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## Decolonizing Human Trafficking: A Case Study of Human Trafficking in Edo State Nigeria

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Decolonizing Human Trafficking: A Case Study of  
Human Trafficking in Edo State Nigeria

by

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A thesis submitted in partial fulfillment  
of the requirements for the degree of  
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## **Abstract**

Every year, governments and globally acclaimed international organizations alike develop policies, sanctions and other control mechanisms in terms of prevention, protection and prosecution in an attempt to abate the current human trafficking problem which appears to be worsening by the year. This thesis will explore the relationship of colonial legacies to the current human trafficking dilemma, assessing the impact of post-colonial cultural and structural practices that continue to persist and proliferate the movement of human beings across borders and facilitates their sub-human treatment. By analyzing the underlying elements that have caused the current international system to operate and be structured the way it is today, this thesis hopes to fill a gap in the academic conversation in regards to cultural narratives, the lag between legislation and effective implementation and demand, as well as the role played by religious and ethnic groups outside of the typical Western lens in facilitating and understanding human trafficking.

## INTRODUCTION

*“Our social world, with its rules, practices, and assignments of prestige and power, is not fixed; rather, we construct with it words, stories and silence. But we need not acquiesce in arrangements that are unfair and one-sided. By writing and speaking against them, we may hope to contribute to a better, fairer world”*

*- Richard Delgado in “Critical Race Theory: The Cutting Edge”<sup>1</sup>*

Human trafficking is a multifaceted issue that requires multifaceted solutions. It transcends human rights, politics, criminal justice, national security, and economic frameworks. Over the past few years, there has been an evident increase in trafficking in persons from Africa, as well as within the continent. Research conducted by the United Nations Office on Drugs and Crime shows that virtually no countries in Africa are immune from trafficking.<sup>2</sup> These countries may either be countries of source, transit, destination, or a combination of all three. Human trafficking has extensive detrimental impacts on individual victims, families and communities.

Trafficking is one of the largest profit makers for organized crime in Africa as it is arguably one of the lowest risk activities for criminal groups due to widespread corruption, lack of legislation, low rates of prosecution amongst other factors such as an implicit support of the

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<sup>1</sup> Richard Delgado and Jean Stefancic, eds. *Critical Race Theory: The Cutting Edge*. 3rd ed. (Philadelphia: Temple University Press, 2013).

<sup>2</sup> UNODC. "Global Report on Trafficking in Persons." United Nations Office on Drugs and Crime. Accessed December 6, 2018. <http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>

trafficking system by global capitalist structures, which will be analyzed later in this paper.<sup>3</sup> In an attempt to address this issue, the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons* was drafted and came into effect in December 2003. According to this protocol, trafficking in persons may be defined as

“the recruitment, transportation, transfer, harboring 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.”<sup>4</sup>

Despite this and many similar efforts of the international community to solve this problem, there have been limited results, especially in the West African region. This region is still recognized as the hub of human trafficking.<sup>5</sup>

Although reliable data is difficult to come by, a recent International Labor Organization report estimated that 24.9 million individuals around the world are currently victims of forced

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<sup>3</sup> International Labor Organization. *Global estimates of modern slavery: Forced labour and forced marriage*. Geneva: 2017.[27 Oct 2017]. [http://www.ilo.org/wcmsp5/groups/public/—dgreports/—dcomm/documents/publication/wcms\\_575479.pdf](http://www.ilo.org/wcmsp5/groups/public/—dgreports/—dcomm/documents/publication/wcms_575479.pdf).

<sup>4</sup> United Nations General Assembly. *Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*. 2000.[27 Oct 2017]. [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII-12-a&chapter=18&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-a&chapter=18&lang=en)

<sup>5</sup> UNODC. *Transnational Organized Crime in West Africa: A Threat Assessment*. 2013. P.26 [https://www.unodc.org/documents/data-and-analysis/tocta/West\\_Africa\\_TOCTA\\_2013\\_EN.pdf](https://www.unodc.org/documents/data-and-analysis/tocta/West_Africa_TOCTA_2013_EN.pdf)

labor.<sup>6</sup> While human trafficking has a devastating impact on individual victims, its impact also undermines the safety and security of affected nations as it fuels the growth of organized crime. There have been attempts made by the international community to put an end to this problem, but there have been limited results, especially in Edo state which is located in South Central Nigeria. Though the West African nation has signed and ratified conventions put in place to combat the menace, the desired effect is nowhere in sight. The country is still listed under the Tier 2 Watch list in the United States Department of State trafficking in persons 2017 report and other significant documents containing extensive research data on human trafficking. This indicates that there are key elements such as cultural and societal norms as well as colonial influences – which I argue further in this paper – that play central roles in propagating the problem but are unfortunately being overlooked.

In examining these topics, I attempt to answer the following question: why does human trafficking still thrive in Nigeria despite existing international norms battling against it? I employ specific ideas and methods that belong to critical race theory and post-colonial literature such as systemic racism and orientalism respectively to examine how it is that an almost inverse outcome has been the product of all international efforts. It will argue that in a bid to explain observable phenomena in these societies, it is imperative to understand their prevailing norms, values and practices and will highlight the importance of prevalent norms and institutions and the impact they have on the propagation of such practices. Trafficking patterns and causes differ and thus should be studied simultaneously at the local, national and global level in order to make progress in its eradication.

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<sup>6</sup> International Labour Office (ILO), Geneva. *Global estimates of modern slavery: Forced labour and forced marriage*, ILO 2017. [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf)

The postcolonial framework will be utilized to challenge existing knowledge and to analyze the shortcomings in the international community's attempt to understand and solve the trafficking dilemma by practically assessing if it allows differences to exist and to be valued equally as valid forms of knowledge. An important point I consider is that actors interpret and construct their reality through knowledge. However, knowledge is controlled and distributed by those with "more knowledge." If knowledge is power, then those who are widely believed to possess more knowledge have more power to influence and create the knowledge of others. This was evident in colonial powers insistence on bringing civilization to nonwestern people of the world who were perceived as brutish and bestial for this very reason, and whose humanity was far from fully recognized, a characteristic which is still evident today and pervades contemporary trafficking. I am guided by a deep commitment to discern the shifting logics of power, agency and domination that shape modern life. I attempt to raise issues to contend with the orthodoxy that informs the politics of knowledge. In order to do this, I will be analyzing some concepts of modernity that are saturated with European ideologies: labor, race and religion, especially as they relate to migration and trafficking.

My primary aim is to encourage policy makers and other key players in the international scene to account for the meaning of victims of trafficking's lived experiences rather than try to make those experiences meaningful within the dominant colonial narratives or western ways of understanding. This will open up more facets of understanding and ways of viewing the world which will ultimately influence the findings and the solutions proffered. Liisa Malkki puts it succinctly in her analysis of ethnographic research in her work *improvising Theory* when she says "most of us see only what we expect to see, and what we expect to see is what we are conditioned



to see when we have learned the definitions and classifications of our culture...”.<sup>7</sup> In other words, we need to learn to look beyond the popular ways of understanding particular to our culture, especially in the analysis of people of other cultures. In this thesis, I will establish the import of this approach in several ways. First, I will explore the relationship between postcolonialism and human trafficking, highlighting the relevance of norms, ideas and identities in constructing inter and intrastate realities and ultimately, trafficking patterns. The interpenetration of religion and trafficking in persons as well as cultures of migration will be utilized as frameworks within which these norms and identities may be analyzed. Secondly, I will analyze colonial legacies such as political economy, power dynamics, the politics of representation as well as race and racism in an attempt to unpack the ways certain aspects of colonialism remain pervasive not only in the Western mind, but in the general conduct of relations internationally and the effect this has on trafficking. I argue that these neocolonial dynamics greatly influence the motivations for trafficking, while simultaneously enabling the practice on a global scale and establishing punitive measures primarily directed at economically and politically weaker participants. Next, this thesis will explore the flawed help imperative especially as it relates to imperial feminism, and calls for a need for more intersectional approaches to solving the trafficking problem and aiding victims. The purpose of this is to draw attention to some fundamental reasons for the failed efforts to curb trafficking. Thirdly, I explore the trafficking dilemma in Edo state Nigeria, drawing on documented international reports and perceptions on the matter, while simultaneously contrasting it with local understandings and interpretations of the issue. This will bring to light stark differences in understandings of causal factors of trafficking in this region and thus, the limited positive results despite numerous efforts by the international community in the region.

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<sup>7</sup> Allaine Cerwonka And Liisa H. Malkki. *Improvising Theory: Process and Temporality in Ethnographic Fieldwork*. (Chicago: University of Chicago Press 2007).

To address these highlighted issues this thesis will use relevant academic literature from the fields of political science, international law, social work, sociology and history. This diversity of sources is necessary because this is a venture that will require multidisciplinary as well as international collaborations. So far, after reviewing important works in each of the aforementioned fields, I found that there is a gap in the academic conversation in regards to cultural narratives, the lag between legislation and effective implementation, and demand, specifically regarding religious and ethnic groups outside of the typical Western lens. This is a gap that this thesis will attempt to bridge.

Edward Said's *Orientalism*, a key tenet in postcolonial literature, will be utilized to call into question the perception of the "other", especially as it relates to governments, NGOs and individuals' relations with victims of trafficking. Postcolonialism as a theoretical framework is particularly useful in this thesis because it calls out popular international relations theories neglect of the intersectionality of factors such as empire, race, gender and class, in the day to day function of global power that reproduces a hierarchical world system. This hierarchical system is set up in a way that favors a minority over the majority and allows for power concentration among certain people/in certain regions. The othering of nonwestern people and practices serves to elevate western ideologies and practices while simultaneously inferiorizing the other. This allows for the justification of uneven power and wealth distribution. Important to note is that the use of the word "post" does not imply that colonialism's impacts are long gone. On the contrary, it shows the ways these persisting legacies still have significant effects on the ideological and material world today. Many scholars have treated the different elements that will be discussed in this thesis, but few have connected them all. I seek to connect human trafficking and decolonization and will call for the

need for the conceptualization of more effective and holistic frameworks which would be more helpful to the beneficiaries.

Siddharth Kara in *Perspectives on Human Trafficking*, explains how migration is central to the contemporary human trafficking crisis, and why it is crucial that we learn how traffickers prey on their victims in the context of mass migration events in order to devise more effective preventions and protections.<sup>8</sup> There is a clear need for more nuanced understandings of the ways traffickers operate, lure and control their victims in order to conceptualize more holistic solutions to the problem. More importantly, he points out that

“...slavery is a global business that thrives on the callous exploitation of the labor activity of a vast and highly vulnerable subclass of people whose brutalization is tacitly accepted by every participant in the global economy, from corporations to consumers. The relationship between slavery and global supply chains requires significant scholarly attention”.<sup>9</sup>

Realistically speaking, human trafficking is a two-way street and should be treated as such. There is an increasing supply because there is high demand for bodies for cheap labor/sexual exploitation. The success of the global economy today can be owed largely to this exploitation, thus the insidious practice is implicitly accepted/encouraged. I argue in this paper that slavery has evolved to take on a form more easily practicable in modern society in the form of human

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<sup>8</sup> Siddharth Kara. *Perspectives on Human Trafficking and Modern Forms of Slavery*. Social Inclusion Vol 5, No 2, pg 1. (2017).

