

COMBATING TRAFFICKING OF WOMEN AND GIRLS IN OVERLAPPING EMERGENCIES: A REVIEW OF THE PREVALENCE IN NORTH-EAST NIGERIA

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Abstract

The prevalent modern-day exploitation of women and girls is alarming and insupportable to people of conscience globally. Generally, government around the world have been intentional at averting the menace by introducing policies and ensuring workable framework to prevent trafficking in persons. The methodology adopted is doctrinal. Notwithstanding, increased efforts by state and non-state actors to eliminate human trafficking by shrinking the susceptibility of would-be victims and abuses of human rights in all its forms, the article consider the complexities surrounding human trafficking in over-lapping emergencies, the legal issues and the human rights violations and suggests that providing a global framework will facilitate stakeholders efforts at collapsing the walls of traffickers, enhancing educational information among others.

Keywords: Human trafficking, Women and girls, overlapping Emergencies

1.0 Introduction

Human trafficking is not only a violation of human rights, but also a troubling widespread issue antagonizing the world globally. This unpleasant act permeates virtually all over the continent of Africa, including Nigeria. Being a crime against humanity and against all laws, stakeholders at international and domestic fora have re-strategized to

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contend with this dehumanizing cankerworm by endorsing several treaties, Protocols and Conventions at international¹ and domestic level. As States are mandated to ensure that victims are protected in compliance with their international commitments under the Protocol to avert, subdue and punish persons who are found guilty for trafficking in Persons, particularly women and Children² at all times, particularly considering the realities of overlapping emergencies and its direct consequences like displacement as a result of insurgency, communal crisis, ill health, threat to livelihoods, structural determinants including poverty and dysfunctional society dynamics lure women and children into a life of exploitation.³

This article discusses trafficking of women and girls in overlapping emergencies and its impact. The article eventually, will posit that certain aspects of intervention is appropriate to properly address the complexity of the overlapping emergencies that triggers economic hardship and institutional disruption. The article opines that the confluence of complexities and crisis has a far reaching impact on women livelihood hence the need for renewed framework to address the vulnerability of the most vulnerable by instituting a proactive result oriented approach that aligns with the development of innovative interventions with the intent of evolving existing strategies, to methodically incorporate anti-trafficking measures as an intervention to ensure the safety of women and girls in overlapping emergencies with formidable framework that ensures prevention, protection and rapid response to unbundle several obstacles in uncovering abuses.

¹ UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, <https://www.refworld.org/docid/4720706c0.html> accessed 29 December, 2023

² UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, <https://www.refworld.org/docid/4720706c0.html> accessed 29 December, 2023

³ Human trafficking: people for sale. <https://www.unodc.org/toc/en/crimes/human-trafficking.html> accessed 5 December, 2023.

2.0 Conceptual Clarification of Human Trafficking

Human trafficking is a contemporary system of slavery⁴ for the purpose of labour and/ or commercial sex. This global scourge gained particular attention of policy makers globally in the late twenty century as a global challenge bedevilling every nation. Nearly every country of the world is affected either as countries of origin, transit or destination.⁵ Being a crime against humanity, it involves an act of recruiting, transporting, transferring, harbouring or receiving a person through a use of force, coercion or other means, for the purpose of exploiting them.⁶ It is a universal challenge which is surrounded by disgusting and dehumanizing situation which robs the trafficked victim of his/her dignity.⁷ Deceitfully, traffickers convince their victims with better opportunities and deceive them into exploitative situations like sexual exploitation, forced labour, domestic servitude, child begging or the removal of their organs. This menace is mostly carried out on people who are poor, marginalised, isolated and weak either as a result of natural disasters, conflict, political chaos, frail societal security methods, lack of favourable opportunities and non-reliable income.

