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Date 21 March 2024

Subject Explanatory note for the Country of Origin Information Report
on Nigeria, January 2023

Dear ,

In the letter dated 19 December 2023, with the subject '2023 Country of Origin Information Report on Nigeria', the following passage from that Country of Origin Information Report is quoted:

'All sources consulted stated that victims of human trafficking are at risk of reprisals. Possible reasons for this are that they have not yet paid off their debts, or in order to prevent the victim from assisting with the prosecution of traffickers and smugglers. According to a confidential source, human smuggling and trafficking networks from Nigeria, more than those from other countries, are closely interconnected from the start to the end of the route. The exploiter abroad is usually in contact, directly or indirectly, with the victim's family. This makes it more difficult for the victims to escape the smugglers and traffickers. In addition, human smugglers and traffickers are often powerful and wealthy people, sometimes even with political backing'.

You then request clarification of this passage, and you pose a number of questions to this end. Some of the information included below was already covered in more general terms in the January 2023 Country of Origin Information Report. For the purposes of this letter, two new confidential sources were consulted, as well as two confidential sources that had already been consulted for the Country of Origin Information Report. The information obtained from these interviews was used to formulate the following answers, which should not be read as replacing the information in the Country of Origin Information Report, but as supplementing and clarifying it.

1. *Request for further information on the extent and duration of the risk of reprisals against victims of trafficking, including factors that influence this risk (or the level thereof). Please also comment on the type of reprisals.*

According to various sources, victims of human trafficking faced reprisals or the threat of reprisals.¹ In addition to reprisals from human traffickers and/or their accomplices, victims might also face reprisals from their own family members, friends or partners.

1.1. Scale

There are no known studies on the extent to which reprisals take place. In many cases, victims did not communicate about reprisals (or the threat thereof) out of fear.²

1.2. Reasons for reprisals

The sources cited two types of reasons for reprisals: outstanding debts and preventing victims from cooperating with criminal proceedings against human traffickers.

1.2.1. Debts

Reprisals could result from situations in which human traffickers or others parties involved in human trafficking (e.g. family members, friends or partners) had invested resources in the victim's journey and deemed that the victim still owed them money.³ According to several confidential sources, the vast majority of the victims had high debts upon return.⁴ In this regard, a distinction could be drawn between victims who still owed money to human traffickers, and others who were in debt to friends and/or family. For example, there were cases in which relatives or acquaintances had advanced money for the journey, or had even been the ones who had made the deal with the human trafficker. There were also cases in which family and friends had been forced to pay ransom, thereby shifting the debt from the human traffickers to the family and friends.⁵

According to one confidential source, it was probably more common for human traffickers to invest in the journeys of women than it was for them to invest in the journeys of men. This was because women were expected to earn the money back for the human trafficker through prostitution. No research has been done on this, however, and there are no statistics available on it.⁶

1.2.1.1. Debt scenarios

One confidential source spoke of two scenarios regarding debt. In cases where the victim had been intercepted en route by the police or coastguard, human traffickers were often sympathetic to the victim's inability to pay the debt immediately. According to this source, however, in cases where victims had

¹ Punch, *We survived diseases, escaped death in Niger, Russia – Trafficked Nigerian girls*, 20 August 2023; Confidential source, 6 February 2024; Confidential source, 26 January 2024; Confidential source, 10 February 2024.

² US Department of State, *Trafficking in persons report 2022, 2023*, p. 421; Confidential source, 26 January 2024; Confidential source, 26 January 2024; Confidential source, 10 February 2024.

³ Confidential source, 6 February 2024; Confidential source, 26 January 2024.

⁴ Confidential source, 10 February 2024; Confidential source, 26 January 2024.

⁵ Confidential source, 10 February 2024; Confidential source, 26 January 2024.

