

An appraisal of the new trend of child trafficking in Nigeria: A need for an effective law

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Abstract

Child trafficking has become a global problem which requires a global collaboration in order to bring it to an end. In Nigeria just like any other countries of the world, the menace has reached an alarming level which requires every effort to stamp it out. Nigeria is a transit, source, and destination country for child trafficking, and the menace have deviated from the conventional form of child trafficking, where children are being trafficked for forced labour, prostitution, and other form of exploitation to a more complicated and dangerous form of trafficking called “baby harvesting.” The paper adopted doctrinal methodology where relevant literature in the area both primary and secondary were analysed. The paper, also examine this phenomenon with a view to point out its consequences and to clarify its objective with a view to expand the scope of the provision of the Anti- trafficking law to cover the menace. The paper finds that there is a need to make the Anti-trafficking law adequate to cover emerging form of trafficking such as baby harvesting, and recommends full implementation of the law so that Nigeria child could be save and protected from this dangerous modern form of child trafficking.

Keywords: child trafficking, Nigeria, a trend, Anti-trafficking Law

1. Introduction

In the recent past, Nigeria is famous not because of her exceptional advancement in the field of science and technology but for child trafficking. An International Labour Organisation (ILO) estimate shows that over twelve million Nigerian children are engaged in child labour, and a large percentage of the children in labour are victims of trafficking. ^[1] The history of child trafficking in Nigeria could be traced to the severe economic hardship caused by structural adjustment programmed imposed by the Nigerian government ^[2]. The structural adjustment programmed led to the loss of employment by many Nigerians, broken homes and poverty. Young women became breadwinners for some families. ^[3] The threats posted by acute poverty, disease, mass unemployment, corruption, retrenchment of workers, harsh environmental and high cost of living consequently caused the mass exodus of Nigerian citizens toward a more economically viable countries or any other country where they can survive irrespective of the risks involved. Wealthy Nigerians who made their money through illegal international business seized the opportunity and commenced massive recruitment of young boys and girls to be sent abroad for prostitution and other forms of exploitation. This situation continued unchanged until a very wide gap was created. Consequently, human trafficking has taken a centre stage in the nature of child trafficking in Nigeria with traffickers deploying many strategies that is not contemplated by the law to remain in the business of child trafficking. Baby harvesting is one of the new dimension of child trafficking in Nigeria that will be examined in this article with a view to proffer a solution toward addressing the menace.

2. Definition of the key Terms; Child, Child Trafficking, and Trend.

2.1 Definition of A Child

The word “Child” has been defined specifically in both the local and international instruments dealing with the rights and welfare of the child. In Nigeria, there are different types of definition given to a child depending on which law and for what purpose. A child is statutorily defined as a person under the age of 14 years, while a young person is a child under the age of 17 years but who has attained the age of 14. ^[4] This age ceiling in Nigerian law is lower than the age standard in the relevant international instruments. A child under International Instrument is every human being below the age of 18 years. ^[5] The problem with age-based definitions is that they are always arbitrary and indeed risk the possibility of being rendered obsolete by modern perceptions, and findings on children in a very recent study has shown where traffickers lie about the age of trafficked victims to beat security agencies ^[6] Other definitions include:

- a) A child under seven (7) years is not criminally responsible for an act or omission; however, there is a rebuttable presumption that under twelve (12) years cannot commit a crime. ^[7]
- b) Juvenile Justice: The Children and Young person’s Law differentiates between the child and young person. It is below 14 years for the former, while the latter is not to exceed 17 years. ^[8]
- c) Voting Rights: The age is fixed at 18 years. ^[9]
- d) Marriageable age: This depends on the type of marriage being contracted e.g. under the Matrimonial Cause Act

1970; ^[10] As at common law is 16 years; under the Customary and Islamic law, it varies from place to place. ^[11]

- e) Right to acquire land: the minimum age is 18 years. ^[12]
- f) Contractual age: The Infant Reliefs Act 1874 ^[13] and Infant Reliefs law defines infant as any person below the age of 21 years.
- g) Right to be member of Limited Liability Company: If the members are not more than two it is fixed at 18 years. ^[14]

Be that as it may, the Child Right Act defines a child as a person under the age of eighteen (18) years. And age of majority means the age at which a person attains the age of eighteen. ^[15] For all intents and purposes therefore, a child as envisaged in this article is simply refers to a person who is below the age of 18 years.

