

Mobile Bondage

Human Trafficking of African Women



AkiDwa

AKINA DADA WA AFRICA

Mobile Bondage: Human Trafficking Of Migrant Women

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Executive Summary

Trafficking of women and girls for the purpose of sexual exploitation is a modern form of slavery happening globally. AkiDwA believes that trafficking of women is a form of gender-based violence and the organisation is committed to work with others to address this issue. From 2008-2010 AkiDwA worked with Global Alliance against Traffic in Women (GAATW) based in Thai Land in a project that explored trafficking of women in general. In 2009, AkiDwA joined the Immigrant Council of Ireland campaign called *Turn Off the Red Light* (TORL) and, together with over 70 organisations, advocated for the introduction of new legislation to address prostitution and human trafficking. Many of the women trafficked to Ireland are from the African continent (Nigeria).¹ AkiDwA has supported women trafficked to Ireland with information and referral for legal support over the years.

Development agenda 2030 under goal number 5 clearly state women and girls made up 70% of detected human trafficking victims from 2010 to 2012.² They encompass the vast majority of detected victims for sex trafficking. The aim of this baseline research is to advance the work of the organisation on Sexual and Gender Based Violence (SGBV) with an aim to contribute to ongoing debate and to inform policy on this specific area.

This research finds that African victims of human trafficking often come from vulnerable situations and are under peculiar circumstances, and this requires a context specific approach to be applied in the prevention and protection of women victims of human trafficking from Africa.

Key recommendations emerging from the research are-

- The establishment of gender-specific accommodation for the victims of human trafficking.
- The provision of statutory definition of reasonable grounds for suspicion that a person is a victim of human trafficking needs as well as the burden of proof necessary to determine victimhood.
- The codification of the current practice guideline that currently provides for the national referral mechanism and the victim support structure.
- The establishment of a state fund for victim compensation.
- The recognition of human trafficking as a ground for granting asylum in national law.

¹The Department of Justice, Trafficking in Human Beings in Ireland –Annual Report 2019, (2019), Available at: <http://blueblindfold.gov.ie/en/BBF/Human-Trafficking-Annual-Report-2019.pdf/Files/Human-Trafficking-Annual-Report-2019.pdf> Last Accessed: 08.10.2020

² United Nations Office on Drugs and Crime, Global Report on Trafficking 2014,(2014) Available at: https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf Last accessed: 08.10.2020

Introduction

Feminization of migration: In recent years, the increased migration of women has been a continued trend. Since the 1960s, about 47% of women had migrated around the world, however in 2019; more women migrated than men migrated to Europe with the ratio of 51.4% to 48.6% respectively.³

The increased migration of women can be linked to changing familial values and societal acceptance of women supporting the family financially.⁴ Women no longer travel predominantly for marriage or with their partners but also for economic reasons. A significant number of women travel with their families but an increasing number of women now travel alone or in the company of other women in pursuit of a better life.⁵ The migrating woman now expresses self-agency as she escapes the vulnerability of her country of origin in search of a favourable future.

Migration, gender and SGBV: While the feminization of migration can be evidence of women empowerment as women are able to exercise their autonomy and financial independence, migration itself presents gender specific risks to women. For instance women are more likely to be employed in domestic jobs which are often low income jobs than men.⁶ In addition, women are more susceptible to actual harm in the course of migration as well as in their destination country. A 2019 study conducted by AkiDwA revealed a range of gender specific vulnerabilities women are exposed to.⁷ It was found that migrant women often encounter several forms of sexual and gender based violence including, domestic violence, sexual harassment assault and rape.⁸ In addition, migrant women often suffer long term mental health issues as a result of the turmoil and instability involved in the trip as well as the

³ United Nations Department of Economic and Social Affairs, "International Migrant Stock 2019" (2019) Available at:

<https://www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp>

Accessed: 04.11.2020

⁴ Paulino Lucio Maymon, "The Feminization of Migration: Why are Women Moving More?" Cornell Policy Review 2017 Available at:

<http://www.cornellpolicyreview.com/the-feminization-of-migration-why-are-women-moving-more/#:~:text=The%20feminization%20of%20migration%20is,as%20never%20before%20in%20history.&text=This%20means%20that%20women%20move,they%20usually%20earn%20lower%20wages>. Accessed :

04.11.2020

⁵ ibid

⁶ ibid

⁷ AkiDwA, "Submission to United Nations Committee on the Elimination of all forms of Racial Discrimination on the examination of Ireland on its combined 5th to 9th reports (2019) Available at: <https://akidwa.ie/wp-content/uploads/2019/11/20191104-AkiDwA-Ireland-CERD-Alternative-Report.pdf> last accessed: 09.10.2020

⁸ ibid

integration and accommodation in destination countries.⁹ Forced marriages and human trafficking are further forms of gender based violence suffered by migrant women.¹⁰ This research therefore, examines migration and policies surrounding international migration from a gendered perspective with a focus on human trafficking of migrant women.

Global context: In today's society all forms of slavery including human trafficking are generally seen as societal taboos and international and domestic laws entrench the condemnation of trafficking. As at 2016, 40.3 million people were victims of this modern slavery with women forming a majority of victims of trafficking for forced labour (especially for commercial sex) and forced marriages.¹¹

Irish context: According to 2016 census, there were 535,475 non-Irish nationals living in Ireland with 50.1% of them being women, a first-time female majority.¹² Ireland has adopted an anti-trafficking stance as reflected in its policy. However, in 2018, Ireland was downgraded from Tier 1 to Tier 2 status in relation to its efforts towards combating traffic.¹³ In June 2020, the country's status was further relegated to the tier 2 watch list.¹⁴ This means that the current efforts to tackle human trafficking in the state do not meet the minimal standards and its effort to tackle trafficking is neither proportional to the extent/severity of trafficking nor the needs of its victims. In these circumstances, it is clear that there is a need for the country to re-think and re-strategize its anti-trafficking policy. Indeed there is a need for a 'bottom-up' analysis rooted in the experiences of the victim and this research informs the human trafficking discourse from this perspective.

While men, women and children are trafficked, evidence suggests that women form majority of the victims of sex trafficking.¹⁵ The rate at which women fall victims to human trafficking

⁹ *ibid*

¹⁰ Minna Viuhko, Anni Lietonen, Anniina Jokinen and Matti Joutsen (eds.) *Exploitative Sham Marriages: Exploring The Links Between Human Trafficking And Sham Marriages In Estonia, Ireland, Latvia, Lithuania And Slovakia*, (European Institute for Crime Prevention and Control affiliated with the United Nations, Helsinki 2016)

¹¹ International Labour Office, 'Global Estimates of Modern Slavery: Forced Labour and Force Marriage' (2017) Geneva, ISBN: 978-92-2-130132-5 (web pdf)

¹² Central Statistics Office, "Census 2016 Summary Results – Part 1" 2017 Available at: <https://www.cso.ie/en/media/csoie/newsevents/documents/census2016summaryresultspart1/Census2016SummaryPart1.pdf> Accessed 28.10.2020

¹³ U.S. Department of State, *Trafficking in Persons Report* June 2018 (2018)

¹⁴ U.S. Department of State, *Trafficking in Persons Report* 20th Edition (2020)

¹⁵ The European Commission, *Data Collection on Trafficking in Human Beings in the EU*, (2018), ISBN 978-92-79-96706-1; The Department of Justice and Equality, *Victims of human trafficking reported to An Garda Síochána, 2009-2016*, Available at: <http://blueblindfold.gov.ie/en/BBF/Victims%20of%20human%20trafficking%20reported%20to%20An%20Garda>

for the purpose of sexual exploitation suggests that human trafficking is a form of gender based violence. Accordingly, this baseline research focuses on human trafficking for the purpose of sexual exploitation of migrant women, particularly, African Women in Ireland. It presents a root based analysis by intrinsically considering the circumstances/risk factors of African migrant women in their home countries, the journey from their host and transit countries as well as their experiences in Ireland and their inter-face with the Irish anti-trafficking strategy. It augments existing literature and informs the Irish network of organisations on the best way to prevent trafficking and support the trafficked victims from Africa.

Route Map

This concept of human trafficking will be expressly defined. Thereafter, the scale/prevalence of trafficking trade in the EU and Ireland as well as the journey of the trafficked will be expounded. The synthesis of pull and push factors that facilitate and maintain the organised crime of sex trafficking is espoused. The pull factors that create the demand for human trafficking and the push factors which include the economic, societal and cultural issues will be examined. Thereafter, the scope of the Irish policy and practice on human rights trafficking for the purpose of sexual exploitation will be examined. The challenges facing the anti-human trafficking practice in, Ireland is highlighted with a focus on the impact and perspective of migrant, particularly African women. Finally, recommendations for effective tackling human trafficking of migrant women will be outlined. Case studies focusing on victims from Nigeria are used to illustrate the Migrant perspective of women and explore their experience in Ireland.

What is Human Trafficking?

Human Trafficking is a globally recognised criminal offence. It is the **act** of *recruiting, transporting, transferring, harbouring or receiving persons* which is done by the **means** of force or *threat of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or the giving or receiving of payments* for the **purpose** of exploitation such as *sexual exploitation, labour exploitation, forced begging, forced criminality or organ removal or other types of exploitation*.¹⁶

It is important for these three elements - act, means and the purpose of exploitation to be present for a case to be found as that of human trafficking. Thus, it is important to dissect the different elements of the offence.

The Act – The actions that constitute trafficking as provided in the legislation are recruiting, transporting, transferring, harbouring or receiving persons. The provision for the recruitment, transportation and transfer in the legislation covers the trafficking of immigrants. It is important to note that citizens or residents of a country who might not necessarily have travelled can also be trafficked just by being harboured and recruited for exploitative purposes.

The Means - The use of force, threat of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability the giving or receiving of payments invalidates the consent of individual to trafficking. However, in the case of children there is only a need to prove the act and exploitation element. The means element does not comply as children legally cannot consent to being trafficked.

The Purpose of Exploitation – The legislation lists forms of exploitation relevant to trafficking to include sexual exploitation, labour exploitation, forced begging, forced criminality or organ removal. These cover the popular industries relevant to human trafficking. More so, the acknowledgement of “other forms of exploitation” in the legislation leaves room for the finding of any other forms of trafficking not so mentioned.

This exploitative element is what separates human trafficking from human smuggling. Human smuggling involves unlawful immigration of a person across the border of a foreign

¹⁶ Council of Europe Convention on Action against Trafficking in Human Beings, CETS 197 – Action against Trafficking in Human Beings, 16.V.2005, Article 4(a); UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the UN Convention Against Transnational Organised Crime, Article 3(a), Criminal Law (Human Trafficking) Act 2008, Section 1

country for their economic benefit.¹⁷ On the other hand, trafficking is carried out for the purpose of exploitation of the person being trafficked. The disadvantage to the individual being trafficked is recognised as a human rights violation¹⁸ which breaches Article 4 of the ECHR which prohibits slavery, servitude and forced labour¹⁹ Notably, where a person is lured or assisted with travel and/or entry into a foreign country lawfully under the umbrella of either the asylum process or on a valid visa a visa for the purposes of exploitation, this is also recognised as human trafficking. From the definition of trafficking, it is clear that there does not need to be a cross-border element as the harbouring of a person for purposes of exploitation through any of the means highlighted above is classified as human trafficking. However, there needs to be cross-border mobility in the case of human smuggling.

