been rounded for simplicity.

in Kano. The court convicted the trafficker and sentenced her to five years imprisonment in addition to a fine of ₦ 430,000.00⁶⁴ (US \$ 3,262) and another ₦30, 000.00 (US \$ 227) as compensation to the victim.

With respect to the status of the 15 cases investigated and/or brought to trial at the time that research was being conducted in Nigeria, in nine of the cases there was no information on the outcome of the case, in two cases there was an ongoing investigation, in two cases the suspects had gone to court but there were no verdicts, and only two cases were concluded. One resulted in the accused being discharged for insufficient evidence, and the other accused was convicted, fined and sentenced to a five-year prison term. Some of these cases reviewed by the research team were initiated as early as 1999. With respect to more recent cases, the Task Force on Human Trafficking, Criminal Investigation Division (CID) reports an increase in the number of recent cases investigated, and charged to court. This information is presented in the table below.

Table 4.9 Cases Reported/Charged to Court in Nigeria: 2002- 2003

Year	Cases reported	Cases under investigation	Cases charged to court
2002	14	11	3
2003	36	28	8

Source: Anti-Human Trafficking Unit of the CID, Abuja, 2004 (reported in Okojie, 2004).

It appears that the Nigerian government is making progress in taking cases of human trafficking to court. While the numbers are still small, the number of cases reported, under investigation and charged to court has more than doubled between 2003 and 2004. According to a newspaper report (This Day (Lagos), September 30, 2004), 70 persons are currently on trial in various courts across Nigeria, while seven others are awaiting trial over alleged involvement in human trafficking. In late November 2004, the Nigerian government secured its first conviction under the new trafficking law in the trial of a female trafficker in Benin City.⁶⁵

4.5.3 Togo

Of the ten cases (involving 19 traffickers) which went to or are presently in court, in absence of a specific anti-human trafficking law, Article 67 of the Penal Code was used to bring charges against the traffickers in nine of the ten cases; in one case article 92 of the penal code was used. Limited information was available in the files concerning convictions or sentences. Table 4.10 provides information on the offences with which traffickers were charged, the law under which they were prosecuted and the sentence handed down by the court (if known).

⁶⁴ The Nigerian Naira fluctuates against the U.S. dollar. The December 2004 UN exchange rate of 131.8 Naira equals one U.S. dollar is being used here and elsewhere in this report. Figures have been rounded for simplicity.

⁶⁵ A 51-year old woman was sentenced by a court in Benin City to six months imprisonment without an option of fine. The woman was found guilty of an eighteen-count charge of procurement of persons for prostitution, organizing foreign travels which promote prostitution and deceitful inducement by intentionally aiding six girls to travel in order to lure them into prostitution for commercial sex purposes. The trafficker induced the girls under the pretext that she had a job for them in Spain, only to take them for prostitution in Cotonou, Benin.

Table 4.10 Status of Trafficking Cases Investigated

Case #	Charge against trafficker	Conviction (under which law)	Sentence
1	Charged with exploitation and debauchery Forgery and use of forged documents (in general, use of forged travel documents) Exploitation of vice (procuring)	Art. 92 and following of Penal Code	Victims released to the care of the Embassies of Nigeria and Togo for repatriation Offender charged, no conviction
2	Proceedings which potentially can disturb law and order or cause injury to people	Art. 67 of Penal Code	Interception of three people in Nigeria, handed over to the Togolese Police Offenders at trial at time of research
3	Proceedings which potentially can disturb law and order or cause injury to people	Art. 67 of Penal Code	Interception at the border of Hillacondji by the Police; handed over to the Judicial Police in Lomé.
4	Proceedings which potentially can disturb law and order or cause injury to people	Art. 67 of Penal Code	Case ongoing at time of research Interception at the border, interrogation and person brought to the Public Prosecutor's Office
5	Proceedings which potentially can disturb law and order or cause injury to people or damage to property	Art. 67 of Penal Code	The uncle was arrested and admitted guilt; charges were brought against him and a trial followed; case going to court at time of research
6	Proceedings which potentially can disturb law and order or cause injury to people or damage to property	Art. 67 of Penal Code	Main suspect, a Lebanese person, was not identified
7	Proceedings which potentially can disturb law and order or cause injury to people	Art. 67 of Penal Code	Trial took place; court decision and sentence unknown
8	Proceedings which potentially can disturb law and order or cause injury to people	Art. 67 of Penal Code	Information not available
9	Proceedings which potentially can disturb law and order or cause injury to people	Art. 67 of Penal Code	Apprehension of the two traffickers
10	Proceedings which potentially can disturb law and order or cause injury to people	Art. 67 of Penal Code	Charges brought against traffickers and trial took place; court decision and sentence unknown

NB. The data available in the files of the Judicial Police do not provide information on sentences.

The Criminal Justice Investigation Department of the Togolese government reported 28 arrests related to child trafficking and 11 arrests for trafficking in young women during 2003. No trafficking-related prosecutions or convictions were reported.⁶⁶

⁶⁶ US Department of State, Trafficking in Persons Report, 2004.

4.6 Statistics

Statistics on trafficking are often unreliable. None of the countries has a central registry, leaving the recording of trafficking cases often to individual regions or states or services within those states, as is the case with the Anti-Human Trafficking and Child Labour Unit of the Nigerian Immigration Service at Kano, or to NGOs and international organizations. The UNODC mission members were told during a meeting with the research team and representatives from NGOs and IGOs in Benin in November 2003 that NGOs also do not coordinate registration activities, which may account for duplication of figures.

Statistics are usually broken down into three categories: repatriation of nationals who have been returned from other countries, foreigners (or nationals) who have been rescued – those found working and exploited in the country – and those who are stopped at the border. These can be either nationals trying to leave a country or foreigners trying to enter or transit a country. Often when statistics are cited, no indication is given on whether these involve rescues, repatriations or interceptions. This is critical data as rescues and repatriations involve victims who have already been traumatized whereas interceptions within a country's borders of its own citizens usually involve “victims” who have not yet been exploited.⁶⁷

Statistics of child trafficking in Benin exist and portray the following picture: In 1995, 117 children were intercepted at the border. This figure increased to 416 in 1996 and further to 1,059 in 1998. In 1999 the number decreased to 815.⁶⁸ Following a child labour conference in 2000, an ILO-IPEC report claimed that 3,061 children were known to have been trafficked in Benin between the years 1995 and 1999.⁶⁹

Statistics on child trafficking in Togo differ depending upon the source. Government statistics tend to be lower than those of NGOs or international organizations. The government of Togo reported 337 cases of trafficking in 1999, the same year that the ILO-IPEC recorded over 800. The same year, the U.S. Department of State reported 750 cases of child trafficking in Togo (Human Rights Watch, 2003). The Direction for the Protection and Promotion of the Family and the Child reported that 261 victims were identified in 2001. The gender and age of the victims is known in only 49 of the cases. The ILO/IPEC reports 1,494 child victims (565 girls and 906 boys) were repatriated during the period August 2002 and March 2003.

The Nigerian research team was able to provide recent statistics on victims stopped at borders prior to crossing (interceptions), rescues or repatriations. These statistics were provided by the Immigration Service (using one of the survey instruments) and involve data from various border crossings and reflect different time frames. Their statistics paint the following picture:

⁶⁷ This is not always the case. Reports have arisen of young girls being forced into prostitution in their own countries before they are “exported” to destination countries. Interception at the border of these victims would also mean that they have been traumatized.

⁶⁸ Global March Against Child Labour, Worst Forms of Child Labour, at <http://www.globalmarch.org/worstformsreport/world/benin.html>, downloaded on 31 August 2004; citing ECPAT, CSEC Database.

⁶⁹ Global March Against Child Labour, Worst Forms of Child Labour, at <http://www.globalmarch.org/worstformsreport/world/benin.html>, downloaded on 31 August 2004; citing U.S. Department of State, Country Reports on Human Rights Practices – 2001, March 2002).

Table 4.11 Government Statistics on Trafficking in Individual States/ Border Crossings

State / Border Crossing	Interceptions	Rescues	Repatriations	Arrest of Suspects
Seme Border / Lagos (June 2003- April 2004)	36 Beninese 15 Togolese	230 foreign victims	59 persons	17 male and female suspects both Nigerian and Beninese
Kano Immigration Command ⁷⁰ (Jan 2003– Mar 2004)			3,878 Adult males 5,118 Adult females 281 Minors 73 Destitutes*	19 Traffickers (4 Male and 15 Female Nigerians (repatriated from Saudi Arabia)
Ogun State – Idiroko Border (April 2002 – December 2003)	37 Nigerians and 12 Beninese	146 Beninese and 18 Nigerians ⁷¹		9 Traffickers
Akwa Ibom (August 2002- January 2004)		21 Togolese male and 4 female children	2 female children	5 traffickers in 3 separate incidents

* Destitutes are those who are crippled or handicapped and who are trafficked and forced to beg.

It should be mentioned here that the UNODC/UNICRI R88 Programme of Action against Trafficking envisaged the creation of a monitoring centre on trafficking in persons. During the first workshop (May 2003), the Task Force suggested the implementation in Nigeria of a centralized database for the collection of data and information concerning investigation and prosecution of trafficking cases, similar to the one used by the Italian National Anti-mafia Bureau (DNA). This database, called SIDDA 2000, was developed based on the experience of the National Anti-mafia Bureau. It was used as a model for a similar database to be created by Eurojust.⁷² As a result of the Programme of Action against Trafficking, the National Monitoring Centre (NMC) was established in Nigeria. The NMC was given the software SIDDA 2000 by the DNA but further technical assistance is still required to make it fully operational, including adaptation of the database to the local reality (translation, input application etc.) and training of personnel. This adaptation will enable the NMC to make full use of the database. UNODC and UNICRI will address this issue in the follow-up phase of the initial Programme.

⁷⁰ In the month March 2004, the Anti-Human Trafficking and Child Labour Unit of the Nigerian Immigration Service at Kano reported the following additional repatriations: 637 males, 793 females, 32 children, 32 destitutes and 49 traffickers.

⁷¹ According to these figures, the total number of victims intercepted or rescued totals 213. The research team reports that from the police data obtained on human trafficking for forced labour, the total was 225 victims.

⁷² The Nigerian Government released the space for the establishment of the National Monitoring Centre on Trafficking in Persons (NMC) within the newly established NAPTIP. In March 2004, the Italian Minister of Justice informed by letter the Nigerian Attorney General and Minister of Justice of the significant in-kind offer of the DNA database software. A training session for two Nigerian experts was organized by UNICRI in Rome, at the National Anti-Mafia Bureau, focusing on database management and updates. In addition, according to the technical indications provided by the DNA, UNICRI and UNODC/Nigeria procured the equipment for the creation of a National Monitoring Centre on Trafficking in persons (NMC).

4.7 Summary and Conclusions

Information on victims and offenders varied between countries and between case files and victims who were interviewed. In total, information was obtained in interviews with 216 child and 128 adult victims. Additional information was provided on 70 victims (33 in Benin and 37 in Togo) from government case files. The data from case files indicate that of the 79 children on which exact age is known, a third (33%) are between the ages of 11 and 15 (an exception to this appears to be in Nigeria where more than half of the child victims were between the ages of 6 and 10). Very young children between the ages of 6 and 10 comprise the second largest age group (22%), followed by the age group 16-18. The majority of child victims interviewed in Benin (77% of the total n=182) are between the ages of 10 and 15, which means that children at these ages are most at risk of being trafficked. The data clearly show, however, that there are exceptions and that younger children are also at risk.

With respect to gender of trafficking victims, data collected by the three research teams on victims indicates that two-thirds of victims were female. Of the 371 victims for which gender is known, 243 (65%) are female and 128 (35%) are male. These figures may not necessarily represent a true picture and may be more a reflection of when and where interviews were conducted and which victims were willing to talk to the researchers.⁷³ The ILO-IPEC was involved in the repatriation of 1,494 child trafficking victims to Togo between the August 2003 and March 2003; 906 of the children were boys (60%) and 565 (38%) were girls.⁷⁴

Recruitment almost always takes place in villages in rural areas. Children and their parents are often deceived during the recruitment phase. Promises of an education, training or paid employment are used to secure the release of children. When the children themselves are approached, it is often with promises of some small token such as a radio or bicycle. In approximately half the cases in all three countries, a family member, a relative or close friend of the family, recruited child victims. This may explain why parents and children are so trusting and it is so easy to secure the release of the child.

Information was obtained on a total of 83 traffickers (16 in Benin, 48 in Nigeria and 19 in Togo). Where data is available on gender (n=52), slightly more than a quarter of the traffickers are female (n=14) and almost three quarters are male (n=38). This same pattern repeats itself if gender is examined in the Benin and Nigeria samples. In Togo, the majority of traffickers caught were female. The majority of traffickers in the Benin and Togo samples are in their twenties and early thirties, although there were exceptions with a few older traffickers. The majority of traffickers had the same nationality as the victims they were trafficking. There were exceptions and the percentage of foreign nationals in the samples varies widely. In Benin, all traffickers were Beninese, in Nigeria, 8 (17% of the sample) were foreign nationals and the number increased to 42% of the Togo sample. The majority of these foreigners were nationals of neighbouring countries or those in the region.

Analysis of reviewed case files indicates at the time of the research⁷⁵ that Nigeria had brought only two cases to court and only one had resulted in a conviction⁷⁶. When looking at the

⁷³ Other factors that will influence the nature of the sample is whether one is examining adult or child victims and whether or not labour exploitation is also included in the definition.

⁷⁴ No information was provided on the gender of the remaining 23 children.

⁷⁵ The research took place between September 2003 and September 2004.

⁷⁶ During their work, the research team was able to identify only one recorded conviction from the case files under review. A Hajj Tribunal, not the regular courts, handed down this conviction. According to the Nigerian

number of cases, which were reported, resulting in arrests and charges to court, the numbers, while small, have more than doubled (from three to eight cases⁷⁷) between 2002 and 2003 in Nigeria. Benin and Togo have brought cases to court (under current penal, labour and immigration code legislation), which have resulted in convictions; however, the penalties have been extremely low given the serious nature of the offence. It is unclear if this is due to a lack of a specific anti-human trafficking legislation in the countries or a lack of will on the part of the governments to seriously address the issue.

Statistics on trafficking are unreliable. None of the countries has a central registry or data management system leaving researchers dependent upon government agencies (sometimes at the state level), Embassies, NGOs and IGOs involved in the repatriation of victims. Due to the lack of commitment in centralizing and making available statistics on the phenomenon, it is difficult to determine whether trafficking in humans is decreasing or increasing, or whether measures are effective.

press, in late November 2004, the Nigerian Government secured its first conviction under the new trafficking law in the trial of a female trafficker in Benin City.

⁷⁷ With respect to the 8 cases, which had gone to court, no information was available on the outcome of the trial at the time that the research was completed.

Chapter 5 Legislative Responses

5.1 Introduction

Many countries have yet to implement specific anti-human trafficking legislation. In the absence of such legislation, countries utilize existing laws dealing with five principal offences: 1) prostitution and related ‘sexually exploitive’ activities (e.g. pornography, incitement to prostitution, sexual relationship with minors); 2) child exploitation, mistreatment, abandonment or abduction; 3) offences in violation of personal integrity (unlawful detention, slavery, torture); 4) employment regulations and child labour; 5) immigration (UNICEF, 2003).

This chapter will examine the specific situation in the three countries under study and will outline the legislative means, (sub)regional measures and international instruments available to Benin, Nigeria and Togo in their fight against human trafficking. The chapter will begin with a brief discussion of the situation in the individual countries and then continues with bi- and multilateral agreements and (sub)regional and international instruments in the form of Memoranda of Understanding, declarations, and international conventions.

5.2 Legislation

5.2.1 Benin

Benin lacks a specific law prohibiting trafficking in persons. There are, however, the Beninese Constitution and a number of laws, which protect human rights, in particular the rights of children. Laws criminalizing kidnapping, forced or bonded labour, prostitution, and the employment of children under the age of 14 have been used to charge traffickers.⁷⁸ In the Penal Code, reference is made to elements or offences related to trafficking in persons (Art. 354, 355) when ‘an act has been concluded to alienate the freedom of a third party against money.’ The Penal Code (article 279) also punishes the corruption of minors. Abducting a child and putting it up for sale to another person in return for money is also criminalized. The ‘exhibition’ of children is defined as taking a child to a place where his physical, moral and mental security is not guaranteed or ensured (UNODC Project Document).

Benin took legislative measures between 1961 and 1995 to regulate the exit of minors under the age of 18 from the national territory and protect people, particularly children, from being trafficked. These laws are:

- Law n° 61-20 of 10 July 1961 prohibiting the illegal displacement of a minor below the age of 18 years outside of the territory of the Dahomey Republic. Punishments include imprisonment from two to five years and a fine of 25,000 CFA.

⁷⁸ US Department of State, Trafficking in Persons Report, 2004.

- Ruling n° 73-37 of 17 April 1973, which modifies the provisions of the Penal Code on the smuggling and the kidnapping of minors.
- Decree n° 95-191 of 24 June 1995, contains 11 articles which govern the exit of minors from the country. It sets out the procedure for the delivery of travel documents to minors under 18 years of age. This new provision was introduced to discourage traffickers.
- Law 98-004 of 27 January 1998, regulates labour in the Republic of Benin while Decree Mandel, 15 June 1939 regulates marriage and the minimum age of marriage in Benin.

Other articles can be a basis to punish those involved in trafficking related incidents: Articles 485, 493 and 494 of the Civil Code establish the rights and duties of parents with regards to their children. Articles 503 and 550 pertain to the placement of a minor in situations where his or her education, moral and physical health are compromised.

Existing labour legislation sets the minimum age at 12 years old for light work (including domestic work), at 16 years old for work in businesses, and at 18 years old for hazardous work. Furthermore, these decrees regulate working conditions and salaries for employees under 18 (Decree n°1781 ITLS/D 12 July 1954; Decree n°1783 ITLS/D 12 July 1954; Decree n°233/MFPT 11 September 1978; Decree n°371/MTAS 26 August 1978).

An anti-human trafficking bill is currently being discussed in Parliament. The law is aimed at protecting children from trafficking but may set a precedent to allow for the drafting and adoption of legislation protecting adults from trafficking⁷⁹. Benin has furthermore ratified a number of international instruments, which provide protection for victims of trafficking while punishing those responsible for their role in trafficking (see section 5.4 for more detail on international instruments).

5.2.2 Nigeria

In August 2003 Nigeria enacted the *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act*, commonly referred to as the Act. Prior to the passage of the Act, Nigeria depended on laws in the penal or the criminal code⁸⁰ to deal with offences related to trafficking in humans. Trafficking cases were dealt with under provisions of the law applicable to the offences of slave trading, forced prostitution, abduction, sexual exploitation, deprivation of liberty, and forced labour. The most important elements of the *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003* are briefly outlined below.

The law has a total of 51 sections. It defines the act of trafficking as:

⁷⁹ As of June 2005, anti-trafficking legislation, though under debate in the National Assembly, had not yet been enacted. United States Department of State Trafficking in Persons Report, June 2005.

⁸⁰ Criminal law in Nigeria is built on two principal codes. The Criminal Code governs all states in the south of the country while the Penal Code governs the states of Northern Nigeria. While the provisions of the Criminal Code are more secular in nature, those of the Penal Code are stricter, being a combination of secular and Islamic Sharia law.

“All acts involved in the recruitment, transportation within or across Nigerian borders, purchases, sale, transfer, receipt or harbouring of a person, involving the use of deception, coercion or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in forced or bonded labour or in slavery-like conditions”.

Twenty-six different sections of the Act define offences related to human trafficking. Sections 11–28 define the specific offences of exporting and importing minors for prostitution purposes; the procurement of minors (with or without their consent) for forced seduction/prostitution; procuring minors or causing or encouraging the seduction or prostitution of minors within or outside Nigeria; procuring any person for prostitution/pornography, drug trafficking or armed conflict; organizing foreign travel for prostitution; unlawful detention of any person with intent to defile; procuring/defiling of minors by means of threats, fraud or administering of hard drugs; kidnapping of minors from guardianship; kidnapping/abduction of persons for culpable homicide; buying and selling of persons for any purpose; unlawful forced labour; trafficking in slaves and slave-dealing.

Even when the offences are committed abroad by Nigerians, the offenders are liable to punishment and forfeiture of assets in Nigeria upon their repatriation or return for “bringing the image of Nigeria to disrepute” in spite of having served an earlier punishment for the original offence abroad (Section 25). Alien offenders resident in Nigeria are punishable under the Act by imprisonment and subsequent deportation (Section 26). Attempts to commit any of the substantive offences are punishable under the Act (Section 27), and corporate bodies and their management staffs are also punishable under the Act for attempts or commission of any of the offences created by the Act (Section 28).

