

PROTOCOL FOR IDENTIFICATION, SAFE RETURN AND REHABILITATION OF TRAFFICKED PERSONS



2022

FOREWORD

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons defines human trafficking as '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.'

The phenomenon of Trafficking in Persons is on the increase, and Nigeria occupies a central position due to her dominant population in the West African sub-region. Nigeria is also a country of origin, transit and destination for victims of trafficking.

Trafficking in Persons has acquired shocking new dimensions with the recent reports from Libya that young men and women of Nigerian origin among other Africans trapped in Libya enroute Europe are being auctioned as slaves for as low as \$400 per person. There are also reports of human farms in parts of Libya where black African migrants are allegedly being groomed for the harvest of their organs for medical purposes.

According to the 2020 United States Trafficking in Persons (US TIP) Report, "Nigerian women and children are recruited and transported to destinations in North Africa, the Middle East –

including Saudi Arabia, Oman and United Arab Emirates – and Central Asia, and exploited in sex trafficking or forced labour”. Between March and August 2020, more than 400 young women were rescued from sexual exploitation and domestic servitude in Lebanon and returned to Nigeria, according to NAPTIP's records.

The US TIP Report further states that “Nigerian women and girls are subjected to sex trafficking within Nigeria and throughout Europe, including in France, Italy, Spain, Austria and Russia”. Traffickers usually leverage on the irregular status of migrants to exploit them by threatening to report such migrants to law enforcement authorities who in turn treat these victims as criminals.

This Protocol for Identification, Safe Return and Rehabilitation of Trafficked Persons serves as an operational tool for law enforcement officers and other care givers at host countries and countries of origin, on treatment of identified victims. It also provides a framework for cooperation among host countries and countries of origin in the identification, safe return and rehabilitation of victims of human trafficking.

Trafficked persons are entitled to supported reintegration by virtue of their status as enshrined in Article 8 of the UN Trafficking Protocol. Successful reintegration requires cooperation between the repatriating and the receiving countries.

I encourage all countries to adopt the principles of this Protocol to

ensure that the victims of trafficking are properly identified, returned with dignity and supported to fully reintegrate into society.



Hajiya Sadiya Umar Farouq

Honourable Minister

Humanitarian Affairs, Disaster Management and Social

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¹The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime (2000).

²Nigeria's Population - 207,216,889; West Africa - 401,861,254 as of 15th September 2020
<https://worldpopulationreview.com/countries/nigeria-population>

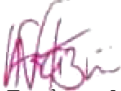
ACKNOWLEDGMENT

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I particularly appreciate the support and encouragement of the Federal Ministry of Justice and Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development in the production of this Protocol.

Finally, I commend the effort and commitment of the NAPTIP Team under the coordination of Mr. Olubiyi Olusayo, Director, Research and Programme Development in the development of this protocol.



Dr. Fatima Waziri-Azi

Director-General

NAPTIP

LIST OF ACRONYMS

CSOs	-	Civil Society Organisations
FMoJ	-	Federal Ministry of Justice
HT	-	Human Trafficking
LEA	-	Law Enforcement Agency
LEO	-	Law Enforcement Officer
MDAs	-	Ministries, Departments and Agencies
MFA	-	Ministry of Foreign Affairs
MLA	-	Mutual Legal Assistance
MoU	-	Memorandum of Understanding
NAPTIP	-	National Agency for the Prohibition of Trafficking in Persons
NIA	-	National Intelligence Agency
NiDCOM	-	Nigerians in Diaspora Commission
NIS	-	Nigeria Immigration Service
NPF	-	Nigeria Police Force
NSCDC	-	Nigeria Security and Civil Defence Corps
ONSA	-	Office of the National Security Adviser
SOM	-	Smuggling of Migrants
TIP	-	Trafficking in Persons
TIPPEA Act	-	Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015
TP	-	Trafficked Persons
UNODC	-	United Nations Office on Drugs and Crime
UNTOC	-	United Nations Convention against \
		Transnational Organised Crime

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CHAPTER 1

INTRODUCTION

Trafficking in Persons has become a global phenomenon which affects all countries including Nigeria. According to the 2018 Global Slavery Index, there are 40.3 million people globally and 1,384,000 Nigerians who are victims of modern day slavery. The Nigerian figure is more than the total for the other 16 countries in West Africa added together.

