

Baby Factories': A New Phase of Human Trafficking and Human Rights Violation in Nigeria

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Abstract

Recent developments in Nigeria has witnessed a different form of human trafficking as a violation of human rights. While the crusade against human trafficking and violation of human rights is gaining ground and yielding positive results in Nigeria, there emerges another form of trafficking and slavery called 'baby factories' through the use of deceit, undue-influence, kidnapping and abduction et cetera, by unlawful incarceration of pregnant young/teenage girls or getting them pregnant for the purpose of giving birth to babies for sale or other purposes. This paper discovers that this illicit trade is further aggravating the incidence of trafficking and human rights violation in Nigeria. It is further discovered that the operation of 'baby factories' brings along with it the commission of other crimes and further worsen the effects of human trafficking and slavery as violations of inalienable rights. The paper concludes that unless necessary steps are taken immediately to completely abolish the practice of 'baby factories' in Nigeria, the practice will be on the increase as it is attracting income to the perpetrators of this illicit act. In the final analysis, we recommend ways of tackling human trafficking in general and specifically, the menace of the emerging 'baby factories' in Nigeria, including both legislative and executive interventions.

Key Words: Human Rights, Human Trafficking and Baby Factories.

1. Introduction

For a proper grasp and understanding of this paper it is proper for us to undertake an attempt at defining the key concepts as highlighted above in this work. The word Human rights has been variously defined, like most concepts, the word Human rights defies a single acceptable definition owing to the different perceptions to it. The truth of how perceptions colour ones understanding of a concept is interestingly offered in the example of how five blind men whose ambition to see an elephant could only be fulfilled by each touching the different parts of the elephant and therefore describing it from their various feelings of the parts touched.²No situation or factual exposition relates aptly to the problem of defining human rights than the

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²Tobi, N.Sources of Nigerian Law (Lagos: MIJ Professional Publishers Ltd, 1996) p.14. On this, the learned prolific author, Justice Niki Tobi aptly writes: Definitions by their very nature, concept and content are never accurate like a mathematical solution to a problem. Definitions are definitions because they reflect the idiosyncrasies, inclinations, prejudices and emotions of the persons offering them. While a definer of a word or an agglomeration of words may pretend to be impartial and unbiased, the final product of his definition will be a victim of partiality and bias. The definer may not know in the course of his definition that he is working into the package, his petty sentiments and prejudices; but the end product proves it all. His embellishments show his emotions and sentiments. This is a human problem, which unfortunately has no human solution. As long as our orientations, our background and our outlooks remain distinct and distant, the problem will be with us. There is no point pretending about it. ... Perhaps, we can sound more relevant by relating the foregoing to the definition of the word law. There are some basic problems. Law as a social discipline, with a pretentiously egalitarian outlook, could be looked at from quite a number of angles. It could be looked from the angle of the down trodden in society, from the angle of the affluent in the society or from the angle of the middle class, as distinct from the ruling class. And it could also be looked at from the view point or criterion for the validity of any general legal system or what have you.

foregoing exemplary record of erudition by Hon. Justice Tobi. Thus, it is still momentous to see how other legal writers have defined human rights.

A right is that which is just and proper under all circumstance. It is something proper under law, morally and ethically. A right is something due to a person or group by just claim. It is legally guaranteed and may be a moral principle.³ In the strict legal sense, the violation of a right amounts to a wrong and may be actionable. Hence, when we say human rights, they are rights attached to a human person because he belongs to the human family as a person. These rights are in themselves inalienable and inviolable.⁴ They are not a creation of the legislature, but are recognized by the constitution because nature bestowed them on man. All human rights derive from the dignity of and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms.⁵ On his part, Basu⁶ defines human rights as those minimum rights which every individual must have against the state or other public authorities by virtue of his being a member of the human family, irrespective of any other considerations.

Trafficking on the other hand means, to buy and sell something illegally especially drugs and arms. It therefore means an act of engaging in the buying and selling of contraband or prohibited goods for economic gains. Trafficking in persons therefore means, the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability or 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. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, or the removal of organs.⁷ Human trafficking in this sense, is the act of using, keeping, sale or dealing in human person for economic gains. In this sense, all acts associated with the unlawful use, purchases, sales of a person by means of deception, coercion etc. amounts to human trafficking.