2.2 Child Trafficking

Trafficking encompasses the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. ^[16] At a minimum, exploitation implies the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. ^[17] This means that for an act to constitute trafficking, the following three elements must cohabit. ^[18] Viz;

1. The Act (What is done) Recruitment, transportation, transfer, harbouring or receipt of persons
2. The Means (How it is done) Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim
3. The Purpose (Why it is done) For the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

2.3 Trend

Is defined as a general development or change in a situation or in the way that people are behaving, ^[19] and it could also be defined as pattern of gradual change in a condition, output, or process or an average or general tendency of a series of data points to move in a certain direction over time, represented by a line. ^[20]

2.4 Background of child trafficking in Nigeria

Child trafficking has become an international problem with women and children been trafficked and sold as sex slaves to rich owners, who invariably used them and then relegated them as bonded slaves to work for them. Nigeria just like other countries of the world is not an exception to the menace. In Nigeria, the history of child trafficking dated back in 1980s following the severe economic hardship caused by structural adjustment programmed imposed at the time by the Nigerian government ^[21]. The structural adjustment programmed led to the loss of employment by many Nigerians, broken homes and poverty. Young women became breadwinners for some families. ^[22] The Nigerian former Vice President, Atiku Abubakar also aligns himself with this view. ^[23] They

vehemently argue that the introduction of structural Adjustment Programme (SAP) in Nigeria created a huge down turn in the economy of the country. The threats posted by acute poverty, disease, mass unemployment, corruption, retrenchment of workers, harsh environmental and high cost of living consequently caused the mass exodus of Nigerian citizens toward a more economically viable countries or any other country where they can survive irrespective of the risks involved. Furthermore, the non-challant attitude of Nigerian government to the yearnings and aspirations of her citizenry denied the situation any concrete effort to arrest the drift. This situation continued unchanged until a very wide gap was created. Consequently, human trafficking has taken a centre stage in the nature of child trafficking in Nigeria and it continues to spread like wild fire throughout Nigeria. Naturally, people started exploring ways of dealing with the frightening hunger. In no time, social ills such as greed, materialism, love for money, moral decadence and all sort of economic crimes emerged. ^[24]

Wealthy Nigerians who made their money through illegal international business seized the opportunity and commenced massive recruitment of young boys and girls to be sent abroad for prostitution and other forms of exploitation. For example in 2001, in Turin, Northern Italy, the Italian Police in a crackdown arrested a hardened ring of three middle-aged woman from Edo state of Nigeria who are successful prostitutes and responsible for trafficking hundreds of young girls to Italy. ^[25] In the case of *Attorney General of the Federation V. Sarah Okoya* ^[26] the accused was charged for transporting some girls from Edo state Nigeria to Spain for exploitative prostitution, and the court found the accused person guilty and sentenced her to six months imprisonment without the option of fine. In most of this situations, the victim parents or guardian are either deceived or cajole into it by believing that there exist a juicy job abroad. ^[27] Hence they hand over their sons and daughters to these traders in human mystery; believing that sooner or later their hard conditions would turn around. Traffickers who noticed the desperation of parents many a times cajole them to sale off valuable family property such as lands, houses to finance their daughter's trip overseas. ^[28]

The situation looks attractive especially where people who embark on such trips come home reeking rich, owning expensive cars, buying lands, etc. Throwing money around and erecting mansions at choice places in town. ^[29] Thus, most people fall prey not knowing the true nature of their working conditions. In *AGF V Sarah Okoya* ^[30] the victim was promised employment in the saloon of the accused in Spain instead they were introduced to prostitution to their own surprise.

