



Nigeria

Hon. Justice Halima S. Mohammed

I must say I am very delighted and excited to be in this August gathering to share and rub minds on topical issues such as this. Not until the recent past, topics such as this might not have attracted the attention of such a gathering, as it is natural that the world is used to movement of people from one continent to the other. However, movement of people has now taken a different dimension in the form of an organized crime, especially against vulnerable groups such as women, young boys, girls and children. It suffices to state that we have the internal and international dimension of human trafficking.

Since the issue of human trafficking and organized crime is on the front burner of the activities of the international communities, it is now in the interest of all to play an active role in curbing it. I had the opportunity to watch and listen to the paper delivered at the last summit by Hon. Justice Helen M. Ogunwumiju, Justice of the court of Appeal from Nigeria, on YouTube. I must say it was well presented. Her paper took care of the institutional framework set up in Nigeria to fight the ills of human trafficking by the government. Not wanting to sound repetitive of her paper, I here canvassed my personal experience on human trafficking in my community, which later led to international human trafficking and organized crime.

I intend to be brief, to the point and shall present how human trafficking started in my own region of Nigeria. I shall not belabour the audience with the definition of human trafficking, modern slavery, and organized crime, as there may be varying definitions of same, depending on how each country see the ills. Simply put, however, it is a crime against humanity; I must agree. In Nigeria, human trafficking, modern slavery and organized crime had been going on silently. People were trafficked to Europe, America, Saudi Arabia, Asia and some of the African countries to provide cheap labour and to serve as sex slaves and, recently, organ harvesting, while their couriers benefit from such acts financially. In Nigeria, human trafficking that raised concern was initially noticed in the 1980s.

Though in the criminal system of Nigeria there were provisions that took care of such crimes, they became inadequate due to the technical and complex nature of the new trend of organized crime. It became necessary, therefore, to create an agency with more guiding laws when the issue became a more dangerous menace to the society. This agency is now known in Nigeria as National Agency for the Prohibition of Trafficking in Persons (NAPTIP), founded in 2003. The founding of the agency became necessary when an NGO, i.e. Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), founded in 1999, heightened activities around the issue of human trafficking to create more awareness on the issues.

In Nigeria, depending from which part of the region you come from, the form of trafficking is of varying dimensions. I will only speak of what is peculiar to my region that is the North East of Nigeria, where it has come globally to be known as the Boko Haram region. I have avoided conversing issues on Boko Haram – which means “Western Education is forbidden” – here as it is a sensitive issue back home still. I may be open to some questions on the issue if I find same not to be sensitive. I may also reserve the right not to comment on some of the issues that may arise. Other judges from Nigeria present here, from other Regions, may take care of the situations that are peculiar to their region, though of the same country, as a different reason leading to the trafficking of persons. For some it is ignorance, while others are based on economic reasons. For a better understanding of where I am coming from and where I am headed to, a little patience from you of listening will see me achieving my goal of explaining things, as I may sometimes be seen to be digressing, but that is why we are all here, to explain how and why human trafficking came to be and what is the way forward in our peculiar situation.

History has it that Maiduguri, the capital of Borno State, North East of Nigeria, was a cradle of civilization. Islamic religion played a central role in it. It was said that most of the learned scholars coming from North Africa settled there to spread the religion. As a result of that, people from most of the Northern region of Nigeria went there to acquire such knowledge. People as far as Niger, Chad, Sudan, Central Africa and Cameroun also visited Borno to acquire knowledge. Initially, only men travelled there since the journey then was on foot.

In the later years, due to availability of other means of transportation, young men and boys as young as five years old were sent there to acquire knowledge. In light of this, the number of young men and boys sent by their parents to Borno to acquire knowledge increased significantly. Scholars also used to gather young boys

under their tutelage, running to hundreds, to travel with them to Borno to acquire knowledge. I think from then onwards the issue of human trafficking can be said to have started full blown, but nobody seems to have raised an eyebrow on the issue back then. Due to the age of the children which can be as low as five years old, and due to the number taken there by a single scholar, it became difficult for some of the scholars to maintain all of them, thus the very young ones were usually later found on the street begging for what to eat. It thus become easy for anybody to entice them and get them trafficked.

