

Please cite as: EUAA, '2.12. Victims of human trafficking, including forced prostitution' in *Country Guidance Afghanistan*, January 2022.

2.12. Victims of human trafficking, including forced prostitution

COMMON ANALYSIS
Last updated: February 2019

Trafficking in human beings (THB) is defined in the EU Anti-Trafficking Directive as: 'The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those 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.'

This profile focuses on persons who have been subjected to trafficking, whether or not exploitation has occurred.

COI summary

[*Targeting,* 2.4, 3.15; *Sex trafficking*]

Nigeria is the top nationality of third-country victims of THB in the EU. Trafficking also occurs to other countries, as well as within Nigeria, especially to Lagos state, which is the main transit and destination state. Trafficking mostly affects women, but also children. The great majority of victims trafficked to Europe for prostitution belong to the Edo/Bini ethnic group. In addition, women from Yoruba, Igbo and several ethnic groups from the Niger Delta have also been registered as victims of THB. The majority of THB cases involve sexual exploitation and labour exploitation. Domestic servitude is a form of trafficking for labour exploitation that is particularly difficult to detect. It primarily affects women and girls. Another form of trafficking are the 'baby factories', occurring in several parts of the country. Young girls are recruited to bear and give birth to children that are then sold in 'black markets'. Baby factories involve breeding, trafficking, and abuse of infants and their biological mothers.

A study has shown that although many victims are trafficked by people in their close proximity (family members, partners), sustainable cross-border trafficking depends on the existence of a structured organisation.

Recruitment is mainly conducted in Nigeria by national criminal groups. These groups continue to exploit their victims in the destination country, with the occasional support of local traffickers. Victims are recruited with promises of safe travel and entry into destination countries.

Recruitment also occurs within the victim's family (close or extended); traffickers take advantage of those trust relations, and often women and girls are encouraged to leave by their family members. The recruitment of victims of trafficking occurs throughout Nigeria.

While anti-trafficking legislation exists and officials have made efforts to address trafficking cases, enforcement is considered ineffective in many parts of the country. Insufficient resources and jurisdictional problems between state and federal governments are reported to hamper efforts in this regard.

Victims of human trafficking often fear retaliation by the traffickers or 'madams', especially in case of a remaining 'debt'. Some sources find it more likely for the victim to be re-trafficked than subjected to physical violence as retaliation. However, reported examples of reprisals include physical violence, kidnapping, intimidation, burning of the victim's home, killing of family members, etc. Victims of trafficking may be unwilling to testify against traffickers due to fear of reprisals.

Most victims do not want to return to their home region in Nigeria to avoid being re-trafficked; however, many victims of trafficking may return to a trafficking situation. They may do so on their own initiative or be forced by the trafficker or the 'madam', or by their family. This is in particular the case when they have not repaid their 'debt' or they have not fulfilled the expectation of becoming wealthy.

Women who return wealthy generally do not encounter negative societal attitudes and may enjoy high socio-economic status and greater influence within their family. On the other hand, returning victims of trafficking may be discriminated against and be marginalised, when their return is perceived as a failure to become wealthy in Europe. The social stigmatisation is also high if the victim returns with health problems.

Returning migrants have no access to services from Nigerian authorities, except when they are defined as victims of human trafficking. As victims of trafficking, they receive very limited assistance from authorities and local organisations, mainly in the form of vocational training provided by local NGOs collaborating with the Nigerian National Agency for Prohibition of Trafficking in Persons (NAPTIP).

NAPTIP is Nigeria´s principal agency to combat human trafficking. NAPTIP´s main tasks are to suppress human trafficking, investigate and prosecute its perpetrators and offer a range of protection services to victims of the crime, including temporary shelter, counselling, rehabilitation, reintegration and access to justice. In 2017, NAPTIP received significantly more funding from the government compared to previous years. Despite this increase, the agency did not have sufficient resources, given the scale of the problem. For example, NAPTIP did not have resources to carry out sufficient proactive anti-trafficking operations, and its officers were often concentrated in state capitals, thereby hindering identification and investigation of trafficking in rural areas [*Actors of protection*, 9.1, 9.2].

Risk analysis

Individuals under this profile could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. violence, re-trafficking). Where the risk is of discrimination and/or mistreatment by society and/or by the family, the individual assessment of whether or not this could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: amount of 'debt' to traffickers, whether the applicant has testified against the traffickers, level of power/capability of the traffickers, the traffickers' knowledge about the victims' family and background, age, family status (e.g. orphan, single woman), socio-economic background and financial means, level of education, availability of support network (family or other) or the family's involvement in the trafficking, etc.

Nexus to a reason for persecution

Available information indicates that for this profile, the individual circumstances of the applicant need to be taken into account to determine whether or not a nexus to a reason for persecution can be substantiated.

In individual cases, persecution of individuals under this profile may be for reasons of membership of a particular social group, based on a common background which cannot be changed (the past experience of having been trafficked); and a distinct identity in Nigeria, because they are perceived as being different by the surrounding society (e.g. victims of trafficking whose return is perceived by the surrounding society as a failure, or who return with health problems).

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