



## Nigeria

Hon. Justice Helen Moronkeji Ogunwumiju

I am highly honoured and it gives me great pleasure to be invited to this summit. I thank the Holy Father Pope Francis for conceptualizing this programme, Bishop Sánchez Sorondo for organizing the summit and the immediate past President of the International Association of Women Judges, Hon. Justice Susana Medina, for facilitating my attendance. I am very happy to be once again at the Holy See. Nigeria is a highly populous country of more than 180 million people. It is a major sub-regional power in Africa and a strategic country both in Africa and in the world political order. On 21 February 2012 the United Nations Security Council met to consider matters related to serious threats to international peace, security and stability in different parts of the world, particularly in Africa and the Sahel Region, posed by transnational organized crime, including weapons, drugs and human trafficking. Nigeria, like most other countries, is affected by the human trafficking problem. Nigeria in 2003 became the first country in Africa to enact an anti-human trafficking legislation with the Trafficking in Persons Prohibition Enforcement and Administration Act, which in turn created the National Agency for the Prohibition of Trafficking In Persons (NAPTIP). The current legislation in Nigeria is the 2015 Act and the Agency has been retained.

The new Act prohibits all forms of trafficking, including trafficking for organ trade and ritual murders. The minimum penalty prescribed is 5 years' imprisonment for labour trafficking and sex trafficking offences, and a minimum fine of roughly \$3,000 or one million Naira in respect of both types of offences. In order to address every aspect of the human trafficking phenomenon, NAPTIP adopted a 4Ps strategy. These include *Prevention* – using mass media campaigns to raise public awareness of the various strategies used to lure victims and their families, and *Protection*, which involves rehabilitating and reintegrating victims into society. For example, the Benin Directorate, like others, has a Trafficking Trust Fund where money is sourced to take care of the immediate needs of the rescued victims. Also, the Act provides that the property of offenders which is adjudged to be proceeds of crime will be forfeited to the Trust Fund from where victims are compensated. Victims are accommodated in shelters wherever they are identified as young people travelling with non-family members until their family confirms the journey. *Prosecution* includes the arrest and prosecution of offenders in order to decrease the culture of impunity associated with these offences because of the general feeling that victims are complicit in the crimes. Nigeria, and the Benin Directorate in particular, has achieved a lot in deterrence through its prosecution of offenders. This is where our input as judges comes in. Trial judges must not allow witnesses, particularly victims, to be harassed during trial by the defence stating that the victims were complicit in the crime and their parents/guardians consented to their movement for purposes of manual labour or as a sex worker. The last P is *Partnership*. NAPTIP works in collaboration with other regional and international agencies to tackle human trafficking, forced labour and migration in general. This also includes monitoring of cross border movements. Our hope is that these agreements will make neighbouring countries increase surveillance in the form of security checks along the controversial migration routes, especially within the North Africa countries, so as to complement the efforts of Nigeria in combating human trafficking, thus reducing the associated tragedies.

I am going to talk about the Benin Directorate of the Agency because most of the cases of trafficking in women and children in Nigeria at the inception of the Agency arose from Benin City and its environs, which were notorious for being a hotbed of crime in regard to the topic of this summit. Within a year of the inception of the Agency and the setting up of the Benin Directorate, the first case of AGF vs. Sarah Okoya was prosecuted by the Agency. Six girls were recruited by the Defendant, who promised to take them to Spain. She took them to Cotonu in Benin Republic and collected a huge amount of money from them to process their travelling papers to Spain. She lodged them in a bamboo hotel in Cotonu and made them sleep with men before they could travel on the next leg of their journey to Spain, after taking them to a shrine to swear an oath of secrecy. Some of them resisted and it caught the attention of the hotel staff who reported to the Nigeria Consulate and, after investigation, the Defendant was arrested, prosecuted and sentenced by the Federal High Court on 19 November 2004 to 3 years' imprisonment.

I have read the ratio of some of the cases prosecuted by the Benin Directorate. In Charge No FHC/ASB/19C/2016, FGN v. Nwabudike Ikechukwu, delivered on 25 January 2017, the Defence threw up several technical defences which were rejected by the Court because of the evidence that the 20-year-old victim was an

in-law of the defendant who was abducted by him on her way to run an errand. He then transported her to Ivory Coast where she was subjected to prostitution. The Defendant was sentenced to 7 years' imprisonment and N1m fine. In Charge No B/31C/2005 delivered on 19 April 2007 AGF v. Franca Edith Asiboja, the Court rejected the defence that the victims had paid their own transport fare to Burkina Faso en route to Italy for domestic work and that because they were over 18, they consented to being prostitutes while she saved their proceeds for them. The Defendant, aged 27 years old, was sentenced to 5 years' imprisonment with hard labour. In FGN v. Joy Raji Charge No. B/1C/16, the Defendant was 57 years old, charged with deceitful inducement and forced labour of several girls to Kuwait. The victims paid part of the money for the trip but were made prostitutes in Kuwait instead of doing domestic work. The Defendant was sentenced to 4 years' imprisonment with hard labour and no option of fine. The thread going throughout these cases is the refusal of the Hon. Judges to succumb to persuasions of technical arguments and their insistence on the application of the substantial law where the factual ingredients of the offence had been proved. I commend this approach to other judges in order to reduce the impunity associated with these offences.

In the Benin Directorate the statistics show that there is no average age for offenders. Arrests have been effected on offenders as young as 20 years old and offenders of 70 years old and above. The number of victims recorded between 0-17 years old is 1140; the number of victims between 18-27 years old is 1,580; the number of victims above 27 years old is 86. The number of offenders charged to court in that Directorate from 2004 to date is 51, consisting of 27 guilty pleas, 20 prosecution on the merit that led to conviction and 4 acquittals. Unfortunately it's not all reports that yield to the successful rescue of victims. Over 1870 victims have been rescued since 2004. They include young girls and boys and, as I said, appear to cover all age cadres.

This is a great encouragement for NAPTIP. A total of 2806 cases/incidents have been reported to date in the Benin Directorate. I will briefly state the achievements made and challenges faced by NAPTIP. There is a greater orientation and awareness of the scourge of human trafficking among stakeholders and the nation at large. Now, more persons and groups both local and international want to collaborate with NAPTIP.

The Nigeria Education Research Development Commission now places human trafficking in all Primary School Curricula. The challenges being faced by NAPTIP in Benin in particular, and Nigeria in general, include the lack of provision of equipment and logistics for enforcement officers and lawyers. This also includes lack of capacity building of staff, and inadequate funding. Other operational challenges include the fact that prosecution collapses when victims are intimidated into refusing to give evidence, leading to the slow pace and low number of prosecutions. Also, witness protection measures are insufficient to insulate willing witnesses from organised syndicates. Enforcement officers do not carry arms and organized crime syndicates sometimes resist arrest.

The most common domestic trafficking in Nigeria is generally for domestic servants who are most of the time mistreated and abused. The scourge of domestic and international human trafficking can only be minimised where societies and governments live up to their responsibilities to their citizens and the hopelessness and desperation of young people to look for greener pastures by any means can be drastically reduced. The CNN exposé by Nima Elbagir of modern-day slavery whereby men and women trafficked through Libya are sold in open markets as slaves is both horrifying and a wakeup call on all stakeholders to be conscious of the blurred lines between human trafficking and actual modern-day slavery. I appreciate the Holy Father's concern about these issues, and am grateful for the opportunity to contribute to the discussion and to learn from my colleagues all over the continent. Thank you.