



Global Monitoring



Report on the

**status of action against commercial
sexual exploitation of children**

NIGERIA



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Glossary of terms and acronyms

AFRUCA: Africans Unite against Child Abuse

AIDS: Acquired Immune Deficiency Syndrome

ANPPCAN: African Network for the Prevention and Protection of Child Abuse and Neglect

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECCAS: Economic Community of Central African States

ECOWAS: Economic Community of West African States

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human immunodeficiency virus

ILO: International Labour Organization
ILO/IPEC: International Labour Organization/International Programme on the Elimination of Child Labour
INGO: International non-governmental organization
NACATIP: National Coalition against Trafficking in Persons
NACTAL: National Coalition against Child Trafficking and Child Labour
NAPTIP: National Agency for the Prohibition of Traffic in Persons
NGO: Non-governmental organization
NPA: National Plan of Action
UN: United Nations
UNICEF: United Nations Children's Fund
UNICRI: United Nations Interregional Crime and Justice Research Institute
UNODC: United Nations Office on Drugs and Crime
WOCON: Women's Consortium of Nigeria

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

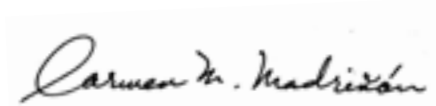
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



NIGERIA

The Committee on the Rights of the Child has reported that a growing number of children are being forced into prostitution and/or trafficked within or from Nigeria for sexual purposes.¹ While there are reports describing a rise in child prostitution, few studies detailing its nature and extent are actually available. On the other hand, much information is available regarding trafficking in children for sexual purposes, given Nigeria's reputation as one of Africa's leading centres for cross-border and internal human trafficking. After economic crimes and the drug trade, human trafficking is the third largest crime in the country.

Shocking trafficking statistics

More than 60 per cent of street prostitutes in Italy are women and girls from Nigeria, mainly trafficked for sexual exploitation. In the United Kingdom, various agencies, including the Metropolitan Police, social services across the country and others are reporting a rise in the number of reports of children coming to their attention as victims of trafficking from different countries in Africa, but predominantly from Nigeria. In London, over 80 per cent of the young people that the NGO Africans Unite against Child Abuse (AFRUCA) works with as victims of trafficking are of Nigerian origin.²

Nigeria is a country of origin, destination and transit for human trafficking. Destinations to which Nigerian and other African children are trafficked include countries in West and Central Africa, such as Cote d'Ivoire, Mali, Benin, Equatorial Guinea, Cameroon, Gabon and Guinea; North African and Middle Eastern countries such as Libya, Algeria, Morocco and Saudi Arabia; and European countries such as Italy, Belgium, Spain, the Netherlands, Germany and the United Kingdom. The trafficking route from Nigeria to

Europe is either overland, via North Africa, or by sea. Flying has become more risky due to increased security and the strictness of airport immigration officers.⁴ There are even reports of Nigerians being trafficked to as far away as Venezuela. Driven by poverty, girls and some boys are trafficked to these destinations for purposes of sexual exploitation, forced labour and organ harvesting.⁵

Nigeria is also a destination for young girls and children trafficked from neighbouring countries such as Benin, Liberia, Mali, Togo, Burkina Faso and Ghana.⁶ Nigeria is also a country of transit for children trafficked to other countries in West Africa, such as Gabon and Cameroon, and for children trafficked from Benin to Europe.⁷ Children trafficked through Nigeria in transit, or who are trafficked to distant destinations such as Europe, may be forced into prostitution just to survive the journey.⁸ Children are also trafficked internally, from rural to urban areas, for purposes of prostitution as well as domestic work, farm labour and organised begging.⁹

Crossing borders in West Africa is easier because of corruption among immigration officials and also due to an agreement between members of the Economic Community of West African States (ECOWAS), which facilitates the movement of people and goods across borders in this region.¹⁰ Although the agreement stipulates that nationals of the ECOWAS countries must produce a valid travel certificate or an ID when crossing the borders, corrupt officials turn a blind eye to people crossing the borders with children who are not in possession of such documents. Furthermore, Nigeria's borders are vast and it is virtually impossible for law enforcers to properly control the movements of people along and across them. In order to more effectively control child trafficking, particularly in remote areas, local communities would need to be sensitised and instructed to take action upon suspicious movements of children and strangers who could be potential traffickers.

Inefficiency and corruption play a major role in the rise of child trafficking

Traffickers in Nigeria tend to work in organised networks and cartels, and operate with little risk of arrest or prosecution due to ineffective law enforcement and corruption.¹¹ Corrupt border officials accept forged documents from traffickers and facilitate the crossing of borders.¹²

Parents who are unable to feed and care for their children may send them to work in larger

towns or to live with wealthier relatives, and trafficking gangs exploit these situations to recruit children.¹³ Sometimes parents voluntarily place their children with traffickers. Children may also be pressured by peers or their bleak economic opportunities to seek out traffickers. Occasionally, children are kidnapped.¹⁴ Girls from rural areas are more at risk, partly because there has been some success with raising awareness through anti-trafficking campaigns in urban areas.¹⁵ Children are thus usually recruited from countryside markets, salons and other public places.¹⁶ With respect to women trafficked from Nigeria for commercial sexual exploitation in Europe, an estimated 94 per cent are from the Edo State, while the remaining come from Delta, Kano and Borno States.¹⁷ While it is commonly believed that trafficking in children for sexual purposes exclusively occurs in southern Nigeria, girls from northern states are also trafficked for sexual exploitation.¹⁸ Children who are trafficked for prostitution are often unable to negotiate condom use and are forced to have multiple partners,¹⁹ increasing their risk of contracting (and spreading) HIV/AIDS.