Generally, in developing economy like Africa, one in five victims of human trafficking are children, they make up the majority of trafficked

⁴ Okeshola, F.B, and Adenugba, A.A, 'Human Trafficking: A Modern Day Slavery in Nigeria' [2018] 8(2) *American International Journal of Contemporary Research*, 41

⁵ Kigbu S K and Hassan, Y B, ' Legal Framework for Combating Human Trafficking in Nigeria: The Journey So Far' [2015] 38 *Journal of Law, Policy and Globalization*,146

⁶ United Nations General Assembly. Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Art. 3 para A. Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

2000.https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-a&chapter=18&lang=en. Accessed 9 February, 2024

⁷ United States Department of State. 2016 Trafficking in Persons Report. Washington DC: <https://www.state.gov/j/tip/rls/tiprpt/2016/>. Accessed 29 January, 2024

persons. Children are exploited for the purposes of forced begging, child pornography or sex and as child soldiers in war zones.⁸

Human trafficking is the “recruitment, transportation, transfer, harbouring or receipt of people using force, fraud or deception to achieve the goal of exploiting them for profit”⁹ The United Nations General Assembly, defined human trafficking as the illicit and clandestine movement of persons across national and international borders, largely from developing countries and some countries with economies in transition, with the end goal of forcing women and girl children into sexually or economically oppressive and exploitative situations, for the profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking, such as forced domestic labour, false marriages, clandestine employment and false adoption.¹⁰ This threat is filled with dishonest hiring, transporting, transferring, harboring, or receiving of people through the use of threats, actual or threatened compelled or other kinds of coercion, kidnapping, and fraudulent deception because of one's position of influence or power into inhumane exploitations such as forced labor or services, prostitutes or other kinds of sexual exploitation, slavery or practices comparable to slavery, servitude, or the removal of organs.¹¹

3.0 An Overview of the Causes of Human Trafficking in Overlapping Emergencies

The complications surrounding human trafficking and the growing implication generally Basically trafficking in women and girls is linked

⁸ Human Trafficking: “People for Sale”. <https://www.unodc.org/toc/en/crimes/human-trafficking.html> accessed 29 January, 2024.

⁹ United Nations Office on Drugs and Crime (UNODC): Human Trafficking. <https://www.unodc.org/unodc/en/human-trafficking/human-trafficking.html> Accessed January 29 2024

¹⁰ UNGA 1994. Traffic in Women and Girls UN Doc. A/RES/49/166, <https://digitallibrary.un.org/record/198241>, accessed 29 January, 2024

¹¹ United States Department of State. 2016 Trafficking in Persons Report. Washington DC. <https://www.state.gov/j/tip/rls/tiprpt/2016/> accessed 30 January, 2024; Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons.

to several factors such as ‘push and pull’ factors¹². Push factors are those which prompt persons to relocate from the place to another in search of a greener pasture. The push factors that lure women and girls in overlapping emergencies include socio-economic hardship and entrenched poverty, societal non-inclusion and discriminations, disproportionate programmes and structures. All of these leave women and girls vulnerable to all forms of abuse including trafficking. This trafficking style is mostly from economically disadvantaged settlements, states or countries of origin to a more economically secured one, and women and girls are more susceptible to this exploitation due to structurally obsessed societal, economic, and gendered power disparities which further underpin exploitation, in diverse forms.

- i. **Economic situation:** the harsh economic situation, unemployment, poverty and lack of equal opportunities in country-of-origin lure vulnerable people migrate to seek better opportunities.
- ii. **Weak labour system;** this is aggravated by feeble non-structured labour system¹³ that does not protect workers from construction practises that mostly occur due to the request for cheap commodities and services, notwithstanding international conventions to protect workers.¹⁴ Most of which, women are most vulnerable as a result of the quest for survival, when opportunities for sustenance of livelihood within the known space are dampen by non-functional or biased structures. These irregularities have pushed several persons farther in search for greener pasture, into inflexible admirable prospects.¹⁵

¹² https://www.unodc.org/pdf/publications/ht_research_report_nigeria.pdf

¹³ . Lee J. Global supply chain dynamics and labour governance: Implications for social upgrading 2016; <http://www.ilo.org/wcms> accessed 12 February, 2024

¹⁴ Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, (1975)

¹⁵ Jasparro C, Taylor J. Climate change and regional vulnerability to transnational security threats in Southeast Asia. *Geopolitics*. 2008;13(2):232–5.

