



UNIVERSITI PUTRA MALAYSIA

***STAKEHOLDERS' PERCEPTION ON IMPLEMENTATION OF 2008
NATIONAL POLICY ON PROTECTION AND ASSISTANCE TO
TRAFFICKED PERSONS IN NIGERIA***

SANI SANI IBRAHIM

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By

SANI SANI IBRAHIM

**Thesis Submitted to the School of Graduate Studies, Universiti Putra Malaysia,
in Fulfilment of the Requirements for the Degree of Doctor of Philosophy**

December 2017

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DEDICATION

This thesis is dedicated to my parents, my family and the memories of my children Abubakar Sadiq and Nana Fatima (who passed away during my studies) may their souls rest in perfect peace, amen.



Abstract of thesis presented to the Senate of Universiti Putra Malaysia in fulfillment of the requirement for the degree of Doctor of Philosophy

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December 2017

Chairman : Adlina Ab. Halim, PhD
Faculty : Human Ecology

The problem of protection and assistance to trafficked persons has become a serious concern to the Nigerian Government. The country introduced the National Policy on Protection and Assistance to Trafficked Persons in Nigeria 2008 (NPPATPN). However, despite having the policy, the country is still ranked among the countries that do not fully comply with the minimum standard in the prevention of human trafficking and protection of trafficked persons as set by the United States. In addition, the reports from United Nations and National Agency for Prohibition of Traffic in Persons and other Related Matters (NAPTIP) reported that millions of Nigerians are still vulnerable to human trafficking and cases of human trafficking continue to increase. These scenarios raise questions about the actual purpose of the policy, as well as the effectiveness and performance of its implementation. Hence, based on the perspective of policy stakeholders, this study aims to answer: (1) What are the stakeholders' perception about the purpose of NPPATPN?, (2) What has been the effects of the policy on the lives of trafficked persons?, (3) What factors do the stakeholders perceive to be the obstacles in achieving NPPATPN objectives? The study employed the qualitative method, where semi-structural interviews were conducted with 15 selected informants from four groups of stakeholders. The interview transcripts were analyzed using thematic analysis and have led to three main findings. First, the findings reveal that the policy was designed and formulated as the result of international pressure mounted on the Nigerian government to protect and assist trafficked persons as the strategy to address human trafficking issues from the source countries. Second, the study show that the trafficked persons are not fully protected and assisted with full respect to their human rights, as enshrined in the policy. Third, the finding identifies five main obstacles; lack of freedom to exercise discretion; hierarchical command and control; incomprehensive anti-human trafficking coordination and cooperation; client attitude and cultural belief and; abuse

of public trust as the major obstacles to the realization of the NPPATPN. Theoretically, the findings confirm some assumptions of the top-down and bottom-up perspectives of policy implementation theory. The integration of a clear purpose of the policy, coordination of all policy stakeholders and translation of policy into action are crucially important in ensuring effectiveness of policy implementation. The study overall indicates that in the context of the implementation of the NPPATPN, the integration of those aspects are the most critical areas that need to be further examined and evaluated by the government, policymakers and implementers, non-governmental organisations in Nigeria, as well as policy researchers in general. The identified obstacles to the effective protection and assistance to trafficked persons in this study shall provide a basis of understanding the performance of the NPPATPN's implementation in Nigeria.



Abstrak tesis yang dikemukakan kepada Senat Universiti Putra Malaysia sebagai memenuhi keperluan untuk ijazah Doktor Falsafah

**PERSEPSI PIHAK BERKEPENTINGAN TERHADAP PELAKSANAAN
DASAR NASIONAL MENGENAI PERLINDUNGAN DAN BANTUAN
KEPADA PEMERDAGANGAN 2008 MANUSIA DI NIGERIA**

Oleh

SANI SANI IBRAHIM

Disember 2017

Pengerusi : Adlina Ab. Halim, PhD
Fakulti : Ekologi Manusia

Masalah perlindungan dan bantuan kepada pemerdagangan manusia telah menjadi perhatian serius Kerajaan Nigeria. Negara telah memperkenalkan Dasar Nasional Mengenai Perlindungan dan Bantuan kepada Pemerdagangan Manusia di Nigeria 2008 (NPPATPN). Walaupun telah melaksanakan dasar tersebut, negara masih berada di kedudukan antara negara yang tidak mematuhi sepenuhnya standard minimum dalam pencegahan dan perlindungan pemerdagangan manusia seperti yang digariskan oleh Amerika Syarikat. Selain itu, laporan daripada Pertubuhan Bangsa-Bangsa Bersatu dan Agensi Nasional Mengenai Larangan Pemerdagangan Manusia dan Perkara Berkaitan Lain (NAPTIP) masih melaporkan terdapat berjuta warga Nigeria masih terdedah kepada pemerdagangan manusia dan bilangan kes pemerdagangan manusia berterusan meningkat. Senario ini menimbulkan persoalan mengenai tujuan sebenar dasar tersebut, keberkesanan dan prestasi pelaksanaan dasar tersebut. Oleh itu, berdasarkan perspektif pihak berkepentingan dasar, kajian ini bermatlamat untuk menjawab: (1) Apakah persepsi pihak berkepentingan mengenai tujuan NPPATPN? (2) Apakah kesan dasar ke atas kehidupan manusia yang diperdagangkan? (3) Apakah faktor yang dilihat oleh pihak berkepentingan sebagai halangan dalam mencapai objektif NPPATPN?. Kajian ini menggunakan kaedah kualitatif, yang melibatkan temubual separa berstruktur ke atas 15 orang informan terpilih dari empat kumpulan pihak berkepentingan. Transkrip temubual dianalisis dengan menggunakan analisis tematik dan telah membawa kepada tiga penemuan yang utama. Pertama, hasil kajian mendedahkan bahawa dasar itu telah direkabentuk dan diformulasikan ekoran tekanan antarabangsa ke atas kerajaan Nigeria supaya melindungi dan membantu manusia yang diperdagangkan sebagai strategi untuk menumpukan isu pemerdagangan manusia daripada negara asal. Kedua, kajian mendapati bahawa hak asasi manusia yang diperdagangkan tidak dilindungi sepenuhnya dan dibantu sebaiknya sebagaimana yang termaktub di dalam dasar tersebut. Ketiga, hasil kajian telah mengenalpasti lima halangan utama; kurangnya kebebasan untuk menjalankan tugas