Traditional practices used to coerce children into trafficking

Traffickers of Nigerian children use different methods to recruit children, some of which include false promises of education, work and or vocational training. Traffickers usually capitalise on the cultural practice of fostering, which involves the placement of children from poor families with their richer relatives in the city for education and upbringing. This practice has been bastardised over the years, as in some cases such relatives later turn out to be traffickers.²⁰ Furthermore, as a means to coerce the child into obedience, the children who are to be trafficked are sometimes subjected to traditional oaths of secrecy in shrines before “juju” priests. This practice of oath taking is particularly common in the Edo State of Nigeria, where most of the children trafficked to Europe for prostitution are sourced. It involves the use of the children’s body parts, such as hairs, nails, blood and personal clothing, which are kept by the juju priests or the trafficker as symbols of the oath taking. It is believed that breaking such oaths attracts death or madness. It is also believed that making such oaths attracts sexual customers for the victims, protects them from contracting HIV/AIDS and even prevents them from being detained by immigration authorities.²¹

Once trafficked children reach their destination, their travel documents are usually taken from them and they are forced to sign agreements to repay their “Madams”, the female traffickers who pay for the children’s expenses during the time they settle into their lives overseas.

There is a dearth of information on incidences of child sex tourism in Nigeria. Child sex tourism seems to take place in the context of the local practice of offering young girls for sex to visitors, either foreign or national, as a way of ‘welcoming’ them. Financial or other

compensation is offered in return. There are cases of recruitment and transportation of children, especially adolescent girls between the ages of 15-18, from one part of the country to another or within the same city for sexual entertainment of wealthy men or visiting officials from both public and private sectors. More fact finding and documentation of this form of commercial sexual exploitation of children is needed, as an initial step to plan activities to sensitise male officials and affluent men who indulge in those acts.

While most schools only allow children to access the Internet under strict supervision of their teachers, when children visit privately owned cybercafés they are often exposed to pornography. Local NGOs have come across reports that on several such occasions the children are also invited to take part in the making of pornography or to attend sexual encounters. However, information is still very sparse and there has been no concrete investigation to assess the extent to which child pornography is produced or distributed in Nigeria.

Need for greater cooperation between organisations working on CSEC and HIV/AIDS

The number of HIV/AIDS orphans is rising.²² An estimated 930,000 to 1.3 million Nigerian children are AIDS orphans,²³ which gives Nigeria the highest number of AIDS orphans in the world.²⁴ Children orphaned as well as those infected by HIV/AIDS are stigmatised and severely impacted by their status. Orphans often rely on NGOs for support and care,²⁵ while infected children have limited access to health care, education, food, housing and information.²⁶ Resorting to commercial sex is often one of the few means of survival they find. Their vulnerability to commercial sexual exploitation, coupled with their role in facilitating the spread of HIV/AIDS,²⁷ demands more concerted efforts on the part of governmental and non-governmental organisations working on child rights and on HIV/AIDS issues.

Several factors place Nigerian children at high risk of commercial sexual exploitation. Children from broken homes and orphaned children are particularly vulnerable to trafficking. There are an estimated seven million orphaned children in Nigeria.²⁸ Also, the number of children and families living and working on the street is increasing,²⁹ and the International Labour Organization (ILO) estimates that over 40 per cent of Nigerian street children and hawkers are victims of trafficking.³⁰ Furthermore, there are more than 250 ethnic groups in Nigeria,³¹ and extensive communal violence stems from the fact that “unconstitutional policies...subject millions of Nigerians to discrimination and disadvantage” because they are not ethnically indigenous to the areas in which they live.³² Communal fighting has

caused children to lose or be abandoned by their parents; to be injured or killed; and to be displaced and forced to relocate.³³ The Committee on the Rights of the Child has expressed concern at the lack of information Nigeria provides regarding refugee children and at reports of teenage girls being forced into prostitution.³⁴

Nigeria adopted the *Stockholm Declaration and Agenda for Action* in 1996 and reaffirmed its commitment in Yokohama, Japan in 2001.