- iii. **Individual Displacement:** the effect of displacement and its concomitant or attendant deprivations gravely affects economic activities, agricultural and trading activities. This severely cripples the local community and increase the vulnerability of the people especially women in girls, who are forced to abandon their farms and livestock's, are easily coerced into the unknown greener pasture.

3.0 Emergencies and the Trafficking of Women/Girls and Children: The North East Experience

The North Eastern states have faced numerous obstacles as a result of terrorist and dangerous extremist groups' operations, particularly with regard to their exploitation of women and children as weapons of mass destruction. Reducing their activities has mostly become more complex, as seen by the sophisticated recruitment and advertising tools that these groups specifically use. Youngsters, mostly girls, are more frequently employed as spies to carry objects, deliver messages, and carry out suicide strikes.¹⁶

Terrorist and violent extremist groups mostly carry out involuntary and frequently brutal recruitment of children by kidnapping, forced through threats or bought from traffickers. Most often, children from poor background with no parental support and street children are mostly vulnerable to violent recruitment crusades. This is because they have little understanding of the danger in their acts, consequently they are less anxious. Hence the need for intensified efforts to challenge the security threat, while ensuring that such children are not victimized.

Conflict is another push factor for trafficking. The trafficking of displaced women and children is a challenge, not just in and around Maiduguri, but across Borno State. The rate of recruiting girls in the

¹⁶ "Children and armed conflict: report of the Secretary-General" (A/70/836-S/2016/360); United States Institute of Peace, "Charting a new course, thought for action kit: women preventing violent extremism" (Washington, D. C., 2015); Naureen Chowdhury Fink, Sara Zeigerand and Rafia Bhula, eds., *A Man's World? Exploring the Roles of Women in Countering Terrorism and Violent Extremism* (Abu Dhabi, 2016)

present-day perspective of terrorism is an issue of specific concern, because the paths that attract girl to such groups regularly remain unnoticeable. It is necessary to ascertain those factors that contribute to the conscription of girls and the various patterns. In the north eastern region, boko haram kidnapped young girls; sell them into slavery and forceful marriages,¹⁷ and also used boys and girls for active hostilities. Some boys are coerced to attack their own families to prove their allegiance to Boko Haram while girls are used as human shields and to detonate bombs.¹⁸ Selected reports show that girls carry out three quarters of suicide attacks executed by children for Boko Haram between January 2014 and February 2016¹⁹

Most often, majority of girls are exposed to sexual exploitation, slavery or are sold as sexual slaves.²⁰ In Security Council resolutions, abuse of women as a terrorist tactic has been publicly denounced. The Council has expressed grave concerns about the fact which functions of sexual and gender-based abuse are being used as a means of bolstering the power of terrorist organizations through support, funding, recruitment, and community harm. These traffickers exploit the eagerness of over 50,000 orphans, most of whom are females, to earn a living by placing them in internally displaced persons' camps in and around Maiduguri.²¹ The use and recruitment of children by Boko Haram is a severe form of violence against children. Generally, this exposure leads to reduced individual, intellectual and social development and possible involvement in criminal acts. Consequently, the after effects of this

¹⁷ Anti-Trafficking Alliance (2017) Beyond Borders Trafficking in the Content of Migrant Labour and Worker's Right. GAATW International Members Conference 2017, <http://www.gaatw.org/publication.report> accessed 27 April, 2024.

¹⁸ Report of the United Nations High Commissioner for Human Rights on violations and abuses committed by Boko Haram and the impact on human rights in the affected countries (A/HRC/30/67), para. 44. <http://www.unicef.org> accessed 27 April, 2024

¹⁹ UNICEF, "Beyond Chibok" (2016)

²⁰ Human Rights Watch, "Iraq: ISIS escapees describe systematic rape—Yezidis survivors in need of urgent care", 14 April 2015 <https://www.hrw.org> accessed 28 April 2024

²¹ Equal Time, 'In north-eastern Nigeria, traffickers are preying on vulnerable children in IDP camps' <https://www.equaltimes.org/in-north-eastern-nigeria?lang=en> accessed 28 April, 2024.

violence comprises not only substantial harm to the violated child, but likewise incur a high cost for society generally.