⁶ Confidential source, 10 February 2024.

decided to flee and return home on their own, human traffickers or madams⁷ would do everything they could to recoup their investment. The source noted that 'everything' could include physical abuse or murder. More commonly, however, victims were held captive by the police or third parties, acting at the behest of human traffickers, until their debts were paid in full.⁸

1.2.2. Preventing or avenging criminal charges

In addition to reprisals due to financial debts, confidential sources reported that human traffickers could also proceed with reprisals to prevent victims from reporting or otherwise cooperating with criminal proceedings against human traffickers, or out of revenge because victims had cooperated with prosecution.⁹

1.3. Types of reprisals

As described in the January 2023 Country of Origin Information Report on Nigeria, confidential sources distinguished several types of reprisals, which could be related.

1.3.1. Physical reprisals

There were known cases of physical reprisals.¹⁰ According to confidential sources, physical reprisals at the behest of human traffickers occasionally occurred.¹¹ These physical reprisals could range from kidnapping (for ransom) and drugging, to the assault and killing of victims or their loved ones.¹²

One confidential source provided the example of a victim of human trafficking who had returned to Nigeria from another country in the region. The victim had initially gone abroad with the cooperation of the father and an aunt, who hoped that she would earn money for the family. The victim's mother, who had not known about the agreement, was physically assaulted by the human trafficker for cooperating in the victim's return to Nigeria.¹³ In another example, a male victim returning from Libya was abused by his smugglers because he still owed the smugglers money.¹⁴ According to a confidential source, it was widely believed that the human traffickers were behind the violence, even though it was not always possible to prove this. In this regard, the source provided the example of a human trafficker who had been ordered by the court to pay hefty compensation to a victim. A week after the verdict, the victim was shot dead in the street. The source reported being aware of several similar cases.¹⁵

According to confidential sources, the risk of physical reprisals increased with the amount of financial debt. This could be because the human trafficker had invested more money in the victim's journey; because the victim had been unwilling or

⁷ Most of those responsible for the sexual exploitation of young women are women themselves. These women are often referred to as 'madams'.

⁸ Confidential source, 18 March 2024.

⁹ Confidential source, 10 February 2024; Confidential source, 26 January 2024.

¹⁰ Confidential source, 6 February 2024; Confidential source, 26 January 2024; Confidential source, 10 February 2024.

¹¹ Confidential source, 26 January 2024; Confidential source, 6 February 2024.

¹² Confidential source, 6 February 2024; Confidential source, 10 February 2024.

¹³ Confidential source, 26 January 2024.

¹⁴ Confidential source, 26 January 2024.

¹⁵ Confidential source, 10 February 2024.

unable (e.g. due to illness) to carry out the work imposed; and/or because the victim had fled the human trafficker (in many cases, a madam) before the debt was paid off. According to the same sources, the risk also increased if the human trafficker was not a close connection to the victim.¹⁶

1.3.2. *Spiritual reprisals*

Confidential sources also spoke of spiritual attacks. This was in reference to misfortune, illness (physical or mental) and death experienced as a result of breaking the oath¹⁷ sworn by the victims prior to their journey.¹⁸ One confidential source provided the example of a victim who had recently returned to Nigeria from a country in the region, with assistance from an NGO. After returning, the victim fell ill and died.¹⁹ Another source provided the example of someone who had been staying in the United States and was suddenly found, without luggage, in Nigeria. His own explanation was that he had been called back by ghosts.²⁰ As also described in the January 2023 Country of Origin Information Report on Nigeria, sources indicated that the victims were convinced that such spiritual attacks were real. In some cases, the sources were also convinced of this. They said that the threat posed by such examples of spiritual attacks was often greater than that posed by physical attacks.²¹

1.3.3. *Mental and emotional reprisals*

Finally, there were threats by human traffickers — even if they did not lead to physical violence — and pressure from the family to pay off debts, which were perceived as emotional reprisals. According to several sources, there was a great fear amongst victims of human trafficking concerning what could happen if they did not comply with the wishes of the human trafficker.²² It should be kept in mind that the victims had often already faced high levels of violence during their smuggling and exploitation. The threats were thus highly credible.²³

