Sexual Exploitation of Children in Nigeria
Submission
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for the Universal Periodic Review of the human rights situation in Nigeria

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The Women Consortium of Nigeria (WOCON) is a grassroots human rights organisation, committed to the promotion and enforcement of the rights of women and children. WOCON holds a United Nations special consultative status and has a membership consisting of 25 individuals and 11 organisation affiliated members. The structure comprises of a four (4) member Board of Trustees and a six (6) member Executive Board. There is a total of 19 paid staff and many volunteers in its office branches situated in Lagos, Ogun, Osun, Ekiti States of Nigeria with representation in Edo State and the Federal Capital Territory, Abuja.

WOCON is an Affiliate member of ECPAT international and has been engaged in various programs and activities for the enforcement of the rights of women and children particularly the Girl-child in Nigeria since its inception in 1995. We are also strong advocates for the entrenchment of sustainable democracy and good governance in our country.

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ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 26 years, ECPAT has acted as the international watchdog, monitoring States’ response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 102 network members operating in 93 countries.
Justification for Submission

1. The present submission is an update to review the progress that has been made by the Government of Nigeria (GoN) to end sexual exploitation of children (SEC) and assess the level of implementation of the UPR recommendations, pertaining to SEC, made in 2013. New recommendations to end SEC in Nigeria will be made. The recommendations made in this report are in line with the commitment made by the GoN to eliminate all forms of violence against children, including sexual abuse and exploitation with the adoption of the 2030 agenda for Sustainable Development in 2015.

2. The content of this report is mostly based on ECPAT’s research and the work experience and research of the Women Consortium of Nigeria (WOCON) in the period 2014 to 2018.

3. The scope of this report is limited to SEC and its different manifestations, including exploitation of children in prostitution, online child sexual exploitation (hereinafter ‘OCSE’), child sexual abuse materials (hereinafter ‘CSAM’), trafficking of children for sexual purposes, sexual exploitation of children in the context of travel and tourism (hereinafter ‘SECTT’) and, child, early and forced marriage (hereinafter ‘CEF’).

Current status and developments of sexual exploitation of children in Nigeria

4. Nigeria is a federal constitutional republic subdivided in 36 states and hosting the largest population in Africa. Its population reached in October 2017 approximately 199 million inhabitants, of which 94 million are under 18 years old making it the most populous country in Africa and one of the largest population of youth in the world. Birth registration does not exceed 30% and only 50% of children attend lower secondary school.

5. Nigeria is a country of diversity, hosting more than 250 ethnic groups and dividing the population in three major religions: Muslim 50%, Christian 40%, indigenous beliefs 10%. This diversity led to the separation of the legal system in three different legal systems: the Islamic Law, the English Common Law and the Customary Law. The three types of law can be applied in courts. They contributed to the establishment of different definitions of offences and penalties between States, making child protection challenging.

6. Nigeria is Africa's leading economic power, due, in particular, to high oil revenues. However, due to a poor distribution of the wealth, a rampant corruption and, an atmosphere of insecurity and violence, 54% of the population lives below the international poverty line of US$1.90 per day. The lack of equal opportunities, the difficult access to basic services and resources and, the repeated attacks from the Islamist group Boko Haram in the North of the country since 2003, leave little room for children to step out of poverty and to be efficiently protected from sexual exploitation and trafficking. Vulnerability to SEC increases with poverty, social exclusion, social tolerance for SEC, impunity and unstable family situations. According to UNICEF, child labour is prevalent with 25% of children working.

7. The GoN launched a survey in 2014, Nigeria Violence Against Children Survey (VACS). The results showed that about six out of every ten children experienced some form of violence, emotional, physical or sexual before 18 years old. The first experience occurring most of the time between the ages of six and eleven.

8. Nigeria is a source, transit and destination country with regard to child trafficking for sexual exploitation. In 2016, WOCON collected testimonials from victims of trafficking, minors or young adults at the time. The victims are usually sent to Europe (i.e. Italy, Germany or England) to be exploited in prostitution or domestic servitude. Between April 2017 and September 2017, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) received five cases of recruitment of child for the purpose of prostitution. None were fully investigated.
9. Empirical data on SECTT in Nigeria is lacking although Tourism in Africa seems to have tripled in the last 20 years and has caused SECTT to be on the increase. Only five tour operators and hotels signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism which aims to protect children from sexual abuse in travel and tourism.