¹⁷ Department of Justice and Equality (2020) Trafficking in Human Beings in Ireland | Annual Report 2019, p6. Available at:

<http://blueblindfold.gov.ie/en/BBF/Human-Trafficking-Annual-Report-2019.pdf/Files/Human-Trafficking-Annual-Report-2019.pdf> Accessed 11.10.2020

¹⁸ *Ransev v Cyprus and Russia* no.25965/04 ECHR 2010

¹⁹ European Convention on Human Rights Act 2003, Art 4

Background

Established in 2001, Akina Dada wa Africa (AkiDwA), Swahili for sisterhood, is a network of African and migrant women living in Ireland. AkiDwA's vision is a just society where there is equal opportunity and equal access to rights and entitlements in all aspects of society: social, cultural, economic, civil and political. Its mission is to promote equality and justice for migrant women living in Ireland. Migrant women in Ireland are not a homogenous group and for AkiDwA the term 'Migrant Women' includes not only recent immigrants, asylum seekers and refugees, but also migrant workers, spouses of Europeans, students, trafficked and undocumented women. It also includes those who have acquired Irish citizenship but who still consider themselves to be outside the mainstream society in terms of their linguistic, racial or cultural backgrounds, and who therefore still define themselves as Migrants. AkiDwA works with women from diverse backgrounds, family status, religious and cultural identities. In most cases, immigration and individual status of different categories determines their ability to cope and adapt in the Irish society, in particular trafficked women face a lot of challenges including threats at the hands of the trafficker and this can hinder them from seeking help pushing them to isolation.

In May 2020, AkiDwA commissioned a baseline research on trafficking of African women to Ireland to help advance the organisation's work on sexual and gender-based violence and to contribute to the understanding on trafficking of women particularly, trafficked women from the African continent to Europe for the purposes of sexual exploitation.

Methodology

A social-legal approach was adopted in the conduction of this research. It is pertinent to note that it was a more social than legal analysis. A qualitative research methodology was undergone with the perusal of existing literature and statistical evidence to facilitate critical discussion of human trafficking in Ireland. In addition, quantitative methodology was also applied herein. However, the sensitive nature of human trafficking, particularly sex trafficking, poses a challenge for the extent of direct-victim evidence that can be gathered around the subject. Given the horrendous conditions sex trafficking operates in, there are ethical concerns around interviewing such victims. This is because recounting the traumatic experience of trafficking could place the victim at the risk of re-traumatisation.

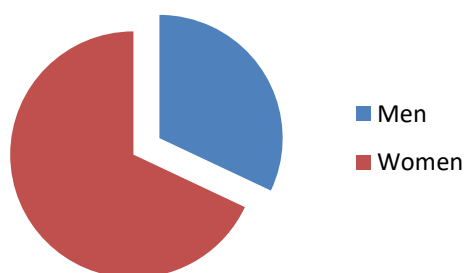
In light of the above, many researchers have taken the approach of arranging consultations and interviews with stakeholder and organisations that work with trafficked victims rather than trafficked women. Similarly, a number of stakeholders in area of human trafficking in Ireland were consulted, particularly Ruhama and the Immigrant Council of Ireland. The National Agency for the Prohibition of Trafficking in Persons in Nigeria was also consulted for the purposes of this research. Three victims of human trafficking also took part in the research. These victim participants were promised anonymity and the names provided in the case studies not the actual names of the participants. In light of covid-19 restrictions, all consultations/interviews occurred over the phone. All testimonies quoted in this piece are statements from victim participants in this research, who have been given alternative names to protect their anonymity.

Trafficking at EU level

Given the clandestine nature of trafficking activities, it is rather difficult to accurately identify, track and measure the scope of trafficking. The most recent data collection on human trafficking was published by the European Commission in 2018.²⁰ It reported that there were 20,532 victims of human trafficking across Europe as of 2015 to 2016.²¹

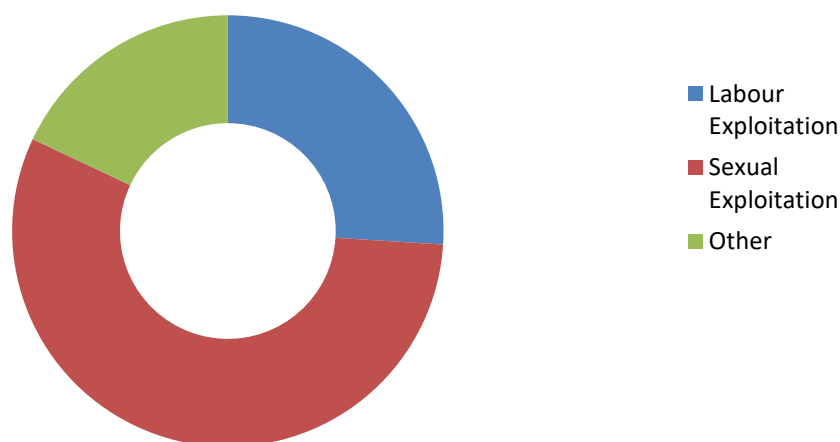
Figure 1.1: Sex distribution of victims of human trafficking

Women formed 68% of victims of trafficking while men make 32% of victims.



Amongst the different types of trafficking, sex trafficking formed majority (56%) of the cases of trafficking. Trafficking for the purpose of labour exploitation also formed a significant amount of trafficking cases (26%) and other forms of trafficking formed only 18%.²²

Figure 1.2 Breakdown of forms of exploitation

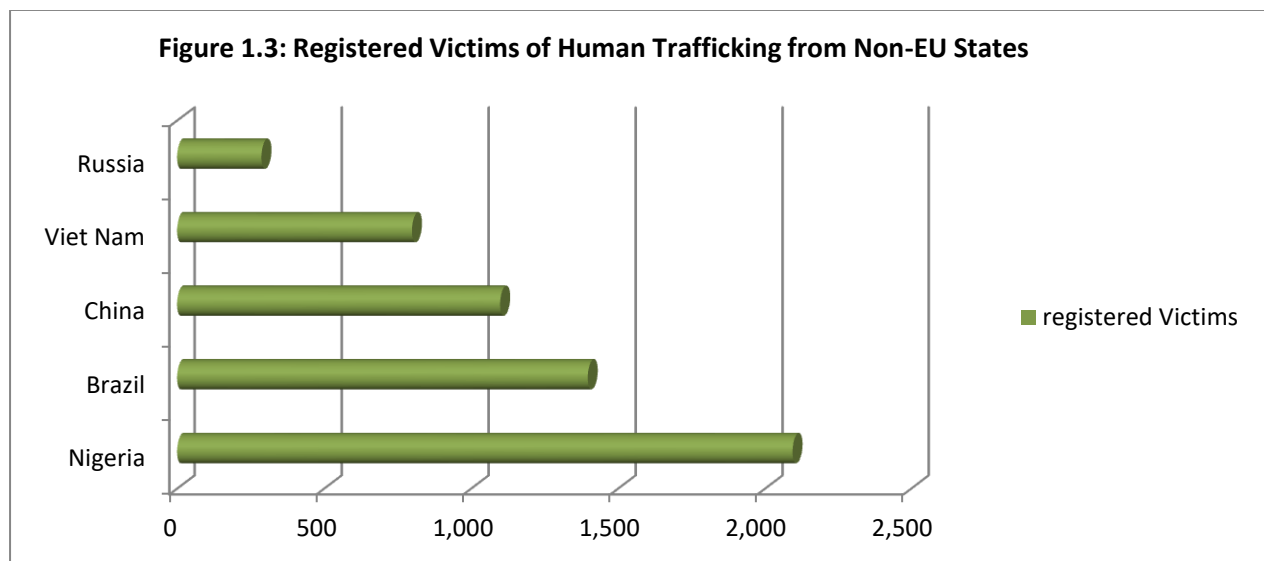


²⁰ European Commission, "Data Collection on Trafficking In Human Beings In The EU" (2018), Migration and Homes Affairs, Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_data-collection-study.pdf (accessed : 02/10/2020)

²¹ ibid

²² ibid

44% of individuals trafficked were from EU countries and 56% were non-EU citizens.²³



From this chart, it becomes clear that African victims form majority of the victims of trafficking, but Nigeria as a country is the primary country of origin for trafficking of most victims of trafficking outside the EU.

The major host countries of trafficked individuals in Europe are the United Kingdom, Netherlands, Italy, Romanian and France, in that order.²⁴ Notably, Ireland is not in the top of that list and evidence suggests that Ireland has one of the lowest cases of trafficking in the EU.

²³ ibid

²⁴ ibid

The Journey to Europe

The journey of each victim of trafficking to their host country is very peculiar to them. There is no standard route. However, there has been a significant shift in the means of travel over years. Whilst many women were once trafficked into Europe by sea, today most women come into Europe by air. Indeed, our contact at Ruhama confirmed that over the last five years, she had not come into contact with anyone who had travelled to Europe from Africa by crossing the sea, as opposed to 10 years when she first started out.

While Ireland as a destination country is often reached by air, it is not necessarily the first and final stop for most victims of trafficking. It is often the case that Africans travel through the Mediterranean Sea to Italy, from Italy they embark on journeys to other European countries.²⁵ At each stage of transportation, the girls are at great risk of harm. The sea voyage is the most dangerous of them all. Africans especially sub-Saharan Africans typically migrate to Libya. This war torn African country forms a good location for the smuggling of immigrants to Europe as the coastal borders of Libya are inadequately policed due to political instability therein.²⁶

Smugglers at the Libyan border are paid by traffickers to board victims on plastic boat which are more or less balloon dinghies.²⁷ Victims consulted during this research advised that these boats were colloquially known as *lapalapas*. Smugglers place over 100 migrants on these *lapalapas* without food or water.²⁸ These boats float from the coast of Libya to the coast of Italy for about three days or less depending on how early they are met by a rescue team which assists migrants on board a proper ship onwards to the Port of Spain, Greece, Italy or Malta.²⁹ These *lapalapas* are easily prone to capsize due to high waves, unfavourable weather and an imbalance of the boat when boarders stand up. In the first quarter of 2020 alone, 16,724 migrants and refugees entered Europe through the Mediterranean Sea with the death toll

²⁵ International Organization for Migration, Human Trafficking Through the Central Mediterranean Route (2017) Available at: <http://briguglio.asgi.it/immigrazione-e-asilo/2017/ottobre/rapp-oim-tratta-medit-centrale.pdf> (Accessed: 01/10/2020)

²⁶ *ibid*

²⁷ Mathieu Willcocks, Laura Reston, The Crossing, 31 July 2017, Available at: <https://newrepublic.com/article/143508/crossing-record-number-refugees-braving-deadly-voyage-libya-italy> (Accessed: 03/10/2020)

²⁸ *ibid*

²⁹ n (29)

reaching 256 in that period alone.³⁰ These deaths are often as a result of falling off the boat, or accidental consumption of high volumes of fuel intended to power the boats.³¹

The transit from Libya to Europe is often weeks long. Victims are often habited in camps for varying periods as the voyage to England is dependent on several factors. Firstly, there are only a certain amount of dinghies with thousands of migrants waiting to be boarded and as a result there is often days and sometimes months wait to be called on for an available *lapalapa*. Additionally, the weather conduciveness is another variable that determines travel. Strong waves or rain further elongate the voyage as smugglers often wait for better weather to increase the chances of successful crossing to Europe. The waiting period at smugglers' camps in Libya prove to be high risk as migrants are subject to cruelty such as starvation, dehydration, arbitral killings and for women, sexual harassment and rape is common at the hands of smugglers.³² When commenting on her experience in Libya, a victim participant stated that

“I don't like to remember that Libya, how they use women, the beating, the rape ... how they dealt with us. I don't pray for anybody to go there ... Those people (smugglers) are like demons.”