mengikut budi bicara; arahan dan kawalan yang bersifat hierarki; penyelarasan dan kerjasama mengenai anti-penyeludupan manusia yang tidak komprehensif; sikap penerima bantuan dasar dan kepercayaan mereka kepada budaya dan; menyalahgunakan kepercayaan orang awam antara halangan utama dalam merealisasikan NPPATPN. Secara teorinya, hasil kajian mengesahkan beberapa andaian perspektif atas-bawah dan bawah-atas di dalam teori pelaksanaan dasar. Integrasi di antara matlamat dasar yang jelas, penyelarasan di antara semua pihak berkepentingan dasar dan terjemahan dasar kepada bentuk tindakan adalah sangat penting dalam memastikan keberkesanan pelaksanaan dasar. Secara keseluruhannya kajian telah menunjukkan bahawa dalam konteks pelaksanaan NPPATPN, integrasi aspek-aspek tersebut adalah amat penting untuk dikaji dan dinilai oleh pihak kerajaan, pembuat dasar dan pelaksana, organisasi bukan kerajaan di Nigeria serta penyelidik dasar secara amnya. Halangan yang menjejaskan keberkesanan perlindungan dan bantuan untuk manusia yang diperdagangkan yang dikenal pasti dalam kajian ini seharusnya telah memberikan satu kefahaman asas mengenai prestasi pelaksanaan NPPATPN di Nigeria.

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This thesis was submitted to the Senate of the Universiti Putra Malaysia and has been accepted as fulfillment of the requirement for the degree of Doctor of Philosophy. The members of the Supervisory Committee were as follows:

Adlina Ab.Halim, PhD

Associate Professor
Faculty of Human Ecology
Universiti Putra Malaysia
(Chairman)

Jayum Anak Jawan, PhD

Professor
Faculty of Human Ecology
Universiti Putra Malaysia
(Member)

Zatul Himmah Adnan, PhD

Senior Lecturer
Faculty of Human Ecology
Universiti Putra Malaysia
(Member)

ROBIAH BINTI YUNUS, PhD

Professor and Dean
School of Graduate Studies
Universiti Putra Malaysia

Date:

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Signature: _____

Date: _____

Name and Matric No.: Sani, Sani Ibrahim, GS37690

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Signature: _____

Name of
Chairman of
Supervisory
Committee:

Associate Professor Dr. Adlina Ab. Halim

Signature: _____

Name of
Member of
Supervisory
Committee:

Professor Dr. Jayun Anak Jawan

Signature: _____

Name of
Member of
Supervisory
Committee:

Dr. Zatul Himmah Adnan

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LIST OF ABBREVIATIONS

ATPA	Anti-Trafficking in Persons Act
CAC	Corporate Affairs Commission
CRA	Child Rights Act
CATW	Coalition against Trafficking in Women
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
GAATW	Global Alliance against Trafficking in Women
IGOs	International Governmental Organizations
IHRLG	International Human Rights Law Group
ILO	International Labour Organization
IOM	International Organization for Migration
NACTAL	Network of Civil Society against Child Trafficking, Abuse, and Labour
NAPTIP	National Agency for Prohibition of Traffic in Persons and other Related Matters
NEPAD	New Partnership for African Development
NGOs	Non-Governmental Organizations
NPF	Nigeria Police Force
NPPATPN	National Policy on Protection and Assistance to Trafficked Persons in Nigeria
OSCE	Organization for Security and Cooperation in Europe
PTIPA	Prevention of Trafficking in Persons Act
TIP	Trafficking in Persons
TIPPLEAA	Trafficking in Persons Prohibition Law Enforcement and Administration Act
TPF	Tanzania Police Force
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization

UN-GIFT	United Nations Global Initiative to Fight Human Trafficking
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USDOS	United States Department of State
WOTCLEF	Women Trafficking and Child Labour Eradication Foundation



CHAPTER 1

INTRODUCTION

1.1 Introduction

This chapter provides the general background of the research, statement of the research problem, research questions as well as the research objectives. It further discussed the significance of the study, scope, and limitation of the study. Definition of key terms and the conceptual framework of the research were also presented in this chapter.

1.2 Background of Study

Nigeria is considered as a source, transit, and destination of human trafficking, for women, men, and children who are subjected to various forms of trafficking exploitation. Nigeria is a key player in international trafficking, the country accounts for 13 percent of the global record, (United States Department of States [USDOS] Report, 2013; Duru & Ogbonnaya, 2012; International Labour Organization [ILO] 2012; Ako, 2011; Agbu, 2003). Increasing evidence revealed that many states in Nigeria are affected by this modern day slavery (Human trafficking) as a source, transit, and destination. The most endemic states in this regard are Edo, Abia, Akwa Ibom, Ebonyi, Imo, Enugu and Cross-Rivers states. The transits states are Sokoto, Niger, Borno, and Cross-River. The attractive destination states for internal trafficking are Lagos, Kano, Kaduna, Katsina and Ogun (Akinyinka, 2011). At the international level, the destination countries are Italy, Netherlands, United Kingdom, France, Belgium, Saudi Arabia, Malaysia, Ghana, Togo Benin, Sierra Leone and Gabon (US SD, 2010).

The Nigerian government is aware of the problem of human trafficking and the challenges of trafficked persons rehabilitation and reintegration. Therefore, in 2003 enacted the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 (TPPLEAA) as amended in 2005 and 2015. The TPPLEAA established National Agency for Prohibition of Trafficked in Persons and other Related Matters (NAPTIP). The Act TPPLEAA prohibits human trafficking and prescribed a penalty for human traffickers. The Act focused more on criminalizing human trafficking, even though it makes provisions for supervising, controlling and coordinating the rehabilitation of trafficked persons (TPPLEAA, 2005). Other than TPPLEAA there are other statutes that are relevant in dealing with related human trafficking issues such as Child Right Act 2003, Immigration Act Cap 189, Labour Act Cap 198 Criminal Procedure Code (CPC), and Criminal Procedure Laws (CPL). However, quite a number of trafficked persons are yet to rehabilitated and reintegrated this necessitated the need for and development of National Policy on Protection and Assistance to

Trafficked Persons in Nigeria as a standard and guideline for trafficked person protection and assistance in Nigeria.