<sup>9</sup> Ibid.

trafficking because while no right-minded person continues to believe that any human being should be treated like chattel, the underbelly of our global economic order thrives on shadow labor markets which, in many cases, amount to treating people as property, or worse.<sup>10</sup>

Matilde Ventrella in her work *Identifying Victims of Human Trafficking at Hotspots by Focusing on People Smuggled to Europe* highlights the inconsistency in information in major trafficking reports which demonstrates the ways lack of knowledge can make it difficult to understand the trafficking framework as a whole and the links between smuggling and trafficking and can leave many victims of trafficking unidentified.<sup>11</sup> This is problematic and shows the lack of a coherent data collection framework in the international system. If the data and identified issues are not accurate, how can effective solutions be proffered? She further highlights the migrant and refugee crisis in the EU and implicitly, the trafficking problem on a larger scale as a

“...multifaceted problem which should be tackled by multifaceted actions oriented not only to asylum seekers and refugees, but also to economic irregular migrants because... there are mixed migration flows, made up of refugees and economic migrants who use the same routes and rely on the same smugglers”.<sup>12</sup>

However, identifying exactly how many people are refugees and how many are economic migrants looking for a better life, requires information about the cause of migration which is

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<sup>10</sup> Ibid.

<sup>11</sup> Matilde Ventrella. *Identifying victims of human trafficking at hotspots by focusing on people smuggled to Europe*. *Social Inclusion*, 5(2), 69–80.(2017)

<sup>12</sup> Ibid.

lacking as mentioned above.<sup>13</sup> It is thus pertinent to focus on the root causes of migration from the migrants perspective to identify the categories of migrants who leave their countries of origin and their motivations for moving. As the discourse applies to knowledge production, Elizabeth Hordge-Freeman in her work *Race and the Politics of Knowledge Production* calls for an approach that

“integrates teaching and research [and policy making] in ways that forge equitable, reciprocal, and sustainable global partnerships to complement the work already being done...as part of a broader ‘emancipation methodological practice’”.<sup>14</sup>

This, she argues, will allow for rigid knowledge regimes/hierarchies of knowledge to be challenged together with assumption of research authority in a bid to recognize the expertise of local members of marginalized communities.<sup>15</sup> It is imperative to explore the ways self-reflexivity and positionality impact transnational dialogues and knowledge production. An awareness of the role played by powerful nations like the United States in shaping international discourses and reinforcing hierarchies of knowledge is essential and needs to be addressed in order for there to be redress in the form of inclusion of insights from African voices/researchers. This is especially important because positionality informs the formation of research questions, selection of theory orientation and interpretation of the analysis and impacts notions of human trafficking.

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<sup>13</sup> Philippe Fargues and Sara Bonfanti, *When the best option is a leaky boat: Why migrants risk their lives crossing the Mediterranean and what Europe is doing about it*. Florence: Migration Policy Centre. European University Institute, (2014).

<sup>14</sup> Elizabeth Hordge-Freeman et al. *Race and the Politics of Knowledge Production: Diaspora and Black Transnational Scholarship in the United States and Brazil*. (Palgrave Macmillan US. 2016).

<sup>15</sup> Ibid.

David Okech in *Seventeen years of human trafficking research in social work: A review of the literature* takes a look at literature on human trafficking produced since the enactment of the Trafficking Victims Protection Acts (TVPA) and uncovers among other issues, the lack of a clear conceptualization and definition on the entire spectrum of trafficking as well as a lack of evidence-informed empirical research.<sup>16</sup> He highlights the work of Potocky (2010) and Bromfield and Capous-Desyllas (2012) who point out the focus of policy on sex trafficking and a downplay of labor trafficking, perhaps owing to pressures from business groups in more powerful nations who continue to lobby against the inclusion of labor as a form of trafficking. It was also found that the policy discourse surrounding the formulation of the TVPA was masked in a moral crusade to abolish all forms of sex work. These authors highlight the role of interest groups in the policymaking process that lead to a diminished focus on labor trafficking and ultimately allows for the problem to persist.

Numerous authors have called for culturally competent research and evaluation in an attempt to understand the implications and effects of anti-trafficking policies on the welfare of victims (Hodge & Lietz, 2007; Noyori-Corbett & Moxley, 2017).<sup>17</sup> These authors among many others place a disparate amount of focus on the effect of culture on anti-trafficking policies/interventions and not enough on the effect of culture on the motivations and behavior patterns of victims. Similarly, many authors including (Roby, 2005; Sossou & Yogtiba, 2009) point to a need to consider not only victims of trafficking but their communities as well in the approach to address the issue. However, this conception is not applied to the realization of the role

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<sup>16</sup> David Okech, Y. Joon Choi, Jennifer Elkins and Abigail Burns. *Seventeen years of human trafficking research in social work: A review of the literature*, Journal of Evidence-Informed Social Work, 15:2, 103-122, DOI: 10.1080/23761407.2017.1415177. (2018).

<sup>17</sup> David Hodge and Cynthia Lietz. *The international sexual trafficking of women and children : A review of the literature*. In: Affilia - Journal of Women and Social Work. 2007 ; Vol. 22, No. 2. pp. 163-174. Chie Noyori-Corbett and David P. Moxley. "A Transnational Feminist Policy Analysis of the Trafficking Victims Protection Act." International Journal of Social Welfare 26, no. 2 (December 2016): 107–15. <https://doi.org/10.1111/ijsw.12217>.

of community as an important factor in understanding cultural/social influences, but rather as a location for control in terms of stigma prevention. As a result, the community intervention “solutions” that ensued border around creating employment options, reintegration services and education for women among others.<sup>18</sup> While these are beneficial, once again, the crux of the problem is overlooked.

It is in this unfortunate intersection of lack of contextual understanding and asymmetrical perceptions of superiority and narratives of the other that the contemporary trafficking dilemma proliferates. This is what this paper will attempt to explore and fill.

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<sup>18</sup> Lacey Sloan and Stephanie Wahab, *Feminist voices on sex work: Implications for social work*. *Affilia*, 15, 457–479. (2000).

## CHAPTER 1: POSTCOLONIALISM AND HUMAN TRAFFICKING

### Introduction

*I outline in this chapter the value of studying human trafficking through a postcolonial lens. I then advocate the need for pluriversality in the study of international frameworks and a need for the reconstruction of the “geopolitics of knowledge”. I will further examine the impact of social institutions such as religion and culture as motivators and sustainers of migration and ultimately trafficking.*

The role played by “collectively held or intersubjective ideas and understanding on social life” cannot be overstated in international relations.<sup>19</sup> Postcolonial theory provides novel insights and distinct ways of understanding social reality by encouraging a focus on the role of culture and structures in shaping state preferences and world politics. This combined with the dynamics of migration, promises to offer more nuanced explanation for the different trafficking patterns. Also, owing to traditional international relations theories focus on the study of international relations with the state as the primary agent, the contributions of non-state actors are often ignored as they are often not considered to be significant to international political matters.

The notion that “... the material world shapes and is shaped by human action and interaction depends on dynamic normative and epistemic interpretations of the material world”<sup>20</sup> is key in my

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<sup>19</sup> Martha Finnemore, and Kathryn Sikkink. *International Norm Dynamics and Political Change.* *International Organization* 52, no. 4 (1998): 887-917. [www.jstor.org/stable/2601361](http://www.jstor.org/stable/2601361).

<sup>20</sup> Emanuel Adler. *Seizing the middle ground: Constructivism in world politics.* *European Journal of International Relations*, 3, 319-363, (1997).



argument that entire social realities have historically been constructed and reconstructed in terms and language familiar to the powers that be, usually at the expense of “less developed” people in former colonies. As such, a lot of crucial factors that construct certain people's realities are either strategically or ignorantly overlooked or deemed barbaric and thus useless and are not taken into consideration in the construction of popular knowledge. This has led to a perpetuation of assumptions based on information presented and reinforced by forces who have historically maintained power, which have had material implications in terms of development.

Norms, traditions and practices provide context for actions,<sup>21</sup> and offer unique contributions to International Relations by looking at unconventional sources of power.<sup>22</sup> As such, in studying a convoluted issue such as human trafficking, there is a pertinent need for a shift to holistic contextual understanding of multiple realities, of the victims, the perpetrators, and their social environments in order to understand the shifting systems of power. This can be made possible by reconstructing what Reiter refers to in *Constructing the Pluriverse* as a “geopolitics of knowledge” and consciously working towards undoing the belief in a single Western universalism, instead adopting a Pluriversal concept which will undoubtedly be useful in revaluing and implementing historically oppressed indigenous epistemologies around the world in the pursuit of decolonization of peoples, places, and knowledge.<sup>23</sup>

The postcolonial framework pushes against imperialism and Eurocentrism, and more especially emphasizes that Western ways of knowledge production and dissemination in the past and present should become objects of study for those seeking alternative means of expression.

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<sup>21</sup> Alexander Wendt. *Collective Identity Formation and the International State*. The American Political Science Review, 88(2), 384-396. (1994)

<sup>22</sup> Martha Finnemore and Katherine Sikkink. *Taking Stock: The Constructivist Research Program in International Relations and Comparative Politics*. Annual Review of Political Science, 4, 391-416. (2001).

<sup>23</sup> Bernd Reiter, *Constructing the pluriverse: the geopolitics of knowledge*. (Durham: Duke University Press. 2018).

Human Trafficking can be understood very differently from a postcolonial standpoint. For instance, most countries with the highest trafficking rates are former colonies, a fact that is conveniently left out from most trafficking reports, as though it is not a cogent enough unit of analysis. Simply acknowledging this fact opens up a plethora of angles from which to view the trafficking problem which would ultimately inspire new outcomes. Evading colonization's influence on human trafficking is not only difficult, but it is unwise. The persisting global capitalist system which romanticizes individual riches over collective development and motivates people to exploit their way to success is a glaring symptom of a postcolonial system. This political economy of trafficking and its implications will be addressed further in chapter 3.

In the following sections, I point to a need for greater focus on the cultural productions and social formations, especially as it relates to religion and cultures of migration, to see the ways these formations play out in contemporary times and may underlie the increasing affinity for migration in Edo state Nigeria. The impact of norms and social institutions on individual and group behavior as it relates to motivations for migration and human trafficking, as well as its influence on state responses will be examined in this chapter.

### **The Interpenetration of Religion and Trafficking in Persons**

Understanding the cultural tools people use to make sense of their world illuminates how they construct reality and also their explanations of inequality.<sup>24</sup> Religion plays a key role in certain peoples cultural construction of reality, and provides a set of tools with which they make sense of and negotiate their realities.<sup>25</sup> The interpenetration of religion, politics and social life produces

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<sup>24</sup> Michael Emerson, Christian Smith, and David Sikkink. *"Equal in Christ, but Not in the World: White Conservative Protestants and Explanations of Black-White Inequality."* *Social Problems* 46, no. 3 (1999): 398-417. doi:10.2307/3097107.

<sup>25</sup> Peter Berger, and Thomas Luckman. *Social Construction of Reality: A Treatise in the Sociology of Knowledge.* (New York: Doubleday and Company, Inc. 1967).

tangible results which construct material realities. With Human trafficking and migration increasingly becoming a political matter in contemporary times, it is imperative to anticipate the points at which the spiritual and political intersect because religio-political and religio-social relations will continue to play a prime role in human trafficking for the foreseeable future. As Obadare, professor of Sociology at Kansas State University notes in his work; *Pentecostal Republic: Religion and the Struggle for State Power in Nigeria*,

“in Africa, unlike in Europe or North America, there is reason to believe that political elites do not use religion solely as a means of increasing their base of popular support but that in many cases they also believe that access to the spiritual world is a vital resource in the constant struggle to secure advantage over their rivals in political in-fighting. This can be done by conventional techniques of communication with the spirit world, including the use of sacrifices and protective objects or through divination.”<sup>26</sup>

In the same vein, non-political actors have also been socialized to utilize these sacrifices, protective objects and divination to either lure unsuspecting victims in the case of traffickers, or as fortification in the case of individuals who embark on these journeys willingly. The same way religious forces seek to influence and dominate the state, traffickers seek to manipulate religious agents, symbols and metaphors in their endeavors.<sup>27</sup>

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<sup>26</sup> Ebenezer Obadare. *Pentecostal Republic: Religion and the Struggle for State Power in Nigeria*. (London: Zed Books. 2018)

<sup>27</sup> Ibid.