The improvement in the security, safety and wellbeing of citizens is a core responsibility of a state and it is generally referred to as national development. The Nigerian state has been at war in North Eastern part for over a decade. Being a war declared against the state by the Boko Haram terrorist group as a result of their non-recognition of the Nigerian state and their determination to establish and control territories of the country.²² since 2009, the conflicts has raised situations of emergencies raging through the north eastern states, especially Borno, Adamawa, Yobe with spill overs to, with significant impact on other states of Bauchi, Gombe and Taraba,²³ posing violence threat to the citizens. although not a classified civil war, it is characterized by a power asymmetry with organised uprising that uses violence, subversion, terrorism and nonviolent means with the intent of transferring power to itself or to assume *de jure* or *de factor* control over some part of the territory by using indiscriminate violence against the civilian population to create fear and possibly discredit the government.

This emergency condition necessitates for instant attention and prompt action. It may lead to impairment, loss of life, destruction of property, or disastrous interference with the usual happenings. Victims of these unusual happenings are mostly women and girls, such as the abduction of over 300 Chibok school girls in Borno in April, 2014²⁴ which threatened Nigeria's territorial integrity. And these emergencies significantly intensify menaces of trafficking of women and girls, particularly those displaced²⁵ are mostly trafficked for the purpose of sexual exploitation, most time, a combination with other forms of abuse

²² Strategic Lenses, Fourth Industrial Revolution and National Development in Nigeria, National Defence Collage Nigeria. Series 5, 2021, pp 279-281

²³ Ochoche, S.A., "Counter-Terrorism and Counter Insurgency: An Assessment of Non-kinetic Approach in North-East Nigeria. 279

²⁴ Ochoche, S.A., " Counter-Terrorism and Counter Insurgency: An Assessment of Non-kinetic Approach in North-East Nigeria. 282

²⁵ Murtala, W.(2020) Challenges and Prospects in the Counter Terrorism Approach to Boko Haram: 2009-2018. Global Politics Review 6(1-2)

such as sexual slavery, forced and child marriage, and trafficking for labour and domestic servitude. Inadequate food, shelter and other basic necessities intensify the vulnerabilities of the women and girls.

In North-East Nigeria, a review of investigations in definite camps showed substantial rates of sexual abuse similar to sex trafficking. The report evidenced that increase in sexual exploitation was due to lack of basic necessities such as inconsistent food and water supply, and pitiable shelters and lack of cooking wood.²⁶ This is due to the emergency situation caused by Boko Haram as they see women and girls as 'value targets' which they kidnap and use as object of negotiation with the government²⁷. This cut cross kidnapping, hostage-taking, and trafficking in humans.

3.0 Legal framework for the Prohibition of violence against children/ protection from Trafficking

Globally, trafficking in children is a severe challenge threatening nations recently. Being an act that involves violations of human rights, it threatens the survival of the child and overall growth. These international legal framework guarantees extensive safeguards for children from severe violence, like exploitation and recruitment of children by violent extremist groups and terrorist.

Article 19 of the Convention on the Rights of the Child defines "violence against children" broadly. The Commission on the Rights of the Child, an independent group that supervises the States parties' implementation of the Resolution, emphasized that this definition encompasses both unintentional and intentional forms of harm.²⁸ Article 32, emphasizes the exploitation of children, mandating requires parties

²⁶ UNHCR Nigeria: Assessment of Trafficking Risks in IDPs Camps in North East Nigeria. <https://data.unhcr.org/es/documents> accessed 22 January 2024.

²⁷ Sahara Reporters (201) Nigeria Government Lied, 5 Million Euros, Boko Haram Fighters, Swapped for Dapchi Girls. <http://saharareporters.com/2018/03/21> accessed 27 April, 2024.