The 'baby factory' phenomenon is the perverse commercialization of human new-borns in the manner of economic animals such as chickens, pigs, goats and cows etc.⁸ this is done by the use of deceit, coercion or obtaining consent by fraud and undue influence, by keeping young pregnant girls or by abducting and kidnapping young girls and to have them impregnated while being held hostage by the abductors. The baby factory involves the use of men who impregnate the girls, nurses and medical experts who assist in case of complications. The new-borns are usually taken from the girls and sold to persons who need them for whatever reasons. In fact, some parents are known to have sold their children to raise money to solve pressing personal problems. Some of these babies end up as adopted children of childless people in a society where childlessness is stigmatized. Some of these babies who are not fortunate are used for rituals etc. Whatever may be the reason(s), poverty or childlessness cannot be a justification to allow this evil of sales and dealings in new born babies in our society.⁹

³ Garner, BA. (ed) Black's Law Dictionary 8thedn. (Dallas: St. Paul Minn. West Group, 2004) p.1347

⁴ In the case of Anzaku v. Governor of Nasarawa State (2006) ALL.FWLR (PT.303) p.308. The court referred to the human rights provision in Chapter IV of the Constitution as the '12 sacred rights available to every citizen'. It therefore means that they cannot be taken away from every citizen without lawful justification, hence the need for its protection by the constitution.

⁵ Agarwal, H.O., 'International Law and Human Rights' 17th (Allahabad India, Central Law Publications, 2010) p. 730.

⁶ Basu, DD. *Human Rights in Constitutional Law* cited in Agarwal, HO. *Op.Cit.* p. 730

⁷ United Nations Conventions Against Transnational Organized Crime. It entered into force on 29 Sept. 2003. Also the Protocol to Suppress and Punish Trafficking in Persons, Especially Women and Children, which entered into force on 25 Dec. 2003.

⁸ "Baby Factories-Growing Lawlessness" Vanguard News of Sept. 12, 2013. Retrieved at www.vanguardngr.com/2013/09/baby-factories-growing-lawlessness accessed on 9/10/2013

⁹ Article 1 & 2 (a) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography 2000 UN Gen Assembly Res. 54/263. States Parties shall prohibit the sale of children; and any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration amounts to sale of children.

Trafficking is one of the most degrading abuse of human rights today as it often gives rise to other in-human and abuse of human rights in the society. In a nutshell, trafficking of human persons often gives rise to the violation of other rights of the victims and sometimes, the commission of other crimes against the victims as most often than not, the trafficked persons becomes victims of other crimes¹⁰ and abuse of their rights. Without mincing words, trafficking of humans is a gross violation of human rights which needs to be tackled headlong before the menace gets out of hand. With specific reference to Nigeria, it must be noted that the most vulnerable groups are the women and children for various reasons.¹¹

In order to curb this menace of trafficking in Nigeria, apart from other existing laws prohibiting trafficking in persons and other accompanying vices,¹² the government of Nigeria enacted the Trafficking in Persons Act¹³ to deal with trafficking cases in Nigeria. By the provisions of the Trafficking Act,¹⁴ trafficking is defined as follows:

Trafficking includes all acts and attempted acts involved in the recruitment, transportation within or across Nigeria border, purchases, sales, transfer, receipt or harbouring of a person involving the use of deception, coercion or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in force or bonded labour or in slavery like conditions.

From the above definition, it is obvious that it is all encompassing and accommodates acts or attempted acts leading to, necessitating/aiding or abetting as well the style/design put in place for such purpose of trafficking or any other incidents of trafficking. It can therefore be safely concluded that trafficking is not only a violation of human rights, but also an open invitation to the commission of further crimes against the trafficked person. It is a floodgate to the violation of the rights of a person in its entirety as aptly protected by the constitution¹⁵ of the Federal Republic of Nigeria. Such human rights violation accompanying trafficking includes, violation of right to life, right to dignity of human persons, right to freedom of liberty, freedom of movement, freedom of association and the press, freedom of worship etc. The cumulative effect of these deprivations manifest in forced labour, torture, rape, incarceration, prostitution, slavery and servitude sale and dealing in human beings.¹⁶

2. Legal Frameworks against Human Trafficking

To show how despicable the act of trafficking is detestable in the society, international and regional conventions like the United Nations Convention for the Suppression of Trafficking in Persons And of the Exploitation or the Prostitution of Others¹⁷, is one of the earliest conventions passed by the United Nations to prohibit trafficking in human persons. It is the first specific reference to trafficking in modern UN era treaty.