The United Nations Convention against Transnational Organized Crime (UNTOC), adopted by The General Assembly resolution 55/25 of 15 November 2000 and its three supplementing Protocols:

- i. To Prevent, Suppress and Punish Trafficking in Persons, especially women and children;
- ii. Against the Smuggling of Migrants by Sea, Land and Air
- iii. Against Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition is the main international instrument in the fight against transnational organized crime.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons defines human trafficking as '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'.

Previously, victims of human trafficking were categorized generally as illegal migrants at countries of destination and treated as such all through the return process. Usually, the rights of Trafficked Persons are infringed upon during rescue and return due to ignorance or negligence of Law Enforcement Officers who are often the first responders.

Another concern is that in some cases, victims have been sent home while criminal or other legal proceedings in which they have an interest are still ongoing. To respond to these concerns, the text of the Protocol requires all State Parties to have due regard for the safety of the victim.

It is on this premise that the Nigerian Government is desirous of establishing a formal procedure for the identification, safe return and rehabilitation of Nigerian victims to ensure that they are accorded adequate care at the country of rescue and upon their return to Nigeria. This Protocol recognizes and appropriately incorporates the guiding principles of the UNTOC for the protection of victims of human trafficking.

Returning to their country of origin is often a difficult process for victims of trafficking, because they face psycho-social, health, legal, documentation and financial problems. Many victims also have problems in reintegrating with their families and communities because of the following reasons among others:

- i. Sense of shame for failure to meet family's financial expectations.
- ii. Feeling of alienation from society due to their traumatic experiences.
- iii. Stigmatisation by family and community members

Victims of trafficking who are provided with reintegration assistance are less likely to be re-trafficked, hence the need for a documented reintegration procedure that ensures victims are afforded requisite support and services from the point of identification and all through their rehabilitation process.

The protection of the rights of victims of human trafficking should be of utmost importance to all actors involved in the rescue and return process. It is the duty of governments and service providers at destination/host countries, International Agencies and the Nigerian Government to ensure the protection, safe return and rehabilitation of victims of human trafficking.

This Protocol lays down the process for the identification of victims of human trafficking in destination countries which includes the procedure for rescue and interview of potential victims. It further

elaborates the modalities for counseling and rehabilitation of victims as well as identification of key actors in the rehabilitation process.

The Protocol sets the principle and framework of cooperation by key Actors for the successful and safe return of victims of human trafficking as well as providing the conditions to determine safe return.

Finally, the Protocol highlights the technical cooperation needed in terms of provision and exchange of resources, technology, personnel and information aimed at the safe return of trafficked persons to Nigeria. Technical Cooperation will enhance the return process and collaboration of destination and origin countries in investigation and prosecution of trafficking offences.

CHAPTER 2

IDENTIFICATION

Victims of Human Trafficking are usually mixed with other irregular migrants and are as such denied the protection and support they deserve, hence the importance of separating such victims from other irregular migrants.

The following key actors are likely to be the first responders and should therefore be conversant with the indicators of human trafficking. (see annexure 1 for indicators of human trafficking).

2.1 Key Actors

- i. Law Enforcement Agencies in host countries
- ii. Nigerian Mission
- iii. International Organisation for Migration (IOM)
- iv. Ministry of Foreign Affairs (MFA)
- v. Nigeria Immigration Service (NIS)
- vi. National Intelligence Agency (NIA)
- vii. Civil Society Organizations (CSOs)
- viii. Nigerians in Diaspora Commission (NiDCOM)
- ix. National Agency for the Prohibition of Trafficking in Persons (NAPTIP)

2.2 Process of identification

2.2.1 Rescue/interview of potential victims

When any of the actors comes across a potential victim of trafficking, such individual or entity should:

- i. Use the indicators of trafficking to confirm their status.
- ii. Provide support and protection to the victim of trafficking as enshrined in the Trafficking Protocol
- iii. Interview the victim using a standard protocol (see annexure 2) to establish basic identity such as name, age, sex, place of origin etc.
- iv. interface with the Nigerian Mission to notify them of the presence of a Nigerian victim of trafficking in their custody within 48 hours while the Nigerian Mission should in turn inform NAPTIP within 48 hours thereafter.
- v. Note during the interview, the physical, psychological and social condition of the victim.
- vi. Carry out proper documentation of victims' details.