In some cases, family members themselves were involved. This could be because they had invested money in the journey at the outset; because they had been forced to pay ransom during the journey to free the victim; or because they had hoped to benefit from the income the victim of human trafficking would have generated. In such cases, the mental pressure on the victim to repay debts and generate an income was so great that life in the family circle became traumatising for the victims. In the example shared above, in which the father had been involved in the agreement with the human trafficker, the father had made it impossible for the victim to continue living at home after her return.²⁴

¹⁶ Confidential source, 26 January 2024; Confidential source, 26 January 2024.

¹⁷ For additional information on the oath (*juju*), see Ministry of Foreign Affairs, *Country of Origin Information Report on Nigeria*, January 2023, pp. 88–89.

¹⁸ Confidential source, 26 January 2024; Confidential source, 10 February 2024; Confidential source, 26 January 2024.

¹⁹ Confidential source, 26 January 2024.

²⁰ Confidential source, 26 January 2024.

²¹ Ministry of Foreign Affairs, *Country of Origin Information Report on Nigeria*, January 2023, pp. 88–89;

Confidential source, 26 January 2024; Confidential source, 26 January 2024.

²² Confidential source, 26 January 2024; Confidential source, 26 January 2024.

²³ BMC Public Health, *Paper: Violence, abuse and exploitation among trafficked women and girls: A mixed-methods study in Nigeria and Uganda*, 2022, p. 1; Punch, *We survived diseases, escaped death in Niger, Russia – Trafficked Nigerian girls*, 20 August 2023; Confidential source, 10 February 2024.

²⁴ Confidential source, 26 January 2024.

Sources said to be aware of victims who – according to the human traffickers – had debts to settle, and who had perceived their only way out as to be re-smuggled, thus once again risking exploitation. There were also cases of people who had been re-trafficked because they had become even more vulnerable and the human traffickers had taken advantage of this. The latter was primarily the case for women.²⁵

1.4. Duration of the reprisals

With regard to the duration of the reprisals or the threat thereof, sources indicated that they ended only when the human traffickers felt that their demands had been met,²⁶ or when the victim managed to stay out of the hands of the human traffickers.²⁷

According to confidential sources, victims tried to buy off reprisals whenever possible by entering into instalment agreements with the human trafficker.²⁸ One source reported that the success of such attempts depended on the human trafficker, but if they did succeed, the repayment period was very short (no more than a few months).²⁹ There were also instances in which human traffickers continued to threaten with reprisals after the debt had been paid off, in order to prevent victims from cooperating with the criminal prosecution of the human traffickers.³⁰

Although the criminal prosecution and conviction of human traffickers could sometimes result in victims being further left alone,³¹ this was not always the case. According to one confidential source, the prosecution of a human trafficker could result in the victim no longer attributing supernatural powers to the human trafficker. As reported by this source, the fact that someone with supernatural powers could be prosecuted and punished could help victims to understanding that they were able to free themselves from the human traffickers.³²

According to another source, however, the prosecution and conviction of a human trafficker with the victim's help could actually serve to increase the risk of reprisals, as the convicted human trafficker might wish to seek revenge. As noted by this source, because convicted human traffickers were often required by the courts to pay financial compensation to their victims,³³ it was also common for human traffickers to want to recover these costs from their victims as well. In addition, according to a confidential source, it was common for victims to fear reprisals even when human traffickers were in prison, as human traffickers rarely work alone.³⁴

²⁵ Confidential source, 26 January 2024; Confidential source, 10 February 2024.

²⁶ Confidential source, 26 January 2024; Confidential source, 26 January 2024.

²⁷ Confidential source, 6 February 2024; Confidential source, 26 January 2024.