As the market booms the style of recruitment changes. Traffickers prefer operating in proxy rather than negotiating directly with their victims. Consequently, agents are employed and deployed to villages and cities to hunt for their victims. This is achieved by convincing parents, friends and relatives through adverts, job websites, phone calls, kidnapping, persuasion, gift, enticement and charms. In the case of *AGF V Egun Sunday* ^[31] the accused was charged and convicted for five years imprisonment for kidnapping a 14 years girl who was deceived by a fake job advertisement paste by the accused person. Although there are no exact figures and data on the number of trafficked victims; there are indicators to show that the trend is assuming an alarming rate in Nigeria. One of such

indicators is the growing population of women and children particularly children in the city centres.^[32] The issue of child trafficking is as important (if not more) than the problems bedeviling the Nigerian nation like the Boko Haram insurgency, corruption, fuel scarcity and kidnapping. This is so because the children and youths represent the future and hope for the nation. Parents and guardians should therefore, not be allowed to borrow from the future by allowing their children to be trafficked thereby exposing them to all sorts of dangers and at the end become problem to themselves, family and the society at large.

In the recent past, Nigeria is famous not because of her exceptional advancement in the field of science and technology but for child trafficking. An International Labour Organisation (ILO) estimate shows that over twelve million Nigerian children are engaged in child labour. So also, women's consortium of Nigeria (WOCON) experience in executing projects for the elimination of child labour, has found that a large percentage of the children in labour are victims of trafficking.^[33] Similarly, with regards to women and girls, a survey indicates that over 10,000 Nigerians engaged in prostitution in Italy which constitutes about 80% of all prostitutes in the sex trade in Italy:^[34] Most of these Nigerian women and girls are initially trafficked victims. Nigeria is the second largest source of child trafficking victim to the U.S. with Akwa Ibom State having the highest rate of trafficking in Nigeria^[35]. The victims of this terrible trade are mostly young girls and boys who are recruited from mostly rural areas and towns and transported to unfamiliar environment. In the case of *Attorney General of the Federation V Effiong Effiong*,^[36] the accused person was charged for subjecting a 15 years old girl from wudil local government Area of Kano State Nigeria to exploitative prostitution in Lagos. The accused was convicted for two years imprisonment. Also in the case of *Attorney General of the Federation V David Adepegba*,^[37] the accused person was charged for prostituting some girls he brought from a village in Enugu state in a brothel in Abuja Nigeria. The case is still pending at Abuja High court in the Federal Capital Territory.

4:0 Factors that Precipitate Child Trafficking.

The present legal responses to the problem of child trafficking often reflect a deep reluctance to address the socio-economic root causes of the problem. Since child trafficking is perceived as an act of violence, most responses focus predominantly on prosecuting traffickers and protecting trafficked children,^[38] neglecting the root causes of child trafficking. Child trafficking is a multi-dimensional social problem caused by socio-economic challenges as well as demand for the exploitative use of children. The logic behind the emphasis on poverty as one of the fundamental causes of child trafficking is because most victims are trafficked from poor countries to rich countries. Furthermore, for child trafficking to continue, there should exist some socio-legal environment which encourages the menace.^[39] It is for this reason that all aspects contributing to the vulnerability of children to trafficking recruitment must be looked at. To this end, the factors that facilitate child trafficking are extremely complex and inter-connected but can be divided into two, namely: the push and the pull factors.^[40] The push factors are those conditions conducive for trafficking of children which fall in the broader context. It usually drives people to leave a region in search for better life somewhere

else.^[41] The factors include but not limited to bad economic condition such as poverty; unemployment; broken homes; family size; greed; peer pressure; mental disorder or imbalance; weak legal frame work; insecurity; restrictive immigration policies and law enforcement mechanisms are also contributors.^[42] While, the pull factors are those once that attracts one to leave his/her place of abode to another country.