CHAPTER 3

COUNSELLING AND REHABILITATION

The Rehabilitation process provides the victim of trafficking with opportunities to be reintegrated into the society as functional members, so as to prevent them from being re-trafficked. The Rehabilitation plan needs to be holistic in approach and support the mental, physical, emotional and health needs of the victim.

Victims of TIP identified outside their countries of origin are to be given appropriate protection and support which will promote their human dignity, by relevant actors.

Host countries should ensure that each victim of trafficking identified in their territories is assigned to a primary care giver, which shall be a social welfare institution or individual able to provide psychosocial and other supports to victims of trafficking.

3.1 Key Actors in Rehabilitation include

- i. Host countries
- ii. Primary care givers and referral partners in host countries
- iii. International Agencies
- iv. Nigerian Mission
- v. NAPTIP

3.2 Types of Support

When a victim has been so identified, the key actor involved should in collaboration with the Nigerian Mission assign a primary care giver who will then assume responsibility for the care and support of the victim in the host country.

The primary care giver should:

- i. Determine the type of support needed by the victim (psychosocial, medical, security, shelter, legal service, counselling etc.) using the indicators of trafficking.
- ii. Identify other care givers who will provide the requisite support and services to the victim.
- iii. Ensure that victims of trafficking are accorded humane treatment as enshrined in Article 6 of the Trafficking Protocol.

3.3 Care for Children

Trafficked children and children of trafficked women rescued at transit or host countries should be provided with special care and support in the best interest of the child.

The primary care giver shall:

- i. Be sensitive to the special needs of children
- ii. Give appropriate support, sheltering and protection to children
- iii. Ensure that all child victims have equal access to and benefit from comprehensive social protection services

- iv. Never separate children from their mothers or fathers except when it is in the best interest of the child
- v. Maintain a good child safety and security standard

CHAPTER 4

SAFE RETURN

In line with international standards, the safe return of victims to their countries of origin is important to foster mutual relations between countries and reduce the victims' vulnerability to re-trafficking. 'Safe' refers to both the process and the outcome of the return to country of origin. The entire return process must at all times be safe and conducted with due regard to the rights and dignity of the person being returned.

4.1 Actors in Safe Return

Upon determination of the safety of victims, a process shall be initiated to safely return the victims to their countries of origin. In this regard, state and non-state actors in the host country and country of origin shall work together towards a successful and safe return of trafficked victims.

This process shall be coordinated by NAPTIP in collaboration with the following relevant institutions:

- i. Host country
- ii. Country of origin
- iii. Nigerian Mission
- iv. Primary Care Giver
- v. Law Enforcement Agencies at host country

- vi. Law Enforcement Agencies at country of origin
- vii. International Agencies
- viii. Civil Society Organisations (CSOs)

4.2 Conditions for Safe Return

Subject to the extant laws in the host country, safe return of a TP to his/her country of origin should be based on other considerations including:

- i. Request/consent of the victim
- ii. Safety and security of the victim at host country, and upon return to country of origin
- iii. Individual assessment and management of risks associated with return should be sensitive to gender, age and other peculiarities, as well as the family environment.
- iv. The availability of and access to social assistance programmes in country of origin
- v. In cases of trafficked children, the child's best interests must be determined in consultation with the child or parental figure
- vi. Where in the best interest of the TP, it is not safe to return to the country of origin, for instance ongoing investigations or prosecution of trafficker(s), physical/medical conditions or other significant concerns (e.g. Mental health), the primary care giver should explore other alternatives such as:
 - a. Work with NAPTIP to identify and respond to the fears of the victims

- b. Assist the victim to settle in a foster home, seek asylum in host country, access long term shelter services and safe houses or other options in accordance with standard international practices.

4.3 Services to be provided by Actors in safe return

Effective support programmes in the country of origin should complement the assistance provided in the host country for the success of safe return and reintegration, to avoid the re-trafficking of the victim.

4.3.1 Nigerian Mission

The Nigerian Mission in the host country should serve as the primary representatives for trafficked victims and support the safe return of the victims in the following ways:

- i. Oversee the work of assigned primary care givers in host country to ensure that victims of trafficking are provided requisite services
- ii. Establish robust communication with MFA NAPTIP and the primary care giver.
- iii. Provide updates on request, on the status of the victims in their care
- iv. Issue emergency travel certificates
- v. In consultation with host country, NAPTIP and primary care giver initiate a plan for the travel of the victim

- vi. Provide to NAPTIP, travel plans with the full list of travelers (trafficked victims and their security escorts) at least 72 hrs before their departure from host country.