Religious coercion at the individual level is more difficult to establish and prosecute than that at the state level. As it relates to states requests, while a religious skeptic may not conform to the demands of state leaders due to a lack of fear of spiritual repercussions, there is a high chance that they would yield under the threat of secular punishments. The reverse is also the case when an avid believer in a certain religion is faced with secular or spiritual repercussions, he is more likely to yield to the spiritual. On the other hand, in regards to personal/charismatic authority, in order for an individual to fall prey to a trafficker who utilizes religious symbols and texts as a means of coercion, there has to be an existing belief in that specific religious creed and the likely spiritual prowess or authority of the trafficker and their proximity to God, even in the absence of empirical evidence. In such a situation, the victim believes that they must do as they are told, otherwise they risk facing immense punishment either in this world or in the afterlife. As succinctly put by Raven, “if one obeys without question the legitimate power of the ‘Lord’ and has faith in His ultimate wisdom, then one not only can avoid extreme punishment, but can anticipate enormous rewards.”<sup>28</sup> It is this psychological fear of supernatural punishment that becomes the means of coercion. This form of coercion is the result of an intangible phenomenon and thus, is often overlooked when prosecuting trafficking cases.

I must add at this point that I am not arguing that religions themselves are avenues of exploitation for trafficking or that they seek to do so, but rather that they have been manipulated by oppressors and have been spiritually abused. This is a phenomenon that dates back to slavery, and likely even before then. Those in positions of power have historically utilized spiritual fear to justify and condone acts of violence, and to convince the oppressed that they are under supernatural

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<sup>28</sup> Bertram Raven. *Kurt Lewin address: Influence, power, religion, and the mechanisms of social control*. *Journal of Social Issues* 55(1): 161–186. (1999).

surveillance and therefore can never escape without facing repercussions. This is a characteristic of spiritual abuse - the abusers use of thought reform and mind control to maintain control.

On a seemingly different but related note, Bromfield and Capous-Desyllas highlight in their work to uncover motivations behind the formation of the Trafficking in Victims Protection Act that religion was a “vital force in the passage of the TVPA” with an underlying goal of abolishing prostitution.<sup>29</sup> In other words, religion was the basis for the human trafficking claim, and as a result there is a higher likelihood that the court would choose not to tread upon legislation that has a strong religious foundation. Bromfield and Capous-Desyllas uncovered in their research that there were more players who were interested in protecting ideologies and pushing an anti-prostitution agenda, than there were players who were interested in having strong legislation to protect actual victims of human trafficking.<sup>30</sup> It is imperative that we acknowledge the ways in which the TVPA legislation, the primary anti-trafficking document, was constructed and formed by a moral agenda, in order to understand why current efforts to address trafficking are futile and unproductive.

In essence, while spiritual abuse and the exploitation of belief systems can coerce individuals into being trafficked, the international frameworks supposedly put in place to protect victims of trafficking are compromised and many times lead to further punishment of the victims. More important to this thesis is the utilization of “voodoo” and other forms of rituals in Nigeria by traffickers to coerce victims and keep them subservient to their demands. According to Barrarbee et. al,

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<sup>29</sup> Nicole Bromfield and Moshoula Capous-Desyllas. *Underlying motives, moral agendas and unlikely partnerships: The formulation of the U.S. trafficking in victims protection act through the data and voices of key policy players*. *Advances in Social Work* 13(2): 243–261. (2012)

<sup>30</sup> Ibid.

“Many trafficking victims from Nigeria and other African countries have been forced to take oaths, with body hair, nails, and underwear left on shrines to remind the victims that if they run away, the gods will cause them harm. These victims do not need to be watched from a short distance. The traffickers know that these oaths will usually prevent victims from running away without them having to use coercion or violence.”<sup>31</sup>

Owing to the widespread belief in these malevolent spirit beings in this West African region, the process of recruiting and managing sex and labor workers is considerably easier and thus more prevalent. Western liberalism’s polarization of reason and its emphasis on individualism is not beneficial in this regard and should not be used as a framework of analysis for social problems such as this, because not only does it take away from the view of faith based communities as repositories of “meaning and social cohesion”<sup>32</sup>It categories situations such as these as mere superstitions and disregards their validity in influencing people’s lived experiences and ultimately, trafficking patterns.

There is an increasing need for scholars and key players in the anti-trafficking framework to stop ignoring cultural settings and religious institutions as a fundamental unit of analysis in their endeavors because as Herman Bennett rightly notes, “symbols play a crucial role in enforcing power and regimenting labor.”<sup>33</sup>

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<sup>31</sup> L. Barrarbee, G. Foxcroft and E. Secker *Witchcraft stigmatization and children’s rights in Nigeria*. Available at: [www.safechildafrica.org/s/UNCRC-Shadow-ReportSSN-2009.pdf](http://www.safechildafrica.org/s/UNCRC-Shadow-ReportSSN-2009.pdf) (2009)

<sup>32</sup> Patrick Deneen. *Why Liberalism Failed*. (New haven CT and London: Yale University press.2018).

<sup>33</sup> Herman Bennett. *Colonial Blackness: A History of Afro-Mexico* (Bloomington: Indiana University Press, 2009).

## Cultures of Migration

The current official definition of migration as “movement based on a twelve month residence in a country that is foreign to the home country of the mover”<sup>34</sup> is highly limited and undermines the dynamic nature and nuance of movement. The definition of the term ought to be expanded to capture irregular movements, among many other elements while acknowledging the regularity and predictability of certain patterns. More importantly, it should define movement in relation to the lived experiences of both movers and nonmovers.<sup>35</sup> By nonmovers, I am referring to the immediate and extended family members of migrants as well as broader members of the migrants community who interact with and play direct and indirect roles in the migration process.

Cohen suggests in his work that migration is largely about security, be it cultural, economic or social and could be internal or international. In order to really understand mobility, it is essential to look beyond the individual to the sociocultural setting, as migrants move from households and communities. In other words, the household is the realm where social actors make active decisions.<sup>36</sup> Cohen states in his work *Cultures of Migration: The Global Nature of Contemporary Mobility* that

“... migrants do not act alone. They come to their decisions in discussions with other members of their households and with friends and relatives at points of origin and destination. Although sometimes they ignore the household, and sometimes the household overwhelms

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<sup>34</sup> International Organization for Migration. ‘*Migration and migrants: A global overview*’, in IOM (2017) World Migration Report, IOM: Geneva. (2018)

<sup>35</sup> Jeffrey Cohen and Ibrahim Sirkeci. *Cultures of Migration*. (Texas:University of Texas Press, 2011). <http://www.jstor.org/stable/10.7560/726840>

<sup>36</sup> Richard Wilk. *Household ecology: Economic change and domestic life among the Kekchi Maya in Belize*. (Tucson: University of Arizona Press, 1991).

the mover, the household is always present, regardless of the situation therein. Beyond the household, the decision to migrate reflects communal traditions, village practices and national or even international trends.”<sup>37</sup>

As such, these movers may be looked upon as cultural agents whose actions bring light to larger social and cultural debates. These agents also highlight the asymmetrical relationships and social inequalities that exist internationally, elements which are often overlooked in contemporary discussions on migration.

Cultural frameworks and social interaction help both movers and non-movers to develop and experience mobility in relation to their household, community and world, and thus contain key insights into the motivations, methods and outcomes of mobility particular to its location. In other words, studying the cultures of mobility will help one identify the “abilities, limits and needs of the mover as well as traditions and social practices that frame them through time.”<sup>38</sup>

According to Cohen, migration is a cultural process, an economic move and a social event.<sup>39</sup> The process is strategic, planned and not chaotic as it is often portrayed. Viewing contemporary mobility through this lens will encourage researchers to look into the systems in place operating to sustain the flow and used to rationalize these decisions and to see it for what it really is - a multifaceted decision. Non-movers are important players in decisions to migrate.

In many cases, individuals are pushed to migrate by family members who seek to enhance their socioeconomic status through remittances from abroad and to reduce the number of

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<sup>37</sup> Cohen and Sirkeci. *Cultures of Migration*, 2011.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*



individuals who require support in the household.<sup>40</sup> These remittances are not only used to support the immediate household in terms of providing education and food for the kids for instance, but also trickle through to the larger community through the support of institutions such as churches and social clubs, and job creation when a business is established by the receiving family among many other things. It is seen as a thing of pride when at least one member in a family is “abroad” or overseas. It denotes some level of financial and social bourgeoisie and a lot of pressure is placed on that family member to ‘hustle’ by any means necessary in order to make a better life for the family back home. In certain instances, there is no severe political disadvantage, and economic situations may not be dire though they may be unstable. Yet, the notion that the grass is greener in the western world has become so embedded in African society that people are willing to embark on dangerous journeys, in some cases leaving white collar jobs behind, for less glamorous jobs to make ends meet while in diaspora.

The familial and societal pressures to leave in search for a better life start at a young age. As a result of this, the rate of cross-border trafficking of children is the most widespread in Western and Central Africa (in more than 70% of countries in the region) in comparison to other regions.<sup>41</sup> In addition to the above, practices such as child fosterage, the marginalization of women and girls in society, the recruitment of children as beggars in major cities, etc., also contribute to the success of trafficking practices. Well-established routes for migrants also encourage human trafficking and increase the number of victims.

In order to achieve the much desired socioeconomic advantage, various legal and illegal means are utilized, which exposes individuals to the lure of religious manipulators among other

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<sup>40</sup> Lisa Cliggett. *Social components of migration: experiences from southern province, Zambia*. Human Organization 59.1:125-135. (2000).

<sup>41</sup> UNODC. *Global Report on Trafficking in persons*. (2018, December 10). Retrieved from [https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP\\_2018\\_BOOK\\_web\\_small.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_small.pdf)

types of traffickers. This is seen in the Edo state case which will be discussed further in the following chapter. In essence, in the study of human trafficking, a more holistic approach is required, that is, exploring macro-, meso- and micro level trends. This approach will ensure that the larger economic and political motivations and implications along with the historical, cultural, social and personal elements are adequately accounted for, leading to the production of relevant knowledge and ultimately, effective solutions. The meso-level which is where the “decisions of individuals meet, where social practices and cultural beliefs engage, and where community traditions connect with personal and family choices”<sup>42</sup> I argue, is the most important in studying a phenomenon like human trafficking.

## **Conclusion**

While it is important to “appreciate where human trafficking is happening, who its victims are and who is perpetrating this crime” as Yury Fedotov, UNODC Executive Director stated, it is also pertinent to appreciate the societal cultures which may serve to perpetuate this problem. The year 2016 was marked with a record breaking number of trafficking cases in 13 years.<sup>43</sup> Whether this signifies better coordination and identification among law enforcement officials or an actual increase in the number of offences being committed is still up for debate. If the latter is the case, then clearly there are crucial aspects of this dilemma that are being overlooked.

