



EXECUTIVE SUMMARY

Nigeria*



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INTRODUCTION

Nigeria has made significant efforts to combat the commercial sexual exploitation of children (CSEC) by enacting legislation such as the *Child Rights Act (CRA)* and the *Trafficking in Persons Law Enforcement and Administration Act (TIP Act)*. The TIP Act established the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), which includes in its mandate the protection of children from trafficking.¹ Nigeria has also instated awareness campaigns for child trafficking and the government has cooperated with various NGOs to establish anti-trafficking networks.² A notable programme that includes the protection of children from child pornography is the Child Online Protection (COP) initiative, which aims to protect children from Internet crime.³ Though there have been positive steps taken towards the goal of eliminating CSEC in Nigeria, a number of social factors prevent these efforts from achieving effectiveness.

Nigeria experiences a variety of internal problems that adversely affect children's rights. Seventy percent of the population lives below the poverty line.⁴ Destitute children are pushed either directly into commercial sexually exploitative roles (such as child prostitution),⁵ or are made vulnerable to sexual exploitation as they assume employment where they lack agency and power.⁶ Often, children are sold to sex traffickers when a family feels they have no other options to provide for themselves.⁷ An especially at risk population are orphans and vulnerable children (OVC). The glaring HIV/AIDS problem in Nigeria is a major factor that contributes to the abundance of OVC.⁸ Birth registration is critical in crystallising the

rights of a child, and the low number of birth registrations in Nigeria is an aggravating factor in the susceptibility of children to CSEC. In 2013, only 41.5% of births were registered in Nigeria.⁹ Unregistered children do not have a legal identity, are difficult to trace, and are likely to be denied their rights.¹⁰

Nigerian children are also subject to religious and spiritual influences that undermine their rights. Religion influences the legal structure in Nigeria, particularly in the Northern states, which follow Sharia law. Nine of the 10 states that have yet to adopt the CRA are in the North. Nigeria has one of the highest rates of child marriage in the world, as many states do not have laws against child marriage.¹¹ Married girls, regardless of their age, are now considered "adults" after an amendment to the constitution in response to allegations that the original provision was contrary to Sharia law.¹² Children can also be stigmatised as witches, and then consequently shunned from the community, making them more vulnerable to exploitation.¹³

The laws in Nigeria pertaining to CSEC suffer from a lack of cohesion. This may lead to problems of interpretation, making prosecution difficult or ineffective. Such inconsistencies include the definition of the age of a child, and lack of protection for male children exploited through prostitution.¹⁴ There are also gaps and ambiguity in legislation, particularly regarding the sexual exploitation of children in travel and tourism and child pornography. This is disconcerting, especially considering that Nigeria is a known source country for travelling child sex offenders.¹⁶

NATIONAL PLANS OF ACTION AND POLICIES ON CHILDREN AND CSEC

Nigeria has several National Plans of Action (NPAs) that intersect with CSEC, although the issue is not specifically targeted in any of the NPAs. The NPA on CRC/CRA 2009-2015 emphasises investment in children to fight poverty, education for children, protection of children from harm and exploitation, and participation of children in the decision making process.¹⁶ Nigeria has taken positive steps to meet these goals but the Concluding Observations of the Committee on the Rights of the Child remark that this NPA lacks gender-sensitivity, cost planning, and clear goals regarding results.¹⁷ The National Policy on the Protection and Assistance to Victims of Human Trafficking (NPPAVHT) and its corresponding Strategic Implementation Framework (SIF) provide guidelines on the care of trafficking

victims with the aim of reintegrating them as empowered and functional members of society. These policies were compiled by NAPTIP and have instructions for major stakeholders such as the government, communities, and the private sector. The SIF also provides an analysis of the opportunities and challenges faced by NAPTIP.¹⁹ Though NPPAVHT and SIF deal comprehensively with human trafficking, they only mention child trafficking as a serious problem and do not have any specific guidelines on it. There are no child-specific strategies for the reintegration of victims. Regarding OVCs, the National Guidelines and Standards of Practice on Orphans and Vulnerable Children define the minimum standards for services that support “vulnerable children”, including “child sex workers” and trafficked children.²⁰

COORDINATION AND COOPERATION

At a national level, there are government agencies in Nigeria that have made efforts, along with other stakeholders, to fight CSEC-related issues. NAPTIP, the main Nigerian entity that deals with human trafficking, along with Radio Nigeria and UNICEF, collaborated in a three-month radio campaign to raise awareness about the link between the exploitation of children and low birth registration.²¹ This is one example of the many partnerships NAPTIP has with NGOs, other government agencies, and international organisations. The COP initiative has partnerships with several government agencies as well as the private sector.²²

Though NAPTIP and other agencies have made significant efforts in coordination, they suffer from a lack of funding.²³ Coordination is also lacking because there is no permanent governmental body that is dedicated to the protection of children’s rights in Nigeria. Child rights are subsumed within the mandate of the Ministry of Women Affairs and Social Development (MWASD) in the Department of Child Development. The Ministry is overburdened with responsibilities and children’s rights are not a priority.²⁴ Not all aspects of CSEC are directly addressed by Nigerian agencies, as there are no efforts specific to child prostitution, child sex tourism, and child

pornography/child sexual abuse materials.