In terms of punishment, the Act makes provisions for sanctions ranging from heavy monetary fines, imprisonment with or without option of fines, forfeiture of assets, forfeiture of passport by convicted offenders (Section 34), deportation or repatriation and liability for compensation to victims in civil proceedings. Jail terms range from 12 months (for attempts) to two years to life imprisonment depending on the degree of seriousness of the offence, while fines range from ₦50,000.00 (US\$ 379) and ₦200,000.00 (US\$ 1,517) for individual traffickers or managerial staff of corporate bodies.

The Act makes provision for the humane treatment, protection, and non-discriminatory practices towards victims of trafficking. These include access to rehabilitation facilities, temporary stay without valid documents and medical attention. (Sections 36–37). Trafficked victims even have rights to institute civil actions against their traffickers irrespective of their immigration status (Section 38).

Additionally, the law creates an agency charged with the responsibility of enforcing, administering and managing the law prohibiting human trafficking and other related matters. The *National Agency for the Prohibition of Traffic in Persons and other related matters (NAPTIP)*, known as the Agency, is in charge of:

- The enforcement and administration of the provisions of the Act;
- The coordination and enforcement of all existing laws on trafficking in persons and other related offences;
- The adoption of measures to increase the effectiveness of eradication of trafficking in persons;

- The facilitation or encouragement of the presence or availability of persons in custody who consent to assist in investigations or participate in proceedings relating to trafficking in persons and other related offences;
- Enhancing the effectiveness of law enforcement agents to suppress trafficking in persons;
- Establishing, maintaining and securing communication to facilitate the rapid exchange of information concerning offences; conduct research and improving international cooperation in the suppression of trafficking in persons by road, sea and air;
- Reinforcing and supplementing measures in such bilateral and multilateral treaties and conventions on trafficking in persons as may properly be adopted by Nigeria to counter the magnitude and extent of trafficking in persons and its grave consequences;
- Taking such measures and or in collaboration with other agencies or bodies that may ensure the elimination and prevention of the root causes of the problem of trafficking in any person;
- Strengthening and enhancing the effective legal means for international cooperation in criminal matters for suppressing the international activities of trafficking in persons;
- Strengthening of cooperation between the office of the Attorney-General of the Federation and all law enforcement agencies involved in the eradication of trafficking in persons; and
- Taking charge, supervising, controlling and coordinating the rehabilitation of trafficking victims and participating in proceedings relating to trafficking in persons.

The Agency has the power to institute investigations into suspected cases of trafficking as well as into the activities of suspected traffickers or persons engaged in activities related to trafficking (Section 5).

To assist the Agency in the exercise of its powers and functions, the Act also establishes in Sections 8 and 9 respectively, the following units with their specific duties:

- Investigation Unit
- Legal Unit
- Public Enlightenment Unit
- Counselling and Rehabilitation Unit
- Other relevant units, technical committees and task forces

Finally, the Agency is empowered to initiate, develop or improve specific training programmes for the relevant law enforcement agents and other personnel of the Agency. Such programmes include methods of crime detection, counter measures against techniques employed by traffickers and the routes they use, monitoring of the movement of traffickers and victims and dissemination of information on laws relating to trafficking.

Another important piece of legislation protecting the rights of children is the 2003 Child's Rights Act. This is a comprehensive piece of legislation enacted by Nigeria in November 2003 and provides for the total well-being, protection and welfare of children in Nigeria. With respect to trafficking, forced labour and other practices harmful to the child, the law, *inter alia*, creates the following offences and relevant punishment for each:

- (i) Section 25 - Exposure of children to the use, production and trafficking in narcotic drugs. (life imprisonment)
- (ii) Section 26 – Use of children in other criminal activities (14 years imprisonment)

- (iii) Section 27 – Abduction, removal and transfer from lawful custody (between 10 and 20 years imprisonment)
- (iv) Section 28 – Prohibition of forced or exploitative child labour (5 years imprisonment or fine of between ₣ 50,000.00 (US\$ 380) and ₣ 250, 000.00 (US\$ 1,897)
- (v) Section 29 - Application of the provisions relating to young person in sections 59-62 of the Labour Act, 1971 to children
- (vi) Section 30 – Prohibition of buying, selling, hiring or otherwise dealing in children for the purpose of hawking or begging for alms or prostitution. (10 years imprisonment)
- (vii) Section 31 – Unlawful sexual intercourse with a child (life imprisonment)
- (viii) Section 32 – Forms of sexual abuse and exploitation (14 imprisonment)
- (ix) Section 33 – Other forms of exploitation prejudicial to the welfare of a child (fine of ₣ 500,000.00 (US\$ 3794) or 5 years imprisonment or both)
- (x) Section 34 – Prohibition of recruitment of children into the armed forces (no punishment prescribed)

5.2.3 Togo

While Togo does not yet have a trafficking law, a draft trafficking law, which is part of a draft Children’s Code, was adopted by the Togolese Council of Ministers on 13 March 2003 and is awaiting approval by the National Assembly. The draft Children’s Code is a consolidation of Togolese legislation contained in the Family Code and various international conventions ratified by Togo, to include the Convention on the Rights of the Child and the Hague Convention against International Child Abduction. Title II of the Children’s Code addresses the Child’s Right to Special Protection, while Title III contains proposed anti-trafficking provisions, includes protections for both children in conflict with the law (Chapter I) and child victims of violence (Chapter II).

The proposed anti-trafficking provisions are contained in articles 395- 405 of the Children’s Code. Article 398 incorporates the definition of child trafficking found in the UN Trafficking Protocol, which is the “recruitment, transportation, transfer, harbouring, or receipt” of a child for the purposes of sexual or labour exploitation, forced labour or slavery.⁸¹ Trafficking in children is punishable by a five to ten year prison sentence and a fine between 1 and 10 million CFA (between US\$ 2,022 and US\$ 20,218). Participants in organized trafficking rings may be punished more severely, with a prison term ranging between 10 to 20 years and a fine between 10 and 100 million CFA (between US\$ 20,218 and US\$ 202,185) (Article 399). Article 400 governs “attempted trafficking”, an offence punishable by a sentence of 5-10 years of imprisonment and a 1-10 million CFA fine (between US\$ 2,022 and US\$ 20,218).

Articles 401 impose penalties (1 to 5 years imprisonment) on those who aid and abet child trafficking, including parents. This includes anyone who would “intentionally help in the commission of child trafficking” (Article 401), as well as parents or relatives who “give up a child for sale” (Article 402). No further definition of these practices is provided. Article 401 also imposes a one to five year prison term on any relative or other person who, knowing that a trafficking infraction is about to be committed, fails to report it to a relevant authority.

⁸¹ République Togolaise, “Projet de Code de l’Enfant”, (Lomé: Novembre 2001), p. 79.

The legislation calls for ‘appropriate’ state measures to prevent child trafficking in Article 404 but contains no explicit provisions addressing the protection and reintegration of trafficked child victims. Togo’s Children’s Code does contain a general section on the protection of children from violence, abuse and neglect by parents and third parties.

In addition to the Children’s Code, the Togolese Constitution and a number of national laws also protect the rights of children. Article 21 of the Togolese Constitution protects individuals from torture, other forms of inhumane treatment and degradation, while Article 36 obligates the State to protect youths from various forms of exploitation or manipulation. The Togolese Penal Code (13 August 1980), addresses only certain aspects of trafficking. Article 74 holds parents responsible for the health, morality and education of their children and protects them from endangerment, while Articles 78 and 79 punish those for the abduction and abuse and abandonment (Article 83) of children.

The labour code (08 May 1974) and the family code (31 January 1980) contain legislation which address various trafficking-related issues. The laws regulate and prohibit behaviour contributing to the delinquency of a minor, exploitation and debauchery, recruitment and conditions surrounding apprenticeships for children, salary and conditions at the workplace, and adoption.

Legislation exists regulating the entry and exit of children from the national territory. Parents entrusting their children to third parties have to deliver a parental authorization to allow the children to leave the territory.

Based upon the analysis of 10 case files, the Penal Law 67 was used most frequently to prosecute trafficking incidents. In one case, Penal Law 92, was used to prosecute a trafficking case.

5.3 Bilateral and Multilateral Agreements

5.3.1 Bilateral agreements

Benin

On August 14 2003, the Republic of Benin and the Federal Republic of Nigeria signed a Memorandum of Understanding on Cross Border Issues, pledging cooperation on cross-border crimes, smuggling, human trafficking and drug trafficking. Under this agreement, both countries are to cooperate in the areas of law enforcement, joint border patrols, detection, investigation and prosecution of crimes including human trafficking cases, the protection of victims of trafficking and extradition of criminals.

With respect to human trafficking, the Memorandum of Understanding requires both countries to work out effective cooperation on human trafficking; identify, investigate and prosecute agents and traffickers; and protect victims of human trafficking and return them promptly to their countries of origin.

Nigeria

In addition to the Memorandum of Understanding between Nigeria and Benin, the Nigerian government, in 2004, formalized its relationship with the Italian government in the joint fight against the trafficking to and sexual exploitation of Nigerian women in Italy. This Memorandum of Understanding creates a “Re-admission Agreement” which facilitates the repatriation and re-entry of Nigerian women back into their country. Italy has increased the number of repatriations and has pledged its support to the Nigerian government for technical cooperation and strengthening the Nigerian and Italian governments' judicial and law enforcement agencies.

In November 2004, the Nigerian government also signed a bilateral agreement with the government of the United Kingdom to “crack down on human trafficking” (Botha, 2004). This bilateral agreement precedes agreements that Nigeria hopes to sign with a number of Economic Community of West African States (ECOWAS) countries in their common fight against human trafficking.

5.3.2 Multilateral agreements

A quadripartite repatriation agreement, signed in 1996, ensures the protection of victims of trafficking and facilitates the repatriation of trafficked victims and the extradition of traffickers in a quadripartite Extradition Treaty between Nigeria, Benin, Ghana and Togo. Benin has also entered into an agreement (1961) with the governments of Cameroon, Burkina Faso, Gabon and Côte d'Ivoire with respect to providing juridical cooperation.

5.4 Regional Initiatives

A strong regional and sub-regional network exists to address the issues of child protection and trafficked victims. The principal instruments are the African Charter on Human Peoples' Rights (1981) and the African Charter on the Rights and Welfare of the Child (1990).

At the sub-regional level, ECOWAS plays an important role. During the annual ECOWAS Summit held in Dakar, Senegal in 2001, a Declaration and a Plan of Action against Trafficking in Persons were adopted by the 15 member states.⁸² The Plan of Action stipulates specific measures to be adopted by participating countries. These include adoption of legislation criminalizing human trafficking, protection and support of victims, awareness raising, cooperation between immigration and border control agencies, data collection by ECOWAS countries and the creation of an ECOWAS Coordination Unit to liaise with National Task Forces.

High-ranking participants and key stakeholders from 21 countries attending the joint ILO – UNICEF meeting held in Libreville, Gabon in February 2000, adopted the Libreville 2000 Platform for Action, a platform of measures to fight the trafficking in children for labour exploitation in West and Central Africa. Perhaps its most important contribution was to establish a common perception of trafficking while at the same time calling on international

⁸² ECOWAS Membre States are Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

organizations to assist in the coordination of activities to support the development and implementation of national policies against child trafficking, collecting, disseminating and sharing information among institutions and between countries and establishing a monitoring system.⁸³ A follow-up meeting in Togo in March 2002 produced consensus that a sub-regional convention against the trafficking in children should be adopted by December 2004⁸⁴.

The African Union (AU), which in July 2002 replaced the Organization of African Unity, (OAU), also placed the issue of child trafficking on the agenda. The Council of Ministers recognized the need to call on member states to include “compulsory education, the elimination of child labour as well as children in conflict situations and child trafficking” in their priority programmes on children.⁸⁵

The ECOWAS Convention on Mutual Assistance in Criminal Matters, adopted on 29 July 1992 in Dakar, Senegal, aims specifically at strengthening the criminal justice response to trafficking. It promotes bilateral and multilateral measures to assist countries in their criminal law enforcement against traffickers. The Convention on Extradition, adopted on 6 August 1994 in Abuja, Nigeria, gives national criminal courts an effective instrument to aid in the arrest and return of a criminal in another country, to stand trial in the country requesting extradition for crimes committed in that country or against that country’s citizens.

5.5 International Initiatives and Conventions

A number of international initiatives in the form of conventions and protocols exist to protect the rights of children, trafficked persons and migrants. The most prominent are the United Nations Convention against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, The UN Convention on the Rights of the Child and its Protocol on the Sale of Children, Child Prostitution and Child Pornography (2000) and the ILO Convention 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

The UN Convention on the Rights of the Child (Article 35) requires state parties to “take all appropriate national, bilateral and multilateral measures to prevent the abduction, the sale of or trafficking in children for any purpose or in any form”⁸⁶ In Articles 9, 11, 32-34, the Convention requires states to “ensure that children are not separated from their parents against their will; to take measures to combat the illicit transfer and non-return of children abroad; and to protect children from economic exploitation, hazardous labour, involvement in drug trafficking, sexual exploitation and abuse and any other form of exploitation”.

ILO Convention 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) addresses child trafficking within the broader realm of child labour.

⁸³ UNICEF, 2003.

⁸⁴ As of 9 August 2005, the sub-regional convention had not been adopted.

⁸⁵ OAU Council of Ministers, “Decision on the report of the twenty-fifth ordinary session of the OAU Labour and Social Affairs Commission/Ministerial Conference on Employment and Poverty Reduction in Africa (Durban: June 28-July 6, 2002), *cited in* Human Rights Watch (2003; 42).

⁸⁶ Although the Convention prohibits child trafficking, it does not define the prohibited practice.

The Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000) entered into force in January 2002. It requires parties to the protocol to enact penal laws against the “offering, delivering or accepting” of a child for the purpose of sexual exploitation or forced labour. Article 35 of the Convention protects the child from abduction, sale or trafficking in any form. State parties are further required to establish jurisdiction over these offences, extradite offenders where necessary, provide each other with legal assistance, and provide for the confiscation of prohibited goods or proceeds of crime. Beyond prosecution, states are required to provide support services and witness protection for trafficked children, to take measures to prevent the offences listed in the protocol, and to strengthen international cooperation in the fight against trafficking.

Below is a list of some of the more recent and most important international instruments related to trafficking in human beings and related offences. Information has been provided on Benin, Nigeria and Togo and the status of these instruments in their countries. Information is provided on when they became signatories (S) to or ratified (R) these instruments.

Table 5.1 Ratification Status of International Instruments Relating to Trafficking in Human Beings

International Instrument	Benin	Nigeria	Togo
U.N. Convention Against Transnational Organized Crime (2000)	R 08/2004	R 06/2001	R 07/2004
U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing U.N. Convention against Transnational Organized Crime (2000)	R 08/2004	R 06/2001	S 12/2000
ILO Convention 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (2000)	R 11/2001	R 10/2002	R 09/2000
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)	S 02/2001	S 09/2000	R 07/2004
Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (1999)	S 05/2000	S 09/2000	-
ECOWAS Convention on Mutual Assistance in Criminal Matters (1992)	S	S	R 08/2003
African Charter on the Rights and Welfare of the Child (1990)	R 04/1997	R 07/2001	R 05/1998
U.N. Convention on the Rights of the Child (1989)	R 09/1990	R 04/1991	R 09/1990
African Charter on Human and Peoples’ Rights (1981)	R 01/1986	R 06/1983	R 11/1982
Protocol to the African Charter on Human and Peoples’ Rights on The Rights of Women in Africa, 2003	S 02/2004	R 12/2004	S 12/2003
Convention on the Elimination of all Forms of Discrimination against Women (1979)	R 04/1992	R 07/1985	R 10/1983

5.6 Summary and Conclusions

Nigeria is the only one of the three countries in this study, and one of few countries in Africa with an anti-human trafficking law. Formal anti-human trafficking legislation is still lacking in Benin and Togo, although a Draft Children's Code, with specific articles dealing with child trafficking will provide improved anti-trafficking protections once the Togo Legislature passes it. It is unclear what accounts for the delay in passing this legislation. Benin's Parliament is also considering an anti-human trafficking bill. Until anti-human trafficking legislation is passed, both Benin and Togo can use legislation that punishes such offences as kidnapping and forced prostitution. Benin has laws against bringing children outside of the country, and both countries have ratified the ILO Convention Against the Worst Forms of Child Labour. Despite a wide range of national legislation (penal, labour and family codes) and regional and international legal instruments at their disposal to punish offences, the countries have been only moderately successful in protecting women and children from harm and reintegrating victims. The three country reports also emphasized the point, which was illustrated by data presented on prosecutions in chapter 4 that the three countries had not successfully prosecuted many traffickers. This is further supported by the U.S. Department of State *Trafficking in Persons Report* (2004). While the Benin case files indicated that traffickers were convicted of offences related to trafficking, sentences were light and the convictions were for minor offences which in no way reflect the serious nature of trafficking or the impact that it has on trafficked victims.

In order to successfully combat trafficking and protect victims, countries must have adequate legislation criminalizing trafficking in persons as such and also protects and extends rights to victims while handing down punishment commensurate with the seriousness of the offence. In order to fully implement and enforce the (national) law and requirements under sub-regional and international conventions, protocols and agreements, governments must have the political will and commitment, resources (financial and personnel) and expertise to address the complex phenomenon of trafficking in persons. This is not always the case in the three countries examined in this research.

The following chapter will examine some of the initiatives that governmental agencies, NGOs and IGOs in Benin, Nigeria and Togo are implementing in their efforts to stem the flow of human trafficking from, to and through their countries.

Chapter 6 Government, NGOs and International Responses to Trafficking

6.1 Introduction

This chapter will examine governmental, NGO and IGO responses to preventing trafficking and working with victims. The information contained in this chapter is not exhaustive. The research teams were given limited time and funds to conduct their research. Only the agencies that they were able to contact and which agreed to provide information or interviews were discussed in their country reports. It is possible that other organizations are active in the field of trafficking in the respective countries but that the researchers were either not granted or able to schedule an interview, or the organization failed to return the questionnaire to the research teams. This chapter therefore contains limited information provided by the research teams in their reports. The amount of information gathered by the research teams in the three countries also varies. The material presented in each of the three country studies is not always comparable. While Benin and Togo are more descriptive, providing general background information on the mandate of organizations, there is limited information on the mandate of the organizations in Nigeria, which focuses more on the responses to the survey instruments.

6.2 Benin

6.2.1 Governmental response to trafficking

The institutional capacity of the state to fight the phenomenon of human trafficking has to be analysed with reference to two indicators. These are institutional indicators and indicators measuring normative efficacy or operational indicators. Institutional indicators are parameters, which assure that Benin has institutions or public structures able to effectively address the phenomenon of human trafficking. The indicators of normative efficacy aim at measuring the operational degree and the appropriateness of the existing legal texts. With respect to institutional efficacy, institutional capacities to fight human trafficking must be aimed at prevention, repression, and elimination. Benin has structures for these purposes.

6.2.1.1 *Institutional indicators*

Prevention and repression

Within three ministries, the Ministry of the Interior, Security and Decentralization, the Ministry of Justice, Legislation and Human Rights, and the Ministry for Social Protection, relevant structures exist which focus on prevention. Among the most important are the Direction of the Protection of Youth and Young Children (DPJJE), the Brigade for the Protection of Minors (BPM), National Central Bureau Interpol Benin (BCNI)⁸⁷ and the Direction of Emigration and Immigration (DEI).

⁸⁷ A brief description of the organizations discussed in this section will be provided below. The BCNI will be discussed at more length in the following chapter in section 7.5.3.

The DPJEJ is involved in the fight against human trafficking (with an emphasis on the trafficking in children) and has been involved in anti-trafficking initiatives since the drafting of the first national report on the children in Benin. This was carried out within the framework of the Convention on the Rights of the Child. This division acts through the national Commission on Child Rights, Departmental Committees of Child Rights, and conducts training on child rights.

The Brigade of Protection of the Minors (BPM) falls under the jurisdiction of the Criminal Police Department. It is specialized in the investigation of situations involving minors in physical and moral danger or who have been abandoned. It can intervene proactively on its own initiative or upon request. A special telephone line is available to anyone interested in providing information to this division. Upon request, agents may be deployed. The BPM works in collaboration with the Ministry for the Family, Social Protection and Solidarity, the Ministry of Foreign Affairs and the Ministry of Labour. It also has working relationships with NGOs.

The Directorate of Emigration and Immigration of the Ministry of the Interior, Security and Decentralization (DEI/MISD) is responsible for the issuance of travel documents for all Beninese and the issuance of visas for foreigners wishing to transit or enter the country. This Directorate is responsible for monitoring of the territory and of all borders (land, air, maritime). DEI/MISD collaborates with the national police and the immigration services of other countries, but it has no working relationship with non-governmental organizations.

Assistance and rehabilitation

The Directorate of Social Protection (of the Ministry for the Family, Social Protection and Solidarity) is responsible for providing assistance to persons with social problems, in particular, the social re-integration and rehabilitation of vulnerable young people in situations of disorientation or danger. It has “centres of social promotion” in certain areas of the country.