4.1 Poverty

Poverty is a major factor responsible for child trafficking in Nigeria. It cannot be denied that abject poverty, unpleasant economic environment, unemployment, massive retrenchments, under employment and poor quality of life has made parents who would otherwise, have been most caring and loving, to neglect and even some times, abuse their children. Some families are living from hand to mouth as a result of insufficient income to cater for their families. They are out of job or business either as a result of retirement or insufficiency of the income to settle the children school fees, rents and feeding. That is a perfect situation of parents and children to fall victim of bogus promises of a good time abroad with the prospect of earning foreign exchange that will convert into tons of naira (Nigerian currency) back home in Nigeria.^[43] Although Nigeria has enormous natural and human resources as well as the largest oil producer in Africa and the eleventh largest in the world,^[44] it is rated as one of the poorest countries in the world with a GDP per capita of about US \$1,000 for a population of over 160 Million.^[45] With about two-third of its population living in rural areas without basic social amenities such as electricity, road, hospital, schools, good drinking water etc, and earning less than \$1 per day^[46]. There is massive youth unemployment and a general lack of opportunities for economic ventures, low standards of living and devalued local currencies; these results in the failure to meet the health, food, housing and security needs of the people. It has been observed that population living in political and economic instability often seek to migrate elsewhere in search of better opportunities. The destination of that migration is usually into bigger cities.^[47] The rural areas of Nigeria, where the bulk of the population resides, are not industrialized and characterized with lack of electricity, access road, hospitals and insecurity caused by Boko haram Islamic sect among others. There are few job opportunities or institutions of higher learning. Consequently, even when the children do receive some education up to secondary school, there are no jobs at the end of their schooling nor additional institutions for them to attend. The economic situation is such that most parents are unable to care and properly feed their families. Parents subject their children to various forms of labour, including trafficking for economic gains.^[48] It is also submitted that, poverty has a hand in child prostitution and sexual abuse.

In Nigeria, it can't be denied that some female children that are engaged in child labour such as hawking, domestic servant are sexually abused.^[49] The women unit of the Federal Ministry of Education portrayed the situation, thus, a report in the magazine 'Ladies Home Journal' estimates that sexual abuse of young girls is four times commoner than rape of adult women. The abuser is likely to persuade and pressurize the child, using all built-in authority of an older person. Children who hawk wares for their parents fall easy victims. They are coerced or bought with gifts. They are thereby prevented from telling their parents or even close friends about the incident. When parents

are financially incapacitated to provide the basic necessities of life such as a comfortable house, food, clothes and sound education for their children, the children are sent into the labour market.^[50]

4.2 Illiteracy

Illiteracy generally tend to increase individual vulnerability to child trafficking as it makes one not to benefit from any practical step taken to address the menace. Nearly a billion people entered the 21st century unable to read and write.^[51] In Nigeria, there are about eight (8,000,000) Million children who are vulnerable to trafficking and have no access to education.^[52] If one is educated he is enlighten and this will make him to understand the nature of any event or occurrence. In most countries including Nigeria where child trafficking is rife, illiteracy is a common cause of child trafficking. Statistics have also shown that fewer school age children are enrolled into school, and most of them will drop out of school before the completion of the primary grade.^[53] Furthermore, due to high level of illiteracy among the rural dwellers in Nigeria, family planning is not adopted hence people reproduce children recklessly without planning for their education and general welfare, the end result being having more children than they can support hence the willingness to give out their children to agents of trafficking.^[54] This practice is mostly found in Northern part of Nigeria where many parents allow their children to attend fourth rate schools, where they learn next to nothing. As a result, both group are easily deceived by fairly tales of milk and honey flowing bountifully in Europe and Saudi Arabia where people simply pick hard currency off the street.^[55]

4.3 Unemployment

Lack of employment is one of the greatest factors which force many people in Nigeria to pursue insecure and unreliable employment in other places. Somebody who has no economic resources can easily be lured by the dream of better livelihood and may easily be trapped by traffickers. Unaware of the possible consequences such people will often consent to travel through undocumented migration routes to affluent cities and countries and are in the process caught up either domestic or International child trafficking. Unemployment in Nigeria has always been on high. Every year many young people graduate from secondary and high school institutions with no employment. After years of working the street in search of non-existent jobs they are ready to go anywhere to do anything, just as long as they can be gainfully employed. The negative impact of unemployment is far worse for those young Nigerians who have or no academic qualification.^[56]

4.4 Corruption

The high level of corruption in Nigeria makes it possible for unscrupulous persons to use official channels to secure bogus travel documents for new recruit into prostitution abroad. Sometimes there is corruption even within the foreign missions themselves making it possible for criminal minded persons to procure visa for a fee.^[57] Nigeria has attained a global status in corruption.^[58] This submission founds its support from a recent report which tagged Nigeria as the 38th most corrupt nation in the global rating.^[59]

4.5 Greed

This is an excessive desire to acquire or possess more than what one need or desires, especially with respect to material wealth.^[60] It can also be described as being controlled by material things such as power, food, cloth, money etc.^[61] Due to greed and the quest for better lifestyles, young people easily fall prey to traffickers who promise them better jobs away from home.^[62] Poverty precedes other causes of child trafficking because it relate and inter connected with all other causes of child trafficking which make parents to go as far as selling their children. But a close look at a situation where parents sale his/her child cannot be said to be due to poverty alone. Because there are parents who are steamily poor but will not sale his/her child. Merchandised of children is not synonymous with poverty. Some people are by their nature so greed and so found sale of babies and children profitable. To them once there is profit, it does not matter what article of trade is involve.

