

# Human Smuggling and Trafficking Intersections:

The case of Nigerian female victims in Europe

MA in Human Rights & Migration

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# Legal Framework

- **The Organized Crime Convention (2003)**
- **The Trafficking Protocol (2003)**
- **The Migrant Smuggling Protocol (2004)**
- **CoE Convention on Action against Trafficking in Human Beings (2008)**
- **UN Trafficking Principles and Guidelines and the Guidelines on the Protection of the Rights of Child Victims of Trafficking (2002)**

# Trafficking & the Nigerian Society

## PUSH FACTORS

- Poverty
- Illiteracy
- Family size
- High rates of unemployment
- Scarce job opportunities
- Cultural and social bigotry
- Violence & discrimination against women
- Eagerness to provide for the family unit

## PULL FACTORS

High demand for trafficking from wealthy, westerns countries

## FACILITATING FACTORS

- Lack of social awareness surrounding trafficking
- Ineffective policing
- Inadequate cooperation among interested

# The traffickers' "ploy"

Women decide to migrate assuming that they will find legitimate employment but later on are compelled to work in the sex industry. However, many dispute this claim.

In most cases they are unable to pay for the fees necessary to be smuggled to Europe and end up owing from \$40,000 to \$100,000, and for a woman working in the sex industry, this amount of money is payable within one to three years of work.

The traffickers use the "juju" oaths as a form of coercion and abuse in cases where the victims are not cooperating once they arrive in Europe and come to understand the reality of their choices.



**The bond that is created through these rituals is quite forceful for the victims. They fear that breaking the oath may cause them mental and physical harm.**

## On the “juju” oaths...

*“You are tied to them, you are tied to this oath, you are obliged to respect it.  
And there are those who, I don’t know how to explain it, those who  
command you because this oath exists. They must command you, control  
you, and you are obliged to respect it”*

*- a victim of trafficking in Italy (2003)*



**The risk of a woman being subjected to human trafficking during the journey is relatively high, especially for prostitution.**

**Female victims, who are recruited to work as prostitutes in Europe, find themselves being trafficked along the smuggling routes.**

# Key Human Rights Infringements in trafficking scenarios

- The right to life
- The right to liberty and security
- The prohibition of discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status
- The right not to be submitted to slavery, servitude, forced labor or bonded labour
- The right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment
- The right to be free from gendered violence
- The right to the highest attainable standard of physical and mental health
- The right to freedom of movement
- The right to freedom of association
- The right to just and favorable conditions of work
- The right to an adequate standard of living
- The right to social security
- The right of children to special protection
- The right to be protected from non-refoulement
- The right to seek asylum
- The right to an effective remedy



# Discrimination

The UDHR (art. 2)

The CRC (art. 2)

The ICESCR (art. 2(2), 3 and 7)

The ICCPR (art. 2 (1), 3 and 26)

The ECHR (art. 14)

The African Charter on Human and Peoples Rights (articles 2 and 18)

The Convention on the Elimination of All Forms of Discrimination against Women article 2 of the CRC (art. 2)

The Committee on the Elimination of Discrimination against Women's in General Recommendation No. 19

