

Trafficking in girls: Challenge to sexual health, reproductive health and human rights

Paper presented by Prof. Bene Madunagu, Coordinator GPI Calabar/Uyo Centres during a seminar on Trafficking in Girls organised by GPI Uyo Centre on February 20, 2004.

Introduction

Too many children of school age, especially girls, have been victims of trafficking and many more are in danger of becoming victims of trafficking if urgent and sustained action is not taken to stop this act of violence.

Trafficking in persons remains a global challenge now as it is deeply rooted in a web of poverty, conflict, political transition, inadequate female education, inadequate and discriminatory economic opportunities for girls and women, low value placed on girls and women and cultural violence of male-child preference as well as child marriage for girl-children.

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Human trafficking affects vulnerable individuals, mainly girl-children and women.

What constitutes trafficking?

Trafficking in Akwa Ibom state for example, is a distinct violation of the rights of children as one of the worst forms of child labour. Trafficking is not a discreet act. It is in fact, a combination of series of actions that occur in homes, in the community, at points of transit and at final destinations, involving negotiations among adults with little or no reference to the opinion of the victims other than advice and instructions. Given the socialization process and cultural background, the child is left with no option but to accept the outcome of the adults' negotiations.

Trafficking can occur within one country, across national borders or between regions and usually involving several actors. The patterns employed may differ, but in Akwa Ibom State, children from rural areas are trafficked for exploitation in urban centres. Actors in trafficking process include recruiters, intermediaries, employers, brothel operators and even friends and family members.

The victims can be recruited by persuasion, deception, threats and coercion. Sometimes through incentives by recruiters, the victims themselves and or their family members take the initiative to approach the recruiters to assist them to migrate generally because of

ignorance of what fate awaits them. Even if they have a clue as to the hard work ahead, they very rarely understand the nature of what they would face.

Of course, ignorant children are very easy to abuse, they are less assertive as they have no knowledge about their rights and so cannot claim what they know nothing about. It is easier for children to manage poor accommodation and no benefits. Children have much energy and can work for longer hours with less food. Thus, even though children may be less productive than adults in some circumstances, they are in the long-run cheap labour with less benefits.

What is trafficking?

The United Nations Protocol to prevent, suppress and punish trafficking in persons, especially women and children, adopted in December, 2000 gives a direct and comprehensive definition of trafficking in the Article 3(a) of the protocol as follows:

"The recruitment, transportation, purchase, sale, transfer, harbouring or receipt of persons by means of threat or use of violence, force, or other forms of coercion, of abduction, of fraud of deception, of abuse of power or of position of vulnerability or the giving or receiving of payments of

benefits to achieve the consent of a person, having control over another person for the purpose of exploitation."

The protocol also points out that as far as children are concerned, "recruitment, transportation, transfer, harbouring or receipt of a child for purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in the definition."

In line with International Labour Organisation (ILO) Worst Forms of Child Labour Convention (No. 182) it specifies that exploitation shall include "forced labour or services, slavery or practices similar to slavery (or servitude)."

Thus, trafficking is a serious form of violence and because majority of victims of trafficking are females, it can also be seen as violence against girls and women. Violence against girls and women is one of the major public health and

human rights problems in our society today. Violence against women is both sustained by and in turn, helps to sustain women's unequal status in the society.

In the United Nations Declaration on the Elimination of Violence Against Women, in the General Assembly resolution of December 1993, violence against women is defined as "any act of gender-based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life."

In the last 10 years, the issue of gender-based violence has moved steadily up the world's agenda. Sexual, physical and psychological violence causes as much of a burden of ill health and death among women aged 15-44 as cancer and more than malaria and traffic accidents combined.

Gender is, therefore, an issue in trafficking on both the supply and demand sides of the equation. Girls are often seen as expendable. Generally, there are no laws or law enforcement as well as discriminatory cultural and traditional norms that place them in vulnerable

circumstances. In our communities, girls are expected to sacrifice their vision, goals, educational opportunities and take



• Superintendent T. Y. Musa of the Nigerian Immigration Service makes a point, while others, including GPI Chairperson, Prof. Bene Madunagu (on his left) listen

on responsibilities in the interest of their families, even where such responsibilities violate their rights or are injurious to their health.

The assumption is that education and advancement is of no benefit to their family as social expectation demands that they will marry, leave parental homes and take their wealth to their spouses' home and family. So, girls are treated as commodities to bring profit and, therefore, investment in their education is not profitable. It is such social values that lead to trafficking in girls.