¹⁰ A trafficked person have no freedom of movement, liberty, association, freedom from discrimination, freedom of worship and religion, right to the dignity of human person of a trafficked person is usually taken away or denied. And in most cases they are sexually abused, exploited, tortured and in worst cases leading to death.

¹¹ These groups are usually trafficked for the purpose of prostitution, child labour in form of house-help, shops and hotel attendants and recently, as is prevalent in the Southern/Eastern part of Nigeria, teenage girls are usually abducted and held hostage and lock-up in 'baby factories' where they are impregnated by men and after the delivery of their newborn, the babies are taken from them and sold out.

¹² Criminal Code CAP C38 LFN 2004, Penal Code, (Northern States) Federal Provisions Act CAP P.3 LFN 2004. (Before now, CAP 345 LFN 1990), the Child Rights Act CAP C50 LFN 2003 etc.

¹³ Trafficking in Persons (Prohibition) Law Enforcement and Administration Act No. 24 2003.(hereinafter referred to as the Trafficking Act)

¹⁴ Section 50 *Ibid.*

¹⁵ See, Chapter IV Sections 33 – 46 CFRN 1999

¹⁶ See: Section 11, 13, 16, 18, 19, 20, 21, 22, 23 & 24 of Trafficking in Persons Act, 2003.

¹⁷ Approved by the General Assembly Resolution 317(IV) of 2 December 1949 which came into effect 25th July, 1951. Cited in Edeko, M. O., "Human Trafficking in Nigeria: An Appraisal of Legal Instrument for Combating the Crime" in the Nigerian Law Journal VOL. 15 No 1 2012, p. 32

This Convention prohibits and controls the practices of trafficking, procurement and exploitation, whether internal or cross-border and irrespective of the victim's age or consent.¹⁸ It must be noted that most of the United Nations international conventions¹⁹ are geared towards equality, freedom and the dignity of human persons. It is therefore needless to embark on a review of each of these Conventions one after the other, but we shall refer to few for the purpose of clarity.

The United Nations Protocol²⁰ entered into force to prevent, suppress and punish trafficking in persons especially women and children. Concerned about the growing and increasing trafficking of children for the purpose of sale, child prostitution and sexual exploitation, there is the need to prevent this dehumanizing practices. The Protocol²¹ provides that:

1. Each state party shall ensure that, as a minimum the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnational or on an individual or organized basis;

(a) In the context of sale of children as defined in Article 2

(i) Offering, delivering or accepting by whatever means, a child for the purpose of:

- a. Sexual exploitation of the child
- b. Transfer of organs of the child for profit; and
- c. Engagement of the child in force labour.

(ii) Improperly inducing consent as an intermediary for the adoption of a child in violation of applicable international legal instruments on adoption;

b. offering, obtaining, procuring or providing a child for prostitution, as defined in Article 2

c. Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purpose child pornography as defined in Article 2;

At the regional level, the African Charter on Human and Peoples' Rights,²² African Charter on the Right and Welfare of the Child,²³ and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa²⁴ were adopted to curb the menace and every form of trafficking. In attempt to achieving these, the African Charter on Human and Peoples Rights²⁵ provides:

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Also, the African Charter on the Right and Welfare of the Child seeks to protect the freedom and dignity of the child²⁶ against trafficking thus:

¹⁸Edeko M. O., *Ibid*, p. 33

¹⁹ United Nations Charter 1945, Universal Declaration on Human Rights 1948 etc.

²⁰ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography 2000 UN Gen Assembly Res. 54/263

²¹ Article 3. *Op. cit.*

²² Adopted on 17th June 1981 by the Eighteenth Assembly of the Heads of State and Government of the Organization of African Unity (Now AU, African Union). The Treaty entered into force on 21st Oct. 1986. See OAU Doc. CAB/LEG/67/3rev. 5, 21/ILM58 (1982).

²³ The charter was adopted and opened for signatures by the Twenty Sixth Ordinary session of the Assembly of Heads of State and Government of the Organization of African Union, Addis Ababa, Ethiopia, on 11th July, 1999. See OAU Doc. CAB/LEG/24.9/49/1990.

²⁴ Adopted by the 2nd Ordinary session of the Assembly of the African Union, Maputo 11 July 2003 Assembly/AU/Dec.19 (II).