²⁸ General comment No. 13 (2011) on the right of the child to freedom from all forms of violence (Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 41 (A/67/41), annex V)

to recognize a child's right to be protected from financial neglect and from engaging in any activity that could endanger the child's bodily, mental, spiritual, moral, or social development. Article 34 requires states parties to take action to protect children from sexual exploitation and abuse. This action includes using the appropriate mercenaries to prevent, among other things: (a) coercing a child into engaging in illicit sexual activity; (b) manipulating a child into engaging in sexual acts that are against the law; and (c) using a child for exploitation purposes in pornographic materials.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children,²⁹ adding to the United Nations Convention against Transnational Organized Crime states that trafficking in persons refers to the recruitment, transfer, harboring, or receipt of a child for the purpose of exploitation. It also states that exploitation includes, at the very least, the exploitation of others for sexual purposes or prostitution, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs. Article 6³⁰ directs all state parties to mandatorily take into recognizance the ages, gender and distinct necessities of trafficked victims, specifically the specific needs of children.

Article 9³¹, mandates states parties to implement, strengthen legislative procedures or other mercenaries to discourage the acts that promotes all forms of exploitation of people, particularly women and children, which leads to trafficking

4.0 Consequences of Trafficking in Persons during Emergencies

Trafficking does not happen in a vacuum, most often, it occurs due to socio-economic factors which have severe diverse impacts on society and its progression. These ranges from poor health, spread of infectious disease, unwanted pregnancies, decrease in educational pursuit/

²⁹ Article 3, The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2003(known as Palermo Protocol)

³⁰ Article 6, The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2003

³¹ *ibid* Article 9,

illiteracy, moral decadence and poverty. Hence the need to interrogate the impact progressively.

Human trafficking has been acknowledged as a rising phenomenon.³² The human and societal consequences of trafficking are persuasive. This commences from the physical abuses and torment of victims to the mental and expressive ordeal, the effect of trafficking on women and girls is evidently critical as it affects the moral fabrics of the society and crates an undesirable situation for the trafficked women/Girls, with the trauma of violent experiences which affects their mental and physical health. Research has evidence that most trafficked women are coerced into unprotected sexual acts and therefore exposed to incurable disease and unwanted pregnancies³³. This sexual violence in emergencies varies in prevalence and form across wars as well as inter-state wars, across ethnic wars as well as non-ethnic, and across secessionist conflicts,³⁴ birthing mental instability due to the prolonged confinement in a place and the restriction of their movement,³⁵ substance abuse by their traffickers for ease of handling, and most of them end up as sex workers or domestic workers in conditions of modern slavery which mostly include severe violence and compulsory labour.

5.0 Government Interventions to Curb Trafficking

The abduction of the Chibok girls was perhaps the worst point of emergencies raised by insurgency. This ushered in a decline in educational interest for girls in the North East. Government intervened with the safe school initiative in May 2014, aimed at creating a safer enabling environment for schooling in the North East.

³²An Introduction to Human Trafficking: Vulnerability, Impact and Action <https://www.unodc.org/documents/human-trafficking> accessed 29 January 2024

³³ Agbu, O., 'Corruption and Human Trafficking: The Nigerian Case'[2003]4(1) West African Review,2

³⁴ Wood., E.J 'Variation in Sexual Violence during War' [2006] [34] 3 Politics and Society pp.307-341

³⁵ Brussa, L., 'Trafficking of Women to the European Nation: Characteristics, Trends and Policy Issues' [1995] European Conference on Trafficking in Women, UK

Presidential initiative on North-East is an elaborate intervention of government designed to jumpstart the economies of the North Eastern states while strategically repositioning the region. This initiative includes North East Economic Transformation Program and the Countering violent Extremism program, which were designed to address immediate vulnerabilities and the underlying economic problems caused by insurgency.

The Trafficking in People (Prohibition) Prevention and Enforcement Act, 2003 was purposefully passed by the Nigerian government, and it was later revised in 2005. It is a federal law that is enforceable across Nigeria. The National Agency for the Suppression of Traffickers in Persons and Related Related Matters (NAPTIP) was founded as a result. the enactment defines the categories of offences dealt with under the Act and the corresponding punishment,³⁶ with the specialty of investigating, counselling, rehabilitation, public enlightenment/ education and prosecution of trafficking. This agency whose responsibility is basically fighting human trafficking in Nigeria, have intensified efforts in IDP camps to protect women and children from exploitation that amounts to human trafficking and sexual exploitation. This is done in collaboration with IDP camp managers, camp officials and actors to curb trafficking in IDP camps.