When the scholars became many, having acquired the knowledge they moved to other towns and they could be found in most of the cities in the North and, in particular, the North East of Nigeria with these young boys brought from different states in the North. That was how trafficking spread. The children were trafficked to other cities in the Southern part of Nigeria now. It is therefore not uncommon to see such children sleeping in hundreds in various groups, sometimes under trees, uncompleted buildings and, where a building is available, in crowded rooms or shelters. It is also easy to see people recruiting them for manual labour on their farms in place of food or shelter, which they willingly accept in the absence of any better alternative.

It must be noted that these children or young persons come from middle class parents who are not educated in the Western concept, while others are from poor homes. For those with middle class parents, it can be said that it is only ignorance that made the parents send their children to faraway places at such a tender age with no one in particular to see to their proper upbringing and guidance. This is so as they have the wherewithal to employ a scholar for as low as thirty dollars to teach their children at home.

Way back in the early 1970s, that is perhaps before human trafficking was visibly noticed in Nigeria thus raising concern, most of us (including my humble self) went to such scholars to study at those tender ages of between four to five years old, as Islam encourages the acquisition of knowledge. Knowledge however was then to my ignorance not defined. But being issues of religion, it can be presumed that it is any knowledge good enough to better one's life in this world and in the hereafter.

The question to my mind therefore of refusing to accept what is Western simply because it is from the West is not the way to go, so as far there is good in it. Islam is a developing religion and has given guidance on how to incorporate what is good in the religion, which is brought about by changing times so far as it will not be contrary to the provision of the Qur'an. Though Islam is guidance to a complete way of life, due to human ignorance some of the provisions in the Qur'an may not be easily interpreted or understood by humans to bring it in line with present day reality, as it is divine.

The scholar I spoke about earlier, who I also went to study from at an early age of five to six years old, is long gone but he imparted the basic knowledge I needed to see me through in life. I still see his children up till today, because we are still neighbours in the locality I grew up. Unfortunately, they never went for the Western education that added value to my own life. I and my other siblings sat along with so many of those children, sometimes in the morning and sometimes at night, to learn in a burn-fire scenario – there being no light except that coming from the burning fire. The firewood was fetched daily by the boys from the bush. What I appreciate now is that my brothers and others that lived in the community went home to sleep, while others, trafficked, slept outside by the burning fire. I saw how most of those other children, mostly boys, were trafficked daily, as other scholars came along with their groups, settled for some months, and learned with us. After some time we just discovered that they had moved on, and life went on for us. We were then too young to understand what was happening.

Children from poor homes are released to such scholars in the hundreds because their parents cannot afford to feed them, not so much because they care about the education that they will receive. Some of these scholars do not have visible means of livelihood, let alone to take care of over fifty mouths. In most cases, if not all, a mother has no say in the decision of sending a young child away. If she had, she would not allow it.

Occasionally, we visited the homes of those to be taken away (trafficked as we now come to know of it) by the scholars to bid them farewell early in the morning. My memory then was that the mothers were usually left wailing, because they knew what may befall their young children once out of their sight. Like I said, we were then too young to understand. I came to understand the plight of the mothers when some years back, on my way to the office, I saw five young boys on a cold harmattan morning, (since we do not have winter there) going to the farm for labour work. The youngest of them was about five years old, he had no sweater on, he was visibly shaking with cold and virtually on his toes with no shoes, running to catch up with the working stripes of the senior ones. Something struck me then. I said to myself, the day this child asks us why the neglect and inhuman treatment on him, we may not be able to provide answers to his questions and he may be forced to take drastic steps to redress his position, I will not say some of the things are what we see in the concept of Boko Haram, but it may not be far from it. I cannot say more for lack of full knowledge.

Having sat and read along with those trafficked children in my early formative years now gives me the zeal to want to do something. What can I do? That is, I am here to learn. This is because in my position I still see young children daily being trafficked from the villages to the cities in the guise of placing them under foster parents to learn skills to beat the laws on trafficking. Some of these children end up being maltreated by their so-called foster parents.