²⁵ Article 5 *Op. cit.*

²⁶ Article 29 *Op. cit.*

States parties to the present charter shall take appropriate measures to prevent:

- (a) The abduction, the sale of, or traffic in children for any purpose or in any form by any person including parents or legal guardians of the child and
- (b) The use of children in all forms of begging.

As earlier stated, trafficking in itself usually opens the doors to other forms of violation of the rights of and crimes against the trafficked persons. In order to forestall these possibilities, the Charter in its contents attempted to deal with other forms of violation incidental to the trafficking of children.²⁷ It provides for the protection of the child against child abuse and torture, inhuman or degrading treatment and especially physical or mental injury or abuse. It also provides against all forms of exploitation, such as sexual exploitation and sexual abuse²⁸ and prevents the use of children in the production and trafficking of narcotics and illicit use of psychotropic substances.²⁹

The Protocol on the Rights of Woman in Africa also reiterates the position in support of the protection³⁰ of Women against all forms of trafficking and other incidental matters. The Protocol³¹ provides that:

- (1) Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights.
- (2) Every woman shall have the right to respect as a person and to the free development of her personality
- (3) States parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women, and
- (4) States parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence.

The cumulative implication of the above provisions is to enhance the freedom of women from any forms of trafficking or incidence of trafficking which usually have the multiplier effect of inhibiting the respect for the dignity and the free development of the personality of women in the society.

The Protocol³² also provides that:

- (1) Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.
- (2) States parties shall take appropriate and effective measures to. ...
- (3) Prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and to protect those women most at risk.

3. Effects of Human Trafficking and 'Baby Factories' on Human Rights

The fundamental human rights as guaranteed in the constitution are not privileges but are inalienable rights of individuals for the reasons that he is a man. It is to be noted that the constitution did not in itself create the fundamental rights but only protects those fundamental rights innate in every citizens. Hence, they cannot be withdrawn at the whims and caprices of the government, individuals or any other authorities.

It is no longer news that trafficking in persons especially children and teenage girls is the fastest growing industry in Nigeria today. This is attended with the ever growing and discovery of *baby factories* in

²⁷ Article 16 *Ibid.*

²⁸ Article 27 *Ibid.*

²⁹ Article 28 *Ibid.*

³⁰ *Op. cit.*

³¹ Article 3 *Ibid.*

³² Article 4 *Ibid.*

Nigeria today.³³ It is the practice of the operators of the *baby factory*³⁴ to hide under the guise of running orphanages and maternity homes³⁵ to the public and the unsuspecting law-enforcement agents, while they carry out their nefarious activities. On the other hands, young girls are abducted and held hostage³⁶ in secluded places, they are thereafter impregnated by unknown men and kept until they give birth to children which the operators of the baby factory sell as *products manufactured* from their factory to those who need babies to be called their own children³⁷ or those who need human being for ritual purpose.³⁸ Most often than not, many women have been deceived to have given birth to the child the operators of the “baby factory” produce from this illicit practices and the unsuspecting mothers jubilate and dance to the church in thanksgiving.³⁹

Human trafficking carries with it the violation of the fundamental human rights and every act of trafficking usually carries with it the further violation of the fundamental rights of the trafficked persons. These incidence of violation of human rights occasion by the acts of human trafficking especially as is associated with the operations of baby factories in Nigeria are highlighted below:

- **Violation of Right to Life**

By the provision of the constitution⁴⁰ of the Federal Republic of Nigeria, every person has a right to life and no one shall intentionally be deprive of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.⁴¹ The above provides the grounds upon which the life of a person can be taken away as justified by law. In spite of this justification by law, it is observed that in some advance legal systems of the world, there have been campaigns for the abolition of the penal punishment of death sentence.⁴²

Hence, the act of trafficking usually leading to the loss of life of the trafficked person is a gross violation of human right. On the African continent, young able bodied youths are trafficked in form of forced

³³ Cheryl, K.C., “Nigeria Bursts Another Baby Factory, saves 6 pregnant Teens” Washington Times Report. Retrieved from www.washintontimes.com/news/2013/may/15/nigeria-busts-another-baby-factory. accessed on 09/10/2013. it was reported that, for the second time in a week, Nigerian authorities on Wednesday 15 May, 2013 discovered a baby factory and rescued pregnant teens from the forceful selling of their new born.