On arrival in host countries such as Italy, teenage girls, in compliance with traffickers' instructions, often declare themselves as adults in order to avoid being housed in restrictive child protection agencies. Once housed in adult agencies, their traffickers send agents to pick victims up from such accommodations and they become missing persons.³³

On arrival in Europe, the woes of trafficked women only continue. A victim participant confirmed this reality as follows:

“I remember thinking when I get to Italy, I will report all the bad things they did to us in Libya. When she sent someone to come and pick me from the port place, I was happy. Then I got to her house and she pushed me into a room and left me there for 2 days without saying anything. I was so confused and scared.”

³⁰ International Organization for Migration, Press Release – 04/24/20, “Mediterranean Migrant Arrivals Reach 16,724 in 2020; Deaths Reach 256, Available at: <https://www.iom.int/news/mediterranean-migrant-arrivals-reach-16724-2020-deaths-reach-256> (Accessed: 11/10/2020)

³¹ *ibid*

³² Sally Hayden, “Inside the Smuggler's Warehouse: Africa's 21st – Century Slave Trade” 11 April 2020, Available at: <https://www.irishtimes.com/news/world/africa/inside-the-smuggler-s-warehouse-africa-s-21st-century-slave-trade-1.4224073> (Accessed: 11/10/2020)

³³ n (29)

The International Laws on Trafficking

1. Council of Europe Convention on Action against Trafficking in Human Beings
2. UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children³⁴
3. Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, replacing Framework Decision 2002/629/JHA³⁵

In the case of *Rantsev –v- Cyprus and Russia*, The European Court of Human Rights (ECrTHR) ruled that trafficking in human beings is a violation of human rights as prohibited by Article 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).³⁶ The Court in this matter asserted that human trafficking amounted to a modern form of slavery as it emphasised that

Trafficking in human beings, by its very nature and aim of exploitation, is based on the exercise of powers attaching to the right of ownership. It treats human beings as commodities to be bought and sold and put to forced labour, often for little or no payment, usually in the sex industry but also elsewhere.³⁷

³⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime, Nov. 15, 2000, 2237 U.N.T.S. 343

³⁵ Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, replacing Framework Decision 2002/629/JHA

³⁶ *Rantsev v. Cyprus and Russia*, Application No. 25965/04

³⁷ *ibid* para. 281.

Trafficking in Ireland

Wyle and Ward (2006) carried out the first intrinsic research on trafficking of women in Ireland. The nature and extent of trafficking in Ireland was thoroughly debated and the policy recommendations were made to prevent trafficking in Ireland.³⁸ The dearth of policy and legislation in relation to trafficking was highlighted. The figures, findings and recommendations from this report influenced the first legislation on Human Trafficking in Ireland. From that point onward, the anti-trafficking legal landscape in this state has continually expanded. The current position on human trafficking in Ireland has been regarded as flawed in relation to the identification of victims of human trafficking.³⁹ In relation to trafficking for the purpose of sexual exploitation, scholars including FitzGerald and McGarry (2019) argue that Ireland's approach in relation to sex work as well as migrant women involved in sex work is shrouded in Christian morals.⁴⁰ The Christian ideal that commercial sex is a taboo has led to the criminalisation of the demand for sex. It is also argued that this abolitionist rather than regulatory approach might leave sex workers including the trafficked victims in an environment with increased risk. Rather than give sex workers respectable rights, the criminalisation of commercial sex ensures that their work remains a shameful taboo and would more likely be moved underground further away from scrutiny.⁴¹

The blue blind fold is an initiative of the Anti-Human Trafficking Unit of the Department of Justice and Equality which co-ordinates, monitors and collects data relating to human trafficking in Ireland.⁴² Over the last five years, there have been a total of 319 victims of trafficking reported in Ireland.⁴³ The figures have declined over the last three years. However, evidence confirms that more women than men have been victims of trafficking every year.⁴⁴

³⁸ Ellis Ward and Gillian Wylie, "The Nature and Extent of Trafficking of Women into Ireland for the Purposes of Sexual Exploitation 2000 - 2006: A Report from Findings" (2006), SSRC Research Papers and Reports No. 39, SSRC, NUI Galway

³⁹ Patricia Stapleton, Human Trafficking in Ireland: Identifying Victims of Trafficking, Proceedings of the 2nd Annual Critical Social Thinking Conference, 28th January 2011,(2011) Critical Social Thinking | Applied Social Studies

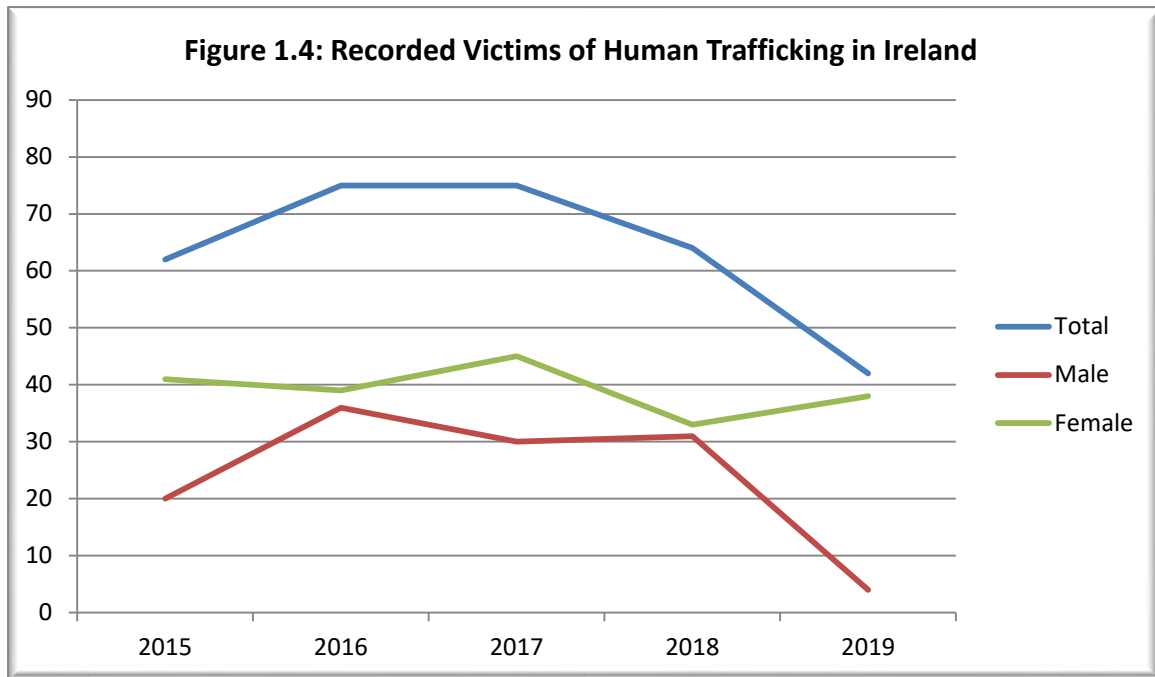
⁴⁰ Kathryn McGarry and Sharron A FitzGerald, The Politics of Injustice Sex-working Women, Feminism and Criminalizing Sex Purchase in Ireland, (2019) *Criminology & Criminal Justice*, Vol. 19(1) 62–79

⁴¹ *ibid*

⁴² Department of Justice and Equality, 'The National Action plan To Prevent And Combat Trafficking of Human Beings in Ireland (2009 - 2012)

⁴³ Department of Justice and Equality, Victims of human trafficking reported to An Garda Síochána, 2009-2016, Available at:

<http://blueblindfold.gov.ie/en/BBF/Victims%20of%20human%20trafficking%20reported%20to%20An%20Garda%20S%C3%ADoch%C3%A1na,%202009>

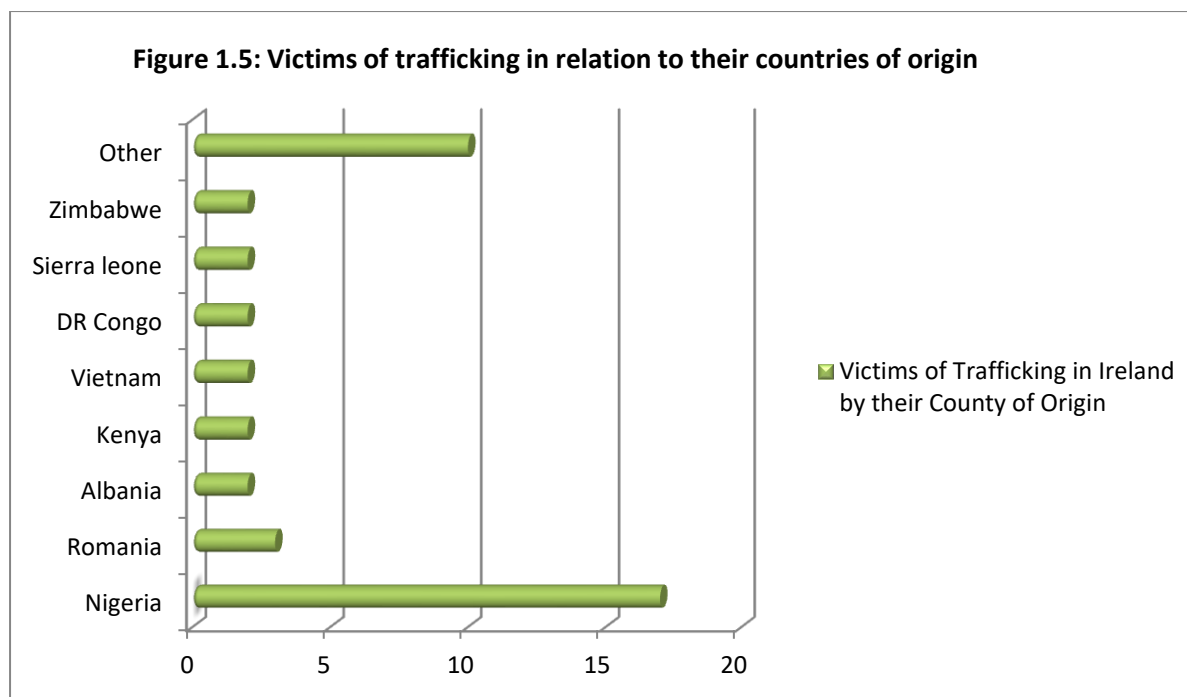


There were reportedly 42 victims of human trafficking in Ireland in 2019 and 34 of these victims were victims of sexual exploitation.⁴⁵ This confirms that even in Ireland sexual trafficking is the primary form of trafficking just as it is in Europe generally.