While the decision to migrate in certain cases is in the hands of the mover, these individual agents are subject to structures which influence their behavior and decisions. The definition of

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<sup>42</sup> Cohen, Cultures of Migration. 2011.

<sup>43</sup> UNODC, Global Report on Trafficking in Persons 2016

culture in this context goes beyond its usual understanding as bounded systems or fixed patterns of behavior linked to particular social groups, but also includes discursive negotiations/flows.<sup>44</sup>

This section explored the benefits of examining human trafficking through a postcolonial lens, as well as the intersections between religion, culture and migration, highlighting the various ways in which migration decisions are made and demonstrating how individual decisions are rooted in the social practices and cultural beliefs of a population.<sup>45</sup> An inclusion of the meso-level frame of analysis is suggested to ensure a holistic analysis and understanding of the contemporary mobility and by extension, trafficking issue.

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<sup>44</sup> Hans Hahn. *Cultures of Migration: African Perspectives*. Volume 32 of Beiträge zur Afrikaforschung, ISSN 0938-7285. (Munster: LIT Verlag Münster, 2007).

<sup>45</sup> Cohen, *Cultures of Migration*. 2011.

## CHAPTER 2: COINCIDENCE OR REPETITION? AN ANALYSIS OF COLONIAL LEGACIES IN HUMAN TRAFFICKING

### Introduction

*Elements of colonialism instead of fading away have remained firmly ingrained in the Western mind, even in the mind of humanitarians whose central tenet is the liberal ideology of equality and dignity for all. This ultimately influences their policies, means, motivation and execution. This section will unpack some of these persisting legacies such as the political economy of slavery, racism, representation politics and the flawed help imperative, and will highlight how they play out in the trafficking context. It will address the resulting socio-political limitations that have contributed to continued failed efforts at curbing trafficking.*

Coloniality is defined by Anibal Quijano as the “legacies that transcend colonialism in contemporary societies which manifest in the form of social discrimination that outlived formal colonialism and became integrated in succeeding social orders.”<sup>46</sup> This ranges from racial and political to social hierarchical orders that prescribed and continue to prescribe value to certain peoples and societies while disenfranchising others. In this section, I hypothesize that colonial legacies have had and continue to have a significant effect on the prevalence of transnational human trafficking today. This section will address some pertinent legacies that have been

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<sup>46</sup> Anibal Quijano. *“Coloniality of Power, Eurocentrism, and Latin America”*. (2000).

identified as contributory elements to the trafficking dilemma with hopes to inspire new frameworks from which to analyze the phenomenon.

### **Economic Considerations in Trafficking and Anti Trafficking**

The movement of bodies for the purpose of labor, sex, organ harvesting etc. can easily be compared to the movement of bodies during the trans-Atlantic slave trade in terms of the means and the economic returns. Human trafficking is one of history's greatest human rights abuses which like the slave trade, yields enormous profits. The trafficking and enslavement of human beings has been and continues to serve as a key revenue source for businesses in the global economy.<sup>47</sup> With its plantation style management, human trafficking earns global profits of roughly \$150 billion a year for traffickers, \$99 billion of which comes from commercial sexual exploitation.<sup>48</sup> This is clearly big business and indicates a large demand for these predominantly black and brown bodies. Just like any other business, traffickers consider the operating costs, illegal risks, bribery, and profits of the business. After considering these basic elements, they then consider global conditions, including economic, political, geographic, and cultural factors that may help facilitate human trafficking.<sup>49</sup> It is in this space that the main focus of this paper - the cultural, political and religious aspects - come into play as they are used as tools to facilitate their business venture.

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<sup>47</sup> Dana Raigrodski. *Creative Capitalism and Human Trafficking: A Business Approach to Eliminate Forced Labor and Human Trafficking from Global Supply Chains*. Legal Studies Research Paper No. 2017-038 Wm. & Mary Bus. L. Rev. 71-134 (2016)

<sup>48</sup> "Human Trafficking by the Numbers." Human Rights Documents Online, January 7, 2017. [https://doi.org/10.1163/2210-7975\\_hrd-1582-2014019](https://doi.org/10.1163/2210-7975_hrd-1582-2014019).

<sup>49</sup> Cherif Bassiouni, Daniel Rothenberg, Ethel Higonnet, Cynthia Farenga and Augustus Sol Invictus. *Addressing International Human Trafficking in Women and Children for Commercial Sexual Exploitation in the 21st century*. *Revue internationale de droit pénal*, vol. 81(3), 417-491. doi:10.3917/ridp.813.0417. (2010).

Millions of people are trafficked globally across industries. According to the International Labor Organization, about 21 million adults and children are victims of forced labor, bonded labor, and commercial sexual servitude at any given time.<sup>50</sup> The organization notes that “[of] the vast majority of the 21 million forced laborers—18.7 million... are exploited in the private economy.<sup>51</sup> Of these, 4.5 million ... are victims of forced sexual exploitation, and 14.2 million ... are victims of forced labor exploitation, primarily in agriculture, construction, domestic work, manufacturing, mining and utilities.”<sup>52</sup> While current estimates put the amount generated illegally from trafficking at about \$150 billion annually, it is not a comprehensive amount because it does not truly account for the amount of “legal” commercial revenue that would not have existed otherwise. Businesses and economies all over the world continue to engage in trade worth billions of dollars in products tainted by forced labor in manufacturing and raw materials procurement.<sup>53</sup> These items include but are not limited to coffee, clothes and even electronics. The United States government and many European nations are major players in the purchase of goods in the global economy. It obtains products and services through the very global supply chains that have direct and indirect links to various human rights issues, including forced and trafficked labor.<sup>54</sup>

In her work on Creative Capitalism and Human Trafficking, Dana Raigrodski highlights the way the full extent of the benefits reaped by economies, companies and other consumers of

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<sup>50</sup> Int’l Labour Org., *A Global Alliance Against Forced Labour and Trafficking in Persons*, at 1 (May 2012), [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_203446.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203446.pdf) [https://perma.cc/8RBF-PRHR]; see generally Trafficking in Persons Report, 214 U.S. DEP’T STATE, <http://www.state.gov/documents/organization/226844.pdf> [https://perma.cc/BD4W-UQVE].

<sup>51</sup> Int’l Labour Org., *Profits and Poverty: The Economics of Forced Labour*, at 16 (2014) [hereinafter ILO Profits and Poverty], [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_243391.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf) [http://perma.cc/3RH9-HRZL].

<sup>52</sup> ILO Profits and Poverty, supra note 11, at 7.

<sup>53</sup> *The Department of Labor’s List of Goods Produced by Child Labor or Forced Labor*, 2009 U.S. DEP’T. OF LAB. 2, <https://www.dol.gov/ilab/reports/pdf/2009tvpra.pdf> [https://perma.cc/4DDA-KBHV].

<sup>54</sup> Robert Stumberg et al., *International Corporation Roundtable, Turning a Blind Eye?: Respecting Human Rights in Government Purchasing 1* (Sept. 2014), <http://icar.ngo/wp-content/uploads/2014/09/Procurement-Report-FINAL.pdf> [https://perma.cc/LEL7-TPPH].

this cheap labor is still not adequately recognized in the current trafficking discourse.<sup>55</sup> The resulting efforts have involved the limited push for businesses to adopt more socially responsible practices, which have yielded limited results, owing to businesses perceptions of these practices as antithetical to their profit making ability and goal. The task of convincing business leaders to adopt better policies may be less challenging if framed as a core business strategy in the pursuit of profit.<sup>56</sup> There has been research conducted in recent years in an attempt to prove that engaging in these best practices will not negatively impact a company's bottom line. Dana's research was inspired by Bill Gates' call for action which challenged corporations to engage in creative capitalism, a system where capitalism can harness self-interest to serve the wider interest.<sup>57</sup> This operates on the premise that prioritizing workers' well-being can improve efficiency and productivity, ultimately developing both the bottom line and value of the business.<sup>58</sup> The International Labor Organization's Better Work program was developed to showcase the possibility of better working conditions, business profitability and market competitiveness to coexist. Thus, these businesses that facilitate and benefit from human trafficking can still achieve their corporate goals through more ethical means.

As a result of the above stated, human trafficking is often referred to as the "underbelly of globalization," and a practice that lubricates the gears of the global economy, even though the current discourse on trafficking fails to fully acknowledge this glaring fact.<sup>59</sup> In essence, the useful but inordinate focus on trafficking as being facilitated by criminal traffickers serves to divert

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<sup>55</sup> Dana Raigrodski. *Creative Capitalism and Human Trafficking*. 2016.

<sup>56</sup> Ibid.

<sup>57</sup> Bill Gates, Prepared Remarks by Bill Gates, Co-Chair and Trustee, GATES FOUND. (Jan. 24, 2008), <http://www.gatesfoundation.org/media-center/speeches/2008/01/bill-gates-2008-world-economic-forum> [https://perma.cc/47ZJ-TAN5].

<sup>58</sup> Dana Raigrodski. *Creative Capitalism and Human Trafficking*. 2016 75.

<sup>59</sup> See Trafficking in Persons Report, 2003 U.S. DEP'T OF STATE 5, <http://www.state.gov/documents/organization/21555.pdf> [https://perma.cc/5Y5G-A5D4].

attention from the direct complicity in and significant economic benefits of exploitation that governments, businesses, and members of society gain from the facilitation and furthering of human trafficking.<sup>60</sup> Due to the international market's affinity for cheap, unregulated, and exploitable labor to produce goods and services that generate GDP and facilitate economic growth, human trafficking is anything but limited to the illegal activity of criminals.<sup>61</sup>

In regards to anti-trafficking efforts, Igor Bosc, Chief Technical Advisor of the Work in Freedom project points to findings of research conducted by the ILO which indicate that policy makers show greater interest in tackling human trafficking and forced labor when doing so does not disrupt power relationships in which they have a direct stake.<sup>62</sup> Policy makers prove more circumspect when it comes to implementing labor laws in countries of origin, and tend to be more supportive of prosecution efforts in countries of origin, but overlook situations where systemic labor abuses were well documented in destination countries.

The overall result of this economy of anti-trafficking policy-making is that neo colonial power relations continue to be maintained and forced labor, however well documented, tends to be systematically ignored. More questions need to be asked about the role of forced labor in global production and consumption, as well as the continued exploitation of the weaker and poorer by the stronger and richer. In essence, these political and economic limitations continue to contribute to failed efforts at curbing trafficking and enable it flourish in our contemporary world.

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<sup>60</sup> Janie Chuang, *Giving as Governance? Philanthrocapitalism and Modern-Day Slavery Abolitionism*, 62 UCLA L. REV. 1516, 1520 (2015).

<sup>61</sup> Janie Chuang, *Beyond a Snapshot: Preventing Human Trafficking in the Global Economy*, 13 IND. J. GLOBAL LEGAL STUD., 137, 139–40 (2006)

<sup>62</sup> International Labour Organisation : *"Policy Brief on Anti Trafficking Policies, Laws and Practices,"* New Delhi: ILO. (2017, February).



## Race and Human Trafficking

While there is extensive literature on the influence of gender in human trafficking, there is much less on the impact of race. The internal sense that each of us has about what our gender and race means to us, and what others gender and race means for us, is culturally shaped and deeply rooted in our individual and collective psyches. This shapes our perception of various problems of human trafficking, and undoubtedly influences the resulting demand and interventionist efforts.