Legal structures

Within the legal framework of Benin, there are different levels of judicial jurisdiction. At the first level there are the Courts of First Instance, which hear cases and pass down sentences upon conviction of offences. At the second level, Appellate Courts judges rule on cases in dispute (Court of Appeal and of the Court of Assizes), which have been handled in courts of initial jurisdiction. A last court of appeal is the Supreme Court, which passes judgment with respect to the application of the law by the Appellate Courts.

6.2.1.2 Functional efficacy

Institutional efficacy is not measured by the quantity or the variety of institutions created but rather by the quality of the work carried out by these institutions.

Reaction of the government with respect to the phenomenon of trafficking

Children who suffer at the hands of exploiters may return to Benin after a period of several years of forced labour. The story of abuse may reach the parents or a few close friends. The government may be notified of such cases of trafficking if informed by the victims, the

society in which they live, or organizations focusing on the protection of the child or trafficked victims.⁸⁸ In spite of some significant efforts in the field, Benin's capacity to effectively fight and to end human trafficking in its territory is limited.

Table 6.1, which can be found in Appendix 3, outlines, in greater detail, the strategies, areas of implementation and challenges faced by Benin's governmental agencies to address the problem of trafficking.

6.2.2 NGO response

NGOs in Benin are involved in a number of activities to include social action programmes, the promotion of human rights, literacy, humanitarian aid, development assistance and sensitization programmes to prevent child trafficking in rural areas, reinforcement of local capacities and micro-credit programmes. Listed below are a select number of NGOs active in the fight against child trafficking.

Enfants Solidaires d'Afrique et du Monde (Child Solidarity in Africa and the World, ESAM). ESAM was created in 1987. It specializes in issues related to human rights and the rights of the child, in particular vulnerable populations and girls. ESAM has carried out two studies on child trafficking in Benin. It is also involved in working with child trafficking victims, or those at risk of leaving school, and focuses upon educational and training opportunities for these groups.

Tomorrow Children, based in Ouémé, works towards an increased awareness of the phenomenon of trafficking in rural areas. It was the first NGO to recognize the problem of trafficking between Benin and Gabon and the displacement of children from Ouémé and the Plateau region. It assists child victims upon their return to Benin and attempts to prevent their departure to destination countries. It has been active in the promotion of the law against trafficking in children and has taken an active role in trafficking issues at the ministerial (governmental) level.

Borne Fonden contributes to the anti-trafficking movement by promoting the education of children in rural areas.

Care-Benin developed in 2002 a programme to strengthen and support local actors involved in the fight against trafficking and the placement of children.

Plan Benin is involved in the protection of the rights of the child and in measures to fight child trafficking.

Close (the Liaison Committee of the Social Organization for the Defense of the Rights of the Child) is a coalition of 12 NGOs active in promoting children's rights.

Table 6.2 in Appendix 3 of this report provides more detailed information on the NGOs, their services, programmes and experiences, partnerships and recommendations for improvement.

⁸⁸ According to the current research, in more than 90% of the cases, the child never revealed his or her experience to the police force or to other public authorities in the destination country.

6.2.3 Village committees

Village Committees were first created in August 1999 in the sub-prefectures of Zgbangnizoun, Ze and Dogbo in the south where child trafficking was prevalent. In 2002 the village committees numbered 170. In 2004 the village committees have grown to number more than 700.⁸⁹ Their function is to provide “social surveillance” or social control of the activities and movement of the village’s children. In addition to monitoring children at risk and reporting suspect or fraudulent departures of children, the committees also monitor the reintegration of repatriated trafficked children. “When a child leaves the village, the Committee carries out a rapid investigation and alerts the nearest gendarmerie unit or the Juvenile protection squad. In many cases, this rapid response has impeded the transportation of ‘cargoes’ of children to neighbouring countries.” (UNICEF, 2003; 44). Village Committees provide on-the-spot supervision and spontaneously monitor local children. They function as an early warning system. In addition to this, the Committees also register births and deaths in the village, providing a more accurate census, which assists them in better monitoring the movements of children.

6.3 Nigeria

6.3.1 Governmental response

This section will be divided into the various agencies within the government, which responded to the survey conducted by the research team. The samples are small and for the sake of logic and simplicity, the enforcement agencies (law enforcement, immigration and Interpol) have been handled together. This discussion will be followed by the responses of the prosecutors, and magistrates and judges (handled as one sample) and government agencies.

6.3.1.1 *Law Enforcement, Immigration and Interpol*

The new national agency (NAPTIP) serves to coordinate (investigation and prosecution) anti-trafficking activities. Personnel from the police, immigration and the prosecution service were transferred to NAPTIP. As of March 2004, there were 25 investigative officers, of which only five had attended specialized training.⁹⁰ A number of traffickers have been transferred to NAPTIP for investigation and prosecution.

In addition to NAPTIP, there are currently 11 special police human trafficking units established within states that have a high prevalence of trafficking. Anti-trafficking units are staffed by between six and ten officers. The units should be coordinated, but in practice it has not been possible to actively coordinate activities. This is in part due to the difficulties in establishing communication between units (lack of telephones, faxes). Units in Ogun, Cross River and Akwa Ibom states are particularly active.

⁸⁹ CRI/UNICEF (2004), *cited in* Fanou-Ako (2004).

⁹⁰ Information provided during an interview while the author was on mission to Nigeria in March 2004 (Aronowitz, 2004).

Immigration anti-trafficking and child labour units number 14.⁹¹ Immigration is the first point of contact for repatriated persons returning to Nigeria, and it is therefore essential that immigration officers are sensitized to the position and needs of victims. Immigration also plays an important role in preventing potential trafficked victims from leaving the country. Immigration units at border crossings are particularly aware of the problem and the statistics provided in table 4.11 show that trafficked victims are intercepted at the borders. Immigration works at the airports with airline liaison officers, screening for illegal departures.⁹² The long and porous borders of Nigeria make the work of immigration officials difficult.

The research team combined data for the Nigerian Police (eight officers), Immigration Service (21 officers) and Interpol (one officer) (total n=30). They report the following results. Offices with anti-trafficking expertise tend to be small. Almost half of the sample had a staff strength of fewer than nine officers (for the state). Almost a third of the offices had five to nine officers, and only 20% reported that full time staff concentrating on anti-trafficking issues was more than 15 officers. Sixty-two percent (62%) said they had between two and four years anti-trafficking experience (10% had fewer than two years, while 21% reported having between five and seven years experience and 7% reported having more than seven years experience).

Response was mixed with respect to having undergone special training to investigate trafficking cases. Sixteen (16) respondents (55% of the sample) had received some training; however, 11 respondents (38%) had received no training, while 7% did not respond. Slightly more than half of the sample claimed there were manuals or protocols within the unit to investigate cases of human trafficking.

With respect to investigation of trafficking cases, there are a number of ways that cases come to the attention of the police and immigration. Interestingly, the services state that the majority of cases come to their attention through proactive investigations. This information is provided in table 6. 3.

Table 6.3 Ways in which Cases come to the Attention of Agencies

	No. of responses	%
Reports from Embassy	5	13
Reports from NGOs	7	18
Reports from parents	3	8
Reports from government agency	4	11
Proactive investigation	13	34
All of the above	6	16
Total	38	100%

Respondents were allowed to provide more than one answer to the question.

⁹¹ Human Trafficking Units in the Nigerian Immigration Service are located in the States of Edo, Lagos, Abuja, Akwa Ibom, Kano, Ogun, Kwara, Sokoto, Cross River, Abia, Ebonyi, Imo, Delta and Borno.

⁹² While this may have helped reduce the number of people leaving the country via the airports, the Nigerian Police report that 85% - 90% of trafficked victims (and smuggled persons) now travel overland.

6.3.1.2 *Prosecution and Judiciary*

Prosecutions have been limited, even under the Penal and Criminal Codes. Prosecutions often never make it to court or result in acquittal. While the research team did not report on the number of trafficking cases currently before the courts,⁹³ the U.S. government Trafficking in Persons (TIP) Report 2003 claims that 30 cases were being prosecuted at the time data were being collected for the report in 2002. These prosecutions would have been for offences in the Penal and Criminal Codes. Investigations far outnumber prosecutions, which are dropped frequently in the criminal justice system before ever coming to trial. This is one of the weakest links in the anti-trafficking chain.

Only seven of the eighteen prosecutors who were approached responded. The response rate was also low for judges and magistrates (eight persons responded to the 22 questionnaires which were sent out). This may be due to the fact that court personnel are extremely busy and have limited experience with prosecuting and sentencing trafficking cases. Prosecutors claimed that their knowledge of trafficking was widespread (n=3) to limited (n=2), more than half found it to be a very serious offence, although responses were mixed with respect to the priority that it should be given. The majority of judges and magistrates claimed that the judiciary had adequate resources in terms of manpower and expertise⁹⁴, but all interviewed claimed that there were inadequate funds. With respect to other needs, judges and magistrates thought that there was a need for more support staff (n=8), more training workshops, conferences and seminars (n=6) and funds for the establishment of separate courts (n=3).

6.3.1.3 *Governmental agencies*

The Nigerian research team interviewed 11 persons. Six respondents worked within the Ministry of Women's Affairs (Child/Youth Development Departments), four in Ministries of Information Youth and Sports, and the head of the Office of the Special Assistant to the President on Human Trafficking and Child Labour. Most of the departments (8) claimed that they are involved in preventive activities such as enlightenment campaigns and sensitization of the public on the evils of trafficking. According to five government respondents, services include provision of shelter, food, clothes and financial assistance to victims, rehabilitation of victims, re-uniting victims with families, voluntary HIV screening, provision of transport fare, tracing of family. The services *not* provided and badly needed by victims were identified as legal advice, police protection, safe houses, resettlement in a different state or area and new identities.

⁹³ It is possible that the cases are before courts in States in which the research team did not collect data.

⁹⁴ This is an interesting response given the fact that the research team was able to identify only one trafficking case successfully prosecuted in the country.

6.3.2 NGO and IGO response

The Nigerian research team interviewed 17 NGOs and one IGO in nine states. The level of involvement with trafficked victims varies; however, all are involved in issues related to trafficking such as poverty alleviation, education for children, legal advice. The NGOs interviewed by the research team, the services that they provide, their target group as well as their evaluation of their success is provided in table 6.4. This table can be found in Appendix 3 of this report.

In spite of a wide range of services provided to both trafficked victims and those at risk, NGOs often expressed their frustration at a lack of funding and inability to provide all of the services to all of the victims.⁹⁵ More specifically, NGOs complained of lack of funds for rehabilitation and scholarships for victims. When NGOs are unable to support victims, they often make referrals to other organizations as the need arises. Seven NGOs claimed to have referred victims to FIDA (International Federation of Women Lawyers), police, and the State Security Service (SSS) for legal counselling, prosecution and legal aid, and investigation and arrest of traffickers.

The NGOs were asked to evaluate the quality of services provided to victims by both NGOs and governmental agencies. NGOs had the tendency to rate government services to victims more critically (extremely poor or poor) than they rated NGO services. Their perception may in fact be correct. NGOs traditionally receive funding from international organizations and donors to provide victim services – in part because victims trust NGOs and are more willing to turn to NGOs for assistance. Table 6.5 indicates their evaluation of government and NGO services to victims.

Table 6.5 NGO Evaluation of government and NGO services to victims

Evaluation	Government Organizations	Non-Governmental Organizations
Extremely poor	3	1
Poor	8	4
Adequate	3	6
Good	2	2
Excellent	-	1

⁹⁵ One of the NGOs, Grassroots Evaluation Network (GEN), rated their success thus: They had counselled and provided skills training to 133 victims rescued between 1997 – 2000, when their temporary centre was taken over by the local government council. The NGO is trying to construct its permanent centre. They also complained about inability to raise funds to train relevant NGOs and professionals on all aspects of trafficking such as laws on victims’ rights. In addition there are inadequate facilities/logistics for victims at arrival points on repatriation. They attributed the inability for the establishment of the permanent centre for rehabilitation and reintegration of at risk families to lack of government approval and bureaucratic procedures.

International organizations

The ILO-IPEC was the only intergovernmental organization interviewed by the research team, although the team did provide in-depth information on other organizations to include UNICEF, IOM, and the United Nations Office on Drugs and Crime.

ILO-IPEC – The International Labour Organization launched its programme IPEC (International Programme for the Elimination of Child Labour) in 1999. A multilateral project entitled, “combating the trafficking in children for labour exploitation in West Africa” commenced in July 2001. Countries involved are Nigeria, Benin, Burkina Faso, Cameroon, Côte D’Ivoire, Gabon, Ghana, Mali, and Togo, with the support of the United States. Targets of the project include children at risk, child victims of trafficking and families supplying child trafficking victims. The ILO Project office in Abuja is coordinating the Nigerian end of the project. A survey of child labour in Nigeria has been completed. Attention is now focused on awareness and sensitization activities. Target groups for the awareness programmes are policy makers, legislators, local communities, and civil society in general.

UNICEF – UNICEF is actively involved in the fight against trafficking in children. Currently, UNICEF’s Section on Child Protection and Participation, with the support of the U.S. Department of State Bureau for International Narcotics and Law Enforcement (on behalf of the Office to Monitor and Combat Trafficking in Persons) – has offered a one-time funding of an Anti-Child Trafficking Network in Nigeria. The project is a two-year project, from October 2003 – September 2005. The assessment phase is being executed by NAPTIP.

IOM – IOM is actively involved in the fight against trafficking in women in several countries, including Nigeria. “IOM addresses trafficking through the following activities: research and assessments in order to document and develop counter-trafficking measures, forum activities and trainings promoting inter-regional, regional and national cooperation and awareness-raising, technical cooperation and capacity building of government and NGOs to concretely undertake counter-trafficking activities through IOM’s comprehensive network of counterparts in countries of origin and destination”⁹⁶ Activities include victim assistance and re-integration services, income-generation and capacity building. IOM maintains shelters in Edo State and Lagos.

UNODC – UNODC has implemented the technical assistance outputs of this project. In addition to sponsoring training among law enforcement, immigration, prosecution and judicial personnel, it has produced an anti-trafficking training manual. Its Global TV Campaign on Human Trafficking warns millions of potential victims about the dangers of trafficking. In cooperation with the United Nations Interregional Crime and Justice Research Institute (*UNICRI*) – a large scale technical assistance project was implemented in Edo State to address the problem of trafficked women from that Nigerian state to Italy.

6.3.3 State programmes

Some states have started or are proposing projects and programmes to prevent trafficking and/or assist victims of trafficking. At the Ministry of Women’s Affairs in Akwa Ibom State,

⁹⁶ Interview at IOM Headquarters with the research team.

the survey team was informed that combating child trafficking is now a priority programme for the state. A Trafficked Children's Rehabilitation Centre is being proposed. An Anti-Child Trafficking Campaign is operational with the aim of sensitizing people. In Edo State, in addition to various NGO activities, including the Coalition Against Trafficking supported by UNODC/UNICRI, a Skills Acquisition Centre has been established in the State Capital where potential victims receive training in various vocations.

6.4 Togo

6.4.1 Governmental agencies

There are five Ministries in Togo, which are involved in the fight against child trafficking and the protection of populations at risk.

The Ministry of Social Affairs and the Promotion of Women and Protection of Children

This Ministry, through its Direction for the Promotion and the Protection of Family and Youth, is the focal point in the fight against trafficking and child exploitation in Togo.

The Ministry of Internal Affairs, Security and Decentralization

This ministry is involved in the establishment and operation of projects involving sensitization of officers in government agencies, and it organizes different workshops and seminars. It is responsible for the training received by the border control authorities, which was offered during several workshops. This training strengthened their knowledge of the *modus operandi* of the traffickers with the hope that these police agents will become more efficient in the detection and arrest of traffickers.

Within the BCN- Interpol-Lomé, there has been a section responsible for the fight against human trafficking since 1999. In addition, all of the immigration services of Togo are involved in fighting human trafficking and work in collaboration with BCN-Interpol-Lomé once a case of trafficking has been identified. At the operational level, when a case of trafficking has been identified, the specialized section gives instruction and information to the persons in charge of the border posts of Togo in order to intercept the vehicles transporting the victims, or in the absence of vehicles, the individuals bringing the victims to the interior of the country. The same information is sent to the BCN Interpol offices of countries bordering Togo in case the traffickers escape the control of Togolese immigration services.

BCN-Interpol-Lomé is involved in international police cooperation, and its action cannot be effective without the assistance and involvement of other security services in the country. Toward this purpose, it maintains a good relationship with the national gendarmerie, the various immigration services of the country, government agencies providing social affairs and certain NGOs operating in the field. BCN-Interpol serves as the driving force for information collected for further action.

The Ministry of Foreign Affairs and Cooperation

It intervenes through its consular services, especially those of the Embassy of Togo located in Gabon. Within this framework, it has facilitated the repatriation of Togolese child victims of trafficking.

The Ministry for Civil Service, Labour and Employment

This Ministry created the National Management Committee, composed of the government and ministerial departments concerned with the question of child trafficking, and it liaises with organizations, such as NGOs, international organizations and trade unions. In partnership with the ILO/IPEC, this Ministry set up a "procedure of assumption of responsibility for the child victims of trafficking".

The Ministry for Justice

Responsible for promoting the rule of law, the Ministry of Justice is the governmental structure, which takes action in cooperation with other Ministries against the phenomenon of human trafficking. After the ratification of the UN Convention on the Rights of the Child, it carried out the designation of human resources for the elaboration of a bill entitled "Togolese Child Rights and Duties Bill". In 2000, the Ministry established a National Committee of Coordination for the fight against trafficking in children and women (CNCLTEF). This multi-disciplinary committee is in charge of gathering directives, opinions, and results of studies and research on human trafficking. Based on this information, it is responsible for putting together the different strategies and for identifying people or organizations with relevant expertise, competences and experiences in order to implement the strategies and mobilise the necessary resources.

Table 6.6 in Appendix 3 of this report provides information on the Ministries involved, their strategies and interventions, the level at which they work and the opportunities and constraints faced by them.

6.4.2 NGO and IGO response

As is the case in the other two countries, the NGOs are extremely active in assisting victims and introducing projects to prevent trafficking among 'at-risk' populations. Four NGOs are particularly active in anti-trafficking programming in Togo. They were instrumental in promoting legislation to fight child trafficking, in particular the economic exploitation of domestic helpers.

WAO-AFRIQUE is an African regional NGO that was established in 1985 and which works for the promotion and protection of the rights of the child in general, and against the worst forms of child exploitation, in particular child labour, child trafficking and sexual abuse. Its activities evolve around the promotion and protection of the rights of the child in Togo and in Africa; the improvement of public awareness on the different forms of child exploitation through research, the sensitization of the population and advocacy towards authorities; taking care of child victims through rehabilitation and social reinsertion activities; strengthening of laws and ensuring their effective application through legal assistance to victims and to the participation in the harmonization process of national laws toward international legal

instruments ratified by Togo. This NGO carried out one of the first studies (in conjunction with UNICEF and Plan International) on trafficking in Togo (1998-1999). The organization supported 800 women from the prefecture of Wawa and initiated a new form of activity to generate revenue in the agricultural sector.

The Swiss NGO *Terre des Hommes* is concerned with the re-socialization and reintegration of trafficked children. It runs a shelter, which can house up to 60 children. The number of trafficked children to whom the NGO provided assistance at the centre increased from 17 in 1997 to 337 in 1999.

Bureau International Catholique pour Enfant (BICE – the International Catholic Bureau for Children) is involved in prevention measures by running educational and apprenticeship programmes for children in seven villages of Vo, one of the high-trafficking zones in Togo. Other projects in which BICE is involved is a sensitization project in 25 villages in the prefectures of Vo and Lacs (in conjunction with ILO-IPEC) and periodic sensitization programmes. Further, they are involved in the installation of vigilance committees (18) in the villages, which are tasked, with the protection of the Rights of the Child. BICE also provides assistance with reintegration: some female child victims of trafficking were returned to their village and were provided professional training.

Plan Togo is particularly concerned and involved with promoting the rights of the child and the right to education. The NGO has been involved in prevention work in rural areas, has launched a number of radio spots to raise awareness of the phenomenon and has created a children's radio station in the prefecture of Tchamba, a high trafficking area.

The NGOs provide services to different regions in the country. While BICE focuses heavily on the Maritime region, and Care International on the Maritime and Central regions, *Terre des Hommes* is active in the regions Maritime, Central and Kara. Another NGO, AHUEFA, provides services to all of the regions in Togo and WAO-Afrique is active across the African continent.

These NGOs, their programmes, activities and services are listed in table 6.7.