NATIONAL PLAN OF ACTION (NPA)

The commercial sexual exploitation of children has not been properly acknowledged by the Government as a problem affecting the country, and as such Nigeria has not drafted a national plan to combat the various forms of commercial sexual exploitation of children³⁵ - a serious gap in view of its commitment to the *Stockholm Agenda for Action*. The Federal Ministry of Women Affairs and Youth Development has however, developed a national inter-sectoral plan of action against human trafficking³⁶ which addresses trafficking in children for sexual purposes. Related activities, particularly in terms of the effective rehabilitation and reintegration of victims, is severely flawed although (see Support Services for more details) Nigeria also counts with a *National Plan of Action for Children*.

COORDINATION AND COOPERATION

Local and National Level

Nigeria has taken steps to improve national and local coordination on child protection issues, but very little focus has been given to the commercial sexual exploitation of children specifically. To promote the *Convention on the Rights of the Child* and the *African Charter on the Rights and Welfare of the African Child*, a National Child Rights Implementation Committee was established³⁷ and child rights information bureaus were created at federal, state and local government levels.³⁸ Furthermore, the Federal Ministry of Women Affairs and Youth Development, and its state-level offices, have child development departments. In some states the government has facilitated the formation of multi-sectoral networks comprising stakeholders such as NGOs, the police, government officials, and community leaders to

deal with child trafficking. Civil society groups have also organised many coalitions to address child protection issues, focusing mainly on child trafficking. Despite these efforts, the Committee on the Rights of the Child noted the need for better coordination between national and state level authorities on their programmes, child policies and strategies.³⁹ In addition, little information is available on the activities of NGOs and community-based organisations, which call for a centralised mechanism (such as an Internet forum/database) to improve networking.

The National Agency for the Prohibition of Traffic in Persons (NAPTIP) was established by the Nigerian Government in 2003. UNICEF Nigeria facilitated the formation of a coalition of civil society organisations called the National Coalition against Child Trafficking and Child Labour (NACTAL). Similar coalitions include the National Coalition against Trafficking in Persons (NACATIP), which is coordinated by the Women's Consortium of Nigeria (WOCON - the ECPAT group in the country), and the Nigerian chapter of the African Network for the Protection of Child Abuse and Neglect (ANPCAN).

The President of Nigeria created an Office of the Special Assistant to the President on Human Trafficking and Child Labour, tasked with coordinating all human trafficking-related activities in the country, as well as coordinating with all government and non-government organisations directly or indirectly involved with the issue.⁴⁰

There are also a number of entities designed to support and assist NGOs: these include a Directorate on Child Rights NGOs and a National Council of Child Rights NGOs. Moreover, the Federal Ministry of Women's Affairs and Youth Development created a technical support network committee made up of 25 NGOs and designed to promote, coordinate, monitor and evaluate Nigerian NGOs' child rights efforts.⁴¹

Regional and International Level

Nigeria has taken part in a number of initiatives at regional and international levels focusing on combating trafficking, including trafficking in children for sexual purposes. Several agreements with mutually-affected countries have been established for this purpose.

Nigeria and Benin entered a bilateral agreement for a Joint Committee on Trafficking in Persons⁴² with a view to preparing a joint action plan, and set up joint border patrols.⁴³ Nigeria also negotiated anti-trafficking agreements with neighbouring countries such as Togo, Niger and Burkina Faso, as well as with Saudi Arabia. Given the trafficking of Nigerian girls and women to Italy for purposes of prostitution, Nigeria and Italy have a Memorandum of Understanding on human trafficking for closer cooperation between the Nigerian Government and the Italian Anti-Mafia Bureau.⁴⁵ The Italian Government has assisted the NAPTIP by providing equipment and training to Nigerian officials.⁴⁶

In 2000, Nigeria was one of the 21 West and Central African nations that signed the *Libreville Common Platform for Action*, which sets forth several strategies to combat trafficking in children, such as advocacy and awareness raising; strengthening legal and institutional frameworks; and better cooperation among countries, among other activities. Similarly, as part of ECOWAS, in 2001 Nigeria signed and adopted the *ECOWAS Declaration and Plan of Action against Trafficking in Persons*, which urges member states to prevent human trafficking, and protect and support victims. The Declaration identifies several priority areas: adopting laws and ratifying relevant international and regional instruments; interstate collaboration on collecting and exchanging information, including joint training of law enforcement personnel; preventing trafficking through awareness raising campaigns; and monitoring implementation of the plan of action.⁴⁸

Subsequently, in July 2006, Nigeria entered a multilateral agreement with the member nations of ECOWAS and the Economic Community of Central African States (ECCAS) to strengthen cooperation on anti-trafficking measures, including repatriating trafficking victims and extraditing traffickers. This agreement is legally binding on all 16 ECOWAS countries and 11 ECCAS countries.⁴⁹

Nigeria participated in the ILO-IPEC programme against child trafficking for forced labour in West and Central Africa.⁵⁰

PREVENTION

Prevention efforts undertaken in the past few years have focused mainly on trafficking, while other CSEC manifestations, especially child prostitution, have been neglected. Generally, projects to protect orphans and other vulnerable children need to be expanded in view of the high numbers of children at risk of commercial sexual exploitation.