In their book *After Race: Racism After Multiculturalism*, Darder and Torres posit that “the problem of the 21st century is the problem of race.”<sup>63</sup> Race is the foundation upon which the modern world as we know it was built. In his work *The Philadelphia Negro*, W.E.B. DuBois defines racism as a “social attitude propagated among the public by an exploiting class for the purpose of stigmatizing some group as inferior so that the exploitation of either the group itself or its resources or both may be justified.”<sup>64</sup> Essentially, if a group of people is categorized as sub-human, they automatically do not qualify to have human rights, much less successfully contest its abuse. When people from different social organizations interact, norms and expectations about race and gender are negotiated either implicitly or outright based on the situation, and forms of social order are co-constructed. Anibal Quijano in *Coloniality of Power* posits that the colonial structure of power resulted in a caste system, where Western colonists were on the highest point in the hierarchy and the indigenous people were at the bottom due to their different phenotypic traits and cultural practices which the colonizers regarded as inferior.<sup>65</sup> Race became a primary basis for discrimination, especially owing to American commercialization of human labor in the late eighteenth/early nineteenth century. Overtime, rationalizations solidified these social

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<sup>63</sup> Antonia Darder and Rodolfo Torres.) “After Race: Racism After Multiculturalism” (New York: NYU Press 2004).

<sup>64</sup> W. E. B. Du Bois, “The Philadelphia Negro; a Social Study. Philadelphia”: Published for the University. (1899).

<sup>65</sup> Quijano. "Coloniality of Power, Eurocentrism, and Latin America". (2000).

constructions as socially accepted fact. This differentiation of entire populations resulted in a persistent categorical and discriminatory discourse that was reflected in the social and economic structure of the colony, and that continues to be reflected in the structure of modern postcolonial societies.<sup>66</sup> According to Quijano, these systems of hierarchy were not merely symbolic, but more so economic. A racial division of labor was built around the hierarchies created, resulting in a system of serfdom for the majority of native people.<sup>67</sup>

As such, most institutions that allow for the normal functioning of society are knowingly or unknowingly participants in a vicious cycle of denigration, oppression and exploitation. A key reason for the international community's failed attempts to mitigate this problem rests in a failure to acknowledge that trafficking to a large degree is the result of an incredibly racist global system. Acknowledging racism and recognizing that the opposite of racist is not "non-racist", but is "anti-racist" is an important first step which is necessary if any form of progress is to be made. Denial is the heartbeat of racism. We should not aim to remain in a neutral position but rather actively work to redefine and reconceptualize societal norms and institutions.

In recent years, the rate of human trafficking has increased drastically, especially in terms of the flow from developing to developed nations.<sup>68</sup> Siddharth Kara points out that "...slavery is a global business that thrives on the callous exploitation of the labor activity of a vast and highly vulnerable subclass of people whose brutalization is tacitly accepted by every participant in the global economy, from corporations to consumers."<sup>69</sup> This evident lack of humanity in the treatment doled out to trafficked individuals is indicative of persisting racial tension and sentiments which

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<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Carol Allais. *An Overview of Human Trafficking in Sub-Saharan Africa*. Research Gate. (2006).

<sup>69</sup> Siddharth Kara. "*Perspectives on Human Trafficking and Modern Forms of Slavery*", (Harvard Kennedy School, USA 2017)).

still pervade popular understandings till date. Van Den Bergh notes in *Race and Racism* that race relations are often treated more as a moral dilemma than as a dynamic of group conflict resulting from power and wealth distribution, caused by concrete structural factors. In other words, the role structural factors play are often underemphasized in the analysis of race and human trafficking.<sup>70</sup> Prejudice and power are tenets of racism that allows the dominant race to institutionalize its dominance at all levels in a society, which leads to the formation of a racial structure and culture.<sup>71</sup> As such, racism may be viewed as only part of a larger racial system and not as a psychological phenomenon to be viewed at the individual level. There is a need to understand racism as a powerful, structuring, hegemonic force in the world today.

I mention all the above to highlight how racism is not really about cultural differences as is commonly understood, but rather about political economy, and to show how it is inextricably linked with human trafficking. The political economy of racism embedded in capitalism effectively divides oppressed communities, leaving much of the world's population vulnerable to economic exploitation. This, I argue, is a foundational issue that needs to be addressed if any headway in curbing human trafficking is to be made. Recognizing these systems call for major shifts in existing structures of inequality and asymmetrical relations of power in our world today. Human trafficking is only as large as the demand is.

Research conducted by Saucier and Woods has also illuminated how internalized racism operates to damage the self-esteem of members of stigmatized groups. Internalized racism refers to the acceptance, by marginalized racial populations, of the negative societal beliefs and stereotypes about themselves—beliefs which reinforce the superiority of Whites and devalue

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<sup>70</sup> Pierre Van den Berghe. "Race and Racism: A Comparative Perspective" (New York: John Wiley & Sons Inc, 1967).

<sup>71</sup> Eduardo Bonilla-Silva. "Rethinking Racism: Toward a Structural Interpretation," *American Sociological Review* 62, no. 3 (June 1, 1997): 465–8

people of color, and which can lead to the perception of oneself as worthless and powerless.<sup>72</sup> This negative perception of self proliferates and further contributes to a perpetuation of the problem, because the affected population comes to rely so much on handouts and believe that value can only be attained with greater proximity to whiteness - be it ideologically, physically or even geographically. In the words of Steven Biko “the most potent weapon in the hands of the oppressor is the mind of the oppressed.”

Principles of race are interconnected with foundational tenets of modern society, including capitalism, liberalism, colonialism and democracy.<sup>73</sup> It appears that a majority of policy makers and others in similar positions of power have conceptual aphasia, which is defined as “a condition of incomprehensiveness that arises when critiques of race are confronted by their denial of the continuing historical trauma and structural relations of violence residual and yet palpable from the enslavement of black populations in the racial institution of U.S society.”<sup>74</sup> These perceived difficulties in fully understanding the pervasiveness of race and its continued impact on societal relations proves that more awareness needs to be drawn to the subject via education, and beyond that, more energy needs to be geared towards eliminating its systemic roots.

### **Criminal or Victim? The Politics of Representation**

As highlighted in the previous section, factors such as racial bias create additional risk for victims of trafficking and generates unique challenges for prevention and intervention. Equally as important is the criminalization of survivors of trafficking. As Thema-Bryant notes “...by

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<sup>72</sup> Camara Phyllis Jones. “*Race*”, *racism, and the practice of epidemiology*. American Journal of Epidemiol. 2001;154(4):299–304.

<sup>73</sup> Khalil Saucier and Tryon P. Woods. “*Conceptual Aphasia in Black: Displacing Racial Formation*, ed.” (Lanham, Maryland: Lexington Books. 2016).

<sup>74</sup> Saucier and Woods. “*Conceptual Aphasia in Black: Displacing Racial Formation*, ed.” (2016)

combating oppression, abolitionists can work to create a society that is committed to ending slavery.”<sup>75</sup> Current anti-trafficking efforts and reports showcase how criminalizing rather than providing victim protection serves to further complicate anti-trafficking efforts.

The TVPA recommends several methods for the prosecution, prevention and protection of survivors of trafficking. It has been successful in ensuring that all the states in the Union are participants in the anti-trafficking struggle and pass and implement criminalization laws within their boards, though to varying degrees. However, there seems to be greater focus on prosecution rather than on prevention and protection efforts. States need to take their anti-trafficking efforts a step further by ensuring that survivors who are still tied to their traffickers are not penalized for acts they were forced to commit under duress. In other words, “Victims of modern slavery, whether children or adults, should not be held criminally responsible for their involvement in unlawful activities that are a direct consequence of their victimization.”<sup>76</sup>

While certain protection legislations such as immunity and diversion, affirmative defense and vacation and expungement have been put in place to protect victims from criminal prosecution, there are persisting problems in identifying victims and implementing these legislations because the criminal legal system is ill equipped. There is a shortage of infrastructure and programs to support these laws. Also, there are glaring differences between legislation put in place to help victims and current criminal laws in some states which causes confusion and in most cases leads to detrimental outcomes for victims. For instance, individuals trafficked for sex work can be regarded as victims according to trafficking laws and also as criminals according to anti-

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<sup>75</sup> Thema Bryant-Davis and Pratyusha Tummala-Narra. *Cultural Oppression and Human Trafficking: Exploring the Role of Racism and Ethnic Bias, Women & Therapy*, 40:1-2, 152-169, DOI: 10.1080/02703149.2016.1210964. (2017)

<sup>76</sup> Razan Farmand. *Criminalization of Human Trafficking Victims*. (2018, December 10). Women Influencing Health, Education, and Rule of Law. Retrieved from <https://www.wi-her.org/criminalization-of-human-trafficking-victims/>

prostitution law in certain states. In situations like this, victims are more likely to be labeled as criminals because prostitution is yet to be legalized in many states and still goes against popular moral and social behavior.

This criminalization of victims has persisting repercussions such as increasing their vulnerability to their oppressors, increasing barriers to leading a stable life by making it next to impossible to secure a job with a criminal record, receiving housing or even gaining access to immigration relief.<sup>77</sup>

Pertinent to note in this victim/criminal dichotomy is the continued proliferation of skewed representations of the trafficking problem and victims in popular media. While one could argue that any kind of reporting on the issue would prove beneficial because it ensures top of mind awareness among the general public and could incite positive actions geared towards curbing the problem, it could also do more harm than good by perpetuating stereotypes and pornotroting, that is, “enacting suffering for a shocked and titillated audience.”<sup>78</sup> These victims may also be represented as smuggled rather than trafficked individuals, which implies that they consented to the process. What is often overlooked is that consent is nuanced and may be blurry or absent at various stages of either process.<sup>79</sup> Smuggled individuals status can morph into trafficked victim status depending on the circumstances, and thus should have access to victim protection rather than criminal prosecution.<sup>80</sup> Likely due to reasons such as this, Spain continues ineffective and

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<sup>77</sup> Ibid.

<sup>78</sup> Alexander Weheliye. *“Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human”*. (Durham, NC: Duke University Press. 2014).

<sup>79</sup> Davidson O’Connell. New slavery, old binaries: Human trafficking and the borders of ‘freedom’. (2010) *Global Networks*, 10(2), 244–261.

<sup>80</sup> Siddharth Kara. *Sex trafficking: Inside the business of modern slavery*. (New York: Columbia University Press. 2010).

repressive methods of criminalizing rather than protecting and supporting victims of trafficking, and has demonstrated consistent failure to make available resources for their social integration.<sup>81</sup>

Also, research on media representation of trafficking has shown that female irregular migrants are usually portrayed as victims while male irregular migrants are portrayed as criminals.<sup>82</sup> These stereotypes transcend the media and also influences policy makers as well. This gendered method and specific narrative (young, weak female) used to ascribe victim status facilitates incarceration and denies victims who do not fit the narrative helpful resources, thereby making them wary about interactions with law enforcement, making them more vulnerable to their traffickers. Rather than being categorized as victims, these people are considered to be illegal labor migrants.<sup>83</sup> Yet again, there continues to be a preferred focus on trafficked individuals as helpless agents rather than on the structural causes perpetuating the issue.