[2016.xlsx/Files/Victims%20of%20human%20trafficking%20reported%20to%20An%20Garda%20S%C3%ADoch%C3%A1na,%202009-2016.xlsx](#)

⁴⁴ *ibid*

⁴⁵ *ibid*



Evidently, Ireland is a host country for victims of trafficking from Africa, particularly, Nigeria to the EU. However, it might just be the case that the human trafficking in Ireland might be significantly underreported or the victim identification process might be one that is rather restrictive and consequently, the number of recorded victims in the country remains low. Statistics shows that victims from Zimbabwe, Sierra Leone, DR Congo and Kenya are countries of origin with equal number of suspected victims. However, consultation with Non-Governmental organisations in the course of this study revealed that the numbers of potential victims from Zimbabwe who they come across are on the rise and in fact, Zimbabwe is now the country of origin with the second highest number of trafficked victims in Ireland. Furthermore, our consultation with Ruhama revealed that majority of these victims do not wish to be referred to the Gardaí and as such are not recorded as actual registered suspected victims of trafficking in the official statistics.

National Plan to combat human trafficking

Ireland has ratified the Council of Europe Convention on Action against Trafficking in Human Beings and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children supplementing the United Nations Convention against Transnational Organised Crime. It has therefore taken a stand against trafficking on an EU level as well as a global level.

In addition, it adopted the UN Global Plan against human trafficking in 2010. In 2011, the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, replacing Framework Decision 2002/639/JHA. This directive calls for member state to effect a victim-centred approach as well as a gendered approach to tackling human trafficking. It also calls for member states to take the positive action of transposing the provisions of the directive domestically within a 2 year time frame.

Accordingly, the Republic of Ireland complied through the enactment of the Criminal Law (Human Trafficking) (Amendment) Act 2013 which augmented the Criminal Law (Human Trafficking) Act 2008 as it expanded the definition of human trafficking in Irish law to include forced begging and trafficking for other criminal activities. The definition of human trafficking as outlined earlier is in light with the International standards. This law is supplemented with the Child Trafficking and Pornography Act 1998 which deals with child trafficking.

In 2017, the government enacted the Criminal Law (Sexual Offences) Act 2017 which decriminalised sex work but made the purchase of sex a crime. This is a significant step in the reporting as it is likely to encourage trafficked women in the sex industry to assist law enforcement investigate buyers and sex crime gangs. However, our consultant from Ruhama advised that we are yet to see progress in relation to monitoring, investigation and collation of data in relation to trafficking. However, the law implementation of the law only began in 2017 and as such; it is still rather early to effectively measure its impact on the sex trafficking industry.⁴⁶ The Immigrant Council of Ireland regarded any such measurement of the policy to be somewhat “premature”.⁴⁷

⁴⁶ Immigrant Council of Ireland, “Review of the Operation of Part 4 of the Criminal Law (Sexual Offences) Act 2017: Submission of the Immigrant Council of Ireland” 10 September 2020, Available at: <https://www.immigrantcouncil.ie/sites/default/files/2020-09/2020-Submission-Immigrant-Council-SOA-review.pdf> Accessed 05.10.2020

⁴⁷ ibid p4

In 2008, the framework for the implementation of the anti-trafficking policy was comprehensively set out in The National Action plan To Prevent and Combat Trafficking of Human Beings in Ireland (2009 - 2012). The national strategy was to **prevent** trafficking, **protect** victims of trafficking and **prosecute** the crime of trafficking (the 3ps).⁴⁸ The Human Trafficking Investigation and Coordination Unit (HTICU) An Garda Síochána is a special unit created to tackle trafficking was created. In addition, network of state and non-governmental organisations was established to effectively tackle cases of trafficking. This framework of multi-organisational efforts to tackle trafficking is referred to as the National Referral Mechanism (NRM).⁴⁹ In the Second National Action Plan, the state renewed the country's commitment to preventing, protecting and supporting victims of Human Trafficking in line with international trafficking policy.⁵⁰

The National Referral Mechanism

When a potential victim of human trafficking can be referred to Investigation and Coordination Unit (HTICU), An Garda Síochána is a special unit created to tackle trafficking by any of the following persons or bodies:

1. Border Control at the Airport
2. Non-Governmental Organisations
3. The victim themselves could report to the local Gardaí
4. Workplace Relations Commissions
5. A concerned citizen may also refer a potential victim of human trafficking.

Once any of the five institutions/persons encounter a potential victim of trafficking they are legally obligated to report this to the AHTU for the purpose of recording and monitoring human trafficking in the state. However, the referral of a victim to the Gardaí can only be made when the victim consents to being referred to the AHTU.

A potential victim of trafficking can only be identified as a suspected victim of trafficking by the AHTU where there are “reasonable grounds” for believing that he/she has been a victim

⁴⁸ The National Action plan To Prevent and Combat Trafficking of Human Beings in Ireland (2009 - 2012) (2009), Available at: <http://www.inis.gov.ie/en/JELR/Final%20National%20Action%20Plan2.pdf/Files/Final%20National%20Action%20Plan2.pdf> (Accessed at: 07.10.2020)

⁴⁹ *ibid*

⁵⁰ The Department of Justice and Equality, “Second National Action Plan to Prevent and Combat Human Trafficking in Ireland” (2016) Available at: http://www.justice.ie/en/JELR/2nd_National_Action_Plan_to_Prevent_and_Combat_Human_Trafficking_in_Ireland.pdf/Files/2nd_National_Action_Plan_to_Prevent_and_Combat_Human_Trafficking_in_Ireland.pdf Accessed 17.10.2020

of an the said offence. Once identified as a suspected victim of human trafficking, such a person is now eligible to certain protections and victim support.

Victim Support Structure

A suspected victim of human trafficking is eligible for a 60 day recovery and reflection period and/or 6 month renewable temporary residence permission in which he/she is referred to certain state agencies for healthcare, legal, immigration and accommodation support.

Healthcare Plan

The Anti-Human Trafficking Team of the Health Service Executive offer health care services tailored to the needs of adult victims of trafficking referred by An Garda Síochána.

Legal Support

The Human Trafficking/ Administrative Support Unit of the Legal Aid Board provides legal advice and arranges the provision of legal services to victim of trafficking referred by An Garda Síochána.

Accommodation Arrangements

The International Protection Accommodation Service (IPAS) formerly known as Reception and Integration Agency (RIA) is responsible for ensuring that victims referred to them, having being identified by the Garda are provided with accommodation. Currently, these women are being housed in accommodation centres with asylum seekers in direct provision centres. They are also provided with €38.80 weekly for personal expenditure.

Immigration Arrangements

Upon the expiration of the 60 days, the criminal investigation process begins and where the victim is willing to cooperate with the Gardaí 6 months renewal temporary residence is granted. This temporary residence is renewable and an application can be made for a work permit (stamp 4) or even citizenship (stamp 6) subject to the conditions for meeting such stamp. Where the victim of trafficking has no wish to remain in the state, that is if he or she wishes to return home, arrangements are made for their voluntary return which is facilitated by the International Organisation for Migration.⁵¹

⁵¹ Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking, Available at: <http://www.inis.gov.ie/en/INIS/Administrative%20Immigration%20Arrangements%20for%20the%20Protection%20of%20Victims%20of%20Human%20Trafficking%20-%20March%202011.pdf/Files/Administrative%20Immigration%20Arrangements%20for%20the%20Protection%20of%20Victims%20of%20Human%20Trafficking%20-%20March%202011.pdf> Accessed: 20/10/2020

The Domestic Legislation and Administrative Arrangements

1. Criminal Law (Human Trafficking) Act 2008
2. Criminal Law (Human Trafficking) (Amendment) Act 2013
3. Criminal Law (Sexual Offences) Act 2017
4. International Protection Act 2015
5. Illegal Immigrants (Trafficking) Act 2000
6. The Child Trafficking and Pornography Act 1998
7. Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking

The Government agencies operating in Ireland to combat human trafficking are:

1. The Department of Justice and Equality
2. An Garda Síochána
3. The International Protection Accommodation Service (IPAS)
4. The Department of Employment Affairs and Social Protection
5. The Legal Aid Board
6. The Health Service Executive
7. The Immigration Service
8. The International Protection Office (IPO - formerly ORAC) and the International Protection Appeals Tribunal (IPAT - formerly RAT)
9. The Workplace Relations Commission (formerly NERA)

Non-Governmental Organisations which are part of the national referral mechanism and therefore, provide services to victims of human trafficking include:

1. Ruhama
2. Migrants Rights Centre
3. Immigrant Council of Ireland
4. Doras Lumini
5. Sexual Violence Centre Cork
6. Rape Crisis Network Ireland
7. International Organisation for Migration

The Synthesis of Push and Pull Factors

Pull Factors

Demand for sexual services

The situation with regards to the sex industry is particularly interesting in Ireland. Notably, the Irish policy on commercial sex is arguably influenced by conservative Christian ideals which frown on prostitution.⁵² Nonetheless, as highlighted earlier, it is now a crime to pay for sex in Ireland today,⁵³ and it would be interesting to see how that would affect the demand for sex in the country.

However, the escort industry in Ireland has been known to be a hoax for the sex trade industry. Escort-ireland.com is particularly notorious for advertising sex workers under the guise of escorts online.⁵⁴ It is estimated that over 650 women are advertised for prostitution online on this platform.⁵⁵

Women who are trafficked are also advertised on this platform. African girls/women are often described as “ebony” girls. Online markets such as these form evidence of the demand for sexual services in Ireland. Notably, there are no official statistics published on prostitution in Ireland. Nonetheless, a survey conducted by Ruhama showed that majority of that there was a sustained sex industry in Ireland as sex work occurs indoors in brothel like accommodations and there was limited street prostitution.⁵⁶

The Allure of the “West”

The West (European Countries) is often seen as lands *flowing with milk and honey*, particularly in Africa. This idea of the west is an impact of colonisation and the devaluation of Africa.⁵⁷ There is a certain pride and status that comes with living in Europe or America as there is the presumption that you are earning more money, drinking cleaner water, eating

⁵² Patricia Stapleton, Human Trafficking in Ireland: Identifying Victims of Trafficking, Proceedings of the 2nd Annual Critical Social Thinking Conference, 28th January 2011, (2011) Critical Social Thinking | Applied Social Studies

⁵³ Criminal Law (Sexual Offences) Act 2017; part 4

⁵⁴ Sexual Exploitation Research programme, “Shifting the Burden of Criminality: An Analysis of the Irish Sex Trade in the Context of Prostitution Law Reform” (2020) Available at: file:///C:/Users/HP/Downloads/Shifting_the_Burden_Report.pdf Last accessed: 24/11/2020

⁵⁵ ibid

⁵⁶ Ruhama. (2005). Biennial Report: Support, Hope Choice, 2005-2006. Dublin

⁵⁷ The Immigrant Council of Ireland, “Review of the Operation of Part 4 of the Criminal Law (Sexual Offences) Act 2017: Submission of the Immigrant Council of Ireland” (2020) Available at: <https://www.immigrantcouncil.ie/sites/default/files/2020-09/2020-Submission-Immigrant-Council-SOA-review.pdf> (Accessed on: 17/10/2020)

nicer food, etc. Unfortunately, the idea that the best is West and Africa worse is a mind-set that attracts African people, including women who are trafficked to Europe.