The Nigerian Government, in partnership with local NGOs, conducted a number of media campaigns to raise awareness of human trafficking. Two NGOs sponsor a national television drama called IZOZO, which focuses on human trafficking. There have also been campaigns at the community level in markets, with town-criers and musical parades, followed by meetings with key stakeholders in the community; in some cases, these result in social contracts to end human trafficking.⁵¹

WOCON conducted a sensitisation programme for the prevention of child labour and child trafficking in Ajegunle, a border village between Nigeria and Benin, notorious for the recruitment and transit of trafficked children. WOCON visits and monitors the Ajegunle community and assists them in soliciting government support for their needs. WOCON has also helped provide food and relief materials for trafficked children from Benin rescued from slave camps, and facilitated their repatriation to their home country. With the support of UNICEF, WOCON then conducted sensitisation campaigns against child trafficking and child labour in Ogun and Oyo States areas, where such children had been found. Between 2004 and 2005, in collaboration with the US Embassy, WOCON implemented the project on ‘Sensitisation of Rural Communities for the Prevention of Human Trafficking, Especially of Women and Children in Nigeria’.

Furthermore, the United Nations Interregional Crime and Justice Research Institute (UNICRI), the United Nations Office on Drugs and Crime (UNODC) and the Italian Ministry for Foreign Affairs (Italian Cooperation) recently began a project against trafficking of young women and children from Nigeria to Italy for purposes of sexual exploitation. The project includes an awareness raising video spot in Italy targeting the general public and more specifically male exploiters of trafficked Nigerian children; and three campaigns in the Edo State of Nigeria, including a campaign targeting children. The Edo State campaigns were conducted in conjunction with the Coalition against Human Trafficking, a network of six local NGOs.⁵²

Finally, AFRUCA works on child trafficking issues from a different vantage point - it operates in the United Kingdom and aims to increase awareness of child trafficking and abuse among the African community in the UK. AFRUCA also advocates and lobbies governments to reform legislation to better protect children. Some activities are also undertaken in the African continent, such as a media campaign and a seminar for NGOs, the media and other stakeholders conducted in Lagos in 2003 to raise awareness about trafficking of children into the UK.⁵³

PROTECTION

Nigeria ratified the *Convention on the Rights of the Child*⁵⁴ in 1991 and signed the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*⁵⁵ in 2000, but has not ratified it to date. In 2001, Nigeria ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*,⁵⁶ and in 2002 ratified *ILO Convention No. 182*.⁵⁷ At regional level, *Nigeria ratified the African Charter on the Rights and Welfare of the African Child* in 2001.

Legislation

In 2003, Nigeria enacted an extensive trafficking law that includes provisions related to child prostitution, child sex tourism and child pornography, among others; this law was further amended in 2005. Also in 2003, Nigeria enacted a *Child Rights Act* that prohibits some forms of child exploitation. Supplementing these are Nigeria's criminal laws: the *Criminal Code* and the *Penal Code* address some activities related to child prostitution and child trafficking. Nevertheless, while the *Child Rights Act* provides a uniform definition of a child as a person under 18 years of age, it is not binding on Nigeria as a whole, and only a few states have adopted it.⁵⁸ As a result, in some parts of Nigeria the legal definition of a child, as well as other religious and customary practices that affect children, do not conform to the *Convention on the Rights of the Child*.⁵⁹ Given these circumstances, the Committee on the Rights of the Child expressed concern at the wide variety of ages among Nigerian states⁶⁰ and urged Nigeria to harmonise customary, religious and local laws related to the sexual exploitation of children.⁶¹

As mentioned above, Nigerian legislation related to children is contained in a variety of statutes that reflect varying definitions of a child. For example, under some provisions, a child is considered a person under 16 years of age, while in others it is 18 or even 21 years of age.⁶² While the age of sexual consent is generally 18, in two southern states it is as low as 13, and in the western states it is between 16 to 19-years-old. In the northern Islamic states, sexual consent is not allowed between unmarried persons.⁶³ There are similar variations in the age of marriage. In some northern states, 14 is the age of marriage, and it can range from 16 to 18 years of age in southern states.⁶⁴

It should be noted that the *Criminal Code* applies to the southern states of Abia, Akwa-Ibom, Anambra, Bayelsa, Cross River, Delta, Ebonyi, Edo, Ekiti, Enugu, Imo, Lagos, Ogun, Ondo, Osun, Oyo, and Rivers, while the *Penal Code* applies to the northern states of Adamawa, Bauchi, Benue, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Nasarawa, Niger, Plateau, Sokoto, Taraba, Yobe and Zamfara, and the Federal Capital Territory, Abuja.⁶⁵

Prostitution of Children

Nigerian law requires further reform to meet international standards to protect children from prostitution. While the law has many provisions related to child prostitution - there are statutes that prohibit inducing, procuring or facilitating the prostitution of girls - no law specifically defines and prohibits sex with a child for remuneration. Many of the key terms used in the *Trafficking Law* and the *Criminal Code* are undefined or vague, such as the terms "prostitution", "unlawful carnal knowledge" and "carnal connection". It is thus unclear whether these terms include all of the activities that constitute prostitution under the *Optional Protocol*. The vast majority of provisions is limited to girls, and offers no protection to boys. Nigeria's laws should be revised to include boys and to specifically define and prohibit all acts that constitute prostitution. These laws would also benefit from being consolidated and streamlined, as many provisions appear to overlap, making it difficult to determine what applies in any given situation. Finally, several offences related to sexual exploitation of children are simply considered misdemeanours, when they should actually entail much heavier penalties.