²⁸ Confidential source, 10 February 2024; Confidential source, 26 January 2024; Confidential source, 26 January 2024.

²⁹ Confidential source, 18 March 2024.

³⁰ Confidential source, 10 February 2024.

³¹ Confidential source, 10 February 2024; Confidential source, 26 January 2024.

³² Confidential source, 26 January 2024.

³³ US Department of State, *Trafficking in persons report 2022, 2023*, p. 420; Daily Nigerian, *Victim of trafficking gets N5m compensation from trafficker*, 11 January 2023.

³⁴ Confidential source, 10 February 2024.

1.5. Risks to third parties

Victims of human trafficking were not the only targets of reprisals; family members, social workers and journalists could be targeted as well.³⁵ One confidential source provided the example of a victim of human trafficking who had been freed in a European country and given protection there. In Nigeria, the victim's mother and brother were then assaulted. They moved five times and, each time they were found, pursued and threatened by the human traffickers, who asserted that they would not give up until the victim had paid off her debt.³⁶

2. Are the authorities willing and able to provide protection against reprisals?

As described in the January 2023 Country of Origin Information Report on Nigeria, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP)³⁷ was also authorised to carry out the Violence Against Persons Prohibition (VAPP) Act.³⁸ In addition to countering human trafficking, the role of this agency included providing protection against the threat of reprisals by human traffickers, regardless of how long after the return such threats manifested themselves.³⁹ As stated in the Country of Origin Information Report, despite its best efforts, the NAPTIP had insufficient resources and capacity to meet the demand.⁴⁰

According to one of the confidential sources consulted for this Explanatory note, the total of about forty shelters (of government agencies and NGOs combined) in Nigeria did constitute sufficient protection and shelter capacity.⁴¹ According to another source, Nigerian authorities displayed serious commitment to countering human trafficking and the possibility of reprisals by human traffickers.⁴² Yet another source nevertheless stated that many victims of human trafficking remained unprotected despite the existence of the aforementioned protection and shelter capacity.⁴³

The authorities generally encouraged victims to file reports, so that investigations could be conducted and human-trafficking suspects could be prosecuted.⁴⁴ According to one confidential source, it was also common for authorities to advise victims of human trafficking who were facing death threats to relocate elsewhere in Nigeria.⁴⁵ As reported by another source, convicted human traffickers were

³⁵ Al Jazeera, 'You will be silenced' - investigating human traffickers in Nigeria, 18 May 2022; Confidential source, 6 February 2024; Confidential source, 26 January 2024.

³⁶ Confidential source, 6 February 2024.

³⁷ For additional information on the NAPTIP, see also Ministry of Foreign Affairs, *Country of Origin Information Report on Nigeria*, January 2023, including pp. 87–88.

³⁸ For additional information on the VAPP Act, see also Ministry of Foreign Affairs, *Country of Origin Information Report on Nigeria*, January 2023, pp. 57, 64.

³⁹ Confidential source, 26 January 2024.

⁴⁰ Ministry of Foreign Affairs, *Country of Origin Information Report on Nigeria*, January 2023, p. 64.

⁴¹ Confidential source, 26 January 2024.

⁴² Confidential source, 26 January 2024; Confidential source, 10 February 2024.

⁴³ Confidential source, 10 February 2024.

⁴⁴ US Department of State, *Trafficking in persons report 2022, 2023*, p. 420; Confidential source, 6 February 2024.