The exact number of persons trafficked internally and externally in the country are difficult to obtain but there was a consensus among scholars that the volume of human trafficking has been grossly underestimated because of the clandestine nature of human trafficking. United Nations Children Education's Fund [UNICEF] (2005) estimated that 8 million children were vulnerable to trafficking in person in Nigeria. Hence the recent estimate revealed more disturbing picture where ILO (2012) report revealed that Nigeria counts for 13 percent of the global records of human trafficking. In Support of ILO report, Beatrice, (2014) states that about 2.5 million persons are trafficked annually, and a substantial number of them are Nigerians, further added that in the most capital of Europe at least 6 out of 10 of the trafficked persons are identified as Nigerians¹. Therefore, the country has been ranked as the top source of human trafficking in the world and the leading African country in terms of human trafficking. Furthermore, it was also estimated that 40,000 to 50,000 Nigerian women are already caught-up into human trafficking and that over 6 million children are at the risk of being drawn into the modern day slavery (Akinyinka, 2011).

Official statistics show that the incidences of human trafficking are increasing in the country based on the reported cases of human trafficking in Nigeria. Officially 157 cases of human trafficking were recorded by police in 1998, 204 cases in 1990, 240 cases in 1991 and 570 cases were reported by NAPTIP in 2015 (National Agency For Prohibition of Trafficked in Persons [NAPTIP], 2016). Moreover, 713 cases were recorded between the years 1987-1996 as against 3,899 cases reported between 2003-2015 (NAPTIP, 2016).

In the year 2015, a total 570 cases of human trafficking were reported to NAPTIP bring the total number of 3,899 cases were reported since the enactment of Trafficking in Person Prohibition Law Enforcement and Administration Act, 2003. Of all the reported cases in 2015. Moreover, external trafficking for sexual exploitation has the highest number of cases reported with 145 representing (25.4 percent), Child Labour with 127 (22.3 percent), and Child Abuse with 82 (14.4 percent). The least case came from deportation of an illegal migrant with 1 case reported representing (0.2 percent), Forced marriage with 5 cases (0.9 percent) and internal trafficking for sexual exploitation with 15 cases representing (2.6 percent). Furthermore, in comparing the reported cases between 2014 and 2015 (Appendix A).

NAPTIP (2016) reports that the total number of 894 trafficked persons were rescued in 2015 and this made the total number of the rescued persons to 9,453 since the inception of the agency in 2003. Out of the 894 rescued 213 were male victims, and 681 were female (138 boys, 288 girls, 75 men and 393 women). Moreover, the highest

¹ Director-General of National Agency for Prohibition of Trafficked in Persons and Other Related Matters (NAPTIP)

number came from Child Labour with 208 followed by external trafficking for sexual exploitation with 181, Child Abuse 97 and the least came from Forced marriage with 1 victim rescued, Raped/sexual abuse 5 and Abduction from guardianship 20 were rescued. Out of the 894 rescued trafficked person, Government agencies rescued 626, foreign countries and international organization 123 while Non-Governmental Organizations rescued 96 trafficked persons. Out of the 894 rescued, 100 were foreign victims and 794 were Nigerians reflecting the six geo-political zones. South-South with having the largest number of the victim rescued in 2015 as against the North-West with 431 in 2014. The least came from North-East with 15 in 2015 and South-West with 42 victims rescued. (See Appendix B).

In terms of the rescued age range, a total 426 rescued trafficked persons fell within the age bracket between 0-17, 403 within 18-27 years and 65 within the age bracket 28 and above in 2015. While 708 within 0-17 years, 293 within 18-27 years and 29 in the bracket of 28 and above in 2014. The total children share is 426 in 2015 and 708 in 2014 While that of adult share is 468 and 322 in 2015 and 2014 respectively (See Appendix C)

The Agency in 2015 recorded the apprehension of 432 suspected human traffickers of which 219 and 213 were male and female respectively. Moreover, Child Labour had the highest number of 109 suspects (40 male and 69 female). Followed by external trafficking for sexual exploitation with 89 suspects (52 male and 37 females). Child Abuse had 58 suspects arrested (24 male and 34 female). The least came from Force marriage 3 suspects, internal trafficking for sexual exploitation with 7 and internal trafficking for labor exploitation with 8 suspects arrested. In terms of comparing the suspected traffickers arrested between 2015 and 2014 (See Appendix D).

The Agency (NAPTIP) in 2015 won 18 cases of human trafficking in various courts in Nigeria, in which 23 persons (15 male and 8 female) were convicted for committing human trafficking offenses. In comparing the number of traffickers convicted 23 and 39 were convicted in 2015 and 2014 respectively. External trafficking for forced labor has the highest number of 10 in 2015 while external trafficking for sexual exploitation and Child Labour has 12 each in 2014. The least number came from Child Abuse and Fraudulent entry of persons with 1 persons each in 2015 and 2014 respectively (See Appendix E). In the overall a total number of 9, 454 victims were rescued in the last 15 year from 3,899 reported cases, of which 2,987 cases were investigated with 236 prosecuted cases and secured the conviction of 280 persons (See Appendix F)

Prior 2008 there was no policy specifically designed for protection and rehabilitation of trafficked persons. Therefore, in an efforts to effectively address the challenges posed by human trafficking with regard to redress, recovery, and rehabilitation, Protection seems to be a critical element in the strategic intervention. Thereby a National Policy on Protection and Assistance to Trafficked Persons in Nigeria, 2008 (NPPATPN), was designed and formulated by National Agency for Prohibition of Traffic in Person (NAPTIP) and approved by the Federal Executive Council (FEC).

The philosophy behind the formulation and the adoption of the NPPATPN was based on article 6 of United Nations Trafficking Protocol, section 14 (2) (b) of Nigerian Constitution which provides that “Security and Welfare of people shall be the primary purpose of government” and Trafficking in Persons (Prohibition) Enforcement and Administration Act (TPPEAA) respectively. Hence, NPPATPN derived its source from these three legal instruments (See Figure 1.1).