Although focused on trafficking, Nigeria's *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (Trafficking Law)* contains several provisions related to child prostitution. This law prohibits using deception, coercion or debt bondage to induce

a person under 18 years of age into prostitution,⁶⁶ or to cause or encourage prostitution of a person under 18 years of age by any person having custody of that person. Similarly, it is illegal to procure a person under 18 years of age to: (1) engage in sexual activity with another person or persons, in or outside Nigeria; (2) become a prostitute in or outside Nigeria, or to leave Nigeria to become a prostitute; or (3) leave home with the intent of engaging in prostitution.⁶⁸ It is also illegal to detain a person under 18 years of age for sexual purposes with any man.⁶⁹ Violators of these offences may be punished with ten years' imprisonment.⁷⁰

The law also makes it illegal to use threats, intimidation or false pretenses to procure a person under 18 years of age to engage in sexual activity in or outside of Nigeria, or to use any drug to overpower a person under 18 years of age in order for a man to have sex with the drugged person. Offenders of these two provisions may be punished with a fine or 14 years' imprisonment.⁷¹ This law further prohibits any Nigerian resident from encouraging the prostitution of a person under 18 years of age;⁷² permitting such a person's defilement on one's premises;⁷³ or allowing such a person to be in a brothel.⁷⁴ The law also makes it illegal to keep a brothel or to trade in prostitution.⁷⁵ All of these offences may be punished with ten years' imprisonment.⁷⁶

Regarding sex tourism, this law prohibits organising or promoting foreign travel that promotes or encourages prostitution. Violators may be punished with ten years' imprisonment.⁷⁷ Tour operators and travel agents must notify their clients of their obligation under this law, among others, not to aid, abet, facilitate, or promote a person's exploitation in tourism.⁷⁸

Attempt of any of the above offences under this law may be punished with a fine or up to 12 months' imprisonment.⁷⁹

CRC highlights deficiencies in CSEC legislation

While the Committee on the Rights of the Child has recognised Nigeria's recent efforts to curb trafficking, it has noted the general lack of effectiveness of the existing legislation related to the commercial sexual exploitation of children. The Committee has been "deeply concerned" about the increasing number of Nigerian children who are sexually exploited, and noted that sexual assault and rape of girls in the north is rising. It has also pointed out that child victims of sexual exploitation may be treated as offenders, and often do not receive protection or recovery assistance.⁸⁰

In addition to the *Trafficking Law*, Nigeria's *Criminal Code* includes provisions related to prostitution; some of these provisions are similar to those contained in the *Trafficking Law*. It is illegal for the guardian or caretaker of a girl under 16 years of age to cause or encourage her seduction, engagement in sexual activity, prostitution, or commission of an indecent assault upon her; violators may be punished with two years' imprisonment.⁸¹ This offence includes allowing a girl under 16 years of age to consort with, enter or continue being employed by a prostitute or person of known immoral character.⁸² And, for the guardian or caretaker of a girl between the ages of 4 and 16, it is illegal to allow that child to reside in or frequent a brothel. Offenders may be punished with six months' imprisonment, a 100 naira fine (less than US\$ 1), or both.⁸³

The *Criminal Code* prohibits procuring a girl under 18 years of age to engage in sexual activity with any other person(s) or to become a prostitute in Nigeria or elsewhere.⁸⁴ This law also prohibits procuring a girl under 18 years of age to leave Nigeria to become an inmate of a brothel in Nigeria or elsewhere.⁸⁵ Similarly, it is illegal to use threats, intimidation or false pretences to procure a girl or woman to have an unlawful carnal connection with a man, in Nigeria or elsewhere.⁸⁶ This law further prohibits the use of drugs to overpower or enable any man to engage in sexual activity with a woman or girl.⁸⁷ All of these offences are misdemeanours that may be punished with two years' imprisonment and, a person cannot be convicted of any of these offences based on the testimony of one uncorroborated witness.⁸⁸

It is also illegal to take or cause a girl under 18 years of age to be taken from the custody of her parents or any person having custody or charge of her, and against their will, for sexual purposes. Violators may be punished with two years' imprisonment, and it is a defence to prove that the offender reasonably believed that the girl was 18 years of age or older.⁸⁹

Nigerian law further bans male persons from knowingly living wholly, or in part, on the earnings of prostitution, or from publicly soliciting for immoral purposes. This includes living with or being habitually in the company of a sex worker, or exercising control, direction, or influence over the movements of a sex worker that amounts to aiding, abetting or compelling a person's prostitution.⁹⁰ The ban also applies to female persons who, for purposes of gain, exercise control, direction, or influence over the movements of a sex worker that amounts to aiding, abetting, or compelling a person's prostitution.⁹¹ Violators of these provisions may be punished with two years' imprisonment, and a second or subsequent offence by a male person may result in caning as well as an additional term of imprisonment.⁹²