Nigerian NGOs are the main groups making positive strides in cooperation and collaboration. The Network of Civil Society Organisations against Child Trafficking, Abuse, and Labour (NACTAL) is comprised of over 40 civil society organisations (CSOs). It provides a forum to share best practices, as well as to develop a common approach to reducing trafficking in persons, child labour, and child abuse.²⁵ The Edo State NGO Coalition against Trafficking in Persons (ENCATIP) has given child victims of trafficking education grants.²⁶ The Women’s Consortium of Nigeria (WOCON) was successful in lobbying the state government to promote honey production in the Shaki community. This established a new source of income for the community, as previously child trafficking was a substantial part of the industry in that area.²⁷ Though NGOs have accomplished much, the Committee on the Rights of the Child notes that the government relies too much on NGOs to fulfil their own responsibilities to children.²⁸

Nigeria has ratified all relevant child rights instruments, but their implementation has not been successful due, in part, to lack of cooperation. The CRA, the main piece of

Nigerian legislation dealing with child rights, has only been signed by 24 of the 36 states, and it is not enforced by some signatories.²⁹ However, there are some positive regional and international examples of coordination and collaboration. Nigeria is a member of the Economic Community of West African States (ECOWAS) which has a Peer Review on the

Situation of Children. Member states can review each others' policies and programmes regarding child rights.³⁰ Internationally, NAPTIP is working together with the Anti-Mafia Bureau in Italy to stop human trafficking across Nigerian borders.³¹ Nigeria has bilateral agreements with several countries that have led to the rescue of child trafficking victims.³²

PREVENTION

Nigeria has a variety of approaches to preventing CSEC. The most developed and comprehensive practices are in awareness raising and training and education. The majority of awareness raising campaigns focus on human trafficking and child prostitution, with NAPTIP as the primary leader of child trafficking campaigns. The Committee on the Rights of the Child recognises that most campaigns are only short term,³³ suggesting that permanent initiatives are needed to increase effectiveness. There are presentations about online safety delivered to children in schools, but they do not concentrate on child pornography issues.³⁴

Training and education in the realm of human trafficking has improved since the establishment of the Training and Manpower Development Department (TMDD) of NAPTIP in 2011. A UNODC, NAPTIP, IOM, Nigeria Immigration Service and WOTCLEF (Women Trafficking and Child Labour Eradication Foundation) project aimed to increase the capacity of counselling and rehabilitation officers, and also assisted the National Monitoring Centre in obtaining data on trafficking.³⁵ NAPTIP officers have also participated in trainings related to the anti-trafficking effort, including one on the monitoring of child trafficking victims.³⁶ However, like the awareness campaigns, there is no targeted training and education on responding to child victims of pornography or sexual exploitation in travel and tourism.

There is education provided to officials and NGOs about child rights legislation. Law enforcement officers receive guides on the Convention on the Rights of the Child (CRC) from the government, and there is training on the CRA offered to them as well as to judicial officers, NGOs, ministerial staff, and the State Child Rights Implementation Committees.³⁷

No concrete action has been taken on providing education and training about child online safety, but the COP initiative has implemented a policy that will train law enforcement in this area.

The COP Initiative, led by the Technical Working Group (TWG), is a notable example of private sector involvement in the prevention of child pornography. The TWG consists of both public and private stakeholders, included among them the Nigerian Bar Association and the Global Network for Cyber-Solutions Ltd.³⁸ Cyber-cafes in Nigeria have also been cooperative in efforts against online child sex abuse materials by prohibiting the viewing of pornography on their premises.³⁹

Children who are vulnerable are more likely to become victims of CSEC, thus vulnerability reduction is imperative in preventive efforts. There have also been campaigns in the Edo state to empower girls by giving them life skills training.⁴⁰ Unfortunately, there are many factors in Nigeria that contribute to the vulnerability of children. Birth registration is very low, and without registration, children are much more difficult to track, identify and repatriate back to their families.⁴¹ The fee for birth registration is a deterrent for many families in Nigeria and the Committee on the Rights of the Child recommends that the fee be waived completely.⁴² Poverty, a major contributor to vulnerability, is rampant in Nigeria.