The Children and Young Persons Act, 1959; the Immigration Act, 1990; the Criminal Code³⁷ and Penal Code Laws of the Federation of Nigeria, 2004.³⁸ Nigeria is a signatory to several regional agreements, including the 1993 African Charter on Human and Peoples' Rights. Additionally, it has bilateral agreements on human trafficking with the UK, Benin Republic, Italy, South Africa, and Spain as well as migration policy.³⁹

³⁶ National Agency for the Protection of Trafficking in Persons (NAPTIP) Act 2005, ss 11-29, 39, 42, 46 and 58.

³⁷ sections 223, 224, 365 and 369 Criminal Code Laws of the Federation of Nigeria 2004

³⁸ sections 275, 278, 279 and 280, Penal Code Laws of the Federation of Nigeria 2004

³⁹ Salihu D, Chutiyami M. 'Trends of Child Trafficking Situation in Nigeria and A Way Forward'. Research on Humanities and Social Sciences. 2016;6(16):33

Government has further allowed for international collaboration in curbing the menace but engaging in strategic conversation with internal and international organization. To this end, the government adopted the Child Rights Act into law in July 2003, complementing the International Covenant on the Rights of the Child, which was ratified and domesticated in July 2003. Additionally, it cultivated the United Nations protocols similar to Stop, Combat, and Punish Trafficking in people in Persons, especially Women and Children.

Child rights Act, 2003⁴⁰ warrants that children's rights are protected by outlawing child marriage, child dowry, tattooing, trafficking, kidnapping, and the unauthorized removal or exchange of a child from legal custody, as well as forced, hazardous, or exploitative child labor. child exploitation and prostitution that is detrimental to the child's welfare, including using kids for unauthorized sex, prostitution, and other sexual abuse.

6.0 Conclusion

Globally, human trafficking and terrorism are concerns that necessitate efforts and strategic reaction from all sections of the society. Proactive procedural collaboration among law enforcement agencies is vital and the need for a harmonized indigenous, regional and international reaction to issues of trafficking. Regularly, human trafficking is considered as a social problem rather than a subject of national security hence the increased risks of trafficking of women and girls and the systemic abuses of women in overlapping emergencies due to lack of collaborative technicalities in addressing the menace, the loopholes in law enforcement mechanism and defective security architecture. This laxity is a huge moral lesson that brings about the disruption of society and the economy. These result in increased number of vulnerable women and girls seeking for means of livelihood, hereby creating an urgent desire to relocate to another region. This has been described as a critical anti-social practice generally and specifically in terrorist invaded terrain like the North Eastern states of Nigeria. The article argues that despite the existing legal framework positioned to address the menace,

⁴⁰ Child rights Act, 2003, sections 21-40.

it persists in the area in review and more others. The article argues that while trafficking in women and girls are admitted as a significant challenge globally, it opines that an economic inclusive intervention that addresses the broader issues of poverty in allegiance with human rights dictates will aid in addressing the root cause of trafficking as the gender dynamics of human trafficking becomes visible during emergencies. This increased rate of vulnerability necessitates a dynamic institutional enforcement with a multidimensional policy to contending human trafficking in Nigeria.

7.0 Recommendation

In view of the risks human trafficking poses to national wellbeing, this paper hereby recommends as follows:

- i. Strengthen efforts towards identifying trafficked victims among vulnerable groups, such as children, minors working as domestic servants and relocating migrants.
- ii. Expand public awareness campaigns to inform more people about the signs of human trafficking.
- iii. The need for global robust anti-trafficking mechanisms and well-structured procedures to manage the severe vulnerabilities of women and girls running away during emergencies.
- iv. Increased efforts to investigate, prosecute, and convict traffickers and impose adequately severe sentences including imprisonment on them.