Economic prospects

With the advancement of the Western Industries, there is job availability and given the low GDP of most African countries, the pay scheme of European jobs are much more attractive to Africans who might be earning less for the same work or an even higher role. It is for this reason that people are easily lured into travelling to Europe under deceptive promises of employment once they arrive in Europe.

Higher Standard of Living and Safety

The rates of crimes such as robbery, theft and murder are a lot less in European Countries such as Ireland than Nigeria. In addition, there is next to zero terrorist activity especially in Ireland for instance. This peace of mind and safety is a factor that pulls migrants to European countries such as Ireland as these individuals want to avail of such safety and protection themselves as well as provide the same for their families.

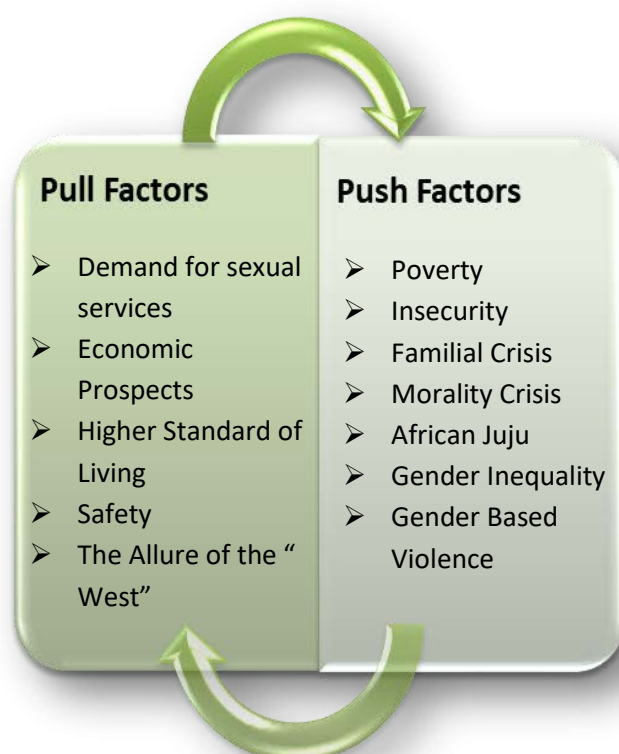


Figure 1.6: The Interlink of Push and Pull Factors that facilitate human trafficking for sexual exploitation

The Push Factors: The African Context

In understanding the factors that push victims from Africa, this research focuses on victims from Edo state of Nigeria. Having highlighted that Nigeria is the primary source of trafficked victims in Africa; Edo state has been labelled the most endemic source of human trafficking as research shows that majority of African women who are trafficked are originally from Edo State Nigeria.⁵⁸ The 1980s marked the beginning of sex trafficking of women from Edo state into Europe. In that decade, Italy's demand for low skilled labour in its agriculture industry was a catalyst for the migration of Nigerians to the Country.⁵⁹ The first generation of Nigeria women in Italy migrated to conduct legitimate businesses and over time engaged in prostitution.⁶⁰ Some of these women turned themselves into "madams" and began to recruit other women from Nigeria into the sex industry in Italy.⁶¹ This was the advent of sex trafficking of Nigerian women to Europe.

African Juju

It may appear that majority of people living in Edo state are either Christians or Muslims, however, a lot of people including Christians and Muslims still believe in the power of the gods as well as dark magic colloquially known as juju.⁶² While some people might not actively practice it in their daily life, a good number of people resort to juju rituals at certain points in their lives.⁶³ One reason why the trafficking of women from Edo state is particularly lucrative is because of the extent to which people in that region believe in the binding power of juju. Edo state is rather notorious for the practice of juju in Nigeria.⁶⁴

Human trafficking in Edo state is laced with juju rituals employed by traffickers as a means of securing victims' cooperation and ultimately control. Before a girl is taken abroad, it is common practice for her to swear an oath to pay back her debt as well as never betray or abscond from her madam. This oath is typically sworn at a juju shrine where articles of the victim such as a lump of her hair, her underwear or even her blood, is used to perform a ritual

⁵⁸ United States Department of State, 2012 Trafficking in Persons Report - Nigeria, 19 June 2012

⁵⁹ Cole, J., E. & S.S. Booth, *Dirty Work: Immigrants in domestic service, agriculture, and prostitution in Sicily*, 2007, p. 123.

⁶⁰ Tim Braimah, 'Sex Trafficking in Edo State, Nigeria: Causes and Solutions', (2013) *Global Journal of Human Social Science (C)* 13(3) p10 - 11

⁶¹ *ibid*

⁶² Carling, J. *Trafficking in Women from Nigeria to Europe*, Migration Policy Institute, 1 July 2005

<http://www.migrationpolicy.org/article/trafficking-women-nigeria-europe> Accessed: 18/10/2020

⁶³ *ibid*

⁶⁴ Sarah Bell, "Trafficked girls controlled by Juju magic rituals" BBC News, Available at: <https://www.bbc.com/news/uk-14044205> (Accessed on 18/10/2020)

and often retained in the shrine. The gruesomeness of this experience often leaves a mental scar on the victim which scares them from ever running away or reports their madams. They strongly believe that any acts against their madams would be detected in the spirit realm and in turn this would have adverse effects in real life.⁶⁵ One victim participant described the ritual she partook in as follows,

“The native doctor cut the centre of a life chicken. He took out the heart of the chicken and gave me to eat. How can I forget it?”

Another victim participant recounted a gruesome ritual experience accordingly:

“He called me out at night and asked me to strip naked. He watched me as I took it off and gave me a white dress to put on. He started saying things, incantation. I don’t know what I drank. He gave me the contents of a calabash to drink.

I have a fear. I cannot escape it. I have this consciousness that somebody is watching me.”

This swearing of juju oath is a strong method of control which is particular to African women which makes them difficult witnesses as they are predisposed to keep the details of their journey and the identity of their traffickers a secret in compliance with the oath taken for fear for evil consequences inflicted on them or their loved ones.

Our consultant at Ruhama shared the story of a victim who believed who blamed her mother’s death on the fact that she ran away from her madam and sought help from Ruhama. She was mentally traumatised and racked with guilt.

Poverty

The average Nigerian earns below two dollars a day and accordingly poverty is rife in the country.⁶⁶ With an expanding wealth gap, the rich get richer and the plight of the poor does not appear to be improving. One familial unit can often have above four to five children and might even be polygamous and as a result there is high financial dependency rate.⁶⁷ It is therefore, unsurprising that the burden of economic provision in the home has been extended to women and even girls over the years. The extent of poverty in the society breeds desperation and despair such that women and girls as well as their parents or guardians are willing to ignore the potential risks of exposing their young girls to work in pursuit of

⁶⁵ n 61

⁶⁶ The World Bank, Poverty & Equity Data Portal: Nigeria, Available at: <http://povertydata.worldbank.org/poverty/country/NGA>; Accessed 18/10/2020

⁶⁷ Nwokeoma Bonaventure Ngozi, Osadebe Nnabuike O , Amadi Kingsley Chinedu & Ugwu Nebechukwu Henry, Interrogating the Nature and Push Factors of Human Trafficking in Benin City, Edo State Nigeria in the Context of the Africa We Want, (2019) African Population Studies 33(2)

money.⁶⁸ This desperation and despair in the society breeds the perfect atmosphere for trafficking as families are more willing to accept the offer from a trafficker to send their girls abroad in search of greener pastures.

As a result of the poverty induced desperation, the general attitude of the society in Edo state in relation to girls travelling abroad is rather detached and can be summarised with the statement from an interviewed native, “there is hardly any house in Benin here that a girl is not abroad, feeding their family”⁶⁹

Illiteracy

The mixture of poverty and large familial units leaves room for gender discrimination that leaves a lot of young girls illiterate. In the Edo culture, girls are traditionally seen as an unyielding investment as they were going to marry into other families. As such, it is thought wiser to invest in the sons of the family as whatever wealth they generate would remain in the family.⁷⁰ With this context, once faced with the choice of which children in a large familial unit to educate with the limited resources available to parents, it is often the case that the girl children are denied access to education. In addition, there appears to be a high rate of teenage pregnancies in the region.⁷¹ Many of such girls who fall pregnant often have to leave school and do not return as they take on the duty of child care and provision.⁷² The ignorance that comes with illiteracy makes young girls good candidates for manipulation and deception for traffickers who entice them with tales good jobs and ultimately better life in Europe.

Gender Inequality

It is rather interesting that in a society where the patriarchal ideal of a male provider in the family unit has disintegrated, the tradition of male only primogeniture is still practised.⁷³ In Edo tradition, when a man dies, the first son only inherits his wealth.⁷⁴ Even when we see that women now also have financial dependants, the society does not opt to assist her in this regard as it would a man. In addition, there is high rate of illiteracy among girls. This blatant

⁶⁸ *ibid*

⁶⁹ *ibid* p 4931

⁷⁰ Tim Braimah, ‘Sex Trafficking in Edo State, Nigeria: Causes and Solutions’, (2013) *Global Journal of Human Social Science* (C) 13(3) p23

⁷¹ Nwokeoma Bonaventure Ngozi, Osadebe Nnabuike O , Amadi Kingsley Chinedu & Ugwu Nebechukwu Henry, *Interrogating the Nature and Push Factors of Human Trafficking in Benin City, Edo State Nigeria in the Context of the Africa We Want*, (2019) *African Population Studies* 33(2), 4931

⁷² *ibid*

⁷³ Tim Braimah, ‘Sex Trafficking in Edo State, Nigeria: Causes and Solutions’, (2013) *Global Journal of Human Social Science* (C) 13(3) p22

⁷⁴ *ibid*

sex discrimination limits the financial capacity of women as well as their cognitive capacity. While there is a high illiteracy rate due to poverty, the female illiteracy rate is a lot higher and that is due to gender discrimination. In Edo state, there is a clear understanding that male children are considered to be of higher value and superior to the girl-child.⁷⁵ The illiteracy leaves room for naivety which makes such girls easier prey from trafficked backgrounds.