If any progress is to be made, it is essential to redefine the category “human.” If the role race and gender play in determining who is considered human continues to be ignored and people of color and of certain genders continue to be reduced to flesh and their humanity continues to either be overlooked or punished, the policies being made would only serve to further reify these detrimental narratives. There needs to be a shift from the criminalization of trafficked people to a legal recognition of them as victims. They deserve to be looked upon with compassion as people who have been taken advantage of, rather than with fear and disdain as inherently criminal beings. Punishment if ever necessary, should be for the purpose of normalization, not as a fulfilment of

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<sup>81</sup> Javier De Leon. *Spanish legislation against trafficking in human beings: punitive excess and poor victims assistance*. *Crime, Law and Social Change*. (2010). 54. 381-409. 10.1007/s10611-010-9263-4.

<sup>82</sup> J. L. Musto. *What's in a name? Conflations and contradictions in contemporary U.S. discourses of human trafficking*. *Women's Studies International Forum*, (2009) 32(4), 281–287.

<sup>83</sup> Jennifer Lobasz. *Beyond border security: Feminist approaches to human trafficking*. *Security Studies*, 18(2), 319–144. (2009).

the desires of a racial and gendered society.<sup>84</sup> In essence, while some are victims of direct oppression, all are victims of a flawed system.

As important as it is to wipe out criminal networks, it is equally as important to ensure that victims are adequately protected and provided legal, medical, and psychosocial support and the skills to rebuild their lives. Human and practical aspects of the problem have not received sufficient attention, including assessing the problem, victims, and perpetrators in their environments. In short, There is a need to move beyond the judicial and procedural definitions that define the crime to address the full range of victims.<sup>85</sup> If these detrimental frameworks are not adequately addressed, they would continue to constitute - consciously or otherwise - the motivations, methods and ultimately the results of intervention efforts. Changes in economic and social policies and cultural and historical practices are needed to address structural factors that serve as root causes of migration and exploitation.

## **Conclusion**

This chapter explored the persisting legacies of colonialism which continue to characterize and shape the dominant political ideologies and socioeconomic structures in our global system and ultimately, the trafficking phenomenon. Global supply chains and various multinational corporations are key facilitators of this insidious business because it allows for immense profit and returns on investment. The racial classification and hierarchy which still persists allows for the exploitation of certain groups of people's labor and dignity with no real repercussions. This along with the continued misrepresentation, hypersexualization and stereotypical narratives that pervade

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<sup>84</sup> Ibid.

<sup>85</sup> Mark Lusk and Faith Lucas. *The challenge of human trafficking and contemporary slavery*. *Journal of Comparative Social Welfare*. (2009). 25. 49-57. 10.1080/17486830802514049.



popular media continue to proliferate the trafficking problem. The first step to overcoming these socio-political causes and effects of trafficking is to acknowledge their influence, so that corresponding solutions can be proffered.

## CHAPTER 3: THE TRAFFICKING DILEMMA: REPORTS VS. REALITY

### Introduction

*This chapter will highlight the TVPA and TIP report methodologies for measuring governments/International bodies progress and their failure to properly identify foundational causes of trafficking which ultimately influences the solutions they proffer, especially as it applies to providing assistance for victims. It will thereafter assess the trafficking situation, motivations and patterns in Edo state, Nigeria.*

### Methodology

I selected the case for this study - Edo State, Nigeria - by identifying the region in Africa which has been internationally identified as a key problem area in the trafficking discourse. Nigeria is located in West Africa and is the most populous nation on the continent with over 200 million people living within its borders. The nation is frequently listed as a country with one of the highest numbers of trafficked victims internationally and continues to constitute a key area of concern in the international anti trafficking discourse. Though Nigeria comprises 36 states, Edo state continues to be the locus of the trafficking problem in the country with over 94% of people trafficked internationally hailing from this state.<sup>86</sup> According to the IOM, "In 2017, out of the 119,000 migrants who arrived Italy, 18,185 were Nigerian, 5,425 of whom were women. IOM Italy estimates that 80 percent of these women were potential victims of trafficking and that 94 per

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<sup>86</sup> IOM. "Voodoo Curses' Keep Victims of Trafficking Under Bondage." International Organization for Migration. Last modified January 20, 2020. <https://www.iom.int/news/voodoo-curses-keep-victims-trafficking-under-bondage>.

cent were from Edo State.”<sup>87</sup> Given the pervasive nature of trafficking in this state coupled with its strategic location in South western Nigeria and its history, this particular state is a testament to the after effects of a destructive colonial system.

In an attempt to examine the trafficking dilemma in Edo state Nigeria, I draw on documented international reports and perceptions on the matter, while simultaneously contrasting my findings here with local understandings and interpretations of the issue. This will bring to light stark differences in understandings of causal factors of trafficking in this region by the international community and by the local community, and thus, will be useful in highlighting the ways western solutions applied to non-western situations yield futile results.

I employ solely qualitative research methods in this process. In an attempt to identify which international anti-trafficking protocol and report are the most influential globally, I read through scholarly articles addressing human trafficking issues as well as by reading through a plethora of human trafficking reports, to see which two were referenced the most. The list of documents perused include the EU Strategy towards the Eradication of Trafficking in Human Beings (2016), the UNODC’s Global Report on Trafficking in Persons (2016-2018), US Department of State’s Trafficking in Persons Report (2019), Polaris Project’s Human Trafficking Report (2018), International Organization for Migration global database on victims of human trafficking (2017), IOM’s Trafficking in Human Beings and Smuggling of Migrants in ACP Countries: Key Challenges and Ways Forward (2018) and the Trafficking Victims Protection Act (2018).

I narrowed my results down to the United States produced TVPA and TIP reports because while there are other international trafficking and forced labor reports issued by international organizations such as the ILO and UNODC, the TVPA and TIP Report remain the world’s most

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<sup>87</sup> Ibid.

noted trafficking documents. They are largely utilized by governments and organizations alike to engage in conversations to advance anti-trafficking reforms and to devise the most effective means to distribute resources on prevention, protection and prosecution.

I assessed the structure and development of these documents, paying attention to motivations that led to their formulation in an attempt to isolate limitations to their consideration of non-western understandings of the human trafficking issue and also to see if they considered non-western options of solving this problem. I relied exclusively on information the general public would have easy access to, because besides influencing policy maker's decisions, it also affects the public's perception and responses to victims and the discourse in general. This research does not claim to be exhaustive, but rather serves to sensitize readers to contemplate diverse methods and techniques in addressing the trafficking conundrum.

### **Findings - The Structure and Development of the TVPA & TIP**

The Trafficking Victims Protection Act (TVPA) and Trafficking in Persons (TIP) report are currently the primary international tools in place to gauge a country's anti-trafficking efforts in a quantifiable manner in comparison to other countries around the globe. There is a heavy reliance on these United States issued reports with few other avenues for assessing the validity of these data and conclusions by other agencies or organizations. These documents are utilized by governmental and non-governmental bodies, as well as by international organizations to ensure that resources are flowing into the 3 main identified focus areas - prosecution, prevention and protection. The US Department of State produces the TIP annual report which includes recommendations for each country, which the department uses as an accountability mechanism to ensure governments continue to make anti-trafficking efforts.

The TIP ranks governments into 4 tiers based on their “perceived efforts to acknowledge and combat human trafficking within their areas of jurisdiction.”<sup>88</sup> These tiers are divided thus:

*Tier 1:* Countries whose governments fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards.

*Tier 2:* Countries whose governments do not fully comply with the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards.

*Tier 2 Watch List:* Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:

- a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or
- b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
- c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

*Tier 3:* Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.”<sup>89</sup>

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<sup>88</sup> United States Department of State. *"Trafficking in Persons Report"*. June 20, 2013.

<sup>89</sup> "Trafficking in Persons Report 2011". U.S. Department of State. 2011.

The TVPAs minimum standards (applicable to the government of a country of origin, transit, or destination for victims of severe forms of trafficking) encompass the following - the prohibition and severe punishment of trafficking cases by governments, especially as it relates to forcible sexual assault, and the sustained effort to eliminate “severe” forms of trafficking in persons along with the protection of victims.<sup>90</sup>

Though seemingly sufficient, the TVPA has generated controversy and critique from the get-go. According to Bromfield and Capous-Desyllas, the development of the calls for sanctions against non-compliant governments and other aspects of the policy transcended the mere protection of victims; it was utilized as a vehicle to promote certain agendas and ideologies, which continue to permeate the way that the policy is being implemented and understood till date.<sup>91</sup> Current anti-trafficking efforts are characterized by the “assumed criminality of migrants; a willingness to sacrifice the protection of migrants in the furtherance of criminal prosecutions; a conflation of trafficking and prostitution; a racially biased conception of trafficking; and a dogged focus on interdiction efforts over internal enforcement and outreach.”<sup>92</sup> These elements that pervasively characterize contemporary anti-trafficking efforts can be better understood when we examine how and why the TVPA was formulated and the parties that actively participated in its formation. A shift from perceiving trafficking as primarily a sexual exploitation problem to one of labor and migration is required in this analysis. The feminist debate is therefore useful in this process.

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<sup>90</sup> [USC02] 22 USC 7106: *Minimum standards for the elimination of trafficking*. (n.d.). Retrieved from [https://uscode.house.gov/view.xhtml?req=\(title:22%20section:7106%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:22%20section:7106%20edition:prelim))

<sup>91</sup> Nicole Bromfield and Moshoula Capous-Desyllas. *“Underlying Motives, Moral Agendas and Unlikely Partnerships: The Formulation of the U.S. Trafficking in Victims Protection Act Through the Data and Voices of Key Policy Players.”* *Advances in Social Work* 13, no. 2 (2012), 243-261. doi:10.18060/1962.

<sup>92</sup> Ibid.

There is a tendency to view women engaged in prostitution as victims of sexual slavery.<sup>93</sup> This perception is taken to new heights as abolitionists believe that trafficking is caused by prostitution; making the best way to fight trafficking, the abolition of prostitution.<sup>94</sup> There is a popular tendency in developed countries to associate trafficking with foreign-born females being abducted and sold against their will into prostitution. While this is true in certain instances, the constant emphasis on sex warps the complex image of trafficking. This tunnel vision focus on sex trafficking does not allow for adequate attention to be paid to trafficking in other industries, thus revealing the lack of global agreement on the “extent of trafficking, sexual or otherwise, its definition, its remedies and even its existence.”<sup>95</sup>

It is important to note that there were competing motivations behind the creation of the trafficking policy, especially as members of different coalitions joined forces in the production of the document. The TVPA was largely formed by a moral agenda by the left/right coalition, which was made up of “conservative Christians, Republicans, Democrats, radical feminist organizations, human rights groups, academics, and others.”<sup>96</sup> The main focal point of this coalition was (and still is) the abolition of prostitution on a global scale, especially as it relates to trafficking. While there were two other coalitions who coordinated efforts during the formation of the document, namely the Liberal Feminist coalition and the Pragmatic coalition, the left/right coalition was the most robust due to its unique makeup, which led to its impact on the final outcome. This unlikely

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<sup>93</sup> Jo Bindman and Jo Doezema. *Redefining prostitution as sex work on the international agenda*. Anti-Slavery International. 1997 <http://www.walnet.org/csis/papers/redefining.html>

<sup>94</sup> Joyce Outshoorn. *The political debates on prostitution and trafficking of women, social politics: International studies in gender*. State and Society, 12(1), pg 146. (2005).

<sup>95</sup> Penelope Saunders, *Traffic violations: Determining the meaning of violence in sexual trafficking versus sex work*. Journal of Interpersonal Violence, 20(3), pg 346. (2005).