³⁴ See, “Nigeria Frees 16 in Baby Factory, Raid” retrieved from <http://www.news24.com/Africa/news/nigeria-frees-16-in-baby-factory-raid>. accessed on 09/10/2013.

³⁵ Aloy&Emeka., “Baby factory Bursted in Imo State” retrieved from www.nairaland.com/618077/world-baby-factory-busted-imo accessed on the 9/10/2013. Until recently, the AyodeleOmosuyi Natural Clinic in Ugwuaku, Okigwe Imo State was believed to be the solution ground for baby-seeking habitué. But behind the high fenced walls, all manner of the absurd takes place, away from the prying eyes of the public and Law.

³⁶ “‘Nigeria Baby Farm’ Girls Rescued by Abia State Police”. Retrieved from www.bbc.co.uk/news/world-africa-13622679 accessed on 9/10/2013. It was reported that the Nigeria Police raided a hospital in the South-Eastern city of Aba, rescuing 32 pregnant girls allegedly held by a human trafficking ring.

³⁷ “Baby Factories-Growing Lawlessness” Vanguard News of Sept. 12, 2013. Retrieved at www.vanguardngr.com/2013/09/baby-factories-growing-lawlessness. accessed on 9/10/2013

³⁸ Decayed human bodies that had turned into skeleton were among the things allegedly discovered during a raid on a ‘baby factory’ in Okigwe, Imo state Nigeria. See: Aloy&Emeka., Op.cit.

³⁹ Aloy&Emeka., *Ibid*.

⁴⁰ Section 33(1) of the Constitution of the Federal Republic of Nigeria 1999 as amended (hereinafter referred to as CFRN 1999)

⁴¹ Section 33 (2) CFRN 1999. *Amosima v. State (2011) ALL FWLR (PT 597) 601 Maiyak v. State (2008) 3 NWLR (PT 1075) 429.*

⁴² See: Countries like Argentina, Burundi, Gabon, Latvia, Togo and Uzbekistan more than 150 states have either abolished the death penalty or do not practice it. In 2007 the General Assembly endorsed a call for a worldwide moratorium of the death penalty. Since then, the practice has been abolished by countries like Argentina... The taking of life is too absolute, too irreversible for one human being to inflight on another, even when backed by legal process’ UN Secretary General addressing a panel organized by the Office of the UN High Commissioner for Human Right (OHCHR) on moving away from the death penalty lesson from National experiences UN member states; to abolished death penalty practices. Reported on 05/July/2012 See www.gijtes.com/american/item5727. Accessed on 9/10/2013.

labourers to work as domestic aids, in cocoa plantation and factories in *Nigeria, Cote d'voire* and *Mali*.⁴³ Lewu,⁴⁴ wrote, some of those trafficked for ritual purposes are murdered, certain part of their bodies are removed while the mutilated bodies are dumped in the bush or rivers. An example that readily comes to mind is that of a young Nigerian boy, who was trafficked to London and killed for ritual purpose. His corpse was discovered in the River Thames London in 2001 with some parts missing.⁴⁵ It was reported by the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) that their investigation reveals that babies can be sold for illegal adoption, used for child labour or prostitution or sometimes killed, with their body parts used for ritual purposes.⁴⁶ Also in a raid by the NAPTIP agents in Okigwe Imo State Nigeria, decayed human bodies that had been turned into skeleton were among the things allegedly discovered during the raid. NAPTIP suspects that some of the children and even adults might have been used for rituals at the clinic.⁴⁷

In cases of trans-border trafficking, there are various routes and *modus operandi* used by traffickers as a result of tight security checks at the airports and borders because of the illegal nature of the business. The trafficked persons, usually girls travel by land from Nigeria through the Sahara Desert to Morocco or other parts of North Africa. They are often moved across the Mediterranean to Spain by fast boats. The hazardous journey could last up to two weeks and above as a result of the hazardous journey through the desert and the Mediterranean, some of the trafficked persons usually die in the desert or while crossing the ocean.⁴⁸ In worst cases of human rights abuse of the trafficked persons, may lead to loss of life where there is lack of cooperation of the trafficked person in the hands of the traffickers, sometimes they are starved, beaten and tortured to death because they failed to cooperate with them, having discovered their unfortunate plight.