There are reported cases in Nigeria where parents or guardians sell their children for money. One good example of this is the case of Jennifer Ogbonna from Aba area of Abia state of Nigeria. The report has shown that Jennifer was sold by her sister to one Ismail Yusuf, a man from Abeokuta, Ogun state of Nigeria, for the sum of one hundred thousand Nigerian naira (N100, 000).^[63] This incidence was confirmed by the victim, where she stated "I was sold by my sister in Aba for the sum of N100, 000 naira and brought to Abeokuta by the trafficker. I don't know that they had already paid money on my head. I only got to know in Abeokuta when I overheard the trafficker and her husband talking about me."^[64] In as much as poverty causes child trafficking in Nigeria, greed also play very important role in child trafficking. This may get its roots from the olden days when African leaders (Chief and elders) sacrifice African traditional value for life on the altar of the new god i.e money, power and prestige and since then Africa has never been the same and this spread across most African countries which Nigeria is not an exception.^[65]

4.6 Peer group pressures

Peer group pressure is also one of the factors that influences child trafficking in Nigeria. Children fall victim to child trafficking because of peer pressure and lack of alternative opportunities within their impoverished home communities. They often seek out traffickers on their own initiative and are thus recruited.

4.7 Prostitution

One of the factors that strives child trafficking is the readily available market for customers of a trade in humans for sexual purposes. It is obvious that child trafficking would not have been on the raise if there exist no increase demand for it. Traffickers are kept in the business of child trafficking because there is high demand for it, and demand in supply of every product is associated with profit. When there is demand, the supply increases. + This is usually associated with a situation where there is abundant male demand for sex but insufficient supply has resulted in aggrevatiating commercial sex industry.^[67] A good example of this type of situation is the influx of American soldiers in South-east Asia in the 1960s which led to a sudden and rapid increase in the demand for commercial sexual services.^[68]

4.8 Broken Home

A broken home is a serious and recurrent issue emanating from the home environment and as well, facilitates the trafficking of children in the contemporary societies like Nigeria. Thus, the issue nowadays requires much attention and further investigation in order to tackle the escalation of child trafficking and the vulnerability of children to trafficking in the society. Profiles of trafficked children interviewed revealed that most of the trafficked children were products of broken homes and/or orphaned children. [69] An estimate reveals that from Northern part of Nigeria alone, about 9.5 million children; who are between the ages of 6 to 15, and who are mostly orphans and are not exposed to western education, are said to have been trafficked from one place to another. [70] Broken homes and lack of fix place of abode always make children vulnerable to traffickers. In the past, parents cared for their children regardless of marital status. However, today, many parents abandon their children when the marriage ends in separation. The divorce of the child's parents and the broken home environment are contributory factors to child trafficking. In some polygamous family, where a husband takes another wife, some step wives are cruel to children of the estranged or former wife and would not hesitate to abuse such children. [71]

4.9 Family size

Child trafficking is more likely to occur in a crowded home with a large family. The size of the family may therefore, be a potential source of child trafficking especially where the family is large and poor. [72] Demographically, the growth rates and the densities are of such magnitude that available social amenities cannot go round or are too expensive for the average families. When the family cannot afford the basic necessities of life, either as a result of income insecurity due to unemployment or retirement, the children will be asked to engage in some form of work such as hawking, begging, domestic servant. Although the purpose of this is to make up for this shortage, the child is likely to fall victims of trafficking. [73]

4.10 High Profits

High Profits accrued in human trafficking, especially trafficking of children and women also pulls them into it. That is to say, child trafficking thrives because of its profitability. The UN estimates it to generate US \$7-\$10 billion annually, the third largest profits behind arms dealing and narcotics. It is also easier to move human cargo across borders than drugs or weapons which are seized when found. Human beings can be constantly re-used and re-trafficked – not so for drugs. Child trafficking is, by definition, a complex, clandestine, underground business, constantly changing and evolving both in response to demand and to remain sufficiently flexible to elude arrest and prosecution.