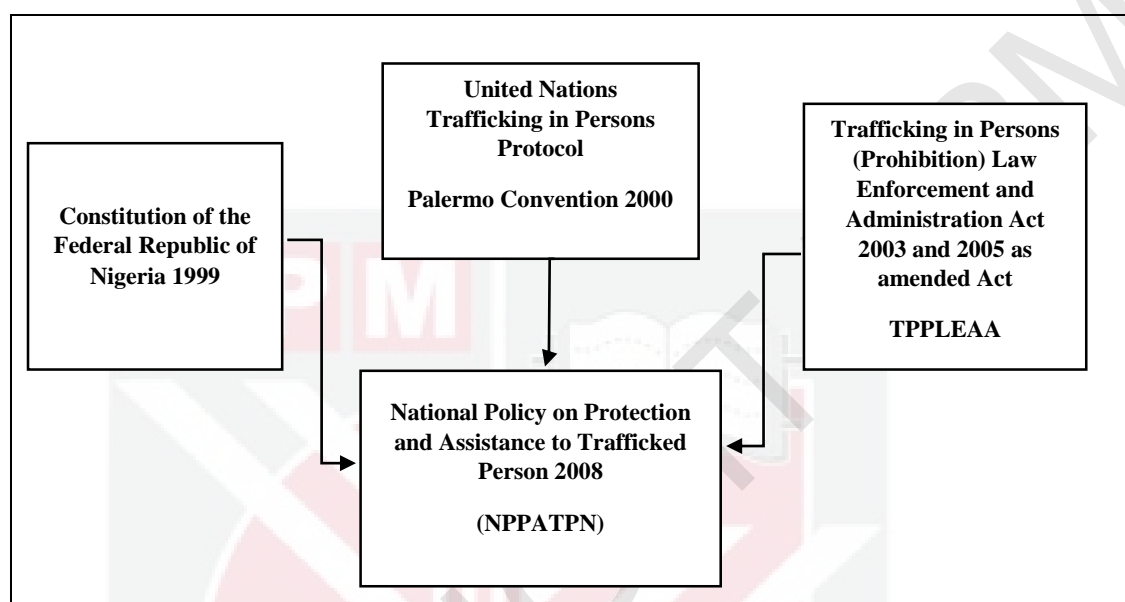


Figure 1.1: Sources of NPPATPN

These legal instruments are instrumental in the development of the NPPATPN for instance. Section 14 (2) (b) of the Constitution of the Federal Republic of Nigeria states that “Security and the welfare of the people shall be the primary purpose of Government”. Article 6 of United Nations Trafficking in Persons Protocol stated: “that the states party shall consider implementing measures to protect and assist the victims of human trafficking”. Similarly, section 4 of TPPEAA states that “The agency shall coordinate the rehabilitation of trafficked person” So by implication, these legal instruments highlights that protection and advancement of trafficked person’s security, dignity, and welfare is a critical issue of consideration.

Hence the policy NPPATPN was designed with a holistic approach to the protection of trafficked persons through rehabilitation and reintegration with the aim of ensuring the trafficked persons are empowered to be a functional member of the society. Issues regarding trafficked person rescue, rehabilitation and reintegration are articulated in the policy. The policy was mindful of the importance of relevant stakeholders for the in victims protection process. Thereby provides guidelines to regulate the activities of the stakeholders with regard to the rescue. The policy identified and assigned responsibility to the stakeholders involved in protecting and assisting trafficked persons

Furthermore, the policy NPPATPN outlines the institutions and organizations and highlights their responsibilities with regard to victims' protection and assistance. The policy emphasized the need for partnership among the government agencies and Non-Governmental Organizations in taking an integrated approach in the protection and assistance to trafficked persons in the country. The policy is built on the four guiding principle, such as (1) Political will and commitment of the government to eradicate human trafficking and protect the trafficked persons (2) Participation of all relevant actors (3) Coordination and (4) Respect of victims' human rights. There are many organizations both state and non-state actors that are involved in the protection and assistance to trafficked persons and prevention of human trafficking. These organizations or institution are Government Agencies, Non-governmental Organizations and international Agencies and donor organizations or countries. The following are the roles of such agencies and organizations with regard to prevention of human trafficking and protection and assistance to trafficked persons.

(a) Government Agencies

In Nigeria prior to the enactment of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 and 2005 as amended (TPPLEAA). The issues of protection, prevention, and prosecution of human trafficking and other related matters were handled by Nigeria Immigration Service (NIS). The NIS established Anti-Human Trafficking and Child Labour Unit in its headquarters and a crossed the 36 state of the federation. However, the sequel to the enactment of TPPLEAA in 2003, National Agency for Prohibition of Trafficked in Persons and Other Related Matters (NAPTIP) was established in 2003. As the Federal Government institutional framework to combat the menace of human trafficking in the country. NAPTIP as the main agency to implement NPPATPN in order to re-install confidence to the traumatized and dehumanized victims. Also to re-integrate the trafficked persons to become functional and effective members of the Nigerian society (National Policy on Protection and Assistance to trafficked Victim, [NPPATPN] 2008). NAPTIP is assigned with the responsibility of coordinating the implementation of the NPPATPN, create an enabling environment and provide infrastructure and other forms of victims support, create awareness and capacity building of practitioners on trafficked person protection and assistance, formulate and review policies, and any other issues of trafficking in persons involving Nigeria both Nationally and internationally². The agency established eight zonal commands with rehabilitation centers in Lagos, Uyo, Benin, Benue, Enugu, Kano, Maiduguri, and Sokoto. These commands are strategically located in the six geopolitical zones of the country to protect trafficked persons, prevent human trafficking and prosecute human traffickers. Therefore, in pursuant to the TPPLEAA the agency (NAPTIP) was assigned to the followings roles³:

² Section 4..2.2 (a) of National Policy on Protection and Assistance to Trafficked Persons (2008)

³ Section 4 of Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 and 2005 as amended. Law of the Federal Republic of Nigeria.

1. Coordination of all laws and policies on human trafficking, related offenses and the enforcement of those laws.
2. Adoption of measures to increase the effectiveness of the eradication of trafficking in persons.
3. Enhancing the effectiveness of law enforcement agents to suppress traffic in persons.
4. Taking charge of supervising, controlling and coordinating the rehabilitation of traffic in person and participating in proceedings relating to traffic in person.
5. Taking charge of supervising, controlling and coordinating all responsibilities, functions, and activities relating to current investigation and prosecution of all offenses connected with or related to traffic in persons and other related matters in consultation with Attorney-General of the Federation.
6. Taking measures and or in collaboration with others agencies or bodies that may ensure elimination and prevention of the root causes of the problems of traffic in persons.
7. Monitor the implementation of policy and national Referral Mechanism

(b) Non-Governmental Organizations

The Non-governmental Organizations are significantly and increasingly making their presence known in anti-human trafficking projects in Nigeria. There are numerous NGOs in Nigeria that are engaged in trafficked victim's protection and rehabilitation and prevention of human trafficking. Such NGOs formed a coalition known as Network of Civil Society against Child Trafficking Abuse and Labour (NACTAL). The network (NACTAL) has over 20 members and its membership cut across the six geopolitical zone of the country (See Appendix G). Their roles in anti-human trafficking project in Nigeria are the followings⁴:

1. To mobilize and motivate the stakeholders at all level to respond to the challenges posed by human trafficking.
2. To Complement Government efforts in the protection and assistance to trafficked persons
3. To collaborate with the concerned parties worldwide toward the eradication of human trafficking
4. To create awareness and encourage advocacy on the danger of human trafficking.
5. Empower and build the capacity of trafficked persons
6. To mobilize resources for victims rehabilitation and reintegration.
7. To collaborate with the concerned parties in developing policies and legislative enactment to punish human traffickers and those engaged in child abuse and violence against women rights.