CSEC data collection is very low in Nigeria.⁴³ NAPTIP does the bulk of research on human trafficking, but it is unclear whether they have any specific research on child trafficking. The COP Initiative has plans to conduct research on child online protection; it remains to be seen what data will be obtained.⁴⁴

PROTECTION

Nigeria has signed and ratified the CRC, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC), and the UN Trafficking Protocol. Regionally, it is party to the African Charter on the Rights and Welfare of the Child (ACRWC) and the African Charter on Human and Peoples' Rights (ACHPR). However, in Nigeria's tripartite legal system, composed of English common law, Islamic law, and customary law, inconsistencies and omissions from international standards are prevalent.

The *Criminal Code* in Southern Nigeria, the *Penal Code* in Northern Nigeria, the CRA, and the TIP Act are the main instruments applicable to CSEC. The *Criminal Code* and the *Penal Code* have many discrepancies from the CRC regarding the age and gender of children who are considered to be exploited in **child prostitution**.⁴⁵ This affects penalties and prosecution of offenders.⁴⁶ Additionally, the *Penal Code* permits child prostitution if a guardian has consented.⁴⁷ The *Criminal Code* does not have any provisions that prevent children from being tried as offenders for prostitution, and the *Penal Code* in some states essentially allows for prosecution of children, which is against the CRC.⁴⁸ The CRA is more consistent with the CRC, as it is gender neutral and defines a child as anyone less than 18 years of age. It also includes child protection measures and child-friendly legal procedures.

The TIP Act provides the legal framework pertaining to the **trafficking of children for sexual purposes** and child prostitution. Though the TIP Act is quite comprehensive and provides some mechanisms for victim identification and protection, the legislation is mostly concerned with the prosecution of traffickers.⁴⁹ The penalties for prostitution of a child are more lenient than the prostitution of any other person,⁵⁰ which is contrary to the gravity of the crime. The TIP Act also allows for trafficking victims to obtain compensation and restitution against a perpetrator, but there is nothing specific regarding child victims.⁵¹ Nigeria's enforcement of these laws has been poor, evidenced by the continued visibility of child prostitution, low prosecution rates and lack of funding for NAPTIP.⁵²

The *Criminal Code*, the TIP Act, the CRA, and the *Cybercrime Bill* of 2013 address **child sexual abuse materials** in Nigeria. In the *Criminal Code*, possessing and distributing child pornography is covered under "Obscene Publications", a section of the code that is extremely vague and does not explicitly reference sexually obscene materials.⁵³ The TIP Act prohibits the procurement, use or offering of a person for pornographic performance or production, but does not distinguish based on age.⁵⁴ The CRA prohibits the procurement or offering of children for the production or performance of pornography, but does not mention any punishment for the distribution or possession of child pornography.⁵⁵ The *Cybercrime Bill*, in addition to banning child pornography, also prohibits the online grooming and solicitation of children. However, the penalties under the Bill relating to child pornography do not make prison time mandatory.⁵⁶ This Bill has not yet been passed in Nigeria but is on track to be enacted in 2014.⁵⁷

Nigeria does not have legislation that deals directly with the **sexual exploitation of children in travel and tourism**. The TIP Act imposes responsibilities on tour operators and agents to inform clients of the Act, and also imposes a punishment on anyone who promotes foreign travel prostitution.⁵⁸ The *Criminal Code* makes dual criminality a requirement for an offender to be prosecuted.⁵⁹ Though evidence shows that Nigeria is mainly a source country for travelling child sex offenders, it is unclear which legislation would apply in a case regarding child sex tourism.

There are several **child protection units** that are utilised by the Nigerian government, including NAPTIP, MWASD, and the Child Rights Implementation Committees created by the CRA. In addition to these bodies, there is a Child Protection Network formed by Nigerian CSOs that advocates for child-friendly desks at all police stations.⁶⁰ The Situation Analysis of Child Protection Issues is another programme with the directive of child protection. It aims to gather information regarding child abuse in Nigeria, and also to form networks between the states.⁶¹ The main issue that is circumventing the effectiveness of the units is lack of funding, which affects their ability to advocate for child

protection measures. There is no entity that focuses on CSEC, which also hinders the protection of sexually exploited children. As of 2010, there was a bill pending that would establish a National Child Protection and Enforcement Agency. It would be responsible for ensuring child-sensitive protection policies that would deal with child poverty, vulnerability, and risks.⁶²