Table 6.7 NGO Responses to Trafficking in Togo

NGO	Prevention Programme	Suggested Actions	Victim Services
BICE	-Support literacy programmes - Support groups -Committee for supporting the rights of the child -Sensitization	-Repatriation -Rehabilitation -Literacy	-Repatriation with the family -Assistance with professional training -Financial assistance -Compensation
WAO-Afrique	-Campaign professional training -Literacy -Lobbying -Awareness raising -Actions against poverty	-Reception of child victims -Removing minors from work -Rehabilitation and reintegration -Financial assistance	-Repatriation with the family -Educational and legal assistance - Assistance with professional training -Financial assistance -Psychological assistance and reintegration -Protection from violence and bad treatment from traffickers
AHUEFA	-Sensitization -Assistance with literacy -Assistance in professional training -Functional literacy programme -Training	-Sensitization -Assistance with provision of educational facilities -Assistance with training -Literacy	-Repatriation with the family -Assistance with professional training -Psychological and legal assistance -Assistance with rehabilitation - Protection from violence and violent behaviour from traffickers
CARE-International	-Communication supporting change in behaviour -Advice on family planning -Advice on children's rights -Advice on AGR -Guidance towards literacy training and home economics	-Taking in charge issues related to nutrition -Shelter -Hygiene -Psychological help -Educational activities, professional training	-Repatriation with the family -Educational assistance and assistance with professional training -Financial help -Legal assistance in rehabilitation -Protection from violence and violent behaviour from traffickers
Terre des Hommes	-Sensitization (individual and at the community level) -Local network of protection -Educational guidance and professional training -Signature by the parents of a commitment under oath not to place their children in out-of-home care	-Reception -Shelter -Provision of Food Medical help Psychological help -Out-of-school activities -Crafts and play activities	-Repatriation in the family -Educational help -School work assistance -Financial help -Psychological and rehabilitation assistance - Protection from violence and violent behaviour from traffickers

Both governmental agencies and NGOs have different strengths, and their services may complement their respective approaches. While the government is responsible for creating the legal framework within which to protect victims and punish traffickers, to include the passage of appropriate legislation and to provide the means to enforce the law (adequate funding and training for law enforcement, immigration, prosecution and judges), the NGO sector often concentrates services on the victims of trafficking or populations at risk. The following table outlines the areas in which both government and NGOs are active in Togo.

Table 6.8 Resource and Competencies of Governmental Agencies and Non-Governmental Organizations

Organization	Resources and Competencies
Governmental Agencies	<ul style="list-style-type: none"> • International norms related to trafficking – exchange of best practices in terms of anti-trafficking legislation • Training on victims rights and legislation repressing the phenomenon of human trafficking • Adoption of national legal texts complying with international standards and familiarization of the actors with these instruments • In-depth knowledge of trafficking routes and traffickers’ strategies • In-depth knowledge of sensitization techniques • Enhancing knowledge on conventions related to children’s rights (ILO Conventions) in psychology, techniques for victims identification and existing legislative texts
Non- Governmental Organizations	<ul style="list-style-type: none"> • Psychosocial assistance (listening – establishing a relationship – providing assistance) • Method of research action participation • Institutional capacity building • Financial, material assistance and logistic support • Training in child rights, training of agents responsible for sensitization campaigns • Enhancing knowledge on conventions related to children’s rights (ILO Conventions 138 on Minimum Age and 182 on the Worst forms of Child Labour), in psychology, techniques for victims identification and existing legislative texts

International and intergovernmental organizations

The Togo research report identified three international organizations, which are particularly active in the fight against child trafficking in Togo. These are UNICEF, IOM and ILO-IPEC.

UNICEF is a preferred partner working closely with various departments in different Ministries in the Togo government on issues dealing with children. There are numerous and different programmes aimed at children’s issues.

IOM’s mandate is to guarantee the protection, rehabilitation and reintegration of child victims of trafficking. The regional office, based in Dakar, Senegal, facilitates the repatriation of trafficked child victims.

ILO-IPEC was involved in the repatriation of 1,494 trafficked child victims (565 girls and 906 boys) between August 2002 and March 2003. Because of its history and expertise in and its work against child trafficking, the ILO-IPEC, in liaison with UNICEF and other partners, in particular, the Ministry of Labour, the trade unions, and NGOs, has taken actions aimed at prevention and improvement of the living conditions of child trafficking victims. Covering all

the geographic areas of Togo, the ILO-IPEC, in partnership with the Ministry of the Social Affairs, provides technical and financial support to the committees at various levels: village, prefectural and regional. The support covers the following areas:

- prevention actions
- withdrawal of children from the trafficking circuits
- reception and reintegration: placement in training
- improvement of the living conditions
- rehabilitation of the reception centres
- reinforcement of local capacities
- lobbying for passage of the law
- education of enforcement officers and of civil society

Launched in October 2001, ILO-IPEC set up a National Management Committee whose mission is to follow-up actions initiated at the local level. Today, 150 committees have been formed and nearly 1,050 people have profited from a sensitization to the problems of trafficking and the different intervention strategies.

Within the framework of the regional cooperation, village committees are to be tested in certain villages on the border between Benin and Ghana in order to constitute a mechanism to monitor and control the flow of children.

6.4.3 Togo's Local / Village Committees

A programme aimed at fighting human trafficking and supported by ILO-IPEC and funded by the U.S. Department of Labour established anti-human trafficking commissions at 4 different levels:

- National commission (comprising the Ministries of Justice, Health, Social Affairs, Interior, Labour, Economy and Finance);

And three local committees for the fight against trafficking:

- Regional
- Prefecture
- Village

At its initiation, 50 local committees were established. The results were positive, and as of November 2003 there were 150 village committees on a voluntary basis. In the period 2000-2003, 1500 children were resettled. The regional committee mirrors the one at the national level with representatives from government (the head is the Interpol chief). At the prefecture level the head is the Prefect, whereas at the local level the head is the chief of the village (elected and on a voluntary basis). The programme aims to increase the capacity building of parents as a partial solution to the human trafficking problem, introduce micro-credit activities and good coordination among NGOs.

6.5 Summary and Conclusions

In all three countries, there are a number of Ministries, NGOs and international organizations involved in addressing certain aspects of the problem. The Ministries most active are Justice, Social Affairs, Education, Labour, and Ministries focusing on the protection of women and children. Local and internationally based NGOs, as well as intergovernmental organizations such as UNICEF, ILO-IPEC and IOM, have been active in all three countries for a number of years. Organizations have targeted high-risk areas and have been involved not only in research, sensitization and awareness-raising programmes, but also concrete measures to assist families, such as poverty alleviation, micro-credits programmes and educational programmes to keep children in school. Less prevalent are programmes providing for the psychosocial care and reintegration of trafficked children.

There is no indication in the research reports on the continuity of these projects and programmes. The time allotted the research teams was too limited to delve too deeply into any one aspect of the programming of governmental agencies or NGOs/IGOs. More detailed research needs to be conducted on the length of time that these programmes operate and the number of victims and those at risk that these programmes reach.

The question remains, are these programmes successful? That is a difficult question to answer. Without adequate statistics (the number of children in a village, the number of children in school or who have dropped out of school, the number of children employed – and at what ages – as well as the type of work they are doing, the number of children who have left a village and returned), it is impossible to determine the status of children in a given area at a given time, and whether or not governmental and NGO programming are having the desired impact. More accurate statistics also need to be collected on children who have been repatriated, and these child victims need to be followed closely to make sure that they have healed, are protected and not subjected to being re-trafficked.

Evaluations need to be conducted on projects to determine their effects and whether or not they have achieved their objectives. Evaluations should answer these and similar questions: are children staying in school; have they remained at home with their families; have they received training and possible employment; have those who have been repatriated received adequate psychological care; are they safe?

Chapter 7 Cooperation Within and Between Countries

7.1 Introduction

One of the most important aspects of fighting trafficking in humans is the need to address multiple facets of the problem from different angles. This requires a cooperative working relationship between organizations, both governmental and non-governmental, within a country as well as between countries. This chapter examines the cooperation between agencies within the country and at the international level.

Benin and Togo provided more general background information. Information contained in the section on Nigeria (7.3) is based upon empirical data provided by the research team.

7.2 Benin

While the Benin research team provided descriptive information on which government agencies and NGOs cooperated (see information provided in tables 6.1 and 6.2 in Appendix 3), there is no further information on the organizations' evaluation of this cooperative relationship.

7.3 Nigeria

7.3.1 Cooperation amongst government agencies

Based on responses of 29 persons interviewed (police and immigration), the agencies with which information appears to be shared most frequently are the police and the State Security Service. While only 5 respondents claim that they share information with NAPTIP, this should change in the future when NAPTIP begins actively investigating and prosecuting more cases. In fact, when questioned about the quality of their working relationships with other agencies, the majority of respondents replied that these were good or excellent. Police and Immigration also report having good (n=12) to excellent (n=6) relationships with NGOs. Prosecutors and judges scored slightly higher in the poor category, but this may be due more to the fact that few cases have been (successfully) tried so working relationships between police and immigration with prosecutors and judges remains limited. Prosecutors, having less contact with the agencies and civil society, tended to rate these relationships as either poor or not applicable. Judges and magistrates were more optimistic and tended to rate their relationships as good to excellent or not applicable.

7.3.2 Coordination between NGOs and Government Departments

The 17 NGOs (and one IGO) interviewed, report regular cooperation with various Government agencies or Ministries. Three NGOs reported a moderate degree of coordination, six have minimal coordination with government agencies. Table 7.1 shows the NGOs

interviewed and the government Ministries, departments or agencies with which they coordinate. The Ministry of Women’s Affairs is the one with which most NGOs regularly liaise.

Table 7.1 Government Agencies with which NGOs liaise regularly

NGOs		Ministry of Labour	Ministry of Women Affairs	NAPTIP	Police	Ministry of Education	NCWS	Immigration	Legal Aid Council	Bureau of Cooperation and Development	Ministry of Health	Ministry of Information Youths and Sports	Ministry of Justice	State Committee on Trafficking
1	ILO-IPEC	X	X	X	X			X						
2	WOTCLEF			X	X			X						
3	IACJP – Abuja		X	X	X				X					
4	GRPJ – Abuja		X											
5	GEN		X											
6	RPFII – Uyo		X											
7	STCC – Uyo		X											
8	GPI – Asaba		X											
9	GPI – Calabar					X					X	X		
10	GADA/CETDA – Calabar	X				X							X	
11	IRRAG – Edo				X			X						
12	Idia Renaissance													X
13	GPI – Edo		X		X									
14	AWEG		X											
15	WOCON			X	X			X						
16	AHIP – Kano													
17	WOCON – Ogun		X		X									
18	NCWS – Akwa Ibom		X			X				X				

Respondents within the various Ministries (n=11) were asked about their coordination with other Ministries and NGOs. The Ministry of Education is the Ministry with which other government agencies work most closely in dealing with trafficking-related issues. The NGO with which government agencies report working most closely is WOTCLEF.⁹⁷ The respondents were asked to assess their degree of coordination between Ministries/Departments and NGOs on awareness raising/prevention programmes and

⁹⁷ WOTCLEF (Women Trafficking and Child Labour Eradication Foundation - see www.wotclef.org) is a national NGO established by Mrs. Titi Atiku Abubakar, wife of the first vice president of Nigeria. WOTCLEF was responsible for drafting and advocating for the adoption of the anti-trafficking legislation that is currently in force in Nigeria.

provision of assistance to victims. Table 7.2 provides information on the government assessment rating of cooperation with NGOs.

Table 7.2 Rating by Government Officials of Coordination Between Ministries / Departments and NGOs

Rating	Awareness raising / prevention	Provision of assistance to victims
Extensive	–	1
Moderate	4	4
Minimal	2	3
Non-existence	1	2
No response	4	1

According to their own assessment, there is poor coordination between NGOs and government departments and Ministries in addressing issues relating to trafficking. It appears that with respect to awareness raising and prevention, the majority of respondents felt the relationship was minimal to non-existent, or simply did not respond to the question. Only 4 respondents thought the coordination was moderate. With respect to provision of assistance to victims, 5 respondents, slightly less than half of the sample, rated the cooperative working relationship as moderate (n=4) to extensive (n=1). While another 3 respondents rated the working relationship as minimal, there is at least, according to those interviewed, more cooperation between government and NGOs on the provision of assistance to victims than on awareness raising and prevention.

7.4 Togo

Togo researchers report cooperation between agencies on a number of different levels. NGOs cooperate on different levels and with different projects. These include providing shelter to victims (BICE and Terre des Hommes), reception, social reintegration and financial support, (WAO-Afrique with Terre des Hommes and BICE), and providing educational services (Care-International with Terre des Hommes, AHUEFA and Colombe). In Table 7.3, the research team provided information on the NGOs’ activities and their evaluation of their working relationship as well as suggestions on how this could be improved.

Table 7.3 Partnerships between NGOs

Structures	Partners	Nature of the Activity	Evaluation of Cooperation	Suggestions on Improvement
BICE	Terre des Hommes	Shelter	Adequate	-Complementarity in victims assistance
WAO-Afrique	-Terre des Hommes -BICE	-Reception and rehabilitation -Reception, training, reintegration and financial assistance	Good	-Optimize information exchange -Intensify follow-up of anti-trafficking initiatives -Implementation of activities using a network
Care International	Terre de Hommes AHUEFA Colombe	All services Education, professional training Professional training	Good	-Share best practices -Establish efficient coordination
Terre des Hommes	WAO-Afrique	Shelter, reception, rehabilitation, alimentation, financial support, legal follow-up of cases involving abuse	-	

The NGOs evaluate their cooperative working relationships as good to adequate. Unfortunately, the working relationship between NGOs and government agencies appears to be less positive. Here, three out of four working relationships were rated as poor to adequate, while only one was rated as good. This information is provided in table 7.4 below.

Table 7.4 Nature of Working Relationship between NGOs and Government Agencies

NGO	Public Institutions	Assessment	Domains
BICE	-General-Directorate for Protection of Minor -Prefect of the areas of work	-	-Boost cooperation -Regular meetings and exchanges -Avoid overlap and negative competition -Improve collaboration -Effective implementation of the plan against trafficking -Financial support of the State for activities in the field -Establish a coordination system
WAO-Afrique	-Intervention Ministry -Social Affairs -Foreign Affaires -Justice -Supported by ILO-IPEC	Poor	
AHUEFA	-Ministry of Education -Social Affairs	Adequate	
Care International	-ILO-IPEC -National Committee for Minors Rehabilitation (Social Affairs)	Good	
Terre des Hommes	-General-Directorate for Protection of Minors -Brigade for Minors -Social services for the Tribunal -Tribunal for minors	Adequate	

Government officials from the General Direction for the Protection of the Child (*Direction Générale de la Protection de l'Enfance*, DGPE) and The National Committee for the Protection of the Child (*Comité National de Protection de l'Enfance*, CNPE) were equally 'cautious' about their working relationship with other government agencies and NGOs. When asked about the quality of their working relationship with other agencies with respect to prevention and awareness raising activities as well as the provision of assistance to victims, both DGPE and CNPE rated the cooperation as moderate. A respondent from the Cabinet of the Justice Minister reported that cooperation with NGOs with respect to prevention and awareness raising activities was minimal and that cooperation with respect to victim assistance is non-existent. This does not necessarily (have to) reflect a negative working relationship but may mean that the focus of the Justice Ministry is on enforcement, investigation and prosecution of trafficking cases.

7.5 International Cooperation

The research teams report international cooperation on a number of levels. This often takes the form of bilateral or multilateral agreements (usually governing the repatriation of trafficked victims and the extradition of criminals) but also takes the form of donor support for anti-trafficking projects. The following sections briefly discuss international cooperation as it relates to the three countries.

7.5.1 Legal agreements between countries

Memoranda of Understanding or Bilateral Agreements such as those signed between Benin and Nigeria, Nigeria and Italy, or the Quadripartite Extradition Treaty between Benin, Ghana, Nigeria and Togo provide the legal framework to promote international cooperation between the countries, which are parties to the treaties. More information on these binding documents can be found in sections 5.3 to 5.5 of this report. Their mere existence does not guarantee international cooperation. Fortunately, though, there does appear to be cooperation at least in certain high-profile cases such as that regarding the September and November 2003 rescue and repatriation of over 200 Beninese children from Nigeria and the extradition of Beninese traffickers arrested in Nigeria.

7.5.2 Embassies as donors of anti-trafficking projects

The following information was taken from the three country reports. Information provided here is limited and there are numerous other countries involved in funding anti-trafficking initiatives in Benin, Nigeria and Togo, which are not mentioned in this report. This is in part due to the fact that Embassies were not always willing to fill out the questionnaires, grant an interview or may be due to the fact that Embassies are funding NGOs or international organizations, which may also not have responded to the survey.

The *Benin* report provides information on the Embassies of the United States, Denmark and Niger. The U.S. Embassy has supported a number of international organizations, NGOs and Ministries within the Benin government. Among those receiving financial aid from the U.S. government are UNICEF, CARE, Terre des Hommes, the Red Cross and the Ministry of Family Affairs. Many of the programmes funded are to raise awareness and sensitize the

population to the dangers of trafficking. The Embassy of Niger subsidizes projects of the Red Cross and has assisted in the repatriation of 2 kidnapped Togolese children. The Embassy of Denmark, through its funding agency DANIDA has supported anti-trafficking projects in the region of Zou.

In *Nigeria*, only two Embassies – the French and the Italian Embassy - responded to the survey. The ambassador of the Embassy of Gabon was also interviewed. Both the Italian and French Embassies are very active in funding activities to combat trafficking between Nigeria and their countries. The Italian Embassy has provided training programmes for officials of government agencies involved in anti-trafficking activities, has donated equipment to various anti-trafficking units and has arranged charter flights for repatriated victims. The Italian government initiated a Memorandum of Understanding between Nigeria and Italy. In funding the UNODC/UNICRI project, the Italian government, has supported sensitization programmes and assisted repatriated victims with micro-credits projects. In their research, police and immigration personnel interviewed reported cooperation rendered by other countries as well. This took the form of training workshops (supported by the governments of Spain and the Netherlands), information sharing (Belgium, Spain, the Philippines and Ukraine), financial aid, workshop and advocacy meeting (the United States).

The French Embassy is a major donor of the project “*Measures to combat trafficking in human beings in Benin, Nigeria and Togo*”.⁹⁸ The French government is compiling records and statistics concerning trafficking and cooperates with other Embassies and Nigerian agencies.

The U.S. government was not interviewed in this study but remains a major donor in the fight against trafficking in Nigeria. With the help of the U.S. Embassy and USAID funds, IOM was able to open a 100-bed facility in Lagos for repatriated victims. Other support includes equipment and training to Nigerian law enforcement agencies.

In the *Togo* report, information on Embassy cooperation was provided on the French and U.S. Embassies. Both of these countries are major donors to projects assisting governments, international organizations and NGOs within countries address issues relevant to trafficking. Areas of focus have been on research, promoting campaigns to raise awareness on child trafficking and the rights of children and laws against child labour. In 2001, the U.S. government provided funds for the creation of a reception centre for trafficked children.

7.5.3 Interpol

The Interpol Liaison Officer, stationed within each country, is tasked with investigating transnational crime and when necessary, arresting individuals involved in transnational criminal activities. Interpol serves as a liaison office to facilitate police cooperation between countries. It often maintains an unofficial network between Embassies.

The National Central Bureau Interpol (BCNI) in Benin serves as a liaison between the national police in Benin and police forces in foreign countries. It has been involved in facilitating contact between police forces in different countries involving several cases of child trafficking. In 1999, it worked on the case of involving the trafficking in adult Nigerian

⁹⁸ Other donors are the Canadian and Norwegian Governments.

women transiting Benin on their way to Belgium. This organization interfaces with all structures in Benin committed in the fight against human trafficking.

Nigeria is the only report in which specific information was provided by the National Police and Immigration Service with respect to direct cooperation with Interpol. Ten respondents claimed their offices worked with Interpol, 1 remarked that arrangements were being made to begin working with Interpol, while 7 were unsure. Of those who cooperate directly with Interpol, 3 'share intelligence', 2 liaise with Interpol to 'track traffickers'. Other responses varied ('hand over victims', 'clear Interpol officers' and 'connected to Interpol telephone lines in Lagos and Italy').

7.5.4 Other forms of cooperation

All three studies report other forms of cooperation between agencies within their country and international counterparts. The Nigerian Immigration officers interviewed in this study report an excellent working relationship with their counterparts in Niger, Chad, and Cameroon (Okojie, 2004). Cooperation existed between the police and immigration officials on both sides of the Nigeria-Benin border when 116 child slaves were rescued and repatriated and 7 traffickers were arrested (the Beninese were extradited) in the Nigerian states of Ogun, Oyo and Oshun in September 2003. The Nigerian police also report information sharing with the governments of the Philippines and Ukraine, which led to the rescue of 12 trafficked women from Moldova, Belarus, Ukraine, and the Philippines.

The Nigerian respondents identified a number of areas in which they desire cooperation with agencies in other countries. These include assistance to deported victims (while still in the destination country and upon return to Nigeria), identification of victims, information sharing, and logistical support with respect to both victims and traffickers. The following table is an indication of the type of international assistance desired by Nigerian police and immigration agents in dealing with victims and perpetrators of trafficking.