The Criminal Code also punishes various activities related to brothels. It is an offence to: keep, manage or assist in managing a brothel; rent, lease, occupy or be in charge of any premises, knowing that any part of the premises are being used as a brothel or for purposes of habitual prostitution; as a lessor, landlord or a landlord's agent, lease premises knowing that any part of the premises are being used as a brothel, or willfully being a party to the continued use of any part of the premises as a brothel.⁹³ Offenders may be punished with six months' imprisonment or a 100 naira fine (less than US\$1); a second or subsequent conviction may be punished with one year's imprisonment, a 300 naira fine (approx. US\$ 2), or both.⁹⁴

Finally, Nigerian law makes it illegal to detain a girl or woman against her will in a brothel or in any premises in order for any man to engage in sexual activity with her. This offence is a misdemeanour that may be punished with two years' imprisonment.⁹⁵ It is a felony, however, to conspire with another person to induce any girl or woman, by false pretences or other fraudulent means, to permit any man to have sexual relations with her. Violators may be punished with three years' imprisonment.⁹⁶

While all of these provisions relate to girls and women, and there are many more provisions related to the sexual exploitation of girls,⁹⁷ few provisions actually address boys. It is illegal to unlawfully and indecently deal with a boy under 14 years of age,⁹⁸ or for a male person to publicly or privately commit or attempt to procure the commission of any act of gross indecency with another male person.⁹⁹ These offences are felonies that may be punished with seven years' and three years' imprisonment, respectively.¹⁰⁰

Trafficking in Children for Sexual Purposes

Nigeria's *Trafficking Law* is a strong step towards protecting children against trafficking, particularly its provisions that address the role of commercial carriers, tour operators and travel agents in trafficking and child sex tourism. As a whole, however, this law requires further strengthening to meet international standards. In contrast to the *Trafficking Protocol*, the definition of trafficking under Nigeria's *Trafficking Law* as well as some of its provisions related to persons under 18 years of age require the use of deception, coercion or debt bondage. The law should be revised to ensure that force, deception or fraud are not required for any of the acts that constitute child trafficking. It is also unclear how the various provisions related to persons under 18 years of age relate to the other parts of the law; the law is unwieldy and would greatly benefit from being consolidated and streamlined. And, while the law recognises the need to protect victims of trafficking, the limitation that they be protected only where circumstances are justified should be removed, as trafficking victims, children in particular, should never be subjected to punishment.

Under Nigeria's *Trafficking Law*, trafficking includes all acts involved in recruiting, transporting, buying, selling, transferring, receiving, or harbouring a person using deception, coercion or debt bondage for purposes of placing or holding a person in involuntary domestic, sexual or reproductive servitude, forced or bonded labour, or slavery-like conditions.¹⁰¹ The definition of trafficking under Nigerian law includes attempted acts of trafficking.

The law offers some protection to victims of trafficking, and states that, where justified by the circumstances, a trafficked person shall not be detained, imprisoned or prosecuted.¹⁰² Trafficking victims may bring actions against traffickers or any person who exploited or abused them, and they are entitled to compensation from a convicted trafficker for the economic, physical and psychological harm they have suffered.¹⁰³

It is illegal to take or entice a child under 18 years of age from the custody of a lawful guardian; unlawfully convey a child outside Nigeria; forcibly or fraudulently take away or detain a child; or receive or harbour a child knowing that the child has been detained or taken away. Offenders may be punished with 14 years' imprisonment.¹⁰⁴ Similarly, taking an unmarried person under 18 years of age from the custody or protection of the child's parents is an offence that may be punished with ten years' imprisonment.¹⁰⁵

Buying, selling, hiring, letting, or otherwise obtaining possession or disposing of any person under 18 years of age with the intent to employ or use that person for immoral purposes is a crime that may be punished with 14 years' imprisonment.¹⁰⁶

In addition to these provisions specific to children under 18 years of age, there are several provisions that apply to all persons. It is illegal to compel a person to go from any place using force or any deceitful means; violators may be punished with ten years' imprisonment or a fine.¹⁰⁷ It is also illegal to confine or detain a person against his/her will, or to unlawfully deprive a person of his/her liberty. Punishment may be five years' imprisonment, a fine or both.¹⁰⁸

There are also several provisions related to slavery. It is a crime to import, export, remove, buy, sell, dispose of, traffic, deal in, accept, receive, or detain any person as a slave.¹⁰⁹ Similarly, it is illegal to convey or induce any person to enter Nigeria in order to be held, possessed, dealt with or treated in, bought, sold, or transferred as a slave or placed in servitude for debt.¹¹⁰ It is illegal to enter into a contract or agreement to perform any of these offences.¹¹¹ All of these offences may be punished with life imprisonment.¹¹² The *Criminal Code* contains similar provisions related to detaining, confining and enslaving people.¹¹³