4.3.2 Primary Care Giver

The primary care giver in the host country should coordinate the programmes and services required by the victim for safe return.

Primary Care Giver shall:

- i. Prepare assessment reports on trafficked person and share with NAPTIP in preparation for return
- ii. In collaboration with the Nigerian Mission, Host Country and NAPTIP, support the victim to recover and document all earned income and owned properties in preparation for return
- iii. Work in collaboration with relevant institutions in the host country to develop a return package for individual victims (host government, IOM, other International Agencies)
- iv. In consultation with the Nigerian Mission and NAPTIP, initiate the victim's travel plan.

4.3.3 Host Country

The host country is the location where the trafficked person is rescued. In line with the provisions of their laws and in adherence to International human rights standards, the host country shall collaborate with the country of origin to facilitate the safe return of the trafficked person.

4.3.4 The Host country shall provide

- i. Vocational training, formal/short educational courses or employment to trafficked person if investigation or prosecution lasts for more than 3 months, on the recommendation of the primary care giver.
- ii. Security escorts to accompany trafficked persons during travel to country of origin, ensuring that their rights are protected.
- iii. Legal and medical services.
- iv. Local transportation and other logistics (food, phone calls, etc) while the victim is within their jurisdiction.

4.3.5 Law Enforcement Agencies in Host Countries

Law Enforcement Agencies in the host country shall in line with the provisions of their laws and in adherence to International human rights standards:

- i. Protect the rights and privacy of the trafficked person from the time of rescue until departure
- ii. Avoid holding victims of trafficking in detention centres along with criminals but ensure that they are handed over to care givers in appropriate shelters
- iii. Keep trafficked children or children of trafficked persons in child-friendly shelters or with their parents

4.3.6 IOM/Other International Agencies

IOM and other International Agencies, in consultation with the primary care giver and relevant authorities of the host country shall:

- i. Propose assisted voluntary travel support to trafficked persons (administrative, logistics, financial and rehabilitation)
- ii. Communicate with the Nigerian mission and NAPTIP on return package for victims

4.3.7 NAPTIP

NAPTIP shall consult with host countries on all human trafficking cases involving Nigerian citizens and coordinate the safe return of trafficked persons

A. For the safe return of Nigerian citizens trafficked abroad, NAPTIP shall, in consultation with actors in the host country, from the time of victim identification to successful reintegration:

- i. Interface with Law Enforcement Agencies in the host country on safe return of victims
- ii. Review assessment reports and information provided by primary care givers in preparation for receiving victims
- iii. collaborate with primary care givers, IOM/Other International Agencies and host country on the content of the return packages for victims
- iv. Collaborate with Immigration Authorities and other security Agencies to ensure safe reception at airports or other entry points in the country of origin

B. On return of trafficked persons to Nigeria, NAPTIP shall in collaboration with relevant partners:

- i. Provide a warm reception
- ii. Ensure the rights and privacy of the trafficked persons are protected till successful reintegration
- iii. Provide transport and other logistics
- iv. Provide legal and medical services
- v. Provide sheltering
- vi. Provide psychosocial support
- vii. Ensure adequate rehabilitation and full reintegration of trafficked persons in line with agreed rehabilitation plans

CHAPTER 5

TECHNICAL COOPERATION

Technical cooperation for identification, safe return and rehabilitation of trafficked persons between host countries and countries of origin includes provision and exchange of resources, technology, personnel and information aimed at the safe return of trafficked persons to country of origin.

- A. It is imperative that countries of origin and host countries cooperate to:
- i. Protect the rights and dignity of trafficked persons in accordance with International instruments
 - ii. Create a system of accountability in the management of trafficked persons to reduce re-trafficking and irregular migration flows
 - iii. Enhance intelligence sharing, joint investigations and mutual legal assistance
- B. Barriers to cooperation that currently limit services provided and needed by TPs should be removed for effective technical cooperation in the management of trafficked persons e.g. national legislations, specialized anti-trafficking agencies, etc. Countries of origin must facilitate return by, for example, conducting identification checks, undertaking social inquiry assessments prior to the trafficked person's return, issuing the

³There is a broad range of tools that serve to reinforce international cooperation, such as the establishment of communication channels, joint investigation and prosecution, mutual legal assistance, key stakeholders meeting mechanisms, development of standard operating procedures, protocols and guidelines in line with International instruments on trafficking in persons.

necessary travel documents, and co-operating with host countries to determine whether the planned return of a trafficked person is safe

5.1 Framework for Accountability

Countries of origin shall undertake to provide periodic reports on the status and wellbeing of returned trafficked persons to the host country and other actors in the return process.