<sup>96</sup> Bromfield and Capous-Desyllas. "Underlying Motives, Moral Agendas and Unlikely Partnerships. 2012.

partnership is said to have been possible, because some members of the coalition did not understand the full extent of the abolitionist stance which was proposed.<sup>97</sup>

According to Bromfield and Capous-Desyllas, one of the main aims of the left/right coalition was to “prevent trafficking into the United States through various means such as intensifying public campaigns and educational programs targeted at high risk individuals while still in their countries of origin.”<sup>98</sup> In other words, the core members of this coalition were more concerned with preventing future immigration complications than with the actual wellbeing of victims.

The Trafficking Act was developed with the idealist aim of “offering statutory protection to the victims of severe forms of human trafficking, to increase criminal penalties for persons who commit such acts of trafficking, and to foster international cooperation in efforts to combat human trafficking.”<sup>99</sup> Thus far, it has failed to make satisfactory progress in addressing the problem of human trafficking, on a global scale or domestically. Its law enforcement centric approach to anti-trafficking initiatives continues to undermine the original humanitarian goals of assisting trafficking victims.<sup>100</sup>

### **Limitations of International Anti-Trafficking Literature**

Despite the extensive nature of the TVPA legislation in comparison to other anti-trafficking reports, and the amount of funding it has received towards the protection of victims of trafficking, significantly low numbers of victims have actually benefited from this protection. According to

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<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report 5-6* (2005), available at <http://www.state.gov/documents/organization/47255.pdf>

<sup>100</sup> Hussein Sadruddin, Natalia Walter & Jose Hidalgo, *Human Trafficking in the United States: Expanding Victim Protection Beyond Prosecution Witnesses*, 16 Stan. L. & Pol'y Rev. 379 (2005)



McGaha and Evans, as of 2009, the TVPA had received over \$500 million for anti-trafficking programs and yet, little progress in this area had been made.<sup>101</sup>

Till date, a significant amount of the literature highlighting the defects of the TVPA focuses on the legal limitations and restrictions to assistance that trafficking victims experience in the United States. As such, a lot of energy is geared towards revamping the assistance mechanisms in place in the US. This “solution”, like many other aspects of the framework, is not effective, because it ignores the possibility of the United States playing an active role in this trafficking of human beings and implies a false passive position of the nation. In order to effectively handle the domestic aspect of human trafficking and to proffer workable solutions, the role played by the United States and similar developed countries in generating a viable market for trafficking must be fully addressed. One way this can be achieved is by recognizing that private for-profit businesses and industries are key players in the American government, which has been criticized for slowly morphing into a business itself.<sup>102</sup> According to Jon Michaels, the government has been “privatized, marketized and generally reconfigured along decidedly businesslike lines.”<sup>103</sup> This means that to a significant extent, the interests of these companies, including their ability to source for cheap mass labor will be protected, as their financial success allows for the continuation of certain government projects. These private contractors permeate all facets of the government. They

“run prisons and immigration detention centers... draft major rules,  
shape energy, transportation, healthcare and environmental policy and

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<sup>101</sup> Johnny McGaha and Amanda Evans. *Where are the victims? The credibility gap in human trafficking research.* Intercultural Human Rights Law Review, (4), 239.(2009).

<sup>102</sup> Jon Michaels. "How the American Government Slowly Became a Business." The Guardian. Last modified February 7, 2018. <https://www.theguardian.com/commentisfree/2017/dec/18/american-government-business-privatisation-jon-michaels>.

<sup>103</sup> Ibid.

render public benefits decisions. In addition, they also collect taxes and monitor and enforce regulatory compliance across the vast administrative expanse.”<sup>104</sup>

Also, aid under the TVPA is limited to a narrowly defined subset of trafficking victims and a broad range of labor exploitation is excluded from the reach of the TVPA. This only serves to subject noncitizen workers to further exploitation if they do not meet a certain description. Unfortunately, the relevant international organizations refuse to recognize and address the ways in which these laws roles in making victims vulnerable to further abuse.

When trafficking reports begin to frame the issue in terms of labor exploitation by great powers, sustainable progress will be made as this will facilitate a motivation to examine the persisting colonial legacies which still pervade contemporary global power and labor dynamics. The anti-prostitution stance of the TVPA continues to divert attention from the need for weightier structural changes in the international system. There is an increasing need for diversity in reporting as this will allow for a more complete understanding of the phenomenon given the fusion of unique viewpoints and analysis of realities from citizens of the global North and South. This in conjunction with intervention and ongoing needed service will undoubtedly yield more fruitful results.

### **The Reality of the Trafficking Menace in Edo State**

The rate at which perpetrators of trafficking are convicted in Nigeria is significantly less when compared with the number of trafficking incidents in the country. Infamous for its position

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<sup>104</sup> Ibid.

as a country of origin, transit and destination for victims of trafficking, the nation partnered with the United Nations Office on Drugs and Crime (UNODC) in a bid to raise awareness, protect victims and punish trafficking within its boards. The National Agency for the Prohibition of Traffic in Persons and other related matters (NAPTIP) is the principal organisation created by the Nigerian government in an attempt to heed the global call. Despite the Trafficking in Persons (Prohibition) Law Enforcement Administration Act that established NAPTIP in 2003, Nigeria still does not meet the minimum standards set forth by the United Nations and could fall to Tier 3 if it does not show marked and increasing progress over the next few years.

According to the last Global Slavery Index Report, in the hierarchy of nations with the highest number of slaves, Nigeria occupies the 32nd place, out of a total of 162 countries with approximately 1,386,000 people living in slavery.<sup>105</sup> Human trafficking is the third most common crime in Nigeria, after drug trafficking and economic fraud.<sup>106</sup>

According to the 2019 Trafficking in Persons report, Nigeria has large numbers of victims of trafficking in 34 countries globally, though the total number of victims outside the country remains unknown.<sup>107</sup> Mobility and trafficking have become so intertwined in the context of this nation, with over 600,000 Nigerians attempting to journey through the Sahara desert into Europe in 2016 alone.<sup>108</sup> According to the now retired Nigerian permanent representative to the UN, Mr. Uhomobhi, approximately 30,000 of those migrants (voluntary or not) lost their lives on the

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<sup>105</sup> "Country Data." Global Slavery Index. Accessed January 21, 2020.

<https://www.globalslaveryindex.org/2018/data/country-data/nigeria/>.

<sup>106</sup> UNESDOC. "Human trafficking in Nigeria: root causes and recommendations." Accessed January 21, 2020.

<https://unesdoc.unesco.org/ark:/48223/pf0000147844>.

<sup>107</sup> United States Department of State. "Nigeria." Last modified June 20, 2019. <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/nigeria/>.

<sup>108</sup> Idris Ahmed. "602,000 Nigerians Migrated to Europe in 2016, Says UN Ex-envoy." The Guardian Nigeria News - Nigeria and World News. Last modified June 6, 2017. <https://t.guardian.ng/news/602000-nigerians-migrated-to-europe-in-2016-says-un-ex-envoy/>.

grueling journey. Important to note also is that an estimated 70% of the deceased were university graduates.

Although human trafficking cuts across Nigeria, the majority of trafficking victims and migrants hail from Edo state which is located in South Western Nigeria, with over 90% of women and children trafficked to Europe hailing from this state.<sup>109</sup> Edo state has been recognized as the hub of human trafficking in Nigeria and has been labelled the “most trafficked through destination in Africa.”<sup>110</sup> According to a report on a field survey carried out in Edo state, “virtually every Benin family has one member or the other involved in trafficking either as a victim, sponsor, beneficiary, madam or trafficker.”<sup>111</sup> The irregular and perilous migratory route often utilized by smugglers and traffickers takes victims from Edo state, through Kano in Northern Nigeria, through Niger and the Sahara desert into Libya and ultimately into Italy via the Mediterranean sea.

The broader perception of the causes of the prevalence of human trafficking in Nigeria include poverty - with the nation being recently tagged as the poverty capital of the world - corruption, political unrest, climate change and its resulting migration and western consumerism.<sup>112</sup> While these perceptions are not wrong, they overlook the underlying nuanced cultural and social influences on the motivations and success of trafficking in this region. Political, economic, religious, social and cultural factors work hand in hand to contribute to the pervasive state of human trafficking in Edo State, the “heartbeat of Nigeria.”

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<sup>109</sup> Pathfinders Justice Initiative – A Social Justice Initiative. " Last modified November 20, 2019. <http://pathfindersji.org/nigeria-human-trafficking-factsheet/>.

<sup>110</sup> Ibid.

<sup>111</sup> UNICRI. *Report of Field Survey in Edo State, Nigeria*. n.d. 2003. [http://www.unicri.it/topics/trafficking\\_exploitation/archive/women/nigeria\\_1/research/rr\\_okojie\\_eng.pdf](http://www.unicri.it/topics/trafficking_exploitation/archive/women/nigeria_1/research/rr_okojie_eng.pdf).

<sup>112</sup> Bukola Adebayo. "Nigeria Overtakes India in Extreme Poverty Ranking." CNN. Last modified June 26, 2018. <https://www.cnn.com/2018/06/26/africa/nigeria-overtakes-india-extreme-poverty-intl/index.html>.

## Factors Facilitating Trafficking in Edo State

There are a number of easily identifiable factors which could explain the current state of vulnerability to trafficking and smuggling in Edo state. First is the Biafran war (1967-1969) which was fought between the Nigerian government and a coalition of Eastern states who attempted to secede largely based on cultural and ethnic tensions arising from Britain's formal decolonization of Nigeria in 1960. Edo state was occupied by Biafran rebels for about two months during this period, during which numerous women and girls were raped.<sup>113</sup> With the amount of value attached to sexual purity culturally, many victims of these sexual assaults became outcasts. Many moved to cities in the region to garner income via prostitution, in an attempt to provide financially for themselves and their dependents and succeeded in doing so.<sup>114</sup> The trade in sex boomed and began to increase in the late 1980s with Italy's rise in the utilization of migrant labor on fields and for other agriculturally based menial jobs. An increasing number of Nigerian women from Edo state travelled to Italy, initially to pick tomatoes, but ended up engaging in the faster paying sex trade and remitting money home.<sup>115</sup> More women and girls were recruited overtime by madams who had established themselves in the destination country. Many families built houses, bought cars, started up businesses etc. with the money remitted. In essence, a significant part of the state's economy was built on proceeds from trafficking.

While abduction, false promises of romantic love, recruitment, deception are some of the most prominent ways traffickers get victims, the most prevalent method in Edo state is sale by family members. The seeming rapid enrichment of migrants abroad encouraged parents to push

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<sup>113</sup> Sven-Axel Mansson. "Men's Demand for Prostitutes". *Sexologies*, 15 (2006): 87-92

<sup>114</sup> Francisca Omorodion. "Child Sexual Abuse in Benin City, Edo State, Nigeria: A Sociological Analysis". *Issues in Comparative Paediatric Nursing*, 18(1), 1999. 29-36.

<sup>115</sup> The Advocacy Project. "In Edo State." *EdoWorld. Net Your Guide To The Ancient Benin Kingdom And Edo State Of Nigeria*. Accessed January 22, 2020. [https://www.edoworld.net/In\\_Edo\\_State.html](https://www.edoworld.net/In_Edo_State.html).

their dependents into the clutches of traffickers in an attempt to get in on the material benefits. Young men and women are pressured to “hustle” by whatever means necessary, to make money overseas in countries where the currency has greater value, especially in the case of young women who are not valued within the Nigerian sociocultural system, owing to the patriarchal structure of society instilled in colonial times. According to the Advocacy Project’s report, “the Benin office of Western Union (where remittances arrive from Europe) is said to be the company's busiest in Nigeria.”<sup>116</sup> The seeming inordinate ambition for affluence in the society continues to be a major influence in the rate of trafficking in this region till date. Additionally, social norms such as domestic servitude, which entails the domestic trafficking of vulnerable children to work in more affluent households when they cannot be cared for by their parents, have evolved into pipelines for human trafficking.<sup>117</sup> Identifying and studying social and cultural norms such as this more deeply and the ways in which they feed into exploitative practices, can provide very useful information for the purposes of prevention programming.