Evidently, the hands of the government are full and sometimes even where action is taken and the issue reported and the child is retrieved and sent back to the parents, the child is usually sent out again to a different location where he or she may end up the worst for it. When therefore such issues come to our notice as leaders in the community, we try to see how we can get good foster parents for such a child. Though not a regulated act, you at least get to know occasionally that the child is doing well, as other women are there to check on such a child and report. The foster parents are advised to put the child in school or given some hours per day to learn skills when the child is old enough to do so.

Towards eradicating these ills, the government of Nigeria has built special schools known as “normadic schools” where such children can be placed with a scholar to learn the Qur’an, skills and a little Western education. This is with a bid to stop international and national trafficking. Being a very complex tradition for the people, it may not be very easy to stop domestic trafficking. The policy of settling them in one place with their scholar, though a laudable initiative, seems not to be working, as one still sees these children roaming about the streets begging, where they can easily be picked by people for criminal purposes. However, where there is a political will, I feel the issues can still be overcome.

The parents are discouraged from training their children in Western education mainly because of the mode of dressing in schools. The government, having realized this, has become permissive in allowing some form of dressing to suit the needs of such parent to bring their children to school. This has assisted in the enrolment of such children in schools. Realizing also that most children go to school from their homes in the morning without having had anything to eat, the government has introduced school feeding in such local schools to get the children to attend formal schools. It seems to be working, as enrolment in schools has improved. Parents are also assisted with as low as fifteen to thirty dollars per month to maintain and keep their children in school. However, with an unstable government policy, how sustainable can this be?

For me, as an individual, I felt I could also do something. The opportunity to assist and serve humanity by curbing human trafficking came in the African concept form. Women come asking for assistance to either acquire skills or working capital for as little as fifteen to thirty dollars. If given such capital or skills they go a long way in saving their children off the streets, thus away from traffickers. Women can use such amount to be food vendors, soup ingredients vendors and local perfumes, soap and cream makers. For the children, after fostering or while fostering, depending on the age of the child, he can work in the areas where he has acquired skills. I may be seen here talking about boys rather than girls: that is because girls are married off early, thus hidden from the ills of the society until they outlive their usefulness in their matrimonial homes after several children, then they are divorced for lack of rendering assistance to their husbands to maintain the children. They turn up at the doorway of homes asking for assistance to either acquire skills or some amount of working capital to start *petit trading*.

As one of the opportuned in the society, so to say, we advise and encourage women to form groups and associations where they can easily have assistance to funds to better their lives. Presently, I am working with one of such women’s groups. How? They came to me to assist in building a school for them in my community. Since I could not do it alone, I bought a piece of land for a mini school and I gave it to them. I advised them to get other organizations to build the structures for them to start the school, and they were able to get it built. I gradually build six classroom blocks over the years to train the women with skills, so that they could be able to take care of their children. Accommodation was also provided within the school by me for their teachers, most of whom teach for free as they are mostly women. They now have their school and skill acquisition centre next to their children’s school. I provided sewing machines for them to learn sewing, beads to learn bead making, and so. To some, I provided working capital for as low as thirty dollars.

In all these we had to incorporate the teaching of the Qur’an in order to keep them in the school; otherwise they would not stay in a Western concept school only. For the children, I occasionally buy school shoes, bags and books to encourage and entice them to be in school, particularly those performing very well. This is one of the African approaches in solving issues in the society, i.e. giving a personal touch. I always imagine my life without education and living the lives of those women with their predicaments on their children. I also go back down memory lane to image myself living the lives of those children. I must say, it saddens me always. This is what usually triggers me to act, no matter how little, to better their lives.

In my chosen career I do not want to be remembered as one who sends people to jail, I also want to be remembered as one who keeps people out of jail. When young people are brought before me, I see them as persons in conflict with the law or victims because of what the society might have exposed them to.

I am here today because I feel I am not doing enough or that I can do better. I am therefore here to learn from all of you here, realizing that the issues might not always be lack of finances to cater for them. It could be the way the issues are approached and addressed. This will enable me improve my environment and community towards eradicating human trafficking and organized crime. Thank you for listening and God bless.