Gender Based Violence

There is a high rate of violence against women in Africa.⁷⁶ However, in Nigeria and in particular, Edo state, young girls are subject to female genital mutilation with a view to curbing their libidos and therefore preserve virginity until marriage.⁷⁷ This horrendous practice often leaves immediate, long term and often life-long disadvantages to its victim's physical and mental health which cannot be overemphasized.⁷⁸ Additionally, rape and sexual abuse by men is very prominent in the region.⁷⁹ More so, a large majority of wives suffer domestic violence from their intimate partners. More crude practices including the under-aged marriage of girls often leaves them in abusive, loveless, marital relationships where rapes, assault and battery from their husbands are more likely eventualities.⁸⁰ Furthermore, when their husbands die, young widows are perceived to be the prime suspect for the cause of his death and are accordingly treated with disdain and subject to dehumanizing rituals. These rituals include swearing of an oath, sleeping beside his corpse for a night, shaving her head etc. Young widows are often sexually harassed by her husband's relations also.⁸¹

In light of the crude oppression of women in the state, many women and girls are predisposed to travelling abroad to Europe as a means of escaping this sexist environment to a more liberal environment where the odds might be more in their favour. Like poverty, the cultural oppression of women causes despair in women and girls as well as desperation for an escape route which is exploited by traffickers.

⁷⁵ Caroline O. Olomukoro and Rabiatu Aimankhu, "Empowerment Of Women Against Sexist Oppression In Edo South Senatorial District, Edo State, Nigeria" (2017) *Academic Research International* 8(3)

⁷⁶ *ibid*

⁷⁷ David Osarumwese Odifo, Iyekoretin Evbuoman, *Female Genital mutilation among Edo People: The Complications and Pattern of Presentation at a Paediatric Surgery Unit, Benin City*, (2009) 13(1)

⁷⁸ AkiDwA, *Female Genital Mutilation: Information for Health Care Professionals Working In Ireland*, (AkiDwA, Ireland 2013)

⁷⁹ N 75

⁸⁰ *ibid*

⁸¹ *ibid*

Familial Crisis

The family has been identified as a primal institution and its dynamics have a ripple effect on the economic, political, religious and indeed social aspects of the society.⁸² In Edo state, the practice of polygamy is rather popular and as such one man marries several wives and has multiple children. In light of economic restrictions in impoverished societies, some children are often not effectively catered for. In addition, there is a rise in teenage pregnancies as well as single parenthood. Against this backdrop of familial crisis such children often form likely victims of human trafficking.⁸³

The practice of serial polyandry is also prevalent in Edo state. In light of the culture of primogeniture, women marry one man and then leave him to marry another in the quest to give birth to first sons in a family who can lay claim to inheritance rights. These women stand to gain the financial benefits as mothers of first born sons. The raising of children from one household to another creates instability for such children at a young age and this emotional vulnerability makes them more susceptible to be naïve and lured by the trafficker's promise of a better life abroad.⁸⁴

Morality Crisis

The adoption of foreign religions such as Christianity and Islam also eroded to an extent the practice of local traditions and codes of morality attached thereto. In such indigenous African traditional worship practiced in Edo states, sexual immorality of women was frowned upon and punished by heavy shaming and on some occasions, caning.⁸⁵ While these new religions do not exactly endorse promiscuity, they do not hold any severe repercussions for straying. The multi-religious nature of Benin City means there is not one moral code but acceptance and tolerance of different ways of life is obtainable in the city to allow for peaceful co-existence. As a result of this the societal moral standards have been somewhat lowered.⁸⁶ Whilst most people living in Edo state particularly Benin are aware that girls going to Europe are probably involved in some kind of prostitution, there is not that much of a stigma to the practice. The erosion of moral tradition and religion as well as the desire to alleviate oneself

⁸² Chinoy E, *Society: An Introduction to Sociology*, (Random, New York 1967)

⁸³ Nwokeoma Bonaventure Ngozi, Osadebe Nnabuike O , Amadi Kingsley Chinedu & Ugwu Nebechukwu Henry, Interrogating the Nature and Push Factors of Human Trafficking in Benin City, Edo State Nigeria in the Context of the Africa We Want, (2019) African Population Studies 33(2), 4933 – 4936

⁸⁴ *ibid*

⁸⁵ Siddharth Kara, *Sex Trafficking: Inside The Business Of Modern Slavery* (Columbia University Press, 2009),p.90

⁸⁶ Tim Braimah, 'Sex Trafficking in Edo State, Nigeria: Causes and Solutions', (2013) Global Journal of Human Social Science (C) 13(3) p24

and their family from poverty has taken precedence over policing commercial sex.⁸⁷ Most individuals while aware of the risk of prostitution involved in the traffic turn a blind eye to it and find nobility in the fact that those girls are travelling to Europe to feed their families.⁸⁸

Police Corruption

The Nigerian police are notoriously corrupt. Bribery and corruption of police officers has arguably been normalised in the Nigerian polity. Rather than effect the anti-trafficking policy and legislation available in the country, corrupt police officers help traffickers who have bribed them to escape justice.⁸⁹ Traffickers often buy the co-operation of the police who are already pre-disposed to such bribes. Unfortunately, bribery and corruption in the police force is so rife in Edo state that the public in that region perceive that a significant amount of police officers “lacked integrity and members were main collaborators that aided illegal practice”.⁹⁰ It is therefore arguable that police corruption is the primary reason for the low figures for convicted traffickers in the state. In fact, NAPTIP alleged that the police released a suspected trafficker before he could be fully prosecuted, without cause.⁹¹ Indeed, the corrupt nature of the police force can critically undermine the fight against trafficking in Nigeria as a whole.

Insecurity/Political instability

Over the years, the level of insecurity in Nigeria in general has increased. Frequent terrorist activities, under various sects have and are still taking place. For several years, the country has been fighting a battle with the boko haram terrorist group.⁹² In addition, Fulani herdsmen have continued to randomly and atrociously attack communities in states in the Southern parts of Nigeria, including Edo state.⁹³ These herdsmen often burn houses, other properties, as well as kill and maim people. This insecurity leaves people living in constant fear and keen on migrating to safer countries in Europe. It is against this background that a lot of

⁸⁷ ibid

⁸⁸ Nwokeoma Bonaventure Ngozi, Osadebe Nnabuike O , Amadi Kingsley Chinedu & Ugwu Nebechukwu Henry, Interrogating the Nature and Push Factors of Human Trafficking in Benin City, Edo State Nigeria in the Context of the Africa We Want, (2019) African Population Studies 33(2), 4931

⁸⁹ Ibid p21

⁹⁰ Micah Damilola John, Public Perception of Police Activities in Okada, Edo State Nigeria (2017) CJBSS 8(1) p 29

⁹¹ See: Usman Bello, ‘Nigeria: Kogi police deny NAPTIP’s Claim on Suspected Human Traffickers’

<http://allafrica.com/stories/201208100357.html> [accessed 4th February, 2012]

⁹² Okoli, A. C. and P. Iortyer, “ Terrorism and Humanitarian Crisis in Nigeria: Insights from Boko Haram Insurgency” (2014) Global Journal of Human-Social Science Research

⁹³ International Crisis Group, ‘Herders Against Farmers: Nigeria’s Expanding Deadly Conflict’, Report No. 252, 19 September 2017. Available at:

<https://www.crisisgroup.org/africa/west-africa/nigeria/252-herders-against-farmers-nigerias-expanding-deadly-conflict> Accessed: 12.10.2020

Nigerian migrants yearn to migrate to Europe and some of them are keen to do so by any means necessary even at the cost of labour or sexual exploitation.⁹⁴

⁹⁴ Ligia Kiss, Anthony Davis, David Fotheringham, Alys McAlpine, Nambusi Kyegombe, Ludmila Abilio, Joelle Mak. The trafficking of girls and young women: evidence for prevention and assistance. Plan International, 2019. Available at: <https://plan-uk.org/file/trafficking-of-girls-and-young-women/download?token=gXqs11ip> (Accessed on: 20.10.2020)

The Impact of Human Trafficking on Women

Sexually Transmitted Infections/ Diseases

Research shows that women and girls involved in sex trafficking are at high risk of contracting sexually transmitted diseases such as HIV/AIDS, Chlamydia, gonorrhoea, syphilis, etc.⁹⁵ This is especially so for the women trafficked from Africa who are selected at very young teenage ages, from rural background and often uneducated. These girls are most likely ignorant about the sexual health risk involved in unprotected sex. Even when such girls are knowledgeable, given the power dynamic between these girls and their traffickers and customers, they are not in a position to insist on safe sex where a protective barrier is used. This is because any resistance on their part is most likely to be met with violent consequences.

Violence

Violence is a popular tool for enforcing control and coercion on victims of trafficking.⁹⁶ While it is generally used to enforce compliance, it is initiated at different stages. While some women suffer violence in the course of their transit to destination countries, violence is often introduced into the trafficking endeavour at the destination country. It may be used to establish and/or enforce the power dynamic in the relationship between the traffickers and the madams or to force compliance on a victim who might be hesitant in partaking in commercial sex for the benefit of their traffickers as proposed. This proves to be a very effective tool as a victim participant in the course of her testimony expressed her cognisance of the dynamic by stating,

“She (her madam) said she can kill me and nothing will happen. And it was true. Nothing will happen because I am away from home. No one knows where I am.”

In some instances, just the threat of violence suffices. The victim succumbs to exploitation under the fear that violence, harm and even death would come to her family and loved ones back home whom are well known to the trafficker and might have consented to the trafficking of the victim knowingly or unknowingly. This threat of violence to loved ones is a very popular method of securing compliance to African victims as members in the trafficking

⁹⁵ Human Trafficking Medical Effects on Victims Available at: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/forum_magazine_on_medical_effects_1.pdf (Accessed: 20/10/2020)

⁹⁶ Women's Link Worldwide, *Trafficking of Nigerian Women and Girls*, (2015) Available at: <https://www.womenslinkworldwide.org/files/5831abe9adf129d7b16afccbea714dd0.pdf> (Accessed: 20/10/2020)

network who are known members of the community who are seen as kind people providing opportunities for young girls to travel abroad and cater for their families.⁹⁷ The traffickers are instrumental in maintaining the threat of violence and harm to the victims loved ones.

Unfortunately, violence inevitably forms part of the sex trade as victims are often subject to violence from clients who might incorporate violence into sexual activity. Violence might be used to force the victim into performing certain acts she might not have initially envisaged at the beginning of the transaction. More so, it is not uncommon for victims of trafficking to get raped by a client at any stage of the transaction.

Torture

Each case of human trafficking is significantly different, whilst others might involve forms of control that amount to torture, others might not. However, in most cases, victims are subject to torture themselves or forced to comply with traffickers for fear of being tortured. The following torturous tactics are often used to coerce victims into complying with the whims of traffickers:

1. Starvation
2. Isolation and restriction of movement (locked up in a room or house)
3. Grievous bodily harm.

One of the victims interviewed for the purpose of carrying out this research attested that while she was being trafficked in Ireland, she was held in a room for majority of the time.