5.2 Actors in Technical Cooperation

Host countries and countries of origin shall ensure co-operation between state and non-state actors that may have a role in providing victims with support and services for ensuring their adequate rehabilitation and safe return.

5.3 Mode of Cooperation

5.3.1 Intelligence sharing

Intelligence Sharing and Joint Investigations among Law Enforcement Agencies

Law Enforcement is an integral component in the process of identification, Safe Return and Rehabilitation of Trafficked Persons. Often, the rights of Victims are infringed upon during rescue and return due to ignorance or negligence of Law Enforcement Officers.

Therefore, Law Enforcement Agents shall:

- i. Be committed to the protection of the rights of victims as provided in the Trafficking Protocol.

- ii. Be conversant with the indicators of human trafficking
- iii. Be aware that victims of human trafficking have suffered trauma and dehumanizing treatment due to exploitation
- iv. Remove barriers in information and intelligence sharing with relevant Law Enforcement Agencies in countries of Origin
- v. Share information and intelligence through diplomatic channels; letters rogatory and other agreed channels, with utmost confidentiality
- vi. In collaboration with NAPTIP put in place a Standard Operating Procedure on intelligence sharing and joint investigations

5.3.2 Mutual Legal Assistance

Mutual co-operation between host countries and countries of origin can help in the rescue, identification and protection of victims of trafficking; investigation and prosecution of human trafficking offences; sharing of information and intelligence; and safe return of trafficked persons to ensure successful reintegration to their country.

The Federal Ministry of Justice in collaboration with the Ministry of Foreign Affairs shall ensure the signing of agreements on Mutual Legal Assistance (MLAs) and Memoranda of Understanding (MOUs) with selected destination countries to facilitate the MLA process.

5.3.3 Mode of Communication

Robust communication between host countries and countries of origin is important in strengthening technical co-operation in the

rescue, identification, protection and safe return of victims of trafficking.

Host countries and countries of origin shall:

- i. Provide and share information
- ii. Provide or create awareness on toll free numbers for the public to report human trafficking cases to the Law Enforcement Agencies or the Nigerian Mission
- iii. Widely publicise the indicators of human trafficking to the public
- iv. Provide or strengthen existing referral systems and structures to support safe and sustainable return of trafficked persons
- v. Provide information, education and communication materials on prevention of human trafficking and protection/assistance to trafficked persons.

5.3.4 Key stakeholders' learning and sharing mechanisms

Stakeholders in this process need to receive updated information and training to have the requisite skills needed for effective service delivery to trafficked persons.

In addition, transnational and national referral mechanisms among these stakeholders foster network-learning and sharing. They are also important vehicles for in-country and cross-border co-operation, respectively, as they create strategic partnerships between state and non-state actors engaged in protecting and promoting the human rights of trafficked persons.

NAPTIP in collaboration with International Agencies and other development partners shall provide:

- i. Regular and updated capacity building for primary care givers, Government Agencies, Law Enforcement Agencies, Civil Society Organizations and Consular Officers in the management and safe return of trafficked persons
- ii. Access to documents and data to enhance skills of stakeholders in the management and safe return of trafficked persons
- iii. Access to platforms for networking and referral among stakeholders
- iv. Leadership for establishment of technical committees to drive the process of implementation of this Protocol

5.3.5 Formation of Bilateral Relationships

In order to make this Protocol operational, host countries and countries of origin are encouraged to enter into bilateral agreements in accordance with the letters and spirit of this Protocol.

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63	UGWU TINA	NAPTIP
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66	AFOLABI OLOYEDE	NAPTIP
67	ANGELA AGBAYEKHAI	NAPTIP
68	AODONA ORTI	NAPTIP
69	OLATUNJI RASHEED	NAPTIP
70	NWAMAKA IKEDIASHI	NAPTIP
71	GLORIA BAI	NAPTIP
72	NNOLI CYNTHIA	NAPTIP
73	MAGNUS EMEH	NAPTIP
74	BENJAMIN ENEANYA	NAPTIP
75	ADO BABANGIDA	NAPTIP
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