4.1 Low risk

Another pull factor to the child trafficking is the low risk that is involved in the process, especially when compared with other cross-border crimes which contain high level of risk. However, by its very nature, child trafficking is secret and dangerous, which helps explain the inadequacy of reliable information. Victims of trafficking are normally lured by the traffickers right within their families and villages (which often provided the funds for the journeys they anticipated and take the child to a job that could help support the family), and because of the

stigma of prostitution, fear and mistrust of police, the lack of documentation and fear of complicity also play a part in maintaining the victim's silence. [74] Most victims are poor, illiterate, from marginalized populations and are ignorant of their rights. Traffickers exploit not only bodies but the deepest anxieties and disadvantageous life conditions of the victims. This and many other factors made child trafficking with low risk as the whole business is conducted in secrecy and victims of child trafficking compound the issue by being unwilling to provide useful information about their traffickers, this may not be unconnected with the oath of secrecy victims are subjected to at the point of trafficking. [75]

5. Consequences of Child Trafficking In Nigeria

According to Webster Pocket Dictionary of the English language, the term "consequences" means something that logically follows an action, in other words, its effect. [76] The effects of child trafficking in Nigeria, transcends personal injury to the victim of child trafficking alone, as it also affects the family and society at large. Whatever the level it partakes, child trafficking has the following consequences:

5.1 Disease and death

Disease and death are twin evils that may result from child trafficking. This is likely to be a product of malnutrition, poverty, ignorance, child abandonment, therapeutic abuse and ritual killing. According to Adedoyin, of the 39 diseases surveyed in Lagos in 1985, malnutrition and starvation were found to be the main cause of death among children. [77] In addition, studies that are particularly focused on child agricultural workers in Nigeria have recognized a high incidence of injury, inferior living conditions resulting from substandard housing, poor access to clean water and food, poor sanitation, and low wages. And the end result is sickness and death. [78]

5.2 Unwarranted pregnancies

One of the effects of trafficking on the child is unwanted pregnancy. This comes from unprotected sexual intercourse. One of the dangers of child trafficking is that they are subjected to all forms of exploitation, which include but not limited to rape, prostitution, etc. Young girls are impregnated in the course of forced prostitution. Naturally where this pregnancy is not wanted the person may want to abort it at all course even to her detriment. In the case of *Attorney General of the Federation V. Ganiyu Ishola* [79] a 13 years old pupil was impregnated by an herbalist who detained her for 40 days. The accused was tried and sentenced to two years imprisonment. [80] Victims who are mostly young girls may be ashamed of carrying the pregnancy or the newly born baby before the general public. This is because; these children so given birth to are called with different names like bastards or illegitimate children. This in most cases brings very serious problem in families as it leads to stigmatization in some cases. Most victim of unwanted pregnancy run away to distant places for fear of being killed by their parents or community as the case may be. Some victims who summon courage to come home to their parents are rejected and consequently disliked. This lead to untold hardship on the victim, as the cost of rearing the new born become challenging. This may further lead the victim to other anti-social behaviors. The new born baby also stands the risk of being killed or abandoned in hazardous places by the

mother. Many children in motherless homes in Nigeria are product of this type of pregnancy.^[81] In some instances, young girls sold their babies for a token fee of between 150 to 200 thousand naira. This is as a result of unwanted pregnancy.^[82]

5.3 Mental instability

Psychological trauma is a mental condition or conditions of the mind caused by unpleasant experience that make one upset or unhappy.^[83] This is one of the identified effects of child trafficking. The process trafficked children undergo before they arrive their destination countries coupled with their terrible sexual experience is unimaginable. Most victims are forced into oath taking in deadly shrines across Nigeria.^[84] The oath involves a blood covenant capable of eliminating the victim and his entire family if not observed.