Attempt to commit any of the offences under the *Trafficking Law* is also an offence that may be punished with 12 months' imprisonment or a fine.¹¹⁴

The Trafficking Law also prohibits commercial carriers from knowingly carrying a person in violation of these laws, and violations may result in two years' imprisonment and a fine, in addition to the penalties for any violated provisions.¹¹⁵ Tour operators and travel agents have specific obligations to combat trafficking in persons by: (1) notifying their clients of their obligation not to aid and abet, facilitate or promote in any way the traffic of any person; (2) inserting clauses in contracts requiring suppliers in destination countries to comply with these obligations; (3) refraining from communicating information via printed matter, video or the Internet that is incompatible with this law; (4) and informing staff of their obligations under this law.¹¹⁶ Airline companies are obligated to publicly promote the principles of this law through in-flight magazines, ticket jackets, Internet units and videos on long-haul flights.¹¹⁷

Child Pornography

While Nigeria's *Trafficking Law* offers some protection against child pornography, it falls short of international standards. The law does not define child pornography, so it is unclear whether Nigerian law is as broad as the *Optional Protocol*, which defines child pornography as a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes. The Trafficking Law only prohibits procuring, using or offering a person for purposes of producing pornography, but contains no ban on distributing, disseminating, importing, exporting, offering, or selling child pornography, as required under the *Optional Protocol*.¹¹⁹ Nigeria's *Criminal Code* is even more problematic: its definition of obscene article is far too vague to include all forms of child pornography, and it only criminalises distribution or projection of obscene articles. Finally, Nigerian law fails to ban the mere possession of child pornography, as recommended by the *Stockholm Agenda for Action*. Nigerian law should be revised to specifically define and prohibit the creation, distribution and possession of child pornography in light of the *Optional Protocol* and the *Stockholm Agenda for Action*.

Nigeria's *Trafficking Law* addresses child pornography, and makes it illegal to procure, use, or offer a person for producing pornography or a pornographic performance. Violators may be punished with 14 years' imprisonment.¹²⁰ This offence also applies to residents of Nigeria, and the punishment is ten years' imprisonment.¹²¹ Attempts are also punishable by 12 months' imprisonment or a fine.¹²²

In addition, Nigeria's *Criminal Code* prohibits distributing or projecting "obscene articles"; offenders may be punished with up to three years' imprisonment, a fine of up to 400 naira (approx. US\$ 3), or both.¹²³ The law broadly defines an obscene article as one that, as a whole, tends to deprave or corrupt people who read, see or hear it. An "article" includes anything that is likely to be looked at or read, including film, a record of a picture or pictures, and sound records.¹²⁵ This law does not apply to exhibitions in private houses to which the public is not admitted or to television or sound broadcasting.¹²⁶

The law also extends the obligation of tour operators and travel agents to notify their clients of their obligation not to aid, abet, facilitate, or promote the involvement of persons in the creation of pornography.¹²⁷

Extraterritorial Legislation

Under the *Trafficking Law*, if a person is convicted of an offence related to human trafficking outside Nigeria, upon returning to Nigeria the convicted person may be tried for bringing Nigeria's reputation into disrepute, may be required to forfeit assets and may also be punished with up to two years' imprisonment.¹²⁸ Similarly, if a person commits an act outside Nigeria that violates the *Trafficking Law*, the offender may be prosecuted as if that act was committed in Nigeria.¹²⁹

Support Services for Children

Nigeria lacks structured rehabilitation and reintegration programmes designed for children rescued from commercial sexual exploitation. There are no homes or shelters catering to their specific needs, and staff members caring for them are inadequately trained. Moreover, there is a dire need for a referral system so that children can access existing support facilities. While several NGOs are specialised in child trafficking issues, trafficked children rarely receive the comprehensive support they need and are often exposed to new cycles of sexual exploitation.¹³⁰ In addition, over the years NAPTIP has only succeeded in providing skills acquisition for a very limited number of child trafficking victims, and the NAPTIP shelters are more like institutions to restrict the children's movements. This is partly because NAPTIP is both a protection and prosecution agency, and protective custody is thought to guarantee the safety of trafficking victims in view of threats from their traffickers and other abuses.

NAPTIP has shelters in Lagos, Benin (Edo State) and Kano for rescued trafficked persons, including children rescued from commercial sexual exploitation. Trafficking victims can stay for a maximum period of three months, during which NAPTIP works in collaboration with NGOs towards reuniting such children with their families and providing vocational training as necessary. In the NAPTIP shelters the rescued children's movements are restricted, especially to protect them as witnesses when prosecutions take place. Foreign children trafficked to Nigeria are repatriated in accordance with relevant agreements between Nigeria and their home country.