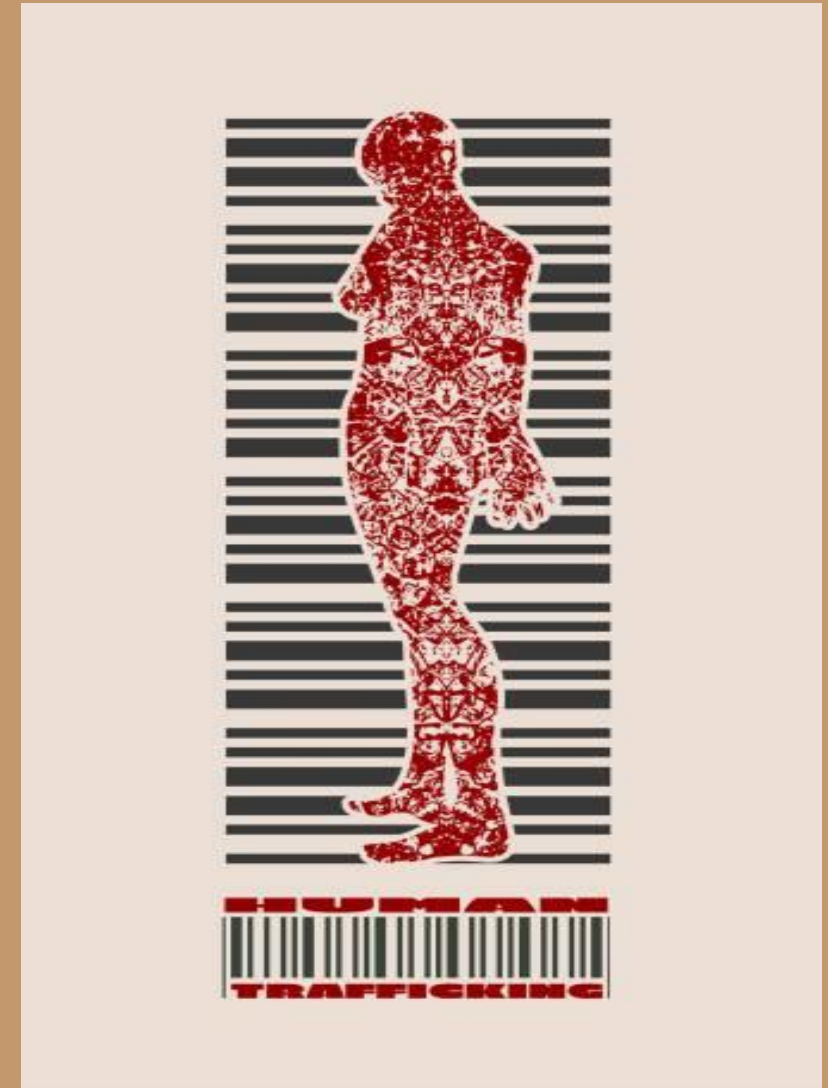


- Human trafficking does not only generate human rights infringements; it is also a by-product of existing human rights violations.
- Discrimination on gender grounds against females consists one of the fundamental reasons for trafficking in women.

# Prohibition of prostitution

The Convention on the Elimination of All Forms of Discrimination against Women (art. 6)

The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949 (art.1)



## Right to Life & Right to Health

### The right to life:

The UDHR (art. 3)

The ECHR (art. 2)

The ICCPR in (art. 6)

### The right to health:

The UDHR (art. 25)

The ICESCR (art. 12)

The ICERD (art. 5)

The CEDAW (art. 12)



- Intertwined with the right to life is the right to health, and in cases of women, sexual and reproductive rights are of high importance.
- The physical and psychological health of the women who find themselves in trafficking situations is in a constant state of distress, with many survivors experiencing health issues in the aftermath.
- Sexual and reproductive health, in particular, is vital for their good health and prosperity, as numerous trafficked women are exposed to sexually transmitted diseases, forced pregnancies or unsafe abortions.

## Right to Liberty & Security of a Person

The right to liberty and security of a person, as enshrined in *article 9 of the ICCPR*, is essential in the discussion surrounding the human rights of trafficked individuals, because by definition, the victims are deprived of their physical freedom.

The core principle of this right is that everyone can decide how to live their lives, which a victim cannot possibly do when she finds herself in trafficking scenarios. The women's liberty is in jeopardy, as they are treated like property by their traffickers.



# Forced Labour

Debt bondage, the phenomenon of a person putting himself in debt to repay a fee, is directly linked with trafficking of migrants and a commonality in cases of Nigerian women being trafficked is also strictly forbidden.



*In the Case L. E. v Greece, regarding a Nigerian woman who was trafficked to Greece with the purpose of sexual exploitation, the Court held that there was violation of article 4 of the European Convention of Human Rights (prohibition of slavery and forced labour).*

## Societal trends regarding returnees



- Most women are not granted the status of victim of trafficking and are obliged to return to Nigeria without any support.
- The government & agencies involved with trafficking are not informed about their repatriation because they are considered “undocumented aliens”.
- Nigerian women who come back from Europe and have managed to collect a substantial amount of wealth are treated with respect.
- Illiterate Nigerian women consider trafficking and prostitution empowering because, through this practice, they can elevate their financial status and social rank within their societies.
- However, this is not the case for every victim.

## Societal trends regarding returnees



- The victims' families often receive threats or are assaulted by traffickers with the intent to repeat such actions against the victims.
- The victims also have to deal with a psychological burden. Also, they tend to face physical abuse, with many of them being raped and assaulted in order to be robbed.
- They are prone to revictimization. This is particularly true in situations that the women are closely linked with their traffickers and still owe them money.
- It is indicative that the protection and assistance provided to the female victims of human trafficking in Nigeria is far from adequate and very insufficient. This undoubtedly contributes to the mass returns of Nigerian women to Europe.

# Aiding the Victims



NAPTIP has established shelters that temporarily house women returning from Europe. These shelters are scattered throughout different regions of the country.

Underaged girls are taken care of by the Nigerian foster care system in order to attend schools because the Agency's shelters are closed.

The safety of the women's physical health is at risk even within the shelters, while the process of reintegration faces multi-pronged hardships.



# Main Conclusions

- I. Comprehensive laws regarding human trafficking do exist, however, governments and authorities globally still approach this issue primarily as a border control concern.
- II. The most basic rights of victims of trafficking continue to be violated by traffickers and authorities worldwide.
- III. These women will forever remain vulnerable to prejudice and human rights violations, as long as they continue to be given fewer opportunities than men, treated as illegal migration threats and disregarded by governmental authorities once they have aided investigations and forcibly returned to Nigeria where they cannot access sufficient and adequate help.

# Thank you !

Do you have any questions?

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