⁴ Section 2.2.2 (b) National Policy on Protection and Assistance to Trafficked Persons, 2008.

(c) Inter-Governmental Organizations

Section 4.2.2 (e) of the policy (NPPATPN) states the responsibilities that international agencies can assist with, in the protection and assistance to trafficked persons such as mobilization of fund, capacity building, ensure humane treatment of trafficked persons in source, transit and destination countries among others and promote collaboration to address both factors that place women and children at risk of being trafficked and abused, development of bilateral and multilateral agreements, encourage information sharing, also assist in reforming the existing structures by strengthening their capacity to deliver on the implementation of human trafficking policies⁵. In this regard, United Nations Office on Drugs and Crime (UNDOC) and United Nations Children Educational Funds (UNICEF) are critical actors in the anti-human trafficking and child protection project in the country.

United Nations Office on Drugs and Crime (UNODC)

United Nations Office on Drugs and Crime (UNODC) is the United Nations Agency that is leading the global fight against transnational organized Crime such human trafficking, drug trafficking, terrorism, and corruption. UNODC is the custodian and guardian of United Nations Convention against Transnational Organized Crime and its three supplementing protocols such as (1) Trafficking in persons, Smuggling of Migration and Trafficking in Firearms. (2) United Nations Convention against Corruption and (3) International Drugs Control Convention. The UNODC in Nigeria perform the following functions with regard to human trafficking prevention and protection of trafficked persons⁶.

1. To assist members states (Nigeria) in the ratification and implementation of United Nations Transnational Crime Convention (TOC)
2. To develop and promote best practices in countering organized Crime.
3. To promote evidence-based crime-fighting policies.
4. To assist and help draft national policies and its implementation
5. To prevent human trafficking
6. To protect and assist trafficked persons
7. To punish the criminals.

⁵ Section 2.2.2 (e) National Policy on Protection and Assistance to Trafficked Persons, 2008.

⁶ United Nations Office on Drugs and Crime in Nigeria. Retrieved from <http://www.unodc.or.nigeria/en/s84traffickingip.html>.

United Nations Children's Fund (UNICEF)

UNICEF is a United Nations agency works in Nigeria and other countries to save children's lives, to defend their rights, and to help them fulfill their potential. The agency works to improve the policies and services that protect all children. The agency partner with governments' agencies and non-governmental organizations on all aspects of anti-trafficking responses – prevention, protection and prosecution – and supports evidence-based research to strengthen interventions⁷. Their role in public awareness brings further attention to child protection issues at the global level. UNICEF helps governments in strengthening anti-human trafficking laws, policies, and services including legislative review and reforms that deal with child trafficking and abuses. In line with NPPATPN, UNICEF as an international organization performs the following functions⁸

1. Providing funds, training, capacity building, and infrastructural development.
2. Creating awareness and advocacy for child protection rights
3. Advance protective environment to help prevent and respond to violence, exploitation, abuse, and discrimination.
4. Promoting laws that punish child exploiters
5. Expand access to the quality basic education
6. Encouraging information sharing, collaboration, and linkages
7. Strengthening institution and agencies to ensure effective protection of children.
8. Help create a warm, protective and supportive environment for the protection and assistance of trafficked and abused children.

However, the policy (NPPATPN) does not categorically states the powers of these organizations but only assigned roles and responsibilities to perform with regard to protection and assistance to trafficked persons in the country. Hence, the special power of the government agency (NAPTIP) was only specified in Trafficking in Person (Prohibition) Law Enforcement and Administration Act, 2003 and 2005 as amended (TPPLEAA). Section 2 of the Act states that the power of the agency⁹ (NAPTIP) shall have the power to cause investigation to be conducted as to: (1) Whether any persons have committed an offence under the Act (2) With the view to ascertaining whether any persons involved in the offence under the Act and (3) Subsequently prosecute any persons found to have committed an offence under the Act (TPPLEAA 2005).

⁷ UNICEF (2005) Handbook for Parliamentarians: Combating Child Trafficking.

⁸ National Policy on Protection and Assistance to Trafficked Persons in Nigeria, (2008).

⁹ Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2005 as Amended.

1.3 Statement of Problem

Nigeria is recognized as a source, transit, and destination of human trafficking. The country is one of the major players in international human trafficking and a leading African country in this regard. Although the government has enacted and formulated policies to address and curb human trafficking in the country, as well as to protect and assist the trafficked persons. However, despite such efforts, the incidences of human trafficking actually increase. Thus, the study is motivated by the problems of increased cases of human trafficking on daily basis, and the protection and assistance of trafficked persons have become problematic in Nigeria over the years. For instance, official statistics revealed that between 1987-1996 there were 713 reported and recorded cases of human trafficking but the figure drastically increased to 3,899 reported cases of human trafficking between 2003 to 2015 (NAPTIP, 2016). Moreover, ILO (2012) reports that Nigeria accounts for 13 percent of the global human trafficking record. Similarly, UNICEF (2006) report revealed that 8 million children were subjected to worst forms of exploitation such forced labor, domestic servants, begging, street hawking and prostitution. In addition, United Nations Office on Drug and Crime (2006) report shows that 60 percent of prostitutes in Italy are Africans and 80 percent of them were Nigerians and of which 60 percent are trafficked persons. Unless this trend is reduced or curtail through effective policy implementation an estimated of 15 million Nigerians (National Bureau of Statistic [NBS], 2015) particularly women and children are vulnerable and will ultimately be victims of human trafficking and subjected to various forms of exploitation.

In its efforts to protect and assist the trafficked person Nigerian Government formulated and adopted National Policy on Protection and Assistance to Trafficked Persons (NPPATPN). The policy (NPPATPN) states the responsibilities and standard to which the government official and the relevant stakeholders must inspire in realizing the policy objectives. The policy set a standard for victims rescued, rehabilitation and reintegration, which should be a benchmark upon which progress would be assessed. Also, the policy enjoined both Government and the stakeholders to undertake actions in the best interest of the trafficked persons (NPPATPN, 2008).