Table 7.5 Kinds of Cooperation Desired From Agencies in Other Countries

Concerning victims	Frequency	Concerning traffickers	Frequency
Identification of victims	3	Arrest and prosecution of traffickers	2
Repatriation of victims	2	Information sharing	5
Logistic support	4	Deportation and prosecution in country where offence was committed	2
Assistance to deported victims	6	Assistance in trading madams	1
Victims allowed to take possessions before deportation	2	Logistic support	1
Information	3		
Treatment of victims with empathy	2		
Shelter	1		

7.5.5 The United Nations Office on Drugs and Crime: Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo

In addition to the assessment of trafficking carried out by the three research teams, UNODC implemented a number of technical assistance activities within the framework of this project. An emphasis of the technical assistance aspect of this project was to promote international cooperation. Activities to enhance this goal included:

- Preparation of guidelines for cooperation between prosecutors and law enforcement agencies on investigation and prosecution of trafficking cases with a focus on cooperation between the three countries; translate and disseminate in the three countries the guidelines on investigation and prosecution of trafficking cases;
- Preparation of a case study on investigation and prosecution of a trafficking case between Benin, Nigeria and Togo;
- Organization of a two day case-study workshop in Benin for policemen, prosecutors and judges from Benin, Nigeria and Togo on investigation and prosecution of a trafficking case between the three countries.

7.6 Summary and Conclusions

When examining the nature of cooperative relationships, one can look at cooperation within or between agencies either in the government, or between organizations in the NGO/IGO sector. A second type of relationship would comprise a ‘cross-over’ relationship between government agencies and NGO/IGOs. A third type of relationship entails international cooperation.

In all countries there are numerous NGOs involved in the area of human trafficking.⁹⁹ A small number of NGOs seem to have established themselves as well-known, reliable and serious NGOs in each of the three countries involved in the study. They tend to work well with each other. There remains some competition with respect to funding, but it appears that many NGOs seem to have carved out their niche within which they work well with other organizations. It is not clear from this analysis whether the cooperation exists on a structural rather than on an incidental level.

It is these same NGOs, which tend to coordinate their activities with government Ministries and Agencies. The working relationship between NGOs and government Ministries varies depending upon the Ministries and their functions. As can be seen from the data provided by the NGOs in Nigeria and Togo, the working relationship tends to be closest with the Ministries providing social services. These include the Ministries of Education, Social Affairs, Women’s and Children’s Affairs. NGOs in Nigeria also appear to have a good working relationship with the police and NAPTIP. This is also the case in Togo where the Brigade for the Protection of Minors plays an important role in rescuing and repatriating trafficked children.

When looking at international cooperation and coordination the picture becomes more diffuse. Certainly the NGOs work well together with the intergovernmental organizations such as the ILO-IPEC, IOM and UNICEF, as well as with other International NGOs (CARE, Terre des Hommes, Anti-Slavery International, among others). NGOs also appear to have good working relationships with NGOs in other countries, particularly when it comes to facilitating the protection, return and reintegration of trafficked victims.

Police cooperation between countries appears to run directly through INTERPOL, although there are exceptions to this rule.¹⁰⁰ Immigration appears to be more directly involved with their counterparts in other countries. This is not surprising as ethnic groups and tribes tend to settle on both sides of country borders.

The following chapter examines challenges to the agencies and organizations in Benin, Nigeria and Togo dealing with human trafficking. The research teams make recommendations

⁹⁹ During the training mission in Benin the research consultant and UNODC staff were told that there are over 200 NGOs in Benin, which claim to be involved in fighting human trafficking. As a direct result of the fact that money is now available from the International Community for work in the area of trafficking, NGOs were literally created overnight. A volunteer who was working for and collecting data for a report for the NGO ESAM provided this information.

¹⁰⁰ As a result of the joint UNODC and UNICRI project on trafficking in young women between Nigeria and Italy (MIR/R88 Programme of Action against Trafficking from Nigeria into Italy), agreements have been signed between the Governments of Nigeria and Italy promoting direct working relationships between police and immigration officials in the two countries.

for improvements to facilitate these agencies and organizations in their fight against trafficking.

Chapter 8 Challenges and Recommendations for Improvements and Best Practices

8.1 Introduction

This chapter is based predominantly on the research teams' assessment of the challenges identified and the recommendations put forth by experts working in the field in those countries to counter trafficking. Information was obtained through their empirical research and recommendation made during the roundtable discussions with experts regarding the research results¹⁰¹. An abbreviated version of recommendations made during the roundtable discussions can be found in Appendix 4. Benin, Nigeria and Togo will be handled separately in this chapter. The information has been taken directly from the country reports. In the case of Nigeria, the work was summarized.

8.2 Benin

8.2.1 Challenges

Benin is confronted with a number of challenges. The absence of specific trafficking legislation means that serious acts of trafficking can only be prosecuted as other offences under current penal and labour codes. A lack of trafficking legislation means there is no support guaranteed to the victims during and after the phase in which they testify against their abusers nor can victims receive compensation for damages or lost wages.

Differences in opinion and approach have often weakened collaboration between the actors at the local level and those providing support at the governmental or international institution level. Collaboration between NGOs at various levels and between NGOs and governmental agencies is also strained. This lack of coordination and collaboration is counter-productive and hampers any attempts to successfully address the problem. It appears, also, that each actor in the fight against human trafficking takes an individualistic approach and these approaches are often in contrast with approaches and strategic directions taken by other organizations or actors in the fight against trafficking. Intervention frameworks are developed without building upon what has already been designed and implemented. Whether this is intentional or whether it is due to a lack of knowledge of existing interventions is not clear.

A consequence of the absence or lack of collaboration between the institutions is the displacement of the phenomenon: the child traffickers identify new villages and populations at risk, create new means to secure, transport and exploit their victims. The traffickers become more adept at circumventing the laws and the extremely weak and fragile structures/actions put in place to control trafficking. On the whole, the trafficking network improves each day whereas the system to fight the phenomenon remains unquestionably fragile and sometimes disconcertingly inconsistent. The absence of collaboration and coordination benefits the

¹⁰¹ The roundtables were held in Abuja, Nigeria on 23 August 2004; in Cotonou, Benin on 30 August 2004; and in Lome, Togo on 10 September 2004.

perpetrators of the crime. Such a situation shows the magnitude of the consequences of the lack of information, collaboration and information sharing among concerned actors and agencies in the field, but particularly of the lack of coordination among the various interventions.

8.2.2 Recommendations for good practices

At a more general level, any attempts to address the problem of trafficking in Benin must examine and include improved and accurate knowledge of the phenomenon of trafficking – its causes, the manner in which children are recruited, transported and exploited, impact of the phenomenon on the children, the family and the country. This requires serious documentation and accurate data gathered through research, registration and information / data sharing. There must be an overall recognition of the responsibility of families and government decision makers for the protection of children. The government must make a commitment to protect children's rights, and together with the assistance of NGOs must promote and disseminate the texts of child protection laws. Legal commitment and political will must exist at the national and international level. Benin must witness the emergence of a local dynamic to seek durable solutions to the root causes of the phenomenon, beginning with a general improvement of the living conditions in the village. Below, are more specific recommendations to address the trafficking problem.

Education and training to sensitize the population: education is necessary to enlighten the population and to sensitize persons to the consequences of child trafficking. Education supportive of, and combined with social mobilization is urgently needed. In order to succeed, this proposal must recognize the sensitive subject matter of child trafficking. The material must be designed in such a way that it allows educators to present questions and issues, which might otherwise be rejected by illiterate populations. One way of doing this might involve the publication of books with animations or pictures to allow educators to touch these delicate issues. This results in a pattern of Information – Education – Communication.

The capitalization of experiences: trafficked victims constitute a significant source of information and their experiences should be used in the design of rehabilitation programmes and strategies of prevention.

Strengthening structures on the ground: structure providing initiatives aimed at prevention are many and varied. Among these are public and private sector structures at the local, regional, national or international level. It is essential and urgent to undertake an evaluation of competences and needs for these structures in order to, on one hand, identify those which provide true interventions, and on the other hand, to strengthen their capacities by providing them with the means to strengthen their skills and to become more professional. In order to accomplish this, it would be advisable to identify the types of assistance necessary for the existing structures in order to assist them in the specialization in socio-educational matters aimed at creating true professionals in the area of child protection.

Communication as a tool for behavioural change: information, sensitization, training: in the field of awareness raising and sensitization, actions must be aimed at the general population. Particular attention must be given to people living in areas of the country where children are at high risk of and are vulnerable to human trafficking (recruitment zones) and the transit and destination zones where child labour is occurring and children are being exploited. In a

number of these localities, local committees have been set up to take actions aimed at prevention of the phenomenon. The following targets should be addressed:

- The children (those at risk, trafficked victims, children in school, etc.)
- Individuals and their families (those families providing children as well as those who use trafficked children)
- Socio-professional, religious groups and the civil society (community leaders, traditional chiefs, organizations addressing the needs of children or (young) women, etc.)
- Public / Government services (police and security officers, lawyers, prosecutors, judges, safety, health care personnel, etc.)
- Media

Actions must be multi-sectoral: actions must be aimed to increase economic resources, to establish and develop places for meeting and training, to provide basic structural actions or to work on direct changes of behaviours. These actions can be divided into a number of basic categories to include education, awareness raising at the village level and strengthening other areas to include economic assistance and registration of births. Actions include:

Education / vocational training:

- Mandatory school attendance and school obligation reinforcement (sanction for parents whose child drops out of school) and establishment of alternative educational systems for children from 10 to 14 years
- Support and improvement of school infrastructures (quality and capacity)
- Introduction of school canteens to encourage school attendance of children who live far from the school
- Improvement of the system of community teachers in order to mitigate the lack of teachers and prevent school drop outs
- Assistance for literacy programmes particularly in vulnerable zones and to women
- Introduction into the school programmes of specific modules relating to the rights of the child, especially in the primary education
- Dissemination of the experience of the UNICEF initiative "girls for girls" in the primary schools
- Address the issue of sexual abuse of pupils by their teachers; this initiative and similar projects would address the issue of school drop outs and the refusal of the parents to send their children to school
- Creation of vocational training and the sensitizing of the population about the conditions to access apprenticeships and other training possibilities

Awareness raising:

- Elaboration and distribution of sensitization and awareness raising materials (posters, comic strips, tee-shirts, audio and audio-visual material)

- Institutionalization of a two-week holiday programme for children, which would take place on an annual basis. Demonstrations on child rights and human trafficking would be part of the programme and involve participation of the children
- Compilation of texts of existing laws on human trafficking and their oral dissemination within the communities
- Creation of awareness through radio campaigns in the local communities aimed at the general population and in particular, at the children
- Public awareness campaign on the importance of education for children and the necessity to complete their education, particularly aimed at the female child
- Production and dissemination of radio and television spots

Income generation:

- Promotion of opportunities for economic assistance to reduce the factors which place vulnerable families at risk
- Introduction of income generating activities integrated with education for women to lift the standard of living of the families

Activities at the village / community level:

- Support for the creation of socio-educational and leisure time spaces in the villages
- Creation of clubs for children in the communities and establishment of a meeting point for a dialogue between parents and children
- Old local committees must be involved in the fight against child labour and child trafficking; new local committees must be established which will be used to interact and stimulate all associations and actors in a given geographical territory; the involvement of members of the local committees must be strengthened to allow for a more efficient organization of their training, for prevention activities, assistance and follow-up to the reintegrated children, and to increase their capacity of intervention for the establishment and execution of a community-based alert system
- Setting up socio-community structures to counsel and provide orientation to out-of-school children
- At the community level or aimed at a specific target group, it is necessary to support the elaboration of a plan of action aimed at seeking solutions to identified problems. The execution of this plan of action should be established and monitored by a representative internal committee. The committee should prioritize the problems and define the strategies and means of mobilization to gradually solve the difficulties

Other initiatives:

- Compulsory registration of births and awareness raising campaign for the systematic registration of births; dissemination of information on the procedures for registration; support must be given to community leaders and health workers, they must be provided with materials and training to register births;
- Creation of a framework for periodic consultation of actors and agencies working in the field of child protection (local level and central level)

- Elaboration of a book of specifications for the fight against child trafficking
- Promotion of the community systems of health (e.g. family planning, psychological and medical programmes)
- Development of a research action plan
- Assistance with establishing professional training for a ‘domestic helper’ branch

Synergy and complementarities

Synergy between organizations involved in children’s rights must be stimulated and increased in order to maximize the impact of actions. Differences in opinion and approach have often weakened collaboration between the actors. The bundling of strengths among organizations will allow for a broader and more effective provision of services to trafficked victims and those at risk.

Coordination and collaboration

Coordination and collaboration between the various actors and agencies aimed at sharing information available with regard to child exploitation and other matters related to human trafficking are essential. This coordination of the various actions must occur at the strategic as well as at the practical level. It is obvious that this function of coordination must be commonly recognized by all the concerned agencies in the field. In this regard an official structure is recommended as the most appropriate, since the State is the guarantor of the policy on child protection.

The establishment of a high level mechanism would improve the coordination of work characterized by multiple facets/types of intervention. In the case of the work undertaken by the intergovernmental organizations, this mechanism should aim, whatever the modalities may be, to put forth the recommendations necessary for a more effective collaboration. Agencies of the United Nations, such as UNICEF, ILO-IPEC, with expertise in data collection and in designing programmes to address the problem of child trafficking, should be encouraged to assist the Benin government and local, regional and national NGOs as well as civil society to establish good practices and techniques for the prevention of human trafficking and for the protection of child victims. That would require the establishment of criteria to evaluate a project as a “good” or “bad” practice.

The creation of campaigns and development projects in the villages

The fight against poverty is a fundamental solution to the problem but can be approached in various ways and with differing motivations. Not all projects or activities aimed at fighting poverty are necessarily specifically aimed at fighting trafficking in human beings. Yet it is important that focus returns to the revitalization of the village through the creation of local development projects. The execution of projects in villages will likely result in young people strengthening their roots and will allow women to become entrepreneurial and owners of projects. It is thus recommended that good development projects be aimed at these beneficiaries.

Based upon their research, the Benin research team makes the following recommendations to the Benin government and other agencies involved in the fight against human trafficking:

General recommendations

- A distinction of the trafficking problem must be made between child and (adult) women victims (trafficking in women is on the rise); these are driven by similar but not the same causes and, while related, the approach to addressing these phenomena must be different
- Awareness of the problem has to be twofold: criminal justice practitioners must view victims as such and must provide for their legal protection, while traffickers must be viewed as criminals and legal procedures must be identified to arrest, prosecute and punish them
- Media needs training in order to report issues related to the problem on the one hand and of the crime on the other hand; their capacity to sensitize the population on the issue is a potential to be exploited
- Pilot projects should be run at the village level in order, if successful, to be replicated on a broader basis;
- Design and establish a policy and a national strategy to fight against human trafficking
- Ensure coordination of the various initiatives and the follow-up of the various International Conventions
- Be equipped with a precise and binding legal framework to fight human trafficking and exploitation of human beings
- Coordinate the national actions with those of the neighbours and countries of the sub-region
- Strengthen the multidisciplinary approach in interventions (psycho-social, legal, law enforcement/police)
- Make prevention activities a priority
- Establish bilateral / multilateral legal activities of collaboration between countries of the sub-region
- Establish a group of lawyers (legal aids) to facilitate the defence of the concerned victims in the courts
- Encourage and support coordination of the international institutions and their local, regional and national counterparts with respect to their various programmes and operations against human trafficking in order to increase their effectiveness

Specific recommendations to the government of Benin

- The government of Benin should incorporate the provisions of the UN Trafficking Protocol into its national anti-human trafficking legislation and implement them.
- By harmonizing the national legislation with the UN Trafficking Protocol, the government should adhere to the definition and define trafficking in Benin in conformity with the UN Trafficking Protocol
- The government should ensure that the traffickers do not go unpunished, on the basis of a trafficking law being too complicated to apply, or because of punishments being so severe that it will be difficult to persuade the courts of justice to declare the traffickers guilty.

8.3 Nigeria

The Nigerian research team identified a number of challenges faced by victims and NGOs as well as by all levels of service within the government. First the challenges will be presented, followed by the recommendations.

8.3.1 Challenges

Numerous challenges exist in both the enforcement of anti-trafficking measures as well as the prevention of trafficking and the protection of victims.

Porous and extensive borders hamper Law enforcement and immigration, lack of adequate funds to hire personnel and purchase equipment to conduct surveillance on the borders and proactive investigations into possible suspected areas of exploitation. Officers report being threatened by traffickers and reported a lack of information coming from the countries, which had deported Nigerians. There is a lack of networking among agencies. Nearly all the respondents complained that their units do not have copies of the new Anti Trafficking Law and other relevant current legislation. They also complained of shortage of manpower (specialists in particular) and adequate access to information on the phenomenon of trafficking. Much of the work in trafficking is hampered by the absence of adequate information on sponsors, traffickers, movement of victims, and other information from the general public as well as information from neighbouring countries. Lack of a central database has also hampered investigations and prosecutions.

Victims and their care pose a particular challenge to all involved in working with them. The government agencies (police and immigration) lack the facilities to provide adequate care for the victims while they are still in custody. NGOs and government reported inadequate transit shelters and rehabilitation facilities at the community level. Fighting the trauma and stigmatization experienced by victims is a particular challenge as are logistics for rescue operations. While Nigeria has anti-human trafficking legislation, it lacks legislation aimed at victim protection (which may explain victims' unwillingness to cooperate with investigations into traffickers). The lack of safe houses was also mentioned as a challenge to providing victim protection. Inadequate funding and sustainability of programmes for victims is a major challenge, in particular, to NGOs.

Some of those interviewed questioned government resolve and commitment to fighting trafficking given the fact that despite arrests and adequate anti-trafficking legislation, a year after the passage of the law, the government had yet to secure a conviction for trafficking under the new law¹⁰². Accusations of corruption among government officials and collusion with traffickers have been made, as have accusations of jurisdictional disputes between police and immigration personnel.

There are systemic problems which have been identified as particular challenges in fighting trafficking, and problems which require more long-term approaches. These are high levels of unemployment and poverty, denial by parents, government and communities of the existence

¹⁰² After the research was completed, in late November 2004, the Nigerian Government secured its first conviction under the new trafficking law in the trial of a female trafficker in Benin City.

or seriousness of the offence, the low status of women and female children, and the lack of free, quality education coupled with weak social welfare institutions.

8.3.2 Recommendations for good practices (aimed at the following groups)

Law enforcement, immigration and the criminal justice system:

Increase knowledge of law enforcement officers through training; ensure that trained officers train incoming officers before being redeployed to other posts. Enforcement agencies must implement more proactive investigations and resources must be strengthened to provide coverage on a twenty-four hour a day basis. Respondents felt that greater knowledge among criminal justice personnel could be increased through the following means: enlightenment, training, sensitization and the provision of more funding, access to current information, books/journals and the internet and continuing legal training. Law and criminal justice personnel should be closely monitored. The recommendation was made to establish special courts presided over by judges with expertise to hear trafficking cases.

With respect to training, specific recommendations were made to include human rights and gender sensitive training, training in detecting potential victims especially at the border posts, as well as technical training in detection, investigation and prosecution for enforcement agents (police and immigration officials), prosecutors, judges and magistrates. Additional and equally important topics should include proactive investigation, surveillance and crackdown techniques, counselling, rehabilitation methods and victim assistance.

The government:

A central database must be created and maintained. The government should stimulate the creation and maintenance of an inter-agency board or task force within Nigeria. There needs to be more coordination between agencies on the management of victims. Collaboration is recommended between local, state and the national government. International cooperation will be increased through bilateral and multilateral agreements and Memoranda of Understanding. Free education or scholarships should be provided to victims who want to return to school to complete their education (compulsory and free education for all children may decrease children's susceptibility to trafficking). Creation of more employment opportunities in Nigeria will provide more economic alternatives for children and adults.

The NGOs expressed a desire for strengthening their working relationship with government agencies (including law enforcement, immigration and the prosecution department) and mentioned capacity building for data collection, collaboration in reporting cases early, training of counsellors, and capacity building toward networking. Some also called for experts in social work, guidance and counselling and health education to work with NGOs and government departments.

Community:

A suggestion was made to more deeply involve the community in a partnership in the fight against trafficking by fostering the establishment of “youth vigilante groups” in all villages to identify traffickers and act as informants to the police. Another proposal was for more television and radio jingles on trafficking.

Private Sector:

Creation of employment opportunities and funding from the private sector would provide opportunities and means for those at risk to improve their lives at home rather than taking a risk abroad. This could help reduce trafficking.

The Law:

Procedures should be adopted that would remove bottlenecks and delays in prosecuting traffickers. Existing laws should be expanded to include victim/witness protection and provide for compensation payments to victims. Seizure of traffickers’ property and financial assets and forfeiture to the government should be ensured.

Victims and those at risk:

Community enlightenment projects on the dangers of child trafficking were recommended. This can be done through personal contact or through television and radio jingles on trafficking.¹⁰³

Child victims should first be kept in rehabilitation centres before returning them to their parents. An investigation should be made to determine if the child could be safely returned home. Shelters, centres and rehabilitation projects including counselling for trafficked victims are a necessity. Furthermore, the status of the victim must be recognized and the (particularly adult) victims must not be treated like criminal illegal migrants (or prostitutes). The victims’ family must be involved in the rehabilitation process. It is essential that the government establish a viable witness-protection programme that would guarantee protection for victims, witnesses and complainants.