10. Within the country, 82% of the population use a mobile phone and the number of internet users has doubled in five years, reaching 91.6 million in June 2017. This rapid rise in the number of users increases the risks associated with the OSCE and in particular the production and supply of CSAM, affecting the most vulnerable groups, including children.

11. Child Early and Forced Marriage in Nigeria is still important due to the lack of cohesion between the three different legal systems and a legal loophole in the national Constitution. In 2017, UNICEF reported that 48% of the girls were married before the age of 18 years old.

12. In the country’s last UPR review in 2013, over 33 recommendations concerning child rights, six recommendations were targeting CEFM, four the trafficking of child, one the sexual exploitation of child, one the exploitation of children in prostitution and one CSAM.

General measures of implementation

National Action Plans and overall Strategies

13. The GoN does not have a specific National Action Plan (NAP) focused on SEC or crimes described in the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC).

14. In 2013, the GoN launched the National Priority Agenda (NPA) for Vulnerable Children 2013-2020 which includes six major commitments to promote and protect child rights in Nigeria. Following the launch of the NPA, a national survey, the Nigeria Violence Against Children Survey (VACS) of 2014, was conducted to determine the situation of children in every State of Nigeria. The disturbing and shocking results of the VACS led the GoN, in September 2015, to start a Year of Action to End Violence Against Children which in turn led to the creation of the Priority Actions for Preventing and Responding to Violence Against Children. Those priority actions are guidelines addressed to all the stakeholders (i.e. government ministries and agencies, states, religious leaders, community, medias, civil society) to strengthen law enforcement, improve prevention and response mechanisms and, increase investment in child protection. A NAP to End VAC by 2030 to transcribe those priority actions is currently under development.

15. Regarding trafficking for sexual purposes, after the NAP for Trafficking 2012-2017, a new NAP is being discussed between the government ministries, departments and agencies but no information is yet available on the results of this discussion.

16. Progress has been made regarding CSAM. In 2015, the National Information Technology Development Agency (NITDA), fulfilling its statutory role on the implementation of the policy framework on Nigerian Child Online Protection (NCOP) of 2012, developed guidelines and a national plan of action: The National Cybersecurity Policy. The establishment of this National Policy is the response to the increasing use of the internet and social media to abuse and exploit vulnerable groups such as children. Its purpose is to report and remove CSAM on websites, as well as to prevent access to offensive content for children and educate the children.

Recommendations for the GoN to:

- Adopt a National Action Plan to end SEC, or at least integrate SEC into existing National Child Protection Action Plans;
- Involve civil society in the development of future National Action Plans;
- Allocate sufficient budget for the implementation, monitoring and evaluation of the plan.
Coordination and Evaluation

17. In the country’s last UPR review in 2013, Sudan recommended to the GoN to: ‘Ensure achieving more development in executing cases, analysis, programmes regarding child rights cases and cooperation with the civil society’. 24

18. The Department of Child Development in the Ministry of Women Affairs and Social Development (MWASD) is the main body responsible for the protection of child rights along with the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), established in 2003 to fight against the trafficking of persons within and across Nigeria's borders. Progress have been made with both mechanisms. In 2015, the NAPTIP, under the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 (TIP Act), was authorised to investigate and prosecute cases related to SEC and all its manifestations. 25 However, both structures lack human and financial resources. 26

19. Following the national survey on VAC in 2014, the MWASD created an inter-agency Technical Working Group on VAC to answer and disseminate the findings and, help States governments to undertake action. 27

20. A bill pending before the National Assembly since 2014 should establish a National Child Protection and Enforcement Agency in order to ensure the implementation of the CRA and, investigate and prosecute offenders. 28 However, no information regarding the implementation of the bill can be found.

21. No specific mechanisms and/or agencies are coordinating government's actions between national, state, and local levels on the issue of SEC.

22. Cooperation between the GoN and the civil society exists. However, lack of support from the GoN on human and financial resources restricts the scope of their actions. 29

Recommendations for the GoN to:
- Increase the resources of the various government departments and agencies working in the areas covered by the OPSC;
- Strengthen coordination and cooperation between the Ministry of Women Affairs and Social Development, the National Agency for the Prohibition of Trafficking in Persons and the Technical Working Group on VAC;
- Ensure the creation of the National Child Protection and Enforcement Agency;
- Ensure active and meaningful consultation with the civil society in the development of mechanisms and the development of budgets of service delivery for children as well as their implementation.