The potency of this oath on victims who are mostly between the ages of 16 to 25 years is undoubtedly serves as an inevitable source of physical, psychological and spiritual trauma. A bondage that imperatively makes one feel doomed especially when the victims who are mostly young are confronted with the horrors of sex and other forms of exploitations. The shock of job description also sends harmful signal of impending calamity. These girls are sometimes made to sleep with house pets like dogs and monkeys and this will psychologically make them to feel devalued and worthless, a condition that condemns one's conscience and renders one hopeless.^[85] Child trafficking is so characterized by endless human right abuses, exploitation, and dehumanization till the victim dies, rescued or deported.^[86]

5.4 High school drop outs

A child victim of trafficking are subjected to all form of labour exploitation and this causes a decline in the acquisition of human capital. In Nigeria, children have been exploited and forced to work in highly hazardous conditions around pesticides, chemicals, heavy machinery and in dangerous mines.^[87] They work for about nine (9) to sixteen (16) hours per day, having no time or day for rest.^[88] This will therefore, no doubt make the child to remain uneducated and have low productivity as an adult. child labour diminishes adult productivity.^[89]

Illiteracy and school drop-outs are the products of child trafficking resulting from poverty and parental ignorance. Some children drop out of school because of financial difficulties. Others are unable to attend, largely because of the abject poverty of their parents and are therefore constraint to work in order to support their family. due to ignorance, some parent do not believe in sending their female children to school, while others withdraw them from school for early marriage.^[90]

Most children in rural area in Nigeria are trafficked through the assistance of their parents or guardian and this has resulted in low school enrollment and in turn perpetuates the institution of child trafficking.^[91] Child trafficking involves the movement of school age children from a familiar environment to an unfamiliar environment. The movement of these children either for sexual exploitation or other exploitative purposes, have multiple effects on the children, as their movement are curtailed and a times made to work for between 9 to 18 hours a day. Child trafficking contributes to low enrollment in school and increases high school dropout rates. In Nigeria children of school age between the ages of 6 to 16 years are mostly target

of trafficking, and when trafficked they will be deprived of so many of their rights including right to acquire education. Child trafficking also amount to reduction in population of children as most of these trafficked children either died in transit or due to diseases like HIV/AIDS in the destination country.

5.5 Nigeria's Image

Bad international image ranks one of the most palpable effects of child trafficking. Owing to the high degree and alarming rate of child trafficking engaged by Nigerians within and across the globe, there have been unprintable reports that portray Nigerian reputation in very bad light. In the case of *Attorney General of the Federation V. Sylvester Idubor*^[92] the accused person was sentenced to two years imprisonment for organizing foreign travel which promotes prostitution contrary to section 16(a) and 17 of the NAPTIP Act. Such reports tend to lower our good image before the international community and portray us in a very bad light. This makes every Nigerian a suspect wherever he or she goes. Consequently, we are faced with harsh immigration laws and in some cases, the most sophisticated security gadgets are used in screening us at different international borders and embassies. So many times visa is denied to Nigerians. It has been stated that about 50,000 Nigerian women and children are trafficked to Italy.^[93] This indeed portrays Nigeria in a very bad light internationally. Hence, we are branded promiscuous and people of low morals that can do anything to earn a living, even sleeping with dogs and monkeys and as a result, our people are held in disdain and treated with no respect. In Nigeria, children have been exploited and forced to work in highly dangerous environment which is hazardous to their well-being as children and human being.

6. New Trend of Child Trafficking in Nigeria

Child trafficking in Nigeria is traditionally known for exploitative purposes such as prostitution, begging, domestic servant etc. However, It is worthy of mention that child trafficking have now undergo some sort of sophistication that children are no longer trafficked for sex and labour,^[94] Traffickers in Nigeria are increasingly trafficking young girls who are carrying pregnancy through extra marital affairs for their newborns, and those who are not pregnant.^[95] In recent past human trafficking in Nigeria have metamorphosed into a more dangerous, sophisticated and complicated form of trafficking called "Baby harvesting"^[96] Under this type of modernized form of human trafficking, teenage girl and young women are deceived by traffickers to the so called baby factory with empty assurances for job, while those who got pregnant through extra marital means come voluntarily to the factory for either safe abortions or delivery. Likewise, young girls who either because of their state of poverty or vulnerability submit themselves to the factory voluntarily and later impregnated by men who are specially employed for that purpose. The newly born babies are then either sold out to interesting public or sometimes disappeared through mysterious means or even dash out to childless couples or religion orphanages.