However, years after the adoption of National Policy on Protection and Assistance in the country, Nigeria was ranked among the worst countries by the United States, whose government does not comply with the minimum standard in the prevention of human trafficking and protection of trafficked persons and the country is not making significant efforts to do so. (USDOS, 2010). Upon the 8 millions of Nigerians subjected to various forms of exploitation (UNICEF, 2006) only 1819 trafficked persons were reported to have been rescued in the year 2008 and 2009 (NAPTIP, 2010). This is an indication that Nigeria's efforts in victims' protection and assistance is inadequate and a quite number of victims of human trafficking are yet to be protected and assisted. The reality is that despite the NPPATPN there is continue exploitation and trafficking of Nigeria women and children in the country and abroad. The question that is raised here is, what has been the effect of the policy on the lives of the trafficked persons?

In the last decade, the anti-human trafficking stakeholders have gained an increase focussed on the scholars and practitioners. They were seen as critical actors with regard to anti-human trafficking policy development and anti-human trafficking project. They were recommended in terms of public awareness, mobilization of resource, rehabilitation, and reintegration. This is because the complex nature of victims protection and assistance required the participation of various stakeholders: Government officials, Non-governmental Organizations (NGOs) and International Organizations. But nowadays, it has been observed that the stakeholders found it difficult in protecting and assisting the trafficked person. This is because coordination barrier or gap has undermined countries' and organizations efforts from curbing and addressing human trafficking issues and protection of trafficked persons.

Foot (2011) and USDOS, (2013) reports that NGOs that directly participate in anti-human trafficking underwent challenges and problems working with a government official in the prevention and protection of trafficked persons. This problem did not only affect the stakeholders but the trafficked persons who are the main target of the policy. Instead of protecting and assisting the trafficked persons with respect to their human dignity but the trafficked persons are further victimized. For instance, ILO (2011) and Odunuga, (2001) reports that a policeman was found to have trafficked 50 Nigerians to Guinea and 33 of them were ladies between the 18 and 20 arrested. The reports further disclosed that 95 percent of the trafficked persons were sourced from Benin and the police officer worked in the Benin Police Command. Moreover, even the rescued trafficked persons are not adequately rehabilitated and reintegrated in both government and private support facilities, and some of the shelters are more little than prison (Gallagher & Pearson, 2010). The question rise here is what are the factors that account for the success or otherwise of achieving the policy objectives?

Today, interest in the study of human trafficking and policy responses is witnessing tremendous increase. For instance, previous studies tend to focused on human trafficking and sustainable factors, stakeholders in anti-human trafficking intervention, international and national policy responses (Seo-Young Cho, 2015; Nwogo, 2014; Onuaha 2014; Wan Isma'il, 2014; Olateru-Olagbegi & Ikpeme, 2006; Raymond, 2002). In Nigeria, scholars are apathetic about protection and assistance to trafficked persons as little is known about NPPATPN from the policy implementation perspective. As the available studies are limited to implementation strategies and the challenges facing successful translation of Child Rights Act and Trafficking in Persons Prohibition Law Enforcement and Administration Act (Shatsari, 2012; Sylvester, 2006). It is important to understand NPPATPN from the perception of stakeholders which will help to gain an insight into the protection and assistance to trafficked persons in the country that has not been given attention by scholars and practitioners.

However, in spite of the proliferation in human trafficking scholarship, researchers lamented the lack of studies on trafficked persons' protection and assistance from Africa and Nigeria, while most of the studies focus in Europe and America (Stoynavo, 2013; Simeunovic-Patic & Copic, 2013; Laczko & Gozdzia, 2005; Pearson, 2002). This demonstrates the reliance on Western literature to understand human trafficking

and trafficked person protection issues, despite the sociocultural differences. Lackzko and Gozdzia (2005) advocated the need to expand human trafficking research beyond Europe and America which dominate the academic discourse on human trafficking issues globally. Furthermore, Cho (2012) findings on trafficked person protection justify further research, so as to understand trafficked persons protection and assistance among the countries that ratified Palermo Convention. Therefore, this study attempts to fill the gap highlighted in the literature by employing a qualitative approach to explore the stakeholders' perception on the implementation of National Policy on Protection and Assistance to Trafficked Persons in Nigeria. The following section deals with the research questions that guided this study:

1.4 Research Questions

The study is guided by the main research question on how the National Policy on Protection and Assistance to Trafficked Persons in Nigeria is implemented? The research specific questions are:

1. What are the stakeholders' perception about the purpose of National Policy on Protection and Assistance to Trafficked Person?
2. What has been the effects of the policy on the lives of the trafficked persons?
3. What factors do the stakeholders perceive to be the obstacles in achieving National Policy on Protection and Assistance to Trafficked Persons objectives?

Miles and Huberman (1994) states research questions are intended to explain the study a researcher is engaging with. To be specific the research questions in this study helped to focused the study, provide guide on how to conduct the study and also helps to develop interviews questions, in order to generate a meaningful, deeper and better understanding of the implementation of NPPATPN based on the understanding and perception of the stakeholders involved in the translation and client of the policy. Therefore, all the questions required their input in order to have an insight into the implementation of the process of NPPATPN from diverse perspectives.

1.5 Research Objectives

The overall objective of the study is to explore the perception of stakeholders on the implementation of National Policy on Protection and Assistance to Trafficked Persons (NPPATPN). The policy mentioned in the objectives refer to NPPATPN. The specific objectives are:

1. To explore the stakeholders view with regard to the purpose of National Policy on Protection and Assistance to trafficked persons.
2. To examine the effects of the policy on lives of the trafficked persons in Nigeria from the perception of stakeholders.

3. To explore the obstacles in the implementation of National Policy on Protection and Assistance to Trafficked Persons in Nigeria from the stakeholders.

1.6 Conceptual Framework

The National Policy on Protection and Assistance to Trafficked Persons involve the incorporation of various stakeholders working to achieve the policy objectives. The task of implementing NPPATPN in Nigeria falls on the shoulders of the stakeholders who play an important role in translating the policy intent into reality. The Figure 1:2 displayed the conceptual framework of the study.