In Benin City, the organisations *Idia Renaissance* and *Sisters of the Sacred Heart* assist trafficked children by providing counselling, support and facilitating their reintegration into society. *WOCON* provides legal counselling and reception services for rescued victims as well as referrals to NAPTIP

shelters. In addition, the *NGOs Network for Justice and Democracy* and the *Association of International Criminal Justice Practitioners* provide legal assistance to trafficked persons.¹³¹ International organisations have also collaborated and supported NGOs in their work with child victims of trafficking. In Benin City and Lagos, *IOM* supported the creation of shelters for rehabilitating trafficking victims,¹³² while between 2001 and 2003 *ILO/IPEC* worked with Nigerian NGOs to rescue and rehabilitate children trafficked for prostitution, among other types of exploitation.¹³³

Outside Nigeria, *AFRUCA* provides support, counselling and friendship for children trafficked to the United Kingdom: over 80 per cent of the young people they work with are of Nigerian origin. *AFRUCA* is currently developing a toll-free hotline for child victims, and, in collaboration with *ECPAT UK*, is preparing a training programme for those who work with trafficked children.¹³⁴

Training Law Enforcement Personnel

While a number of trainings on the *Convention on the Rights of the Child* and child rights international instruments have targeted law enforcement,¹³⁵ very little training has been organised specifically on combating the various forms of commercial sexual exploitation of children. The Committee on the Rights of the Child has recommended systematic education on child rights issues for law enforcement officials, including training on child-friendly methods to receive, monitor, investigate and prosecute cases.¹³⁶ Judges, magistrates and lawyers also need to be trained on child rights and sensitised to the needs of children surviving commercial sexual exploitation.



PRIORITY ACTIONS REQUIRED

- ✦ Nigeria must urgently develop and adopt a specific national plan of action against commercial sexual exploitation of children.
- ✦ A situational analysis on child prostitution would be recommended to inform appropriate responses, as much information is available on child trafficking but rather little on child prostitution and child pornography.
- ✦ In order to ensure targeted and more effective efforts against all forms of commercial sexual exploitation of children, and not only trafficking, a national focal point on CSEC must be established - a key requirement of the *Stockholm Agenda for Action*. In addition, the child development departments within the Federal Ministry of Women's Affairs and Youth Development and its state-level offices must have sub-units to coordinate activities specifically related to the commercial sexual exploitation of children.
- ✦ To effectively prevent and combat trafficking in children, community vigilance mechanisms must be established in key villages along the Nigerian borders, particularly in hard-to-reach areas, so that villagers are sensitised to the problem and able to take appropriate action upon suspicious movements of children and potential recruiters.
- ✦ It is urgent for immigration personnel to receive training to properly identify and combat trafficking in children, and to enforce the rules of the ECOWAS agreement. Instances of corruption among immigration personnel must be punished. Police must also receive training so that they understand the gravity and implications of child trafficking offences, learn what action to take when they receive reports of individuals recruiting children for trafficking purposes, and become more vigilant to such instances.
- ✦ Nigeria must ensure that anti-trafficking agreements signed with other countries are effectively implemented. In particular, ensure that trafficked Nigerian children are viewed as victims and not as criminals, as many are not protected in the destination countries, but instead are imprisoned and deported.
- ✦ Income-generating activities and livelihood/vocational training must be made more widely available for disadvantaged families and children (especially orphans, street children and child hawkers), otherwise efforts to curb child trafficking will be rather ineffective. These must be based on realistic market and employment assessments to produce real financial empowerment. Partnerships with the private sector and the provision of loans and cash transfers should also take place to support such efforts.

- ✎ Nigerian customary and religious laws and practices must be harmonised with national legislation and international standards to ensure that children’s rights are fully protected; specifically, the varying definitions of “child” found in Nigeria’s statutes should conform to the Convention on the Rights of the Child definition of all persons under 18 years of age.
- ✎ Nigeria must ratify the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* and adopt legislation that defines and prohibits the prostitution of children in conformity with the standards set forth in this international instrument. Nigeria’s child prostitution laws should also be revised to include boys.
- ✎ Several offences related to sexual exploitation of children are simply considered misdemeanours: the related laws must be modified to provide for stiffer penalties as well as to classify such offences as felonies.
- ✎ Nigeria’s *Trafficking Law* should be revised to define child trafficking in light of international standards to which Nigeria is obligated, such as the definition under the *Trafficking Protocol* where force, deception or fraud are not required to constitute a case of child trafficking.
- ✎ Nigeria must urgently adopt national law that specifically defines and prohibits the creation, distribution and mere possession of child pornographic images, in line with the standards set forth in the *Optional Protocol*.
- ✎ Nigerian legislation must ensure that child victims of prostitution, pornography or trafficking cannot be treated as offenders.
- ✎ Training programmes for law enforcers on how to effectively investigate cases of commercial sexual exploitation of children, and identify and assist child victims, must be urgently provided on a systematic basis - through the inclusion of such topics within the police academy curriculum and also through partnerships with international organisations for sharing of expertise.
- ✎ There is a need for a comprehensive rehabilitation and reintegration programme that should include the provision of mental health counselling facilities as well as half-way homes to ensure that child survivors are fully integrated. As much as possible, non-institutionalised care must be paramount in such a process. A referral system must also be established to enable access to existing services.

Endnotes

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