The first case of "baby harvesting" or "baby factory" as they are called in Nigeria was reported in 2006 and since then it has been increasing by the day like a wild fire. In May 2008 alone, about 25 teenage girls were intercepted in Enugu. Between June and October 2011, about 49 teenage girls were rescued from a baby factory in Abia and Lagos state of Nigeria. While

between May and July 2013 over 53 teenage girls and 11 babies were arrested by the police in Enugu and Abia state of Nigeria. This demonstrates how rapid the menace is spreading. Nigeria has been demonstrating efforts to fight child trafficking by putting laws in place to fight the menace right from the pre-colonial era with laws such as Criminal Code, Penal Code, Labour Law, Children and Young Persons Law, to post colonial law such as the Child Right Act, and to more specific law on child trafficking, Trafficking in Person Prohibition Law Enforcement and Administration Act, 2015. (NAPTIP) The aim of these laws have always been the same, to bring human trafficking including children to an end. Although, tremendous progress have been made toward controlling the menace of child trafficking in Nigeria, this cannot be said to cover baby harvesting which is viewed strange to the law and implementers of the law. It is therefore questionable whether NAPTIP can effectively combat the “baby factories. Section 21 of NAPTIP provides;

“Any person who buys, sells, hires, lets or otherwise obtains the possession or disposal of any person with intent, knowing it to be likely or having reasons to know that such a person will be subjected to exploitation, commit an offence and is liable on conviction to imprisonment for a term of not less than 5 years and a fine of not less than N2, 000,000.00”

Looking carefully at the law will reveal that it is only concern with selling or buying of another person for exploitative means. The question therefore is, can the phenomenon of baby harvesting fall under this category? Particularly situation where such children are giving out free to a childless couple or to a religion orphanages as the situation sometimes in baby factory? Will such a situation fall under the provision of the above section? It is our humble opinion that this type of situation have not being envisage by the framer of the law which makes it to fall outside the realms of the Act. Furthermore, mere mentioning of the word “sale or buy” of a person in the Act alone is not enough. This is because the word “sale or buy” are generic in nature which cannot be construed to cover phenomenon like “baby harvesting” which we consider more complicated than the word “sale or buy” of a person simpliciter as envisaged by the NAPTIP Act. The above assertion was further supported by the NAPTIP Head of Public Relations Unit, Arinse Orakwue, is quoted to have said:

“the issue of baby harvesting... it is a corruption of the legal adoption process and the police has overriding coverage on that matter.”

Furthermore, in June 2011, NAPTIP refused to investigate the case of Dr. Orikara for operating a “baby factory” claiming it lacked jurisdiction and returned the case to the police.^[97] These and many other reasons therefore called for the amendment of the NAPTIP law so as to effectively combat the menace of baby factory in Nigeria.

We therefore submit that although, the Act prohibit the act of buying and selling of human being which is part of baby harvesting syndrome, but cannot be said to address the crime of baby harvesting as an act of child trafficking. This is because baby harvesting involves so many crimes that goes beyond ordinary buying and selling of person. In order to control the menace therefore, the whole act of baby harvesting and other related matters must be totally prohibited. This is done through the amendment of section 21 of the NAPTIP Act by the Nigeria National Assembly to cover the crime of baby harvesting including situations where children from baby

factory are given out to childless couple or religion orphanages and related matters.

It is therefore the finding of this paper that baby harvesting is a new trend of child trafficking which is not covered by the NAPTIP Act, and have being on the raised. Hence, we recommend for the amendment of the NAPTIP Act to cover the crime of baby harvesting and other related matters thereto.

7. Conclusion

Child trafficking has been identified as a serious crime that violates the human right of Nigeria children, and has evaded all efforts put in place by the Nigeria Government to put it to an end. Nigeria have been described as a source, transit and destination country for child trafficking with serious consequences on the child, his family and the society as a whole. This is not because Government is lacking in its responsibility to put measures in place to fight the menace, but because traffickers have always device means of trafficking children different from the traditional ways known such as for sex and other forms of forced labour. Children are now trafficked through what is called “baby harvesting” which is viewed strange to the law and implementers of the law. In order to save guard the human right of every Nigeria child, this new form of child trafficking must be controlled by putting the appropriate law in place to fight the menace. The article therefore conclude by recommending for the amendment of the NAPTIP Act to cover all form of baby harvesting and related matters.

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