Legislative framework

23. In the country’s last UPR review in 2013, Montenegro and Poland recommended to the GoN to: ‘Intensify its efforts, through legislation and practical measures, to promote and protect the rights of children against all forms of violence’. 30

24. In 2003, the GoN adopted a federal law, the national Child Rights Act (CRA), 31 to domesticate the Convention on the Rights of the Child. The CRA covers the rights, duties and responsibilities of children but also protects them against various offences including SEC and all its manifestations. In the country’s last UPR review in 2013, few countries such as Finland, Belgium and Maldives, 32 recommended to the GoN to ensure the full implementation of the Act. For instance, Belgium recommended to: 'Take the necessary measures to ensure that the Child Rights Act of 2003 is incorporated in the legal system of the States and applied by all other entities'. 33 However, today, out of the 36 states in Nigeria, only 25 enacted the Act into their State law. 34
25. Following the country’s last UPR review in 2013 and the recommendations of four countries (i.e. Cambodia, Cape Verde, Holy See and the Republic of Moldova) to take measures to prevent the trafficking of children for sexual purposes, the GoN carried out efforts to enforce its anti-trafficking law. The Trafficking in Persons (TIP) Law Enforcement and Administration Act 2003, as amended 2015, condemns someone who ‘abuses, procures, or recruits any person under the age of 18 years for prostitution or other forms of sexual exploitation’. Section 64 of the Act outlines the establishment of shelters for rescued victims of trafficking with particular emphasis on children. However, because some States in the North of Nigeria apply the Sharia and treat children victims of trafficking for sexual purposes as offenders, the GoN does not comply with the minimum international standards.

26. Due to the plural legal system, the definition of child in Nigeria is not the same throughout the territory, creating serious gaps in the legislation. Those disparities affect the prosecution of offenders and the protection of the victims. For example, the CRA defines a child as a person under 18 years and prohibits child prostitution. The Criminal Code, which settles the majority at 17 years, protects girls and women only and refers the offenders as ‘men’ only. Furthermore, it is possible to use, as a defence, the proof that ‘the accused person believed, on reasonable grounds, that the girl was of or above the age of sixteen years’. The penalties are less severe if the girl is in between thirteen and sixteen years old. The Penal Code, operating in the Northern part and based on the Islamic Law, criminalises prostitution without giving a clear definition. Finally, under the Customary Law, a child is a person who ‘has not reached puberty’, leaving space to any kind of interpretation.

27. In the country’s last UPR review in 2013, the Republic of Moldova recommended to the GoN to: ‘Take measures to prevent the sexual abuse, neglect and trafficking of children, child prostitution and pornography, in line with commitments under the OP-CRC-SC.

28. Regarding CSAM, in 2015 the GoN passed the Cybercrime Prohibition and Prevention Act. The law specifically establishes the offence of CSAM including the producing, procuring, offering, distributing, disseminating, and possession of CSAM. It also includes grooming or soliciting a child for the purposes of engaging in sexual activities with a child or participating in pornographic performances. The law seems in line with commitments under the OPSC.

29. No recommendations have been made regarding the sexual exploitation of children in the context of travel and tourism in the country’s last UPR review. The GoN does not have specific legislation in line with the OPSC. Even if the TIP Act refers to sexual exploitation in tourism by addressing the responsibility of tour operators and travel agents, it does not specifically address trafficking of children nor contains provisions on extra-territorial jurisdiction. The Criminal Code and the Penal Code don't apply extra-territorial jurisdiction. The Extradition Act allows countries to sign extradition treaties with Nigeria. However, the existence of the dual criminality requirement can be an important obstacle to the prosecution of an offender.

30. In the country’s last UPR review in 2013, Canada and France recommended to the GoN to take measures considering CEFM. The GoN accepted the recommendation but the Nigerian Constitution still has not established a minimum age of marriage. Even if the Child Rights Act establishes the legal age of marriage at 18 years old, only 25 states enacted the Act. The Criminal Code protects girls under 13 years old from forced sexual intercourse however the rule doesn't apply to a girl of the same age married contracted under customary law.

Recommendations for the GoN to:
• Ensure that the Child Rights Act of 2003 is incorporated and implemented in the legal system of all Nigerian States;
• Harmonise the definition of child;
• Harmonise the definition of children in prostitution;
• Ensure that child victims of prostitution and trafficking for sexual purposes are not treated as
offenders but as victims;
• Ensure that prostitution of boys and girls under 18 years old is prohibited;
• Provide a legal definition and criminalise SECTT;
• Establish extraterritorial jurisdiction over all offences prohibited under the OPSC;
• Remove the dual criminality requirement;
• Repeal section 6 of the Criminal Code which excludes the protection of girls under the age 13 years from forced sexual intercourse;
• Effectively fight against impunity and corruption by fully enforcing existing laws and conducting rigorous investigations and prosecuting officials and teachers who commit SEC offences.