Also important to note is that Edo people are infamous for their fervent spiritual beliefs.<sup>118</sup> Benin City, the capital of Edo state, is still popularly referred to as “the ancient city” likely owing to the people’s strong inclination to traditional deities and expression of traditional values, culture and religion.<sup>119</sup> According to Flora Edouwaye Kaplan,

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<sup>116</sup> Ewa Sobczynska. "Empowering the Women." The Advocacy Project. Last modified August 3, 2005. [https://www.advocacynet.org/empowering\\_the\\_women/](https://www.advocacynet.org/empowering_the_women/).

<sup>117</sup> Oludayo Tade and Adeyinka Aderinto. "Factors Influencing the Demand for Domestic Servants in Oyo State, Nigeria." *International Journal of Child, Youth and Family Studies* (2012) 4.1: 521–545. Accessed January 23, 2020. <http://file:///C:/Users/Oyinkansola/Downloads/11558-Article%20Text-7620-1-10-20130219.pdf>.

<sup>118</sup> Franca Attoh. "Socioeconomic Factors Influencing Young Women's Vulnerability to Trafficking among residents of Benin City", *Nigeria*. Ph.D. Thesis, Department of Sociology, University of Lagos, 2009, 7.

<sup>119</sup> Don Akhilomen. "The Resurgence of Ayelala in Benin Kingdom" Otedo.com - Africa's Most Informative Media. Accessed January 23, 2020. <https://ihuanedo.ning.com/profiles/blogs/the-resurgence-of-ayelala-in>.

“Traditional Edo religion divides the world into two realms: a visible world of ordinary human experience, and an invisible world of gods, ancestors, and other supernatural beings. The spirit world is a realm located under the ground or where the sky and earth meet. It has a parallel existence that constantly affects the everyday world. Rituals central to Edo religion, including prayers, offerings, and sacrifices, take place at meeting points between both realms, at shrines inside homes and villages, or at the foot of trees, crossroads, or the banks of rivers.”<sup>120</sup>

These spiritual beliefs constitute a significant part of Edo peoples’ sociocultural reality and interaction and thus permeate the trafficking framework as well. Before victims and voluntary movers alike commence on their long and treacherous journey, they visit an *Aiyelala* shrine, the shrine of a popular deity in the southwestern part of Nigeria, who is known for punishing offenders of law and order when invoked. While here, they are required to take an oath which is directed by a native priest. This oath and the ritual that follows is performed to ensure cooperation with the trafficker and madam/pimp at the destination, as well as absolute loyalty.<sup>121</sup> Personal items such as underwear, hair, fingernail clippings etc. are supplied by the victim to the priest, who prepares a concoction which he either smears on the victim or forces her to drink. A breach of this oath would result in grave harm to either the victim, his/her family, or both. Oaths such as these prevent victims of trafficking from cooperating with aid workers or government relief programs for fear

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<sup>120</sup> Flora Edouwaye S. Kaplan. "Some Thoughts on Ideology, Beliefs, and Sacred Kingship among the Edo (Benin) People of Nigeria," in *African Spirituality: Forms, Meanings, and Expressions*, edited by Jacob K. Olupona (New York, 2002). Retrieved through <https://www.encyclopedia.com/environment/encyclopedias-almanacs-transcripts-and-maps/edo-religion>

<sup>121</sup> A.A. Lawal. "Human Trafficking in Edo State (Nigeria): A SocioEconomic Study." *Lagos Historical Review*. Accessed January 23, 2020. <http://file:///C:/Users/Oyinkansola/Downloads/Lawal%20-%20Human%20Trafficking%20in%20Edo.pdf>.

of spiritual repercussions and thus, make the trafficking process easier for traffickers. As such, any attempt to apply Western modes of understanding and aiding such victims will be ineffective.

These elements are not given enough credence in the research conducted by the major anti-trafficking bodies and are not adequately reflected in the main international trafficking reports. The methodologies utilized are not always directly applicable for studying these phenomena, and inferences are often made based on minimal understanding in this regard, which culminated in inadequate policies and intervention mechanisms. As the IOM 2018 report on trafficking in human beings and smuggling of migrants in ACP countries rightfully notes,

“Utilization of a social norms lens can be helpful in addressing the common difficulty in translating and adapting the internationally determined conceptual frameworks to local realities. A narrow emphasis on utilizing a criminal justice framework misses important opportunities for addressing manifestations of trafficking in human beings that form part of normalized social behaviors.”<sup>122</sup>

In other words, trafficking in persons studies and policies that have not been developed with key social norms of the target population in mind will only serve to further perpetuate the problem. Rather than discounting these understandings because they do not coincide with the dominant powers way of viewing reality, they should be embraced to yield more holistic understandings of phenomena such as trafficking.

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<sup>122</sup> IOM. *Trafficking in Human Beings and Smuggling of Migrants in ACP Countries: Key Challenges and Ways Forward.* IOM Online Bookstore | International Organization for Migration. Last modified 2018. [https://publications.iom.int/system/files/pdf/trafficking\\_in\\_human\\_beings.pdf](https://publications.iom.int/system/files/pdf/trafficking_in_human_beings.pdf).



## **Conclusion**

This chapter of the thesis suggests that the Trafficking Act has had a limited impact upon both domestic and international trafficking because it has done little to address the ways in which the United States and other powerful nations laws and policies render migrants vulnerable to exploitation and trafficking victims to further abuse. It asserts that it is pertinent to view the TVPA and other prominent trafficking reports within the larger legal landscape, because its shortcomings cannot be solved without first addressing, much deeper and broader systemic flaws. We also see in the Edo state scenario that the success of the recommendations proffered are minimal because sociocultural factors are not adequately accounted for and thus, policies are inefficient in tackling trafficking in persons in the region. The next section of the thesis will examine some easily identifiable persisting colonial legacies which serve to further complicate the possibility of attaining sustainable anti-trafficking solutions.

## CONCLUSION

The contemporary trafficking situation did not occur by happenstance nor did it reach the level it has today by mere fate. A culmination of various factors and iterations of old problems in novel ways continues to uphold oppressive human trafficking practices.

This thesis has brought a number of issues to light. First, it has shown that there is a lack of nuanced contextual understanding of trafficked victims lived experiences which influence their decisions to move, their methods of doing so and their actions and responses in their destination countries. Secondly, it showed that colonial legacies still linger till date and continue to be proliferated by economic, political and social practices which are widely accepted. Many engage in this cycle of oppression unknowingly and this makes it difficult for better practices to develop. Third, this thesis has shown that the most prestigious trafficking protocols and reports fail to fully identify the key proponents of this modern day slavery. This in turn influences policy makers focus on criminalization of people who are but victims of an oppressive and unequal global capitalist system.

Destabilizing and decolonizing endeavors are essential methods for reclaiming being for people who have been denied their “being-ness.”<sup>123</sup> This decolonizing process is threefold, addressing systems of hierarchies, systems of knowledge, and cultural systems. The systems of hierarchies to be dismantled refers to the racial stratification which justifies blatant abuse with the end goal of economic enrichment, the systems of knowledge refers to the development of unwritten

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<sup>123</sup> Sabelo Ndlovu-Gatsheni. *Why decoloniality in the 21st century?* Thinker, 48, 10-15. (2013).

codes which seem to have made Europeans the primary knowledge producers, and cultural systems which Anibal Quijano defines as “systems that revolve around a Eurocentric hierarchy and that enforces Eurocentric economic and knowledge production systems.”<sup>124</sup> These cultural systems encourage narratives which inferiorize traditional practices in the global south and imposes its own ways of understanding reality.

The extent to which Western-centered perspectives dominate the human trafficking discourse and excludes the voices and perspectives of those who make up a bulk of the exploited population is egregious, hence my push to discover new ways to decolonize human trafficking and modern slavery, starting from the heart of the ‘empire’ from whence the issue originates, in an attempt to surmount the issues highlighted. The sooner the agency of the exploited is respected, and they are allowed to participate actively in the discourse without having people who are far removed from their social context speak on their behalf, the sooner we start to see real changes. As Dr. Runa Lazzarino states, “more nuanced and substantive investigations are necessary in order to place at the center the culturally-and-gender-informed experiences of those marginalized by historic and contemporary configurations of inequality.”<sup>125</sup> This allows for a de-monopolization of the discourse.

Postcolonial and decolonizing literature and viewpoints have been useful in this thesis in showing the prevalence of human trafficking in countries that were previously colonized. This helps draw awareness to the need for increased attention to positionality and intentionality in intervention and story-telling efforts. As Edward Said noted in *Orientalism*, widespread narratives

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<sup>124</sup> Quijano. "Coloniality of Power, Eurocentrism, and Latin America." (2000).

<sup>125</sup> Runa Lazzarino. *Fixing the Disjuncture, Inverting the Drift: Decolonizing Human Trafficking and Modern Slavery*. 5. (2019).

that are regarded as historical truthful text is merely representation...about a non-Western group which... rarely relies on the real lived experience of the non-Western group.<sup>126</sup>

This postcolonial approach duly accounts for the social construction of practices and behavior, highlighting the important role played by norms in formulating intra and interstate behavior and the causal relationship through which ideas affect the identities and interests of a state. In other words, norms and ideas have real material implications. This macro-level analysis can also apply at the meso-level, in a bid to uncover the various permutations of norms that exist in specific social contexts and what they mean for the broader workings of the international system.

With Edo state being a society that attaches much importance to monetary success and personal wealth, it is no surprise why it is a trafficking hotspot. The predominant drive to get rich quick, coupled with stunted opportunities for economic growth, a patriarchal political and social organization and heavy reliance on traditional religious practices makes it an easy target and even more so a breeding ground for traffickers. A recent study was conducted to determine the knowledge, attitudes and perceptions of school going students towards human trafficking in the state.<sup>127</sup> Results show that “students of Edo heritage were least likely to perceive sex trafficking as risky, which may explain the continued exposure and vulnerability of Edo young girls to trafficking for sex trade” despite the heavily funded awareness programs that populate the state.<sup>128</sup> Over 50% of the interviewed students acknowledged awareness of well-organized recruitment and transportation methods to international markets in Europe, and the Middle East.<sup>129</sup> This paired with their identification of poverty, domestic abuse and hope for a better life as major problem areas in

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<sup>126</sup> Edward. *Orientalism* (1978) p. 29

<sup>127</sup> Isi Omorodion. *Vulnerability of Nigerian Secondary School to Human Sex Trafficking in Nigeria*. (2020). [online] Bioline.org.br. Available at: <http://www.bioline.org.br/request?rh09019> [Accessed 14 Feb. 2020].

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

their lived experience makes trafficking attractive to them. The attempts to stop the inflow of trafficked individuals from the country of origin is clearly only selectively effective. Implementing larger systemic changes should be top of the anti-trafficking agenda.

While many have accused the trafficking discourse for becoming increasingly politicized, I believe there is still hope to reclaim the field to ensure that the interests of the most vulnerable are protected. Recognition of the above listed issues must come first before decriminalization and increased human rights protections can follow.

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