‘Trafficking’ hotlines need to be established for victims and victims need to be made aware of existing services and facilities. Grants and micro-credits to graduates of skills acquisition programmes will provide them the means to remain in Nigeria and support themselves and their families.

8.4 Togo

8.4.1 Challenges

¹⁰³ It should be noted that a number of NGOs have been involved in radio jingles in high trafficking areas. The NGO WOTCLEF also sponsored a soap opera on Nigerian television with an anti-trafficking theme.

Challenges faced by Togo include the absence of a specific anti-trafficking law, as well as a lack of expertise and specialization within criminal justice agencies and the courts. Human trafficking is dealt with by numerous agencies within the government. The police force and the gendarmerie are regularly the agencies, which bring cases of human trafficking to the courts. The denunciation of the trafficker, the preliminary investigations, the detention, the court hearing, and the judgment are the various stages of the legal procedure. In addition to the police force and the gendarmerie, social services are also involved. Within the judiciary at the level of magistrate / judge, there is no specialization on the issue of human trafficking. There are no handbooks nor are there guidelines dealing with issues pertaining to human trafficking. All of this taken together points to a necessity for specific training. Even if there were political will to prosecute cases of child trafficking (using penal code offences related to trafficking), the courts lack expertise, appropriate equipment and required funds. Only since 2001 have the courts started to seriously investigate the issues and offences related to human trafficking.

The social factor related to family economic problems and the absence of specific anti-trafficking laws are the most significant problems, which magistrates/judges come across when trying to resolve human trafficking cases. In the dynamics of management of human trafficking cases, the magistrates/judges admit to having an incomplete knowledge of the issue. Thus, with respect to investigating and prosecuting cases of human trafficking, to have sufficient knowledge and be able to operate effectively, the concerned criminal justice practitioners estimate that it is essential to have appropriate and continuous training, rather extensive information/assessment on the phenomenon as well as the creation of suitable laws.

In spite of the fact that Togo lacks specific anti-trafficking legislation, it has either signed or ratified a number of international legal instruments to protect the rights of the child. There is, however, a gap between theory and practice. The action of the government for the application of ratified conventions and other international legal instruments currently is no more than a declaration of intention. Moreover, the prosecution of the traffickers is a complicated, long and expensive process.

8.4.2 Recommendations for good practices

No cases of human trafficking, as such, have been brought before the courts or resulted in conviction, as there is no specific anti-trafficking law. A study of trafficking-related offences filed in courts (kidnapping, labour exploitation, transporting children across borders to exploit their labour) may help to identify a best practice, and an ideal range of offences related to human trafficking, which should be included in any future Togolese anti-trafficking law.

Regular meetings, the division of labour and clearly defined fields of intervention for each concerned agency, and committed collaboration are some of the most important means which would lead to improved cooperation between the various services intervening in the field. The provision of adequate financial means is one of the most important issues when designing strategies to tackle the human trafficking problem.

Currently, although the phenomenon of human trafficking is largely widespread, the preventive measures are in the developmental stages. School is one of the most important venues and means to reduce trafficking because there it is possible to warn the children against the dangers related to trafficking. Adult literacy also facilitates the spread of

knowledge concerning the rights of the child and the means by which adults can respect these rights.

With respect to the spread of knowledge among criminal justice and other government personnel, it is necessary to have the concerned actors undergo specific training, in particular, to control for the psychological effects on the victims and to learn how to deal with traumatized victims. Government must be trained and able to evaluate management strategies and ensure that the agencies dealing with trafficking victims are sufficiently equipped. The officials, even with the provision of appropriate equipment, will have to still operate with efficiency, moral probity and vigilance to make a success of the cases related to human trafficking. The research team has proposed the following:

- Adoption of a bill punishing child trafficking and a law repressing human trafficking as stated in the United Nations Trafficking Protocol
- Adoption and effective enforcement of the Togolese child code
- Court convictions against (networks of) traffickers
- Public awareness campaigns
- Management of vigilance committees
- Strengthening of the institutional capacities
- Reintegration and rehabilitation of victims
- Psychological and moral assistance to victims
- Education (for both children and their parents)
- Vocational training to assist in the reintegration and reinsertion of victims
- Medical and psychological assistance to victims
- Witness protection against traffickers' reprisals
- Legal aid
- Educational and professional reintegration and rehabilitation
- Rotate personnel serving on the committee of vigilance
- Sensitization
- Repatriation of victims
- Area assessment to identify zones of human trafficking prevalence to detect the causes and search for the solutions
- Extradition of the traffickers and bi- or multilateral cooperation between agencies in trafficking cases

With regard to the general tendency which emerges from the results of this study, it appears that the majority of the protagonists in the fight against human trafficking admit the urgency of efforts to be implemented in the following fields and at the following levels:

Sub-regional level

- The creation of a sub-regional commission charged with the collection and comparison of data from the various countries and the coordination of its action;
- The establishment of ministerial collaboration between countries, with the assistance of international organizations;
- The creation within sub-regional institutions, such as ECOWAS, of a special unit which would support national and sub-regional programmes in combating human trafficking;
- Organization of negotiations between origin and destination countries;

- Promotion of collaboration between the Consulates and Embassies of the origin countries of the victims and the authorities of the countries towards which they are trafficked in order to facilitate their repatriation;
- Strengthening of the police collaboration within and through Interpol;
- Elaboration and enforcement of regulation on the movement of minors, at the same time for those who leave the country and for the foreign children who enter Togo;
- Harmonization of the provisions and the legal procedures of the States within the sub-region;
- Development of relations between the various radio and national television stations in order to publicize programmes on the trafficking of the children in several countries at the same time.

National level

Strengthening the legal framework

This requires to:

- Adapt the legal framework to cover the specificities of child trafficking;
- Adapt the national legislation to international standards and accelerate the process of ratification of the legal instruments concerned;
- Supervise the implementation of the ratified conventions and draw up regular reports on their application;
- Allow NGOs to formulate proposals supplementing or modifying the legislation;
- Train social workers and magistrates specialized in the field of human traffic;
- Render the system more accessible for children

Strengthening the institutional framework

This requires:

- Strengthening the capacities of the labour/factory inspectorate, police force, customs and the court;
- Improving collaboration among the customs departments of neighbouring countries;
- Improving interdepartmental collaborations between the Ministries of Labour, Justice, Internal Affairs, Social Affairs and Foreign Affairs;
- Strengthening action of the trade unions and support the inspections of the work places prone to employ trafficked children in situations of forced labour.

Assistance to the victims

This requires to:

- Create shelters for temporary reception on the sites known as being crossroads of the traffic, particularly at the borders
- Create rehabilitation centres in the recruitment areas of origin countries to ensure the follow-up of released children
- Support the existing centres
- Support the creation of surveillance centres to monitor child rights

Table 6.8 provides a list of actions to be taken by both governmental Ministries and Departments as well as by NGOs, based upon their competencies.

Additional recommendations made by experts during the roundtable discussion

The structure of Togo's administration may be used for more effective anti-trafficking interventions at different levels: regional, prefecture and village. Focusing interventions at the different administrative levels are already part of the multi-level approach used by ILO - IPEC in partnership with the Ministry of Social Affairs and should be expanded to other areas.

It is relevant to have a clear definition of tasks of the different concerned criminal justice practitioners (agencies such as police, gendarmerie, etc.) in fighting human trafficking.

It is critical to strengthen the existing Inter-Ministerial Task Force (*Comité National pour le Rapatriement des Enfants*) in which civil society is also represented (the NGO WAO Afrique). Additionally, it is important to create an action plan and programme document. The Inter-Ministerial Task Force is restricted to child trafficking and does not meet frequently. It is recommended that the focus of this task force be also extended to the trafficking in adults (particularly trafficked women) and meet on a regular basis.

To conclude, it should be noted that trafficking in persons, as an internal and transnational phenomenon, is an undeniable obstacle to the economic and social development of the countries affected by it. It cannot be fought effectively by each State, separately and individually. On the contrary, to be won, this fight must be carried out as a joint action of all the Western and Central African states. The adoption of a specific child trafficking law in Togo and the countries of the sub-region that have not ratified the UN Trafficking Protocol is highly desirable. Also, it is advisable to work on the harmonization of the national legislation with regards to the promotion of bilateral and/or multilateral agreement in Western and Central Africa. In addition, the results of the survey show that the majority of the actions and the bills are focused on the children, because there are no data on the magnitude of the phenomenon with respect to adults, especially women.

In regard to the dynamics initiated by the current UNODC project and with regard to the progressive mobilization of Togolese communities, it is relevant to conduct national quantitative investigations in each country in order to assess the real impact of this plague on the socio-economic and socio-cultural development of the countries affected by human trafficking.

8.5 Summary and Conclusions

Based upon empirical research and commentary from experts in human trafficking invited to attend roundtable discussions of the research results in August 2004, the three research teams identified challenges and made recommendations for improvements in the different agencies and organizations within their countries. These were discussed separately for each country. There are similarities to be found across countries with respect to both challenges and recommendations for best practices. Challenges include lack of funds, equipment accurate data and data collection and management, insufficient expertise (and the need for training), the absence of anti-trafficking legislation in Benin and Togo – and the lack of commitment to implement current anti-trafficking legislation in Nigeria.

While the Nigeria research team provided recommendations aimed at specific agencies (police, prosecution) or target groups (victims), the reports from Benin and Togo were more

general. The three research teams recognized the need for training (manuals) and specialization, particularly among prosecutors, and magistrates and judges. They also recognized the need for increased outreach to areas and populations at risk as well as for more shelters for repatriated trafficked victims, socio-psychological support, protection of trafficked victims and follow-up to ensure their safety. In order to assure their safe reintegration and future prospects, recommendations were made for education and job training (and job creation) for repatriated victims as well as micro-credit programmes to assist adult victims and the families of child victims to prevent their re-trafficking.

The following chapter will provide a synthesis from the research recommendations, and where possible, will identify the agencies and departments in which these changes should be implemented.

Chapter 9 Conclusions and Recommendations

9.1 Introduction

The sevenfold aims and objectives of this United Nations study were identified in section 1.3 of this report. The first four objectives to identify trafficking flows, modus operandi of traffickers, demographic information on victims and their experiences and information on the criminal organizations that trafficked these victims were provided in chapters two and four. The remainder of the objectives, to identify governmental agencies and NGOs involved in anti-trafficking initiatives, the cooperation between agencies within a country and between countries, and identification of challenges and recommendations for good practices were identified in chapters six through eight. In chapter eight the research teams made recommendations for good practices for the purpose of assisting NGO and governments to strengthen approaches to fighting trafficking in human beings in their respective countries and the West African region. This final chapter will provide a synthesis of the research teams' recommendations for initiatives to fight human trafficking and to strengthen national and international cooperation in the West Africa region.

9.2 A discrepancy between theory and practice: why is it not working?

Government agencies in the three countries are hampered by a number of obstacles. These include lack of anti-human trafficking legislation in Benin and Togo, or insufficient knowledge of existing laws and scarce resources available to enforcement agencies (according to the U.S. State Department, as of 2003, Benin Republic's Brigade for the Protection of Minors was operating with a staff of only 4 officers¹⁰⁴ and is located in the capitol, Cotonou, far from the target zones where recruitment is most prevalent¹⁰⁵). Additional problems faced by agencies include few or no resources available for international investigations, rotation among staff resulting in a loss of expertise, lack of training or training manuals, and failure of victims to cooperate.

What limited success law enforcement agencies have made in terms of arrests, unfortunately, does not carry over to the courts and the cases seem to get stalled at the prosecution level. The U.S. government blames endemic corruption among government officials and a lack of political will as a major contributing factor to explain the lack of prosecutions of traffickers in Benin (U.S. State Department, 2004; 44). The Benin research found "friendly relations and 'dealings' exist between the traffickers and certain law enforcement authorities." With respect to Nigeria, the U.S. State Department Trafficking in Persons report blames the "(...) significant complicity of Nigerian security personnel in trafficking and the lack of evidence of increasing efforts to address this complicity" (2004; 71). During interviews with government and enforcement officials in Nigeria, the research team was told that the lack of prosecutions was due to poor police investigations that compromised the prosecution of traffickers (Okojie, 2004).

¹⁰⁴ U.S. Department of State, Trafficking in Persons Report, 2004; 44.

¹⁰⁵ Reported by Benin research team (Fanou-Ako, 2004).

Perhaps one of the most important reasons for the dearth of prosecutions is the lack of cooperation and testimony provided by victims of trafficking resulting in insufficient evidence to convict traffickers. There are numerous reasons why victims refuse to cooperate with law enforcement officials ranging from mistrust of police, suspicion/knowledge of police complicity with traffickers, lack of cognition of their own victimisation,¹⁰⁶ the desire to travel abroad (again) and fear of reprisal from traffickers. The absence of victim and witness protection programmes in all countries lacking such measures is believed to be the major cause of victims' and witnesses' unwillingness to cooperate with government officials.

The Benin research team proposes another explanation for the lack of victim testimony and cooperation. In the case of child trafficking the parents are often complicit and place their children in the care of traffickers. This fact provides an obstacle to the denunciation of the crime and the traffickers. To denounce the crime would be to implicate the child's own parents.

An important step in battling human trafficking is the adoption of anti-human trafficking legislation criminalizing the act of trafficking and which also takes into consideration victims' rights. It is essential that the countries take steps to bridge the gap between what is legislatively possible and what is in fact occurring. Protecting victims is a most important step, but it must be coupled with giving a strong message to (potential) traffickers that severe penalties of incarceration and fines await those who abrogate the human rights of others. Certain governments have legislation, which punishes parents for aiding, abetting or facilitating in the trafficking in their children. In spite of such legislation, there is often the hesitancy to enforce it; as to do so may create more harm than good.¹⁰⁷ To incarcerate a parent (or parents) for bringing harm to their child or children only creates more problems when there are other children for which they are providing (adequate) care. An alternative solution must be found to a punitive approach, particularly with respect to the parents of trafficked children.

A second and no less important step is the development and implementation of a National Plan of Action against Trafficking in Human Beings in both Benin and Nigeria¹⁰⁸ and the implementation of the existing National Plan of Action against Trafficking in Human Beings in Togo. Nigeria has elaborated a National Plan of Action for Combating Child Labour (elaborated in 2000)¹⁰⁹ while in December 2000 Togo elaborated a National Plan to Fight against Child Labour and Child Trafficking (UNICEF, 2002). A National Plan of Action must address the problem of trafficking in both adults and children for labour and sexual exploitation. These National Plans of Action must involve all relevant partners in the design, implementation and execution of interventions based upon their specific strengths and

¹⁰⁶ This is often the case with trafficked children who are promised a bicycle or radio if they agree to work abroad. At the end of their multi-year stay, the children are given the promised 'reward' and do not always realize that they have been exploited.

¹⁰⁷ Interview with the National Focal Point of the Project in Togo during a UNODC mission report to Lomé, Togo in November 2003.

¹⁰⁸ At the time of this research, NAP TIP was elaborating a Plan of Action against Trafficking with the help of different stakeholders. The International Organization for Migration and the United Nations Office on Drugs and Crime were supporting this initiative with technical expertise. The process was in its initial stages and is expected to take 6 months before the first draft is available.

¹⁰⁹ The International Labour Organization spearheaded the development of the National Action Plan on Child Labour to be implemented by relevant partners. The impact of this National Action has yet to be felt. The ILO's Child Labour Unit is working toward reviewing the Plan (information provided in an email from the head of the ILO Nigeria to the UNODC Nigeria office, 7 December 2004).

expertise. Adequate and continual funding must be made available to implement and sustain Plans of Action to fight human trafficking.

A third and equally important step is that of cooperation. This must take place between governmental agencies as well as between NGOs and IGOs within a country. A second level of cooperation must occur between governmental agencies and NGOs and international and intergovernmental agencies within a country. A third level comprises cooperative relationships between government agencies and non-governmental and intergovernmental organizations in different countries (source, transit and destination). While cooperation exists, it appears to exist on an incidental rather than a structural level. Working relationships are often defined by projects and available funds. It is essential that cooperation on all levels occurs and that it becomes an integral part of the operations of agencies and organizations on a permanent basis.

9.3 Recommendations

This section will present suggestions, which, if implemented, may ameliorate the problem of trafficking in persons in Benin, Nigeria and Togo, and extend beyond these countries to the Central and West Africa region. Recommendations address improvements that need to be made or initiatives aimed at specific targets such as victims, governmental agencies, NGO and intergovernmental organizations, civil society and donors.

Victims

Child Victims

- 1) Education should be mandatory and state-funded in all three countries. In addition to free education, local governments should provide free materials and books to all children. The school is an excellent place for anti-trafficking campaigns, which should be mounted in schools and villages. These anti-trafficking campaigns must be age-appropriate and should be offered in the form of games, stories or picture books. Older children who have been trafficked and repatriated may be willing to work with NGOs and share their experiences with children at risk.
- 2) Based upon studies and current data or information made available from NGOs who have provided services to repatriated children, high-risk villages and areas should be identified. Ongoing prevention programmes and awareness campaigns should be offered in the states, zones and villages, which are known to be high-trafficking areas. Data must be continually updated to identify new high-risk areas as traffickers change their method of operation.
- 3) All three studies identify a lack of shelter to care for victims who have been rescued in the destination country and have not yet been repatriated to their home countries, or children who have been repatriated to their home countries but have not yet been sent home to their families. Given the precarious medical and psychological situation in which rescued victims find themselves, it is imperative that these services are immediately available to trafficked victims. The researchers have recommended that shelters be located near border cities, towns or villages.

- 4) Children who are stopped at the border prior to having been trafficked and exploited, but more particular, children who have been trafficked, exploited and repatriated need special care. In addition to adequate shelters, there must be sufficient social workers, psychologists (or psychiatrists), medical doctors and nurses to provide for the psychosocial care of traumatized victims. Their well-being must be ensured before returning the victims to their families and villages. An investigation should determine whether or not it is safe to return the children to their family and whether or not other children from the same family have been trafficked. Upon return to the family, monitoring should occur to ensure that the child is still safe and well adjusted and has not been re-trafficked.
- 5) On a more proactive level, police, Labour Code inspectors, and other government and enforcement agencies should proactively investigate working conditions and the age of those employed in markets or sectors known to exploit trafficked children. These include the domestic, fishing, agriculture and mining sectors. Children under the minimum age found working in exploitive conditions must be removed and protected while individuals and establishments should be subject to criminal prosecution.
- 6) In addition to educational programmes, vocational training and other programmes should be offered to victims and potential victims, in particular older children, for them to acquire employable skills. This should be coupled with the creation of jobs or financial incentives such as micro-credits to allow young people to begin their own small business. In the case of particularly young children it is essential that the parent(s) be assisted through skills and job training, and micro-credits programmes to allow the family to establish economic independence.

Adult Victims

- 7) Adult victims, usually young women who have been forced into prostitution, often suffer psychological trauma after having been exploited and repatriated. While the tendency is often to treat children as trafficked victims, this is not always the case with adult women. It is essential that for those who require and desire medical and psychological care, these services are offered to them in a safe setting. Medical care should also include voluntary testing and, if necessary, treatment for sexually transmitted diseases, to include HIV/AIDS. In addition, job skills, job creation and micro-credits programmes are necessary to provide alternatives to women to being re-trafficked into prostitution.
- 8) Adult victims are not always recognized as trafficked victims but are still often viewed as, at best illegal migrants, and at worst, as illegal migrant prostitutes. Their almost immediate deportation (referred to in kinder terms as repatriation) violates the rights that should be accorded to trafficked victims under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. A problem facing trafficked women mentioned in a number of studies¹¹⁰ is the fact that when they are arrested in the destination countries they are often locked in police cells and deported without having been given the opportunity to collect their belongings or money. NGOs who have worked closely with repatriated victims ask that victims be treated humanely and be allowed to take any personal belongings with them once they are being returned to their countries of origin. This plea for humane treatment of

¹¹⁰ This fact was mentioned in two studies carried out in Nigeria by Anti-Slavery International (2003a) and the United Nations Interregional Crime and Justice Research Institute (Okojie, 2003).

trafficked victims extends to enforcement and immigration personnel in both countries of destination and origin.

- 9) Adult victims are often subject to threats and violence by their traffickers. It is essential to establish and implement effective victim and witness protection programmes to ensure the safety of trafficked victims and increase victims' willingness to cooperate with law enforcement and prosecution in bringing traffickers to justice.
- 10) Measures that offer victims the possibility of obtaining wages lost and compensation for damage suffered should be incorporated into national trafficking legislation in all countries.
- 11) Nigeria has long recognized the problem of trafficking in adult women for forced prostitution. While this problem exists in Benin and Togo, it has not received recognition equal to that of child trafficking in these two countries. More research is needed and data should be collected on the phenomenon of trafficking in adults in these two countries, the areas from which women are being recruited and the parts of the country or countries to which they are being sent and exploited. Attention, funding, programming and repatriation assistance should be expanded to include adult victims of trafficking in Benin and Togo.