Prevention

31. In the country’s last UPR review in 2013, the Republic of Moldova and Slovenia recommended to the GoN to: ‘Take all the necessary measures at federal, state and local levels to prevent and eliminate all harmful practices against children’.

32. Following the Year of Action to End Violence Against Children, the GoN launched, in 2016, a national campaign to End all Forms of Violence Against Children by 2030, in line with the Target 16.2 in the Sustainable Development Goals. This national campaign was followed by local campaigns in the States of Lagos (February 2016), Cross River (June 2016), Benue (August 2016) and Plateau (September 2016).

33. To strengthen the dissemination and implementation of the Priority Actions for Preventing and Responding to Violence Against Children, the GoN launched eight pilot projects in the States of Gombe, Plateau, Cross Rivers, Lagos, Benue, Kano, Kaduna, and Edo. One of the main goal of those guidelines is to ensure the good implementation of the Child's Rights Act and to provide protection for children against all forms of violence and torture, including sexual exploitation.

34. Diverse actions of prevention have been undertaken in Nigeria since the VACS of 2014. Stakeholders such as the GoN, civil society, media and, faith-based organisations and religious leaders have participated in workshops, campaigns and in the establishment of strong community structures. However, those actions do not have a particular focus on SEC but encompass all forms of violence against children and the trafficking of children. For instance, the NAPTIP plans to introduce, in 2018, in primary and secondary schools, the subject of 'Trafficking in Persons' within school programmes in order to raise awareness among children.

35. Ensuring access to education to fight SEC and its manifestations is crucial. In 2017, the Committee on the Elimination of Discrimination against Women welcomed the efforts made by the GoN in protecting students and teachers from Boko Haram but lamented the lack of fundings and human resources attributed to the education sector.

36. The NITDA is developing a child online safety and security programme to be included in the primary and secondary education curriculum. Training courses are provided to social workers and all the teaching staff.

37. Some initiatives with a specific focus on SEC have been undertaken by NGOs. For instance, Jose Foundation plans to launch a book on SEC to help children to recognise when they are confronting a situation of abuse or exploitation. In 2017, the association WOCO...
against the trafficking and smuggling of adults and children. An advocacy visit was also organised to the Nigerian Immigration Service in the State of Lagos to discuss issues surrounding the irregular cross-border activities of women and children for sexual exploitation, the identification and arrest of traffickers and, the rescuing of victims.

38. Regarding **youth and child participation**, in 2003, the GoN established a Children's Parliament at the national level and also in few states. Those Parliaments enable children to express their ideas, debate and participate in the decision-making process. No information about the impact of those parliaments is available.

**Recommendations for the GoN to:**
- Launch projects in all the States to implement the Priority Actions for Preventing and Responding to Violence Against Children;
- Launch national campaigns to End all Forms of VAC by 2030 in all the States;
- Raise public awareness about SEC and trafficking, specifically among vulnerable groups, and the sanctions on the crime to all citizens and visitors;
- Invest in child empowering prevention programmes on SEC, included in the standard school curricula, and to address its root causes and multiple vulnerabilities that endanger children, families and communities;
- Allocate financial and human resources to the education sector;
- Ensure access to education in strengthening the protection of children and professors from Boko Haram;
- Promote child protective social norms through community development projects, and the media, including social networks;
- Engage the private sector, including Internet Service Providers, to block, remove and report online child sexual exploitation and abuse content;
- Continue investing in a public education programme to raise awareness on online behaviour and safety, knowledge and reporting of online child sexual exploitation and abuse offences;
- Ensure that the voice of children is heard and that their views are taken into consideration in all legal and social proceedings affecting the child.

**Protection of the rights of child victims**

39. In the country’s last UPR review in 2013, the Russian Federation, Senegal, Egypt and Cape Verde recommended the GoN to strengthen the regime adopted for the protection of the children and to ensure child friendly social services.

40. Various **police and specialised units**, at national and states levels, are collaborating across the country to fight human trafficking such as the Nigeria’s Police Task Force on Human Trafficking at the national level or the State Anti-Human Trafficking Task Force in the State of Edo. However, they do not work efficiently throughout the territory, leaving some states without structures and units.