“For four months I was locked in the room with the two other girls. We would only come out to do night work.”

Whilst some women are not literally held captive by such physical restraints or subject to grievous bodily harm, the threat of harm is often used to police these women into compliance. An interviewee confirmed that while she was being sex trafficked in Europe, gruesome acts of violence were being meted out on girls who resisted or challenged their direct controller;

“I know I was just being more obedient and humble but that was because I saw what they were doing ... they cut their hands, scrape their hair, and chop off their fingers when they (other girls) were proving stubborn.”

⁹⁷ ibid

Consumption of Hard Drugs

Victims of human trafficking often have to be intoxicated to numb the pain of the often sadistic sexual encounters they have to undergo in the course of their work. They are supplied these drugs by their traffickers. This practice is rather dangerous as it places victims at the risk of drug addiction which in turn has sequelae of adverse effects on the physical and mental health of victims not to mention the likelihood of drug overdose and death.

“I don’t know what I am taking. I just know I am taking drugs to make sure whatever process I am going through, I don’t feel it”.

Post trafficking trauma

Majority of the victims interviewed expressed concern about who they had become post ordeal. They complained of being reserved and timid. All victims felt that they had lost their voice. They also complained of psychological harm with symptoms of nightmares, anxiety and stress being unanimously experienced. They all attributed these nightmares to the juju oath they had taken. In the course of narrating the adverse effects of the ordeal, a victim participant stated that

“Even now, I still have night mares. I see my madam chasing me with a cutlass, saying she knows where I am ... that I betrayed her and I must pay her money.”

All participants are availing counselling services.

Ireland Policy Challenges – The Migrant Women Perspective

The Problem with Identification: The Role of the Gardaí

As outline earlier, the Gardaí *only* can official identify a suspected victim of trafficking and this in itself proves problematic. It is pertinent to note that it is the Gardaí who prosecutes offences of illegal migration and smuggling. They work hand in hand with agencies such as the Garda National Immigration Bureau (GNIB) and the Airport Immigration Authority to prevent illegal migration. As a result it unsurprising that the Gardaí often meet stories of trafficking of migrants with cynicism. It is often difficult for them to separate a referred victim of trafficking from an illegal immigrant and identify them as a victim of trafficking. The identification of a potential victim as an actual suspected victim, where they have entered the country illegally, removes them from the position of an offender whom the police should prosecute to a victim, whom the police should support. It is for this reason that the police are not readily disposed to identify a persons a victim of human trafficking. This creates a predisposition/ prejudice against victims of human trafficking which they have to struggle to rebut/ disprove.

“Why didn’t you leave?” “Why didn’t you just run away?” These are questions often posed to victims of domestic violence that casts doubt into the authenticity of their stories and are often at play when examining the story of victims of trafficking. This is especially so in this modern form of slavery where no shackles are used to restrict the victim. In light of the level of agency involved in the significant travel as well as the sex work involved in the sex trafficking of migrant women, whether one is a victim of human trafficking or a partaker in human smuggling for the purposes of commercial sex is often in question. More so, the Gardaí unlike NGOS only interview the potential victim of trafficking for episodes over the span of days. This leaves out context and behavioural examination which an NGO might have taken into account by working with the victims for months. It is for this reason that we canvas that NGOs rather than the Gardaí should be responsible for victim identification.

The Problem with Identification: The Victim Witness

Where a victim presents reasonable evidence to suggest that he/she was a victim of trafficking, he/she will be identified as one by the Gardaí. While this seems straightforward, this vague *reasonableness* test leaves the victims right to support hanging on the balance of her capacity to tell detailed and somewhat “reasonably” convincing story. This reliance on victims of trafficking as the primary and most times only witness is rather problematic for

victims as it often means experiencing re-traumatisation in the process of telling their stories. In addition, given the length of time that may have passed between recruitment, transit, several intermediate countries, if any, and then final destination (Ireland), it is not always possible for these women to give a detailed account of their experience.

It is imperative to consider issues specific to African victims which might hinder them from giving effective testimonies that meet the threshold of reasonable grounds. These include the following:

I. Language Barrier:-

While a good number of Africans cannot speak English, a significant proportion of African victims can speak English, however, their command of English might not be very strong and as a result they might not be able to effectively articulate their stories and maybe unwilling to go into specific details. This can affect their ability to adequately recount her experience and prepare a coherent testimony that meets the threshold of reasonableness.

II. Fear of the authorities, especially police:-

As highlighted above, corrupt police in African countries such as Nigeria dispel trust for the police force. In addition, the victims of trafficking have most likely been convinced by traffickers that the police are not their friends and will deport them upon discovery. Therefore, majority of victims are unwilling to talk to the police even after they have been advised that doing so would help them gain access to better facilities. One of the victim participants explained her root of her fear of authorities as follows:

“I was afraid of seeing police, afraid that I would be caught. I cannot talk to the police. I will try ... In Germany; police came to carry people home.. I don't want to go home.”

III. Familial ties or communal ties with traffickers :-

Haven highlighted how traffickers or suspected traffickers evade the law in Nigeria and the communal passivity towards trafficking; it is often the case that traffickers are known to the families or communities of the victim. Whilst they might find the courage to escape trafficking, the onus on them to assist in the conviction of their traffickers' demands another level of bravery. It takes a degree of courage for African victims to assist in the apprehension of their traffickers as there is a fear that their doing so might result in harm coming to their loved ones in Africa in retaliation. From

this perspective, victims of trafficking might be reluctant to give details which might add to the believability to their story which in turn might have adverse consequences in their identification as victims.

IV. **Juju Oath:-**

The use of juju oath serves as a strong deterrent for African victims to effectively interact with the police. Where there are no familial or communal ties between traffickers and the victim's community, the juju oaths create a belief that some spiritual evil would manifest in the life of the victim or her loved ones. Again, this deters victim cooperation with the police. Whilst the women interviewed were willing to share their stories and discourse their oath with NGOS, they were not willing to be referred to the police as this would be an utmost form of disloyalty to their traffickers which they believe might have adverse consequences for them and their family.

V. **Ignorance of the law: -**

Most migrant women are unaware of the laws that govern them in Ireland; in particular, they are unaware of the intricacies of the Criminal Law (Sexual Offences) Act (2017) which decriminalises the sale of sex. They are also unaware of their eligibility for protection as human trafficking is different from smuggling. In this ignorance, victims of trafficking endure the horrors of trafficking for years rather than report to the authorities.

The Problem with Accommodation

The housing of victims of human trafficking in direct provision centres is particularly problematic as such women are vulnerable. In line with the European policy, a gendered approach ought to be adopted to support them. Generally direct provision centres house all asylum seekers irrespective of sex. The housing of men and women in such an environment could leave room for grooming and further exploitation. There have been several reports of sexual harassment of women in direct provision centres⁹⁸ and the housing of women who have been trafficked for the purpose of sexual exploitation in these centres places them at further risk.

In an attempt to address this issue, a single female hostel was set up in Tralee, however, this particular hostel is located in a remote area, far from specialised services available to trafficked women.⁹⁹ Whilst narrating her experience in the direct provision system, a victim participant stated that

“In Baleskin, I was staying alone. Now in this B&B it is difficult. I am sharing room with people. I can’t take my counselling sessions ... I had to wait till my roommate was away before I could even take your call.”

In addition, there is not much security at direct provision centres and as such victims are at risk of threats and visits from their traffickers.

Furthermore, the housing of victims in centres for asylum centres in spite of calls for housing for victims of human trafficking is a reflection of the Irish policy position of trafficking as an illegal migration issue rather than a human rights abuse matter which calls for a victim-centred approach.

⁹⁸ Rape Crisis Network Ireland, Asylum seekers and refugees surviving on hold: Sexual violence disclosed to Rape Crisis Centres, (2014 Rape Crisis Network Ireland, Dublin) Available at: <https://www.rcni.ie/wp-content/uploads/RCNI-Asylum-Seekers-and-Refugees-Surviving-on-Hold.pdf> (Accessed: 26.10.2020)

⁹⁹ Immigrant Council of Ireland, “Housing Trafficked Women In Ireland: Submission to the Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection process” 17 February 2020, Available at: <https://www.immigrantcouncil.ie/sites/default/files/202005/2020SubmissionfortheIndependentGrouponDirectProvisionHousingTraffickedWomen.pdf> (Accessed 23.10.2020)

Conclusion

Having been downgraded two years in a row by the Trafficking In Persons Report, it is time for the Irish government to take positive action towards strengthening its anti-trafficking policy and efforts. Given that majority of reported victims are trafficked for the purpose of sexual exploitation and Africans make up that a significant amount of the victims, there is definitely a need for a context specific approach toward combatting trafficking in the country. There is room for improvement in the Irish policy on human trafficking. The national referral mechanism should be codified in legislation and human trafficking as a ground for granting asylum must be recognised by national law.

African victims often come from vulnerable backgrounds and bear mental and psychological burdens of not only from the atrocities suffered during sexual exploitation as a victim of trafficking but also from trauma sustained from dangerous abuse tainted journeys.

Factors including the high demand for sexual services, economic prospects, higher standard of living and safety pull migrants into the web of the sex trafficking networks in Europe. On the other hand, poverty, insecurity, familial crisis, morality crisis, African juju, gender inequality, gender based violence often push African women into being trafficked.

In order to effectively tackle human trafficking of African victims, stakeholders need to approach such cases having been informed of their perspective. This context-specific approach could indeed be pivotal in the monitoring, prosecution, prevention and victim protection of human trafficking in human beings particularly for the purpose of sex trafficking.

Strategy and Recommendations

1. **The establishment of gender-specific accommodation for the victims of human trafficking.** In light of the trauma experienced by most victims in the course of their journey and their previous destinations, it is essential that they be housed in a facility where they can have easy access to psychosocial services and more especially away from an environment where they might be at risk of sexual assault or harassment. Given the reports of sexual harassment and even abusive relationships in direct provision centres, these centres are currently inappropriate facilities to house trafficked women particularly migrant victims.
2. **A statutory definition of reasonable grounds for suspicion that a person is a victim of human trafficking should be provided.** Statutory definition of the burden of proof necessary to determine victimhood to ensure compliance needs to be introduced. This provides some clarity in the process of victim identification. It is further recommended that this standard be on the below that of the absence of reasonable doubt in order to avoid a rather stringent, overly restrictive test for the accessibility of victim support which comes with victim identification.
3. **The codification of the current practice guidelines that currently provide for the national referral mechanism and the victim support structure.** The victim's access to support currently hinges on the grace of her case handler. Entrenching the victim support structure in legislation would give the victim rights which can be enforced legally.
4. **The establishment of a state fund for victim compensation.** Notably, the current scheme does not include the provision of funds to assist victims of trafficking. It is essential that a bursary is set up for this compensation scheme as financial assistance would be necessary for victims of trafficking to enable them lead relatively normal lives and reintegrate into society. This is in line with Article 15(4) of the CoE Convention which obliges member states to provide such victim compensation for trafficked persons on statutory footing.