Police and Immigration

- 12) Extensive training should be provided to police and immigration officers. Training should be provided to all officers in Anti-Human Trafficking Units or special units dealing with children such as the Brigade for the Protection of Minors. Anti-human trafficking training should be introduced at the police and immigration academies as part of the standard training of police and immigration personnel. Training should be ongoing and refresher courses should be provided. Those officers who have attended training provided by organizations such as UNODC or IOM should be used to train other officers in their units. Training must include sensitization on the plight of victims, proper handling of traumatized victims, victim protection, and criminal investigation and processing of evidence.
- 13) To avoid a loss of expertise in the anti-trafficking units, it is essential to modify the practice of rotation and allow officers to spend a longer period of time in anti-trafficking units. Furthermore, rotation should be postponed until replacements have been properly trained to ensure a high level of expertise and professionalism within the unit.
- 14) Exchange of information is essential not only within and between police and immigration units within a state or region but also between agencies in neighbouring countries. This is particularly true at border regions with high recruitment and transit status. Measures should be taken to develop/implement information sharing by law enforcement agencies on a national, cross border and international level.
- 15) Corruption must be weeded out of police and immigration agencies. Effective systems of tackling corruption should be established. Penal sanctions should be handed down to law enforcement and immigration personnel found to be guilty of complicity in

aiding and abetting traffickers, deliberately neglecting to do their duties in order to aid traffickers or obstructing or sabotaging efforts to bring traffickers to justice.

- 16) In order to obtain accurate data, it is essential that anti-trafficking units compile statistics with respect to victims and traffickers, trafficking routes and *modus operandi* of recruitment and transportation. Data generated at the zone or state level must also be compiled at the national level in order to determine persons and areas of the country most at risk for recruitment, trafficking flows and markets and areas of exploitation.

Interpol

- 17) In relation to exchange of information, Interpol should be used more actively to facilitate contacts between police in source, transit and destination countries.

Prosecution and Courts

- 18) Due to the fact that Benin and Togo have no specific trafficking legislation and that at the time of the research, no case of trafficking under the new law had come before the courts in Nigeria, it is essential that prosecutors and magistrates / judges in the three countries be provided with adequate training. It is important, as with police and immigration personnel, to establish court personnel with expertise to successfully try cases of trafficking.
- 19) Prosecution officers and police need to work more closely together. Prosecutors should guide police on proper evidence collection in human trafficking that will withstand challenges in court.
- 20) As with Police and Immigration, cases of corruption among prosecutors and magistrates / judges must be weeded out and offenders, upon conviction, must face penal sanctions. Effective systems for tackling corruption should be established. Penal sanctions should be handed down to prosecutors, magistrates and judges found to be guilty of complicity in aiding and abetting traffickers, deliberately neglecting to do their duties in order to aid traffickers or obstructing or sabotaging efforts to bring traffickers to justice.

Ministries and Government Departments

- 21) The government of Togo should be given assistance with the aim of implementing its National Plan to Fight against Child Labour and Child Trafficking. Benin and Nigeria need to elaborate and implement a National Plan of Action to combat human trafficking. All three countries need to also consider the elaboration of a National Plan of Action aimed at combating the trafficking and exploitation of adult victims of trafficking. This National Plan of Action against trafficking in human beings must spell out which agencies are responsible for which actions. Deadlines must be established and met. Long-term and continual funding must be guaranteed to the agencies, departments or organizations tasked with the implementation of this Plan of Action. Evaluations should be conducted to determine whether or not the agencies are meeting their goals and the Plan of Action is being successfully implemented. These National Plans of Action should be in line with and support existing bilateral or regional programming.
- 22) It is essential that the governments of Benin and Togo take measures to create and pass anti-human trafficking legislation. NGOs should be allowed to contribute to the drafts of anti-human trafficking legislation. National legislation should include the elements of trafficking identified in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Nigerian government must begin an active enforcement of the existing (new) legislation. Further steps need to be taken to ratify international instruments, which would protect the human rights of women and children and protect children from the worst forms of child labour (ILO Convention 182). Where international instruments have been ratified or trafficking legislation exists, the gap between theory and practice must be bridged.
- 23) Any anti-human trafficking legislation needs to include measures to protect victims and witnesses. Governments should intensify their efforts to put in place effective victim and witness protection programme towards ensuring the safety of victims and their families during and after the time the offenders have gone to trial.
- 24) Passports that are difficult to falsify would aid governments in fighting documentation fraud, which facilitates trafficking. It is recommended that Immigration Services of the three countries be provided with passport readers and other relevant equipment linked to a national online database comprising records and fingerprints of recipients of all passports issued. This would minimize the problem of passports issued to the same individual in different names or under different identities. Alternatively, fingerprints or iris scans should become an integral part of passports.
- 25) The governments of Benin and Togo should closely monitor the performance of Nigeria's National Agency for the Prohibition of Traffic in Persons (NAPTIP) and consider establishing a similar national organization comprising law enforcement, immigration and prosecution experts tasked with enforcing trafficking matters in the country. This agency could also be given the responsibility of data collection, production of training manuals and provision of training and would coordinate activities between agencies dealing with trafficking.

- 26) Barring the existence of such a construction, the government should take the initiative in establishing a multi-agency Anti-Trafficking Task Force. This task force should be comprised of (but not be limited to) government ministries involved in the issue of trafficking, among them, the Ministry of Justice, Internal Affairs, Foreign Affairs, Labour, Social Affairs, Women's and Children's Affairs and Education. In order to strengthen the working relationship with NGOs, there should be NGO representation on the task force. This task force should meet on a regular basis and establish a cooperative working relationship with Anti-Trafficking Task Forces in other countries.
- 27) The Anti-Trafficking Task Force should be incorporated at the state or prefecture level as well. A coalition of partners working in the field of human trafficking should be established down to the level of the village. These Task Forces should create working plans to ensure that adequate prevention (sensitization and awareness-raising) and victim assistance (shelter, psycho-social, legal and financial assistance) programmes are operative in their jurisdictions or to assist in the identification of programmatic areas needing attention. In villages or areas near country borders, meetings may take place with representatives from nearby villages in other countries to coordinate activities to fight cross-border trafficking (tribal, ethnic and language lines often exist on both sides of the country borders).
- 28) Government officials should be in contact with their counterparts (this applies to government officials at the state and zone levels as well) in other countries to exchange ideas on successful practices and projects. Lines of communication must be open and strengthened between the federal/national government and officials at the state, city and local level.
- 29) The Ministries of Social Affairs and Health should work closely with NGOs in ensuring that there are sufficient (mental) health care officials to tend to the needs of traumatized repatriated victims. These individuals need to be present in reception centres to which victims are repatriated before being sent home to their villages and cities.
- 30) Trafficking patterns, high recruitment areas, the methods used by recruiters to entice their victims to voluntarily leave their homes and villages and the markets in which victims are exploited will change over time as recruiters look for new villages, new victims and new opportunities to exploit. It is essential that a national database be established and maintained and that this database is available to (national) police, immigration and other criminal justice personnel on a need to know basis. NGOs and international organizations should be encouraged to supply data on victims to the agency maintaining the database. Without detailed and current data, it is impossible to target traffickers' activities and ensure effective awareness raising and prevention programmes where they are most needed.
- 31) Governments should design programmes to alleviate poverty and create jobs. Such programmes must be focused on high-risk areas and with high-risk populations, in particular those victims (and the victims' families) who have already been repatriated.

Embassies and Foreign Governments

- 32) Agreements should be reached between the sending and receiving countries on such issues as shelters, the length of time that victims will remain in the country of destination, what services will be provided and which country is to pay for the repatriation of trafficked victims. This agreement should be formalized in Memoranda of Understanding or bilateral or multilateral treaties. Cooperation between the host country and foreign countries can be encouraged by inviting participation of Embassy personnel to meetings of the multi-agency Anti-Trafficking Task Force.
- 33) Donor countries should be encouraged to support the government agencies, NGOs and international organizations in Benin, Nigeria and Togo. Support can include training (criminal investigation in trafficking cases, assistance in the establishment of a national trafficking database, etc.), equipment (passport readable machinery, computers, cars, radios, phones at outlying immigration posts, fax machines, hardware for the establishment of a database, etc.), or funds (for the construction of shelters, printing of materials or legal documents, prevention and reintegration projects, etc.). To avoid duplication of funding and overlap in programmes it is essential that donor countries coordinate their funding activities. Donor countries should carefully monitor the activities or equipment they have funded during the life of the project.
- 34) Donors, in cooperation with executing agencies (governmental or NGO) should map out a plan to assure continuity in programming. It is essential that (successful) projects not be terminated after the initial funding period but that projects and programmes are guaranteed a period of operation after the initial funding has expired.

NGOs and International Agencies

- 35) Intergovernmental organizations, international NGOs and local NGO partners involved in efforts to combat trafficking should form a coalition and define a common plan of action to combat trafficking. It is essential those high-risk areas in the country are the focal point of activities and that all types of programming and services (prevention and victim assistance) are offered in the areas and to the population in which they are most needed. Coordination is also needed to identify project needs and omissions and to avoid duplication of services.
- 36) Intergovernmental and international organizations can play an important role in seeking to address the problem of trafficking from a regional / international perspective. They are in a position to mobilize the most active NGOs in respective countries to deal with the problem on both sides of a border. Further, international and intergovernmental organizations can assist in the coordination of activities to support the development and implementation of national policies against child trafficking, collecting, disseminating and sharing information among institutions and between countries and establishing a regional monitoring system.
- 37) NGOs and IGOs should utilize the media to reach a broader base of the population. It is essential that radio and television spots be presented in local languages and in a manner, which can be understood by the population at large.

Civil Society

- 38) Perhaps one of the most important measures to have been taken by Benin and Togo were the introduction of the Vigilance Committees involving civil society in the villages where children are most at risk. These 'constant watchdogs' may provide one of the most important protections against the risk of being trafficked from the village. Other villages in other areas of the country, as well as other countries, should be encouraged to adopt this mechanism for social control and protection of the children.

Regional Cooperation

- 39) The shared tribal and ethnic affiliations and common language of people on both sides of national borders contribute to the ease with which traffickers can cross national borders and recruit victims from and exploit victims in other countries. It is essential that cooperation between immigration and law enforcement agencies exists and that all countries within the region have anti-trafficking legislation. Harmonization of laws against trafficking (and their enforcement) would provide increased protection to citizens within the West and Central Africa region.
- 40) Existing regional structures, in the form of ECOWAS and the African Union, must be strengthened and their declarations (ECOWAS Declaration and the Plan of Action against Trafficking in Persons) must be enforced by the member states. The ECOWAS Coordination Unit, tasked with liaising with National Task Forces, should play a leading role in increasing cooperation between member states.
- 41) The ECOWAS Convention on Mutual Assistance in Criminal Matters, aimed at strengthening the criminal justice response to trafficking by promoting bilateral and multilateral measures to assist countries in their criminal law enforcement against traffickers, as well as the Convention on Extradition, should be strictly enforced.

Research

- 42) Data collection should begin with the (compulsory) registration of births in the villages coupled with awareness raising campaigns aimed at explaining the need to register births. This will assist local authorities in ensuring that children are registered for and attending school, may help in preventing their disappearance from the village and assist in tracking children who have departed.
- 43) It is essential to conduct evaluations of projects to determine their efficacy. Those projects, which have shown success, should replace projects, which have proven less successful and should be established in other areas of the country.
- 44) The problem of child trafficking has been highlighted in Togo and Benin, yet the problem of trafficking in adults, particularly women, has received less attention. This phenomenon does exist and the degree to which it is occurring demands more attention.

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Maps: Courtesy of the University of Texas Libraries, The University of Texas at Austin,
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<http://www.lib.utexas.edu/maps/>

Appendix 1

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Appendix 2 Country Maps of Benin, Nigeria and Togo¹¹¹



¹¹¹ Courtesy of the University of Texas Libraries, The University of Texas at Austin.
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Appendix 3 Additional Tables

Table 6.1 Government Agencies and their Mandates in Benin

Table 6.2 Non-Governmental and International Organization Response to Trafficking in Persons in Benin

Table 6.4 Nigeria Organizational Information – NGOs/IGOs

Table 6.6 Government Agencies and their Response to Trafficking in Children in Togo

Table 6.1 Government Agencies and their Mandates in Benin

N°	DESIGNATION	Length of service in Anti-trafficking issues	Problems of efficiency	Awareness-raising Programme	Services to victims	Network coordination
1	MJLDH DPJEJ	Since drafting of the national report on the Child in Benin within the framework of the Convention on the rights of the Child	-Shortage of personnel -Insufficient financial means -Insufficient equipment	-Through the National Commission for the Rights of the Child and the Committees at the level of the 'Department' for the Rights of the Child -Trainings on the Rights of the Child -Development of a draft law on this issue	Nil	MFPSS Bureau for the Protection of Minors UNICEF And other NGOs
2	Ministry of the Interior, Security and of Decentralization Brigade for the Protection of Minors	Since its creation	-Inadequate staffing -Limited financial means -Unsuitable equipment	-Participation in awareness-raising campaigns -Participation in the establishment of Anti-Trafficking Committees -Training of other passive or active stakeholders - Setting-up an Anti-trafficking Harbor Committee is planned	- Psychological assistance -General support -Organize the reintegration of victims	MFPSS MAEIA Ministry of Labour

3	<p>Ministry of the Interior, Security and of Decentralization</p> <p>Bureau Central National Interpol Benin (B C N (Interpol))</p>	<p>Interpol Benin works as a liaison service between the police of foreign countries and the National Police</p> <p>It is a link between police services worldwide</p> <p>Several cases of trafficking in children</p> <p>1999, 1st case of trafficking in adults: Women from Nigeria were sent back from Belgium</p> <p>They had left from Cotonou (Transit)</p>	<ul style="list-style-type: none"> - Inappropriate human resources -Inadequate expertise -Insufficient financial means -Logistical support almost inexistent 	<ul style="list-style-type: none"> -Participation in awareness-raising campaigns -Participation in the establishment of Anti-trafficking Committees -Training of other active and passive stakeholders -Setting-up an Anti-trafficking Harbour Committee is planned 	<ul style="list-style-type: none"> -Repatriation -Guided towards shelters 	<ul style="list-style-type: none"> -Communication with all the services but mediocre working relations -Lack of coordination -Good cooperation with Niger and Burkina Faso, Mali and Togo -Fairly good cooperation with Nigeria
4	<p>Ministry of the Interior, Security and of Decentralization</p> <p>Directorate for Emigration and Immigration</p>	<ul style="list-style-type: none"> -Deals with establishing travel documents for all Benin nationals and issuing visas for foreigners -Watches over the territory, controls land, air and sea borders -Victims identified as a result of legislation regulating the travel of children 	<ul style="list-style-type: none"> -Insufficient staff -Limited financial means -Inadequate equipment 	None	Handed over to police and gendarmerie	<ul style="list-style-type: none"> -Police; Interpol; Gendarmerie; Justice -No collaboration with local representatives -No collaboration with NGOs -Collaboration with immigration services in other countries (CEDEAO, 'Conseil de l'Entente')

Table 6.2 Non-Governmental and International Organization Response to Trafficking in Persons in Benin

DESIGNATION	NUMBER of STAFF	EXPERIENCE and PROGRAMMES	PARTNERSHIP	REQUIRED RESOURCES	SERVICES NEEDED BY VICTIMS	SERVICES PROVIDED TO VICTIMS	RECOMMENDATION
PDDHE – AJ SOS	12	-Promotion of the fundamental human rights -Women and children protection -Awareness-raising	-CAJ – LOKOSSA -Centre Social	-Human resources -Financial resources		-Services provided by a network -Legal action	
AFVP	87	-Encourage local initiatives aimed at supporting the development of the country -Grassroots awareness-raising campaigns -Rehabilitation -Support structuring and management of local groups -Anti Child-Trafficking Project	-Red Cross -Terre des Hommes -MFPSS -UNICEF -BCAT - EU	-Financial Resources -Cultural and infrastructural resources	Repatriation to the family and assist in the child's rehabilitation	-Reception and shelter -Rehabilitation of victims	-Increase knowledge and expertise -Aim at improving conditions of living of victims -Need for the government to provide more support to the project -Promote Family Planning
PLAN INTERNATIONAL		-Long-term improvement of most deprived children's life expectancy in developing countries thanks to a process that involves people from different	-AFJB -CPS -AS -Gendarmerie -MFPSS -UNICEF -Local NGOs	Improvement of communication Financial needs	Educational and professional training assistance Rehabilitation Reintegration	Educational and professional training assistance Rehabilitation / Reintegration for most of the victims	-Work in coordination with other NGOs -Circulate information through local radio stations -Focus better the different activities -Need for political resolve

		<p>cultures</p> <p>-Project involving a warning system and birth registration</p>					
CARE INTERNATIONAL		<p>-Strengthening of local capacity through promotion and providing services in terms of children's rights</p> <p>-Support to initiatives at the community level</p> <p>-Prochild</p>	<p>-CLOSE</p> <p>-PLAN – BENIN</p> <p>-ALISEI</p> <p>-Terre des Hommes</p> <p>-Les Sœurs Salésiennes</p> <p>-AFVP</p> <p>-UNICEF</p> <p>-BCAT</p> <p>-Age FIB</p> <p>-MFPSS</p>	<p>Financial resources</p> <p>Need for infrastructure</p>			<p>-Higher implication of the 'communes' and government</p> <p>-Vast awareness-raising campaign</p>
Borne Fonden	200	<p>-Establish entertainment and activities to try to maintain children in their environment</p> <p>-Sponsorship mechanism for children from poor families</p> <p>-Micro finance</p>	<p>MEPS</p> <p>MFPSS</p>			<p>-Professional training</p> <p>-Reintegration and rehabilitation of former victims</p> <p>Give out small loans to sponsor activities generating income</p>	<p>-Development of micro-finance</p> <p>-Raising awareness of parents and care givers</p> <p>-Pass repressive laws to deter traffickers</p>
Terre des Hommes	62	<p>-Protection of vulnerable children</p> <p>-Publishing of an educational manual</p>	<p>-Centre oasis</p> <p>-Red Cross</p> <p>- Les Sœurs Salésiennes</p> <p>-MEPS</p> <p>-MFPSS</p> <p>-MJLDH-</p> <p>Ministry of the Interior, Security and of</p>	<p>-Technical resources</p> <p>-Qualified human resources</p> <p>-Financial and material resources</p>	<p>-Most of the victims wish to go back to their family and be reintegrated</p> <p>-Some need legal advice and protection against traffickers</p>	<p>Reception</p> <p>Reintegration of children in their environment/family</p>	<p>-Backing measures to reduce poverty</p> <p>-Organize birth control and registration with families</p> <p>ABPF</p> <p>-Pass relevant laws</p> <p>-Revitalize natural cooperation</p>

			Decentralization, Brigade for the Protection of Minors		-All victims look for psychological and legal assistance ; shelter ; clothes ; food and compensation		-Identify new strategies against trafficking -Avoid negative effects of overlap and competition with other agencies
UNHCR		-Provide assistance to refugees -Take charge of school fees of child refugees -Protect family cell	-Terre des Hommes -Racines -Messagers de la paix				
USAID		-Institutional support -Raise awareness -Fight against poverty (AGR) -Provide technical and professional training	-US Embassy -UNICEF -European Union			Technical assistance in emergency situations	-Involve MJLDH and MIDAT -Appeal to the Government to put pressure on Nigerian farmers -Promote information exchange between technical services