41. The CRA establishes the protection of the children, the punishment of the offenders but also the recovery, reparation and reintegration of the child victim. Some states, such as the State of Enugu or Lagos, which enacted the CRA, established **family courts and committees** to ensure the full implementation of the law and the legal representation of children in court at the state level. In 2015, the Administration of Criminal Justice Act (ACJA) was signed into law unifying the law applicable in all federal courts regarding offences contained in federal legislations. The Act establishes the administration of criminal justice and contains provisions on child offenders and child witnesses but not on child victims involved in criminal law procedures.
42. Regarding the **recovery and reintegration** of victims, affordable community care centres, providing child friendly services, are being established by the MWASD. For instance, in the State of Lagos, the Mirabel Centre, a sexual assault referral centre, provides a service centre for victims of sexual abuse including medical and psychological services. In 2017, the Committee on the Elimination of Discrimination against Women was concerned about the lack of information regarding the accessibility of shelters by children, notably girls in remote areas, and their inadequacy. For example, only 8 shelters for victims of trafficking have been identified in the entire territory.

43. Since 2014, free **helplines** have been developed by the government, States, the NAPTIP and the civil society for child victims of sexual abuse.

**Recommendations for the GoN:**

- Establish dedicated units in the law enforcement and prosecution office that address SEC and all its manifestations;
- Cooperate across the country among the police and judiciary to allow exchange of information for investigations and prosecution of every case where a person is suspected or accused of having trafficked and/or sexually exploited a child in another State;
- Strengthen the cooperation and legal assistance mechanisms with bordering countries and regional countries to prevent trafficking by exchanging information and harmonising legal procedures to prosecute traffickers;
- Ensure that law enforcement agencies have the resources and skills to identify, investigate and respond to SEC and are able to use victim-centred and child friendly methods when dealing with child victims and witnesses;
- Ensure that child victims involved in criminal law procedures are well protected and represented in accordance with the provisions in article 8 OPSC;
- Ensure that child-friendly services are available and regulated by quality standards, put in place by competent and well-trained staff with adequate resources and easily accessible to all children;
- Offer or subsidise tailored recovery and reintegration services to SEC victims;
- Inform and educate child victims of SEC about available recovery and reintegration structures;
- Mobilise sufficient financial and human resources to create and maintain governmental and non-governmental shelters with integrated services (psychological, legal, medical, etc.) for child victims.

**The voice of the victims**

44. In November 2016, WOCON interviewed Nigerian's victims: five survivors of sexual exploitation and three survivors of domestic servitude. Seven survivors were trafficked to Europe with in some cases a first stopover in an African country such as Senegal or Mali or, an European country such as the United Kingdom. Only one of the survivors was sexually exploited in an African country. Of the eight victims, only one of them was a child at the time of the crime, the others being between 18 and 33 years old, and only one of them is a man.

45. Most of the victims, coming from poor social economic backgrounds, decide to go with, or are sent by their family to, a stranger or a relative, with the promise to have a better life abroad and make sufficient money with the dream to one day return to Nigeria and help their family or open their own business.

46. Girls and boys, most of the time, meet the smuggler in the State of Lagos before flying to Europe. Only once in Europe and with their passport confiscated by the madams or pimps, the victims realise that they have been fooled. The victims must then work to pay back the money advanced for their trip to Europe by the madam or the pimp.
Victim’s Recommendations for the GoN:

- Launch pilot campaigns on the prevention of human trafficking activities in the States of Edo, Oyo, Osun, Akwa-Ibom, Delta which will target schools, communities, workplaces such as salons and hotels, religious places of worship, market places etc.;
- Raise awareness about the dangers associated with following strangers with promises of better life abroad through messages on TV, radio, wall papers with anti-trafficking messages, songs/jingles about trafficking, strong messages with sanctions, pictorial representations and short playlets, trainings and seminars etc.;
- Share survivors’ stories on social media with full protection of their privacy and provide in-depth information about human trafficking;
- Train the police units, borders officials, community leaders and religious leaders to recognise cases of trafficking;
- Address awareness messages to the parents and family members, especially mothers and daughters, guardians, business owners and, road transport workers;
- Provide jobs, reduce inflation and make food and shelter accessible for the lower class.


2Sustainable Development Goal Targets 5.2, 8.7, and 16.2.


5Ibid., 54.


8Ibid., 172-184.


https://www.unicef.org/nigeria/resources_11018.html.