Though there are **support services** for victims of CSEC, there are substantial challenges that prevent them from reaching all those who need help. The free helpline “SOS Children” for child victims of sexual abuse is accessible throughout the country but is not toll-free.⁶³ NAPTIP also has an anti-human trafficking hotline.⁶⁴ Counselling services are offered by NAPTIP and other NGOs. There are educational and occupational programmes to assist with reintegration for victims, and almost 200 of the approximately 6000 trafficking victims received by NAPTIP have obtained schooling or vocational training.⁶⁵ Another 453 of these victims established their own businesses through donations of equipment and resettlement allowances from NAPTIP.⁶⁶ However, not all of the victims received are benefitting from these services, which may be indicative of NAPTIP’s lack of capacity. Regarding the judicial process, the CRA has

legislated to create “Family Courts” to deal with matters relating to children. The CRA also ensures that children are not subject to the criminal justice process, but are free to participate in the proceedings.⁶⁷ Nigeria has yet to instate any formal procedures for repatriation and reintegration,⁶⁸ but the National Policy on Protection and Assistance to Trafficked Persons in Nigeria provides goals and guidelines in this area.⁶⁹ NAPTIP has shelters for trafficking victims,⁷⁰ but lacks training for its personnel.⁷¹ Further complicating the delivery of services to victims is the animosity and distrust that trafficked victims feel towards the government, preventing them from seeking assistance.⁷² Though victims are referred to shelters, many of them return home after a brief stay.⁷³

The lack of training for relevant personnel extends to **law enforcement** as well. Government officials are not formally trained to identify trafficking victims, how to handle victims, or about the relevant state laws.⁷⁴ Thus, they may not know about their responsibilities in preventing or responding to CSEC. However, there are efforts by NAPTIP to increase instruction for their staff with the assistance of UNICEF and UNODC by creating training manuals and guidelines aimed to strengthen the capacity of those involved in anti-trafficking work.⁷⁵

CHILD AND YOUTH PARTICIPATION

In general, there is little child involvement in the development of Nigeria’s legislation and policies. The main piece of legislation concerning child rights, the CRA, and its corresponding NPAs do not mention child participation except in the context of child input in court proceedings.⁷⁶ The national Children’s Parliament was established in 2003, and there are Children’s Parliaments at the state level as well.⁷⁷ These entities are supposed to represent Nigerian children by drafting children’s bills for presentation to the National Assembly.⁷⁸

However, according to ANPPCAN (African Network for the Prevention and Protection against Child Abuse and Neglect), they are largely symbolic bodies with little impact, and because they are essentially composed of the children of elites, they are not accurately representative of all children.⁷⁹ Children are regarded as largely non-influential in Nigerian society,⁸⁰ but UNICEF Nigeria is trying to increase children’s voices in local media through television and radio programmes.⁸¹

PRIORITY ACTIONS REQUIRED

National Plans and Policies

The government should develop and implement an up-to-date National Plan of Action for Children or ensure that a comprehensive and detailed component on all manifestations of CSEC, particularly child sexual abuse materials and child prostitution, is included in a current NPA. Child participation should be sought in the development of the new national plan, and the plan itself should facilitate further child participation in policy development.

The National Policy on the Protection and Assistance to Victims of Human Trafficking should also be amended to include provisions pertaining specifically to the protection of child victims of trafficking for sexual purposes.

Coordination and Cooperation

Nigeria should create an agency or ministry separate from the Ministry of Women Affairs and Social Development that deals exclusively with children's issues. The government should also create a body in charge of coordinating the anti-CSEC activities carried out by state agencies, NGOs and the private sector at the national and international levels.

NAPTIP should include data specifically referring to child sex trafficking in its annual reports.

Prevention

The government should develop more effective strategies to tackle the societal factors that

increase the incidence of CSEC, including the high poverty rate, the stigmatisation of children as witches, the prevalence of child marriage, the low rate of birth registration, and the lack of education about human trafficking and other manifestations of CSEC in rural areas.

Protection

The Child Rights Act should be ratified by all states to ensure that it is fully enforceable throughout Nigeria. The Criminal Code and Penal Code should be also be harmonised with the Child Rights Act.

Extra-territorial laws referring explicitly to sexual exploitation of children in tourism should be developed and implemented immediately.

It is necessary for comprehensive trainings of the police forces and immigration officials to take place so that the existing laws addressing CSEC are effectively enforced. Training should also be provided to service providers so they can assist victims of CSEC to reintegrate into society without suffering stigmatisation.

Child and Youth Participation

The Nigerian government should utilise the Children's Parliaments in a substantial way to increase child and youth participation in the development of action plans and in the approval of new laws. The Children's Parliaments should also be composed of children from all socio-economic levels of Nigerian society.

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