UNDP		<ul style="list-style-type: none"> -Support States in their Development activities -Assist and protect the rights of persons with HIV -Appeal for the ratification of international texts or legal instruments 				<ul style="list-style-type: none"> Technical assistance in emergency situations 	<ul style="list-style-type: none"> -Involve MJLDH and MIDAT -Appeal to the Government to put pressure on Nigerian farmers -Promote information exchange between technical services
Santé et vie pour tous Health and Life for All (S&VPT)	5	<ul style="list-style-type: none"> -Has been operating for 3 years -Awareness-raising and communication activities -IEC sessions and communication through radio stations 	<ul style="list-style-type: none"> -ESAM -MJCD -UNICEF -PLAN - BENIN 	Financial resources	<ul style="list-style-type: none"> -Return in the family -Educational assistance -Professional training -Reintegration and strengthening of activities generating income -Protection against reprisals from traffickers 	<ul style="list-style-type: none"> -Guidance towards apprenticeship centres -Registration of child victims in schools 	<ul style="list-style-type: none"> -Reducing poverty -Establish training and leisure centers -Broadcast films to deter the phenomenon -Regular awareness-raising sessions and popularization of information through all means available, in line with the law
(Couffo) ASPED Association	10	<ul style="list-style-type: none"> -Establishing relations -Protection of minors -Assistance to people in need Reintegration - Socio-professional and cultural 	Ministry of the Interior, Security and of Decentralization - CPS	<ul style="list-style-type: none"> -Find a close collaborator with complementarities of action -Financial resources -Material means 	<ul style="list-style-type: none"> -Return in the family -Educational assistance -Training assistance -Financial assistance -psychological help 	<ul style="list-style-type: none"> -Professional reintegration -Assistance to people in need -Reintegration in schools for minors 	<ul style="list-style-type: none"> -Awareness-raising campaigns at the grassroots level -Create a framework for concentration for the actors of the fight against trafficking in children

		measures against poverty			Reintegration -Protection against reprisals of traffickers		-Provide security services with the means necessary for them to meet the needs of NGOs
TOMORROW CHILDREN	18	-Fight against child trafficking -Raise awareness -Intermediary services	-CLOSE -RAFI -LANSA -CRIN -FREDI -IDEE	-Material, financial and human resources	-Return to the family -Educational assistance and above all financial assistance for reintegration	-Professional training -Reintegration in schools for child victims -Initiate activities generating income	-Establish relevant campaign programmes in line with article 3 of the Convention on the Rights of the Child -Provide children with schooling -Issue birth certificates for all children -Raise awareness -Create development campaigns in disadvantaged areas
(OUEME – PLATEAU) CAEB Conseil des activités éducatives du Bénin	22	-Develop entertainment, social and cultural programmes -Fight for human and children rights -Literacy campaign for all	-UNICEF -UNESCO -FICEMFA -Solidarité laïque -ESAM -TOMORROW CHILDREN	Human and financial resources	-Assistance for professional training -Return to the family - Moral and psychological assistance	-Reintegration in Agro-pastoral schools -Professional training	-Strengthen dispositions to prevent Beninese people, especially minors, from leaving the country -Provide the border police and brigade for Minors with means of communication

(OUEME – PLATEAU) ASPED	03	-Work with the aim of providing high quality education to all the children for them to participate in the development of the country	-CLOSE -ESAM -EPS -CAEB - TOMORROW CHILDREN	Human and financial resources Technical means	-Return in the family -Educational assistance -Moral and psychological assistance -Reintegration / rehabilitation	-Reintegration in the school system -Professional training	-Provide free education to children -Ensure that each child is issued a birth certificate at birth -Make an inventory of vulnerable areas -Deter trafficking through legal methods -Sponsor activities involving parents of pupils -Organize campaigns advertising for changes in behaviour
(Abomey) <u>GRADH</u>	42	-Has been in operation for 5 years -Humanitarian aid -Literacy campaigns and general support	-Terre des Hommes -CEO -Brigade for the Protection of Minors -ROBS -GNTENF -CLOSE -ENDA -Jeunesse Action	Technical and financial support	-Return to the family -Educational assistance -Professional training -Financial assistance -Legal advice -Reintegration	-Listening -General support -Literacy -Apprenticeship	-Develop Laws -Knowledge of relevant laws and will to implement them
(Bohicon) <u>FAD - BENIN</u>	12	-Has been in operation for 3 years -Help and assistance for development	Other NGOs	Financial means	-Financial assistance -Assistance for professional training -Reintegration -Return to the family	-Reintegration -Rehabilitation -Provide schooling for minors victims	-Pass new laws in this area and popularize them -Continuous training -Join common actions

Red Cross	23	<ul style="list-style-type: none"> -Child protection project -Dispatching information and awareness-raising -Reintegration following social inquiry -General support 	<ul style="list-style-type: none"> -MFPSS -MJLDH -BPM -Foyer DON BOSCO -CED -AFVP -Terre des Hommes 	<ul style="list-style-type: none"> Human resources Infrastructural and hygiene needs 	<ul style="list-style-type: none"> -Return to the family -Educational assistance -Financial assistance -Moral and psychological assistance -Legal advice and reintegration 	<ul style="list-style-type: none"> -Reception -Integration -General support 	<ul style="list-style-type: none"> -Better involvement of the government -Implementation of existing laws -Better coordination of activities -Permanent follow-up -Repression of traffickers and parents involved
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Table 6.4 Nigeria Organizational Information – NGOs/IGOs

	NGOs	Date of established	Function in organization	Mandate of organization	Town	No. of staff	Full time staff	Part time staff	Volunteers	Affiliation	District/town/Region /geographical area of operation	No of year of operation
1	Save the Children Campaign	1995	Director	Giving every child a chance for change by advocating quality education and equal opportunity to express their talents.	Uyo Akwa Ibom State	41	23 missionaries % salaried staff		25	Non-affiliated	12 states of the federation	3 vision years and 7 mission yrs
2	Royal Pearls Foundation International incorporated.	1996	Founder/ chairperson	Develop the total child/ child rescues	Uyo/Akwa Ibom State	19	18	1 corps member	-	-	Nigeria and Niger Republic for now	8 yrs
3	Grassroots Empowerment Network (GEN)	1991	Programme coordinator	To promote and protect children's rights, combat child labour and child trafficking; Rescue, rehabilitate and aid reintegration of victims and their families, create awareness on the issues	Ikot Epkene Akwa Ibom State	21	4	3	14	Global march against child labour, India; International network against trafficking; Coalition of eastern NGOs; Christian prison ministries, Netherlands	National- Nigeria, Cameroon, Gabon, Niger Republic for information exchange and repatriation of victims	13yrs
4	National Council of Women's Societies NCWS				Uyo Akwa Ibom State	17	1	15	1	International		17years
5	Idia Renaissance	1999	Executive secretary	Restoration of human dignity							Edo State	4 yrs
6	Girls Power Initiative (GPI)	1994	Coordinator EDO/ DELTA	Adolescent Empowerment	Benin City.	24	14	6	4	National	South South	10 years
7	IRRAAG	1993	Zonal coordinator	Women's reproductive sexual health.	Benin City	6	-	6		3 states	11 yrs	80%
8	Girls Power Initiative GPI				Asaba	5	5			National	Delta State	8 years
9	African Women Empowerment Guild (AWEG)	1995	Senior programme officer	Enhancing women/ youths for self and communal development	18 Benin City	18	5	30	10	International	Edo State	8 years

10.	Women's Consortium of Nigeria (WOCON)	1995	Executive Director		Lagos	17	7	4	3	International / National Regional	Nigeria	9 years
11	Girls Power Initiative (GPI)	1993	Assistant Programme officer	Empowerment of adolescent girls	Calabar	21	20	1	1	National	South/ south region of Nigeria	10yrs
12	Women Trafficking and Child Labour Eradication Foundation (WOTCLEF)	1999	Project officer	Eradication of child labour and human trafficking in women and children	Abuja	14	12	-	2	International	National	4 yrs
13	Global Rights Partners for Justice- GRPJ	2000	Programme Associate-Trafficking in humans	Advocacy	Abuja	16	11	-	5	International national regional local	Nigeria	
14	International Programme on Elimination of Child Labour Organization – ILO-IPEC	1999	National programme manager	Combating child labour	Abuja	6	4	2	-	International	Nigeria	6 yrs
15	Gender and Development Action (GADA), Centre for Training and Development Activities (CETDA)	1994	Trainer in community development		Calabar	10	4	5	1	International national regional local.	Nigeria	10yrs
16	The International Association of Criminal Justice Practitioners (IACJP)	2002	Legal officer/ programme Assistant.	Criminal justice issues, human rights	Abuja	13	4	7	2	International	Nigeria	2 yrs
17	Adolescent Health and Information Project –AHIP	1994	Executive Director	Dissemination of health information	Kano	20	11	9	4,240			
18	Women Consortium of Nigeria (WOCON)		Assistant programme officer	Development of women and children	Abeokuta					UNICEF, ECPAT International National	Nigeria	9 yrs

Table 6.6 Government Agencies and their Response to Trafficking in Children in Togo

INSTITUTIONS IN CHARGE	LEVEL OF INTERVENTION	MISSION MANDATE	MAIN STRATEGIES	ASSETS	CONSTRAINTS DIFFICULTIES	OPPORTUNITIES
-Ministry for Economy, Finance and Privatization (responsible for planning)	<ul style="list-style-type: none"> - Central - Regional - Local 	Coordinates actions at the different levels of intervention within the framework of the Cooperation Programme of Togo UNICEF	<ul style="list-style-type: none"> - Decentralization of services - Capacity building of institutions and enhance the Development Policy of the country 	<ul style="list-style-type: none"> -Collaboration with all Ministries to promote the policy of Togo -Funds mobilization -Coordination of the Cooperation Programme of UNICEF through the lead decentralized Committee; 	<ul style="list-style-type: none"> -Lack of a large amount of resources crucial to development policy. -Logistic shortage problem linked to communication difficulties with regional Prefects. 	<ul style="list-style-type: none"> -Organizational potential -Decision-making agency is remarkable in its leadership in a multidisciplinary approach to protection of children with the committees at the local level: Sectoral Programmes.
-Ministry of Labour, Civil Service and Employment	<ul style="list-style-type: none"> - Central - Regional - Local 	<ul style="list-style-type: none"> - Support the actors involved - Raise awareness of the harm and damage of the worst working conditions of children - Provide financial support - Follow-up projects against the worst conditions of child labour 	<ul style="list-style-type: none"> -Preventive actions -Capacity building of institutions 	<ul style="list-style-type: none"> -Collaboration of the Ministry with ILO–IPEC Togo, which receives financial support from the latter -A Project involving reception of victims and actions against child trafficking in West and Central Africa exists -Code on Child Rights about to be adopted 	<ul style="list-style-type: none"> -Lack of a dialogue mechanism -The strategy does not seem to be a long term one, as it is linked to the duration of the current project 	<ul style="list-style-type: none"> -Funds are potentially available -Possibility to deal with the problem through a better partnership
-Reception and Rehabilitation Committee for child victims of trafficking	<ul style="list-style-type: none"> - Central - Local 	<ul style="list-style-type: none"> - Welcome and ensure reintegration and rehabilitation of child victims of trafficking 	<ul style="list-style-type: none"> - Focus groups - Network of Experts' teams 	<ul style="list-style-type: none"> -Elaborated reception mechanisms 	<ul style="list-style-type: none"> -Does not have the means to implement its policy -Difficulties in following-up -Punctual action 	<ul style="list-style-type: none"> -Potential to be more autonomous

<p>-Ministry of Justice -Judge for minors</p>	<ul style="list-style-type: none"> - Central 	<p>Conceive, elaborate and support laws and implement them on the basis of distributive justice</p>	<p>Follow-up of activities against trafficking in children</p>	<ul style="list-style-type: none"> - Evolution of the Code of minors from 1996 until 2000 -Support from UNICEF within the framework of the Cooperation Programme/Togo/ UNICEF 	<ul style="list-style-type: none"> -Partial action -No real follow-up -Non-operating Committee -No dialogue, difficulty to work for lack of legal framework 	<ul style="list-style-type: none"> - Possible dialogue between the Committee and the CNE -Redefine a better framework for dialogue and collaboration with partners
<p>-Ministry of Social Affairs, the Advancement of Women and Protection of Minors</p>	<ul style="list-style-type: none"> - Central - Regional - Local 	<ul style="list-style-type: none"> -Conceive and assess overall activities in social protection of family and children -Make sure that rights of families and children are respected -Prevent violation of the rights of children. 	<ul style="list-style-type: none"> -Awareness-raising campaigns at the 4 levels of intervention -Campaign synchronized with the one in Benin in 2003 on trafficking in children. -Support received from the association of the ‘Jeunes portefaix du grand marché’ in Lomé -Awareness-raising and social mobilization through the whole country 	<ul style="list-style-type: none"> -Collaboration of the Ministry with UNICEF within the cooperation framework with Togo (RCC, CSE), the United States Embassy, and international NGOs (PLAN) -Collaboration with the Ministry for Women in Benin 	<ul style="list-style-type: none"> -Lack of real coordination between actors -Lack of qualitative data -Lack of systematic approach -Terms of collaboration not focused enough on protection of the most vulnerable groups. 	<ul style="list-style-type: none"> -Funds are potentially available -Human resources available -Possibility to better organize the protection of children with actions planned in the long-term and based on a dialogue
<p>-Ministry of Interior and Security and Decentralization</p>	<ul style="list-style-type: none"> - Central (Lomé) 	<ul style="list-style-type: none"> -Lead investigations and control borders -Identify and challenge traffickers -Organize repatriation of trafficked children 	<p>-Punctual intervention on national channels.</p>	<p>-Its action enables media and the press to call attention to the phenomenon.</p>	<ul style="list-style-type: none"> -Porous borders -Lack of acts of civil status (birth certificates) -Difficulties to tackle the phenomenon 	<p>-Possibility to increase and build on the capacity of the department for better coordination and definition of tasks</p>
<p>-Brigade for the Protection of Minors</p>	<ul style="list-style-type: none"> - Central 	<p>Ensure an intermediary status for rehabilitation of children in conflict with the law</p>	<p>Temporarily shelters some children</p>	<ul style="list-style-type: none"> -Only brigade for minors in the country -Difficulties to cover the whole of the country 	<p>-Unclear mandate</p>	<p>Mandate needs to be better defined within a framework relevant to children’s protection, more particularly for those with difficulties; in conflict with the law.</p>

Appendix 4 Research Conclusions and Recommendations from Roundtable Presentations in Benin, Nigeria and Togo

Benin

Recommendations provided by roundtable participants in collaboration with the research team

- 1) Adequate training for officials of police personnel fighting trafficking in human beings, who lack adequate information about trafficking
- 2) Nigerian NAPTIP should be emulated by the Beninese authorities in order to effectively tackle the problem of trafficking in persons
- 3) More cooperation between all NGOs and other agencies in the fight against trafficking within the country
- 4) International cooperation between agencies and governments of origin, transit and destination countries
- 5) Trafficking should be considered as a collective problem
- 6) Adoption of the policy of prevention, as prevention is better than cure
- 7) Set up centres to rehabilitate those victims that are repatriated
- 8) Promotion of opportunities for assistance to the economic activities to reduce the factors of risk of the vulnerable families
- 9) Creation of vocational training and the sensitizing of the population about the conditions to access vocational training and other training possibilities
- 10) Introduction of income generating activities integrated with education for the women to lift the standard of living of the families
- 11) Setting up socio-community structures to counsel and orientate out-of-school children
- 12) Compilation of texts of existing laws on human trafficking and their oral dissemination within the communities
- 13) There was emphasis to have a distinction of the problem: children and women trafficking which is on the rise, are driven by similar but not the same causes and they need a different approach; although related and similar, they are to a certain extent different types of crimes
- 14) Pilot experiences may be run at the village level in order to be replicated on a broader basis
- 15) Media also needs training, in order to report issues related to the problem on the one hand and of the crime on the other hand; their capacity to sensitize the population on the issue is a potential to be exploited
- 16) Awareness has to be twofold: for victims and crime perpetrators as a deterrent, sensitization on the risks related to the crime and for the criminal justice practitioners

to perceive the difference between victims and criminals and identify legal procedure to prosecute the criminals

- 17) The establishment of a high level mechanism would improve the coordination of work characterized by multiple facets/types of intervention.
- 18) In the case of the work undertaken by the inter-governmental organizations, they should coordinate the national actions with those of the neighbours and countries of the sub-region
- 19) To strengthen the multidisciplinary approach intervention (psychosocial, legal, law enforcement/police)
- 20) To set up bilateral legal activities of collaboration between countries of the sub-region

Nigeria

Recommendations (outlined by the research team)

- 1) Adequate training for officials of various agencies fighting trafficking in human beings
- 2) NAPTIP should effectively implement the provisions of the Anti-Trafficking Act including the witness protection and victim assistance
- 3) More cooperation between all NGOs and other agencies in the fight against trafficking within the country
- 4) International cooperation between agencies and governments of origin, transit and destination countries
- 5) Trafficking should be considered as a collective problem

Additional recommendations provided by roundtable participants in collaboration with the research team

- 6) Set up a data bank at the national level on trafficking flows
- 7) NAPTIP should be decentralized, to cover strategic locations in the country
- 8) Set up centres in the border areas of the country, where victims who are repatriated from Europe or elsewhere can be welcome and assisted before sending them to their respective families the said centres must be equipped with adequate facilities: beds, toilets, food, etc.
- 9) Government should provide enough funds for law enforcement agents and for NAPTIP for them to be able to give adequate assistance to victims
- 10) As a necessary ancillary to the above, the agency should intensify its efforts to put in place a witness protection programme that would ensure that witnesses are willing to testify, with the knowledge and assurance that they and members of their families are safe before, during and after the trial of offenders
- 11) Proper coordination between government agencies and NGOs was also recognized as important if the problem of trafficking in persons is to be adequately addressed

- 12) There appears to be no coordination of the activities of various countries and international agencies supporting the fight against trafficking at country level in Nigeria; each country/agency appears to be working independently along their own mandates and core competencies and special interests
- 13) International agencies in Nigeria engaged in efforts to combat trafficking (ILO, UNICEF, UNODC, IOM, Embassies, etc) should form a coalition and define common plan of action for combating trafficking in Nigeria; NAPTIP is already working in this direction through the setting up of the National Consultative Forum which comprises all stakeholders on issues relating to trafficking in persons
- 14) Bilateral agreements between individual origin, transit and destination countries and Nigeria similar to the ones between Nigeria and Benin Republic and Nigeria and Italy should also be considered
- 15) Governments in source, destination and transit states within Nigeria should set up coalitions of NGOs, government departments and agencies to address trafficking in human beings in their states
- 16) The capacities of NGOs and government departments and ministries should be developed through participation in training seminars and workshops, provision of adequate funding and equipment to enable them deliver their services more efficiently
- 17) Anti trafficking agencies should set up Statistics units to compile and maintain records of victims and traffickers; the Kano State Immigration Command which has started to publish an annual report on repatriated persons through Kano International Airport, should be adopted as a model of best practice in this regard by NAPTIP and other anti-trafficking units
- 18) Victim rehabilitation centres should be established in all states where trafficking is endemic
- 19) Establishment of special tribunal for human trafficking may become an idea for act amendments
- 20) Report should be made available to policy makers “forum of speakers” at National Assembly

Togo

Recommendations (outlined by the research team)

At the regional level:

- 1) Establishment of a data bank
- 2) Special funds to promote anti-human trafficking projects
- 3) Memorandum of Understanding between origin, transit and destination countries
- 4) Cooperation between police services and Interpol
- 5) Harmonization of existing legislative texts against trafficking
- 6) Establishment of working relationships between various radios and television stations

At the national level:

- 7) Adapt the national laws to the international standard
- 8) Monitor the implementation of international convention and protocols
- 9) NGOs should be more involved in the drafting of legislative texts against trafficking
- 10) Provide special training to social workers and magistrates in the area of trafficking
- 11) Improve cooperation between police, gendarmes and customs
- 12) Provide adequate victims assistance programme; i.e. establishment of rehabilitation and integration centres for repatriated victims who have been traumatized by their exploitation

Additional recommendations provided by roundtable participants in collaboration with the research team

- 13) At the level of the magistrate/judiciary, there is no magistrate/judge specialized on the issue of human trafficking; this points to the need for specific training and handbooks or guides on human trafficking
- 14) Effective control of the knowledge related to human trafficking, the concerned criminal justice practitioners estimate that it is essential to have a continuous and appropriate training, a rather extensive information/assessment on the phenomenon as well as the creation of suitable laws
- 15) It becomes necessary to have the concerned actors undergoing a specific training, a control of psychological effects for victims handling, and sociological issues as well as an evaluation of strategies of management so that the agencies are sufficiently equipped
- 16) The creation of a sub-regional commission charged to collect and compare the data of the various countries and to coordinate their action
- 17) The establishment of ministerial collaboration between countries, with the assistance of international organizations
- 18) The creation of sub-regional institutions, such as ECOWAS, and of a special fund aimed at national and sub-regional programmes for the fight against child trafficking
- 19) Development of the relations between the various radios and national televisions in order to diffuse programmes on the trafficking of the children in several countries at the same time
- 20) To improve interdepartmental collaborations between the Ministries of Labour, Justice, Internal Affairs, Social Affairs and Foreign Affairs
- 21) To create temporary reception shelters at the sites known as being trafficking crossroads, particularly at the borders, and to reinforce the existing centres
- 22) The adoption of specific child trafficking law in Togo and the countries of the sub-region that have not ratified the Protocol is highly desirable

- 23) In addition, the results of the survey show that the majority of the actions and the bills are focused on the children, because there are no data on the magnitude of the phenomenon on the level of trafficked adults, especially women
- 24) The structure of Togo administration may be used for a more effective intervention at different levels: regional, prefecture and village; this multi-level approach is already being used by ILO
- 25) It is relevant to have a clear definition of tasks of the different concerned criminal justice practitioners (agencies such as police, gendarmerie, etc.) in fighting human trafficking
- 26) Strengthening of the existing inter-ministerial task force (*Comité national pour le rapatriement des enfants*) and creation of a white paper, action plan; the problem of the task force is that it is restricted to child trafficking and above all does not meet frequently
- 27) There are no cases of human trafficking since there is no specific law; a study of offences related to trafficking (filed in courts) may help to identify a best practice, and an ideal range of offences related to human trafficking and respective Togolese law aimed.