5. **The recognition of human trafficking as a ground for granting asylum in national law.** This step would definitely signify a victim's rights approach rather than illegal immigration approach towards human trafficking by the state. More so, this would encourage more migrant women to share their stories and actively participate in the investigation and conviction of their traffickers.
6. **The inclusion of AkiDwA, an organisation which tackles issues affecting African women, as stakeholders in the Ireland's anti-trafficking policy.** It is essential for the state to enable the organisation with resources to carry out the anti-trafficking mandate and include it in the network of NGOS in the National Referral Mechanism. In light of the issues particular to African women, the inclusion of AkiDwA in the national referral mechanism would provide a context-specific and bottom up perspective to the state's fight against trafficking. As African women form majority of those non-EEA citizens trafficked, the inclusion of AkiDwA as a stakeholder would be a true demonstration of the state's commitment to a victim-led approach.
7. **Continued involvement with NGOs in trafficking related matters.** The need for court accompaniment and even accompaniment at police interviews to create a more favourable atmosphere for police cooperation. This is especially necessary for Africans who might feel a cultural divide as well as be accustomed to a negative relationship with the police for reasons highlighted above.
8. **There needs to be increased public awareness through more campaigns on trafficking as well as the fact that it is not a crime to sell sex.** While this might result in mixed reactions, such an awareness campaign is essential for the respect of women in sex work as well as promotes the reporting of the crime and victim assistance to unravel gangs.
9. **The optimisation of human trafficking related Garda training.** Having highlighted how contradictory their role as prosecutor and victim identifier and therefore, support provider is, the current 5 years refresher course is dissatisfactory. There needs to be routine and adequate sensitisation particularly on the intricacies of the migrant victim's experience.

10. **There needs to be transnational effort between Ireland and as a destination country and countries of origin for the purpose of preventing human trafficking.**

Ireland can lean its weight on the trafficking enterprise by targeting its development aid to countries which are popular countries of origin for trafficked victims as well as facilitate anti-trafficking efforts and practices therein.

Recommendations for AkiDwA

1. **AkiDwA can organise campaigns, conferences and engage in grass root community activism regarding human trafficking.** It can play a key role in bridging the information gap between relevant communities and the state through information dissemination in migrant communities about the law on human trafficking in Ireland.
2. **Given their strong network within the African communities, in direct provision, AkiDwA can actively provide information to potential victims about their protection from prosecution as sex providers in the sex trade under the legislation.** A significant proportion of women do not identify as being trafficked per se but rather as taking part in prostitution, a profession which suffers societal stigma. Accordingly, they do not recognise the recognition of their victim hood and AkiDwA's potential role in empowering them with this information would be truly beneficial as this would most likely lead to more reporting and better investigation.
3. **The creation of an anti-trafficking department in AkiDwA.** The organisation needs to hire an anti-trafficking officer and an intern and/or volunteers who would coordinate trafficking related work in the organisation as well as feed into the national anti-trafficking policy, strategy and events.
4. **AkiDwA can actively participate in the referral system through this department.** The caseworker/ anti-trafficking officer can liaise with Garda National Bureau and submit referral reports on the victim which can in turn help with identification of victims of trafficking.
5. **AkiDwA can conduct an anti-trafficking – victim sensitisation course for professionals.** In particular, Garda officials can partake in this course and gain perspective and sensitivity on the vulnerabilities of migrant women especially of African origin in the commercial sex industry and assist in breaking down barriers between victims of trafficking and the police.

6. **AkiDwA can actively participate in regional and host country anti-trafficking seminars to understand the scope of the problem, track and feed into the national action plan from an African context.**
7. **AkiDwA can provide case based support to potential African victims such as accompaniment throughout the process, documenting victim engagement with referred support facilities including GP visits, counselling sessions, court visits, Garda interviews etc. This would ensure effective victim support.**
8. **AkiDwA can actively submit recommendations on human trafficking policy as well as press releases on trafficking related issues.** Thus, ensuring that the Irish policy position is informed from a context specific migrant, particularly, African perspective.

Appendix 1

Case Study 1 - The journey of a Thousand Miles – Omo's story

Omo is a 23 years old girl who left Nigeria for Europe when she was 16 years old. She comes from a polygamous family and her mother alone had 7 children for her father. Omo ran away from the home in 2014 when her father attempted to force her to marry his friend who was significantly older. Even though her father knew that his friend had raped his daughter and got her pregnant, he pressed for her to marry him.

Omo fled home and took housing in an uncompleted building and it was at this high risk location that she met her Madam who offered her a better life in Europe with an office job. This woman made Omo swear an oath before a native doctor which she said would be for her protection and safe passage to Europe. Thereafter, she facilitated Omo's trip to Europe.

Omo took the bus from Benin to Niger on a bus and from then on she travelled in a Hilux truck to Libya. She remained in Libya for about 18 months before crossing over to Europe in a dingy (*lapalapa*). In Italy, she suffered at the hand of this madam who often threatened to kill her, kept her locked up in a room and allowed men to rape and brutalise her.

“She said I must continue working for her until I pay her €30,000 for my journey here. I did not understand anything. Every day I cry, I cry.”

On one night out on the road, she explained to one of her routine clients that she was frustrated with this life and wanted more. After sharing that she was a victim of sex trafficking rather than a voluntary sex worker, this man helped her escape by taking her to a train station.

“A lot of drunkards and gangsters were there. They brought knives to threaten me to sleep with them ... I usually beg for money to eat at that train station.”

This was her plight for weeks until a man offered her shelter in his home. Weeks later he claimed to have fallen in love with her and they engaged in sexual intercourse repeatedly. Eventually she fell pregnant.

“I felt like I had no choice. After a while, I believed he loved me but when we first started, I just agreed to sleep with him. What could I have done? ... When I found out about the baby in my tummy, I wanted to remove it but he refused.”

Upon finding out that she was pregnant, Omo's boyfriend opted for them to go to Germany to seek asylum and Omo agreed and the couple moved to Germany. After months of

uncertainty, Omo's boyfriend was deported from Germany and she fled the state provided accommodation centre for a train station again. She was determined not to be returned home. Now her pregnancy was seriously showing and she was desperate and desperately praying for a miracle.

After weeks in the train station, she met an Irish man who after hearing her story offered to help her.

“He did everything. He gave me a small red book (passport) and told me someone would collect me when I get there and I just needed to stay calm.”

On her arrival in Ireland, there was indeed a man who picked her up from the airport, took her passport and directed her to report to the International Protection Office and on doing so, she was housed in Baleskin Direct Provision and is receiving support through Ruhama.

Like many migrants, Omo is anxious about her legal status in the state and hopes to continue her education. She is adamant about remaining in Ireland and is afraid of going home to her father who she fears might still be angry at her for running away. For now, she finds solace with her baby boy who is now 9 months old. She believes education would be essential to recovering herself.

“This is not how I was before; I am not bold to talk. I am really ashamed of myself. If someone told me my life would be like this, I wouldn't believe it.”

Appendix 2

Case Study 2 - The Woes of Sexual Exploitation – Gift's Story

29 year old Gift lost her family to a Boko haram bomb blast in 2014 at a catholic church in Benin City where her family were astute members. She has no form of education and sold fruits by the road side in Benin City where she was often harassed and even raped. Her friend, Joy introduced her to Mercy, who became her madam. Mercy was a popular lady in Benin. She was known for helping women to travel to Europe particularly to Ireland, Italy and Greece. However, she was based in Ireland.

“I’ve suffered so much in this life. For someone to say she can help me. She said I would be working in a restaurant to make the money to pay her back for helping me arrange my travel. I was happy.”

Madam Mercy helped her process her passport and visa and flight tickets and helped her get to Ireland by flight. She coached Gift on how to seek asylum in Ireland and gave her contact details. On arrival at Dublin Airport in 2016, Madame Mercy abandoned Gift and left her to seek asylum. Gift did seek asylum and got into the system and was housed at Baleskin Direct Provision Centre. After a week, Madame Mercy called Gift and informed her that she owed her €25,000 for her travel arrangements and €5,000 for the passport and that she would come and pick her up to work.

Madame Mercy would frequently come to the centre and pick up Gift for night rounds of sex work at clubs, hotels and sometimes sex in cars with clients.

“They treated me like a dog. Sometimes, the men were many, like 7, 8 or 9 men in one night. They would tie me up to have sex with me.”

When Gift was moved to the Direct Provision Centre in Mayo, Madame Mercy would drive all the way down to pick her up and her to clubs/pubs/ hotels to meet with clients who had paid her to have sex with Gift.

“When I think about it, I am not happy. They urinated on my face. They beat me. I usually cry when they are doing it. When I am shouting no one would come and save me. They had paid my Madam, so they did what they liked to me.”

She fell pregnant as birth control or safe sex was not often practised in the course of the sexual encounters with clients. Madame Mercy insisted that she aborted her pregnancy but she insisted on keeping it. This strained her relationship with her trafficker who became more distant as Mercy's body changed during pregnancy.

“This my son is my joy but when he grows up, I know I have to explain to him when he asks about his father. I don’t know his father. When I think of that, I can’t sleep.”

Gift opened up to a friend who encouraged her to share her story with the authorities and end the exploitation. She contacted Ruhama who referred her to the Gardaí. She was interviewed by the Gardaí and is waiting to hear back from them with leads in her case. They often call to check up on her and make sure no one especially Madam Mercy is calling at the centre to harass her. However, it is rather concerning that after disclosing the fact that Madam Mercy knows that Gift lives in that direct provision centre, she has yet to be moved for safety reasons.

“I feel safe for now. I am anxious about my application. I don’t want to go back home. If that woman gets to know I am back, she will send people to kill me.”

Mercy is currently receiving counselling as well as attending a level 5 care giver course.

“What I want in my life is to educate myself and my son so I can have a better future for me and my son.”

Appendix 3

Human Rights infringed by human trafficking¹⁰⁰

1. Right to life, liberty and security
2. Right to freedom from slavery, servitude, forced labour, or bonded labour
3. Right not to be subjected to torture, cruel, inhumane, and degrading treatment or punishment
4. Right to freely choose one's work and to just and favourable conditions of work
5. Right to freedom of expression and information
6. Right to property
7. Right to health
8. Right to freedom of movement
9. Right to privacy and protection of family life
10. Right to Non-discrimination, Equality before the Law and Equal Protection by the Law
11. Right to an effective remedy
12. Right to seek asylum

¹⁰⁰ European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14 4 November 1950, ETS 5; International Covenant on Civil and Political Rights 16 December 1966 United Nations, Treaty Series, vol. 999, p. 171; International Covenant on Economic, Social and Cultural Rights, 16 December 1966 United Nations, Treaty Series, vol. 993; Council of Europe, Council of Europe Convention on Action Against Trafficking in Human Beings, 16 May 2005, CETS 197

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