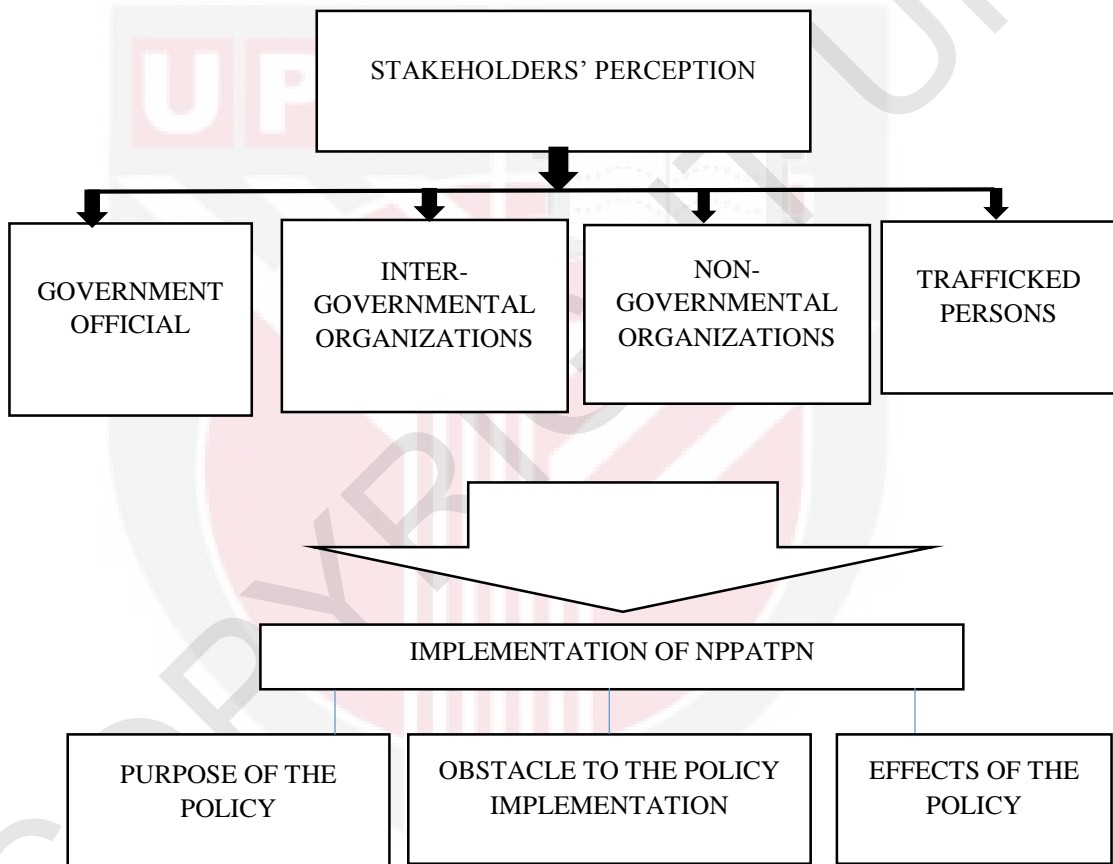


Figure 1.2 : Conceptual Framework of the study

The diagram shows the conceptual framework of the study, it provides the platform to view the stakeholders' perception on the implementation of the policy from the viewpoint of the purpose of the policy, obstacles to the implementation of the policy and the effects of the policy to the trafficked persons. The framework defines the scope of the study by focusing on the Government official, International organizations and Non-governmental Organizations and Trafficked Persons as policy key

stakeholders, whose perception is critical to the understanding of the implementation of NPPATPN. The following section discusses the significance of the study.

1.7 Significance of the Study

This section highlights the significance of this study, Merriam (1998) puts it, the aim of a research is to contribute to the “knowledge-based of the field”. Therefore, this study significantly contributes to the body of knowledge with regard to the implementation of protection and assistance policy. Hence, implementation studies are found to be within public policy studies which is a sub-field within the broader field of political science, therefore, this study significantly adds to the body of knowledge. In addition, it will add to the data available in the field as reference material for comparative studies.

Most of the studies on human trafficking issues according to Laczko and Gozdzia, (2005) and Saetren, (2005) concentrate in Europe with (44 percent) and Pacific with (35 percent) and Africa (13 percent). However, Nigeria is still left behind in terms of empirical studies on human trafficking and victims’ protection issues. The need to go beyond human trafficking as a problem in Nigeria but to examine its policy implementation process is critical to this study. Similarly, the study would add to the existing literature on human trafficking issues, by focussing on stakeholders’ perception on the implementation of NPPATPN in Nigeria.

Moreover, the study is significant in bridging the gap that exists in the implementation literature, where 90 percent of implementation studies focused on Western Hemisphere (Janice, et al., 2014, Saetren 2005, Gozdzia & Collett, 2005). The need for policy implementation research is pertinent in developing countries, like Nigeria who faces the challenges and difficulties in translating the policy into practice compared to the advanced countries. Therefore, exploring the perspectives of the stakeholders, who are saddled with the responsibility of implementing NPPATPN will assist in identifying the contributing or impeding factors to the effective translation of the policy into action. The findings from the study would help the relevant authorities in Nigeria, Malaysia, and other developing countries in making improvement to the existing policy implementation challenges, this is because there must be similar or resembles factors or problems that obstruct the successful implementation of public policy, especially on human trafficking issues where almost countries are affected as a source, transit or destination. Hence the need for this study is imperative.

Furthermore, policymakers stand to benefits from this study, because it examined the implementation of protection and assistance to trafficked persons policy based on the perspectives of different stakeholders, who are involved in the implementation of the policy in Nigeria. The incorporation of different stakeholders has contributed in providing an in-depth understanding of the implementation of the policy from diverse

perspectives, and this will improve the knowledge and understanding of the policymaker to know what happens at the implementation stage.

Moreover, the study is significant in identifying the critical factors that affect the implementation of protection and assistance policy in the country and it offered recommendations to the government and NGOs on ways to improve in the implementation of policy in the country. Therefore, the study will serve as a guide and blueprint for both state and non-state actors in developing, designing and formulating and reviewing plans of action to tackle the challenges facing victims' rehabilitation and reintegration in the country. The following section focus on the research scope and limitation.

1.8 Scope and Limitations

The study focuses on stakeholders' perception on NPPATPN in the scope of public policy implementation. The study intends to examine the implementation of protection and assistance to trafficked person policy in Nigeria, based on the perception and of the stakeholders (government officials, Non-governmental Organizations, International governmental organizations and trafficked persons). However, not all the NGOs that partake in anti-human trafficking activities would be included but only limited to those that are recognized and had a working relationship with NAPTIP and the research criteria. This policy was chosen because it's the country's first and primary policy that guide the anti-human trafficking actors on how to handle trafficked person rehabilitation and reintegration and has not been given attention in the implementation studies.