What are the root causes of trafficking in girls?

Trafficking in girls is very much a demand-driven phenomenon. Hence, it occurs primarily because there is market for child labour and even sex trade. Again, poor families have more children than they can cater for. With development and porous borders, coupled with poverty and fraudulent attitude of some law enforcement officers, there is increasing illegal migration within and beyond the

borders with ease to where low-skilled and low-wage labour is in high demand.

Poverty is probably at the core as a root cause of vulnerability of young people to trafficking. Children from poor homes or indebted families are primary victims.

Another cause of trafficking is limited educational opportunities, which compel young people to look for work at a very early age. In this regard, poor funding of educational system and hence, poor infrastructure, poor quality of teaching, inadequate number of qualified teachers, lack of teaching and learning materials, delay of payment of teachers' salaries, teachers' absenteeism to look for other means of maintaining their families, children graduating from school and remaining jobless for years, etc. discourage school attendance and confidence of parents to invest in children's education. This situation increases the vulnerability of children to the violent

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exploitative act of trafficking.

Cultural context of gender discrimination and male-child preference is also one of the root causes of trafficking in girls. The disregard by culture of the rights of children compounds the issue of child trafficking. The crave for large family size in our culture places economic stress on poor families leading to trafficking.

Again, in our situation, there are limited legislative provisions to protect children. Where the law exists, there are loopholes and lack of will on the part of enforcement agents as well as poor funding of regulatory mechanisms to encourage implementation of the law(s).

Consequences of trafficking

Trafficking in persons has serious consequences on the victim and the society which can have everlasting effects. The worst scenario is the death of the victim or permanent damage to her or his physical and mental health. Trafficking encourages and promotes drug dependency. It deprives children of their rights to quality education and freedom from exploitation. Poor education, lack of skills and unhealthy citizens perpetuate the syndrome of area boys and girls constituting both short-term and long-term instability, insecurity and slow growth and slow development rates for the community and society at large.

In the process of trafficking, the journey itself can be hazardous. We have heard of boat mishaps or road vehicle mishaps in transit. The slave labour victims undergo or are forced into prostitution which can cause death or permanent physical and mental damage. Such victims are

poorly fed and receive no health services, yet they are exposed to poor, unhealthy and unhygienic living conditions. Those that are forced into sexual exploitation may suffer from gender-based violence in the hands of clients. They may suffer physical and emotional damage as a result of early sexual activity, which exposes them to STIs, including HIV/AIDS. The girls may end up with unwanted pregnancies and either become young mothers or end up with damage to their sexual and reproductive organs or death from unsafe abortion.

Do laws exist to end trafficking?

There are declarations, legal outcomes of international and regional conferences and national laws to stop trafficking and protect victims.

1. The Universal Declaration of Human Rights, (1948) Article 3 states. 'Everyone has the right to life, liberty and security of person.' Article 5 states, "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment."
2. The Convention on the Elimination of All Forms of Discrimination Against Women, (1979), Article 6 states: "State parties shall take all appropriate measures, including legislation to suppress all forms of traffic in women and exploitation or prostitution of women."
3. The Nigerian Criminal Code, (1904) and the Penal Code, (1960) both contain provisions against trafficking in women for

prostitution or forced labour. In the Criminal Code, section 223(2) the provision is as follows:

"Any person who:

1. Procures a woman or girl to become a common prostitute either in Nigeria or elsewhere; or
2. Procures a woman or girl to leave Nigeria with intent that she may become an inmate in a brothel elsewhere; or
3. Procures a woman or girl to leave her usual place of abode in Nigeria with the intent that she may for the purpose of prostitution become an inmate of a brothel either in Nigeria or elsewhere; is guilty of a misdemeanour and is liable to two years in jail.

It then adds that a person cannot be convicted of any of the offences defined in this section upon uncorroborated testimony of one witness. The offender may be arrested without warrant.

The Nigerian Constitution, (1999) in chapter iv provides protection against violations of human rights and against discrimination on the basis of sex.

What can be done to stop trafficking in Akwa Ibom State?

All of us here present have to discuss the roles that individuals, families, the community and government can play on this issue. I can only suggest that we need a three-part integrated framework, namely:

1. Prevention of trafficking through education, public awareness and economic alternatives
2. Protection of victims and rehabilitation
3. Prosecution of traffickers.

Thank you for your patience. ♀

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