⁴⁵ Confidential source, 6 February 2024; confidential source, 12 March 2024.

sometimes required to sign a statement accepting that they would be held responsible if anything were to happen to the victim.⁴⁶

One source pointed out that many victims of human trafficking did not have enough confidence in the authorities to cooperate with or call on agencies and sub-state task forces. According to this source, it was common for human-trafficking suspects — in many cases rich and powerful people — to use corruption and connections to commute their prosecution or sentencing. The source noted that there was a fear amongst victims that cooperating with the authorities would allow human traffickers to discover their identity. This would purportedly further increase the risk of reprisals.⁴⁷

In some cases, representatives of the authorities (e.g. staff from the NAPTIP, camps for displaced persons and security forces) engaged in corruption, thereby passing information along to human traffickers for money.⁴⁸ Authorities sometimes took action against this. In June 2023, five NAPTIP staff members, including a deputy director, were discharged for misconduct (e.g. leaking information). Two others were demoted for taking bribes from trafficking suspects.⁴⁹ It is not clear whether these individuals were also criminally prosecuted.

3. Are there other opportunities for obtaining protection and shelter?

3.1. Shelter by NGOs

Some NGOs offered shelter, but contrary to what was stated by sources at the time of the Country of Origin Information Report, the sources consulted for this Explanatory note stated that these shelters were always 'open'. In other words, they were not closed to contact with the outside world, as was the case at NAPTIP shelters.⁵⁰ The NGOs were therefore unable to provide protection against reprisals by human traffickers. For this reason, victims who feared physical reprisals were usually referred to the NAPTIP by NGOs.⁵¹ Although shelter was generally temporary, one source noted that it could be extended in case of emergency (e.g. risk of reprisals and vulnerability of the victim).⁵² According to one source, cooperation between NGOs, government organisations (e.g. NAPTIP) and state-level task forces, as well as with international organisations (e.g. UNODC and IOM) were developing in a positive direction. This source provided several examples of people who had found shelter elsewhere with the help of NGOs. In the past, there were also programmes that provided financial support to help these victims go back to school or start a business. These programmes, however, no longer exist.⁵³

⁴⁶ Confidential source, 10 February 2024.

⁴⁷ Confidential source, 10 February 2024.

⁴⁸ NAPTIP Press Statement, *NAPTIP Dismisses 5 Officers for Serious Misconduct*, 5 June 2023; US Department of State, *Trafficking in persons report 2022, 2023*, p. 420; Confidential source, 10 February 2024.

⁴⁹ NAPTIP Press Statement, *NAPTIP Dismisses 5 Officers for Serious Misconduct*, 5 June 2023.

⁵⁰ For additional information on open and closed shelter, see also Sections 6.5.1 and 6.5.2 of Ministry of Foreign Affairs, *Country of Origin Information Report on Nigeria*, January 2023, pp. 93–94.

⁵¹ Confidential source, 26 January 2024; Confidential source, 26 January 2024.

⁵² Confidential source, 26 January 2024.

⁵³ Confidential source, 26 January 2024.

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3.2. Settling elsewhere in the country with family in order to evade consequences

Date

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According to confidential sources, many victims of human trafficking who faced reprisals (or the fear thereof) chose to resettle (or be resettled) elsewhere in Nigeria, within a completely unfamiliar environment.⁵⁴ According to a confidential source, this was rarely with relatives, especially if family members had been involved in agreements with the human traffickers and were debtors. By staying with relatives, victims could be traced relatively quickly.⁵⁵

3.2.1. In that case, what is the position of the person concerned?

To resettle far from family and friends, victims often depended on financial support to go back to school or set up a small business. One confidential source spoke of programmes that had made this possible in the past, but that no longer existed.⁵⁶ For this reason, victims of human trafficking who wanted to resettle elsewhere often relied on networks of returned migrants and NGOs to find opportunities to build a new life. The funds available for this purpose were nevertheless limited.⁵⁷ For additional information on the settlement of returnees in other cities, see Section 5.4 of the January 2023 Country of Origin Information Report on Nigeria.

Sincerely,

Director of the Directorate for Sub-Saharan Africa

⁵⁴ Confidential source, 26 January 2024; Confidential source, 10 February 2024.

⁵⁵ Confidential source, 10 February 2024.

⁵⁶ Confidential source, 26 January 2024.

⁵⁷ Confidential source, 10 February 2024.