Meanwhile, just like other research, this study is not exempted from constraints and limitation during the research process. Taking into consideration of the financial and the time constraint that the researcher faced, bureaucratic bottleneck impacted negatively and the major problem in this regard was that of delay in response by some of the organizations. Other constraints the researcher witnessed has to do with availability and accessibility of documents, some of the documents may not be easily available and accessible because some were categorized to be classified. Access to the informants particularly government officials were found to be challenging but the introductory letters issued by the chairman of the supervisory committee to the informants and organizations has helped in establishing contact and access to the informants. The next section focuses on the definition of terms.

1.9 Definition of Terms

This section presents the clarification of terms, this is to give a clearer comprehension and understanding of the study. Therefore the key terms are defined below

Trafficking in Persons

The United Nations through the Palermo Convention provided the most acceptable universal definition of trafficking in person. Article 3(a) of the Protocol defines trafficking in persons as follows:

“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 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs (United Nations Trafficking in Person Protocol [UNTPP], 2000).

In line with the UN Trafficking definition the Nigerian Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (TPPLEAA) defines human trafficking in section 64 as: “all acts and attempted acts involved in the recruitment, transportation within or across Nigerian borders: purchase, sale, transfer, receipt or harboring of a person involving the use of deception, coercion, or debt bondage for the purpose of placing or holding the persons whether for or not in involuntary servitude (domestic, sexual, or reproductive) in forced or bonded labor or in slave-like conditions. In this study the human trafficking is defined as a national and transnational organized crime that involved deception in the recruitment and movement of persons to the destination countries and places, where they are coerced to perform certain task through violence and threat for the purpose economic exploitation through forced labor, prostitution, domestic servitude and other forms of exploitation. This phenomenon violated the fundamental human rights of the trafficked persons which have a physical and psychological effect on the trafficked victims. In the context of this study trafficking in person is view as the movement of a person from one place to the other within the national or across national boundaries for force and exploitative labor and prostitution.

Policy

The policy is defined as “A purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern... Public policies are those policies developed by governmental bodies and officials’ (Anderson, 1975: 3). In this study, it referred to National Policy on Protection and Assistance to Trafficked Persons in Nigeria (NPPATPN), which was formulated and adopted by Nigeria Government in 2008 to improve the protection, rehabilitation and reintegration efforts. The policy is aimed to re-instill confidence in the traumatized and de-humanized trafficked persons by rehabilitating re-integrating them as functional and effective members of the Nigerian society.

Protection and Assistance

Article 6 of the United Nations Trafficking Protocol prescribed the protection and assistance measures to be taken in alleviating the suffering of the trafficked person as well as encourage the state parties to adopt comprehensive policies and measures that would guarantee the amnesty for the victim for the violation of immigration law no punishment of victims, (ii) Self-identification in order to prove their status as a victim; (iii) assistance for legal proceedings, (iv) the provision of residence permits, (v) Provision of housing and shelters, (vi) Medical assistance (vii) Job training opportunity, (viii) Assistance for rehabilitation and (vi) Assistance for voluntary repatriation to a home country. In this study it referred to the provision of comprehensive programs designed in Nigeria to re-build victims of human trafficking into society, through active prevention of stigmatization, job training, legal assistance and health care and the measures taken by stakeholders to provide the social, medical, and psychological care of the trafficked victims aimed to empower the trafficked victims for effective reintegration into their various communities in Nigeria.

Implementation

Implementation according to Sabatier and Mazmanian (1983) is the carrying out of a basic policy decision, usually incorporated in a statute but which can also take the form of important executive orders or court decisions. Ideally, that decision identifies the problem(s) to be addressed, stipulate the objective(s) to be pursued, and in a variety of ways, structures the implementation process. Implementation is what happens after the government declared a formal intent to do something and before the policy outcome has been produced (Kelvin & Christopher, 2009:157). In this study implementation refers to the systematic process, activities involved or plan of action to operationalize the National Policy on Protection and Assistance to Trafficked in Nigeria. In order to rehabilitate and reintegrate the trafficked person to become functional members of Nigerian societies.

Stakeholders

The stakeholder is conceptualized as “Person or group of people with authority to respond to, negotiate with or change the strategic future of the organization” (Freeman & Reed, 1983). This definition is restricted in scope because it only focussed on the individuals or groups that affect the organization or institutions. A wider and broader term is conceptualized as “those groups or individuals who are affected by the organization as well as those who can affect it among the number of an organization’s stakeholders” (Ackermann & Eden, 2011). This definition provided a broader understanding of the term because it encompasses both individuals and groups that affect the organization in various ways or are affected by the action, project or strategies of the organization. In this study, stakeholders refer to the parties or actors that directly involved in anti-human trafficking intervention and the beneficiaries of the intervention programs. These actors include Government officials, Non-Governmental Organizations (NGOs), International Governmental Organizations (IGO) and trafficked persons.

Trafficked persons

A person or group of persons that are recruited, transported within or across national border, purchased, sold, transferred, received, or harbour by fraudulent means or by used of deception, coercion or debt bondage for exploitative purpose or for the purpose of placing or holding the persons in servitude, or in forced labour. (TPPLEAA, 2003). In this study trafficked persons referred to persons who are or were subjected to physical and psychological suffering, economic losses and violation of their human rights and are in need of socio-economic recovery, and whose support is critical to the implementation of NPPATPN. The following section is on the structure of the thesis.

1.10 Organization of the Thesis

The research is structured into five chapters. Chapter 1 presents the introduction of the study, general background of the study, statement of the problem, research questions, objectives of the study, significance of the study, scope and limitation of the study, the definition of the key concepts and organization of the thesis. Chapter 2 reviewed the existing literature on human trafficking, international and national human trafficking policies and programmes, policy and implementation discourse, and the theoretical framework of the study were discussed in the chapter. Chapter 3 presented the detail description of the methodology employed in this study. Chapter 4 presents findings and discussion of the study. Chapter 5 comprised the conclusion, implication, and recommendations.

1.11 Summary

This chapter presented the main focus of the study, where the background of the research, statement of the research problem, research questions and objectives were presented. The Significance of study, scope, and limitation was not left out in the chapter, the definition of terms and the research conceptual framework has been discussed in the chapter. The next chapter presents the review of the existing relevant literature with the view of understanding and identifying what has been done and remain to be done. As well the theoretical framework of the study will be presented in the chapter.



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