- **Loss of Right to Dignity of Human Person**

Every individual is entitled to respect for the dignity of his person, accordingly, no person shall be subjected to torture or to inhuman or degrading treatment. No person shall be held in slavery or servitude and no person shall be required to perform forced or compulsory labour⁴⁹. It is obvious that the inalienable right to the dignity of human person of the victim is usually violated by the traffickers. Trafficking is associated with forced labour in form of sexual exploitation, bounded labour, etc.

At other times trafficking results in child labour,⁵⁰ like hawking on the streets, working on the farm, serving as shops and hotels/restaurant attendants and apprenticeship, etc. The story of Solomon and Rebecca (though not their real name) are two victims and the longest-staying resident at a shelter for trafficked children in Nigeria's Capital, Abuja. Before they turned 10 years old, they were taken from their homes in Nigeria's South-eastern Abia state on a week-long journey across the Bight of Guinea to Gabon in a canoe. Rebecca narrated their ordeal thus; "*my Daddy died and my uncle came from Gabon ... He said he would*

⁴³Fitzgibbons, K., Modern-day Slavery Flowing on Africa 'The Conest May 19, 2003 p.23 cited in LEWU, M.A.Y., "The Catholic Mission and Human Trafficking in Nigeria" *Ilorin Journal of History* Vol. 1 No 2 2006 p. 97. See also Agence F., 'Nigeria frees 16 women in latest 'baby factory raid' Thursday, June 20th 2013. Retrieved from www.newsinfo.inquirer.net/230293/nigeria-frees-16-women-in-latest-baby-factory-raid. Accessed on 09/10/2013.

⁴⁴Lewu, M.A.Y., *Ibid*.

⁴⁵Lewu, M.A.Y., *Ibid*. quoting Bennet, N., BBC World Service Assignment, London October 19, 2003 4-4. 30 pm.

⁴⁶ 'Nigeria 'Baby Factory raided' in Imo State' BBC NEWS AFRICA 10 May 2013 at 16:22 GMT. Retrieved from www.bbc.co.uk/news/world-africa-22484318 accessed on 09/10/2013.

⁴⁷Aloy&Emeka., "Baby factory Bursted in Imo State" retrieved from www.nairaland.com/618077/world-baby-factory-busted-imo accessed on the 9/10/2013. Until recently, the AyodeleOmosuyi Natural Clinic in Ugwuaku, Okigwe Imo State was believed to be the solution ground for baby-seeking habitué. But behind the high fenced walls, all manner of the absurd takes place, away from the prying eyes of the public and Law.

⁴⁸Fitzgibbons K., *Op. cit*.

⁴⁹ See Section 4. CFRN 1999.

⁵⁰ See the International labour convention (No. 182) on the Worst Form of Child Labour 1999, which was adopted by the International Community on Nov. 19, 1999 and ratified by Nigeria on the 2nd Oct. 2000. The Convention is known as the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Form of Child Labour 1999 to prevent children from Child labour.

take me to school in Gabon. My parents believed him because he'd taken my brother to school there. But he tricked them, He brought pictures of my brother in school uniform.” But as soon as they arrived Gabon, her uncle and his wife revealed what was in stock for her. She went to work selling sachets of drinking water at traffic lights in towns and washing plates at a street kitchen.⁵¹ In most cases trafficked persons are vulnerable persons who cannot defend themselves against the exploitations they are subjected to. Some young children taken abroad as house-helpers could end up being sold for organ transplant if relation should turn sour between them and their employers.⁵²

One of the worst effects of trafficking is that of the sexual exploitation of human sexuality designed by God for procreation and for the expression of love and affection between married couples which have now been turned into a tool of trade, as natural resources for economic empowerment. Both young males and females are now sexually exploited unabated. Sometimes, girls as young as twelve years old are recruited and trafficked abroad for the purpose of prostitution because they are considered to be less likely to be infected with HIV/AIDS virus than older women.⁵³ Trafficking for the purpose of sexual exploitation is now worst to the point that some others in collaboration with their parents seek sponsors and pay them as much as four hundred thousand naira (N400,000) and above to be taken to foreign countries.⁵⁴ Upon arrival in their destination, they are compelled to service completely strange customers without the use of condom. They are treated as sex machine rather than human being. They are seen and treated like objects that are impersonal and lack emotions. Even those who travelled out with the full knowledge of their mission never really expected that they would work under such harsh, inhuman and difficult situations.⁵⁵ As a result of this, the risk of contracting sexually transmitted diseases (STDS) and the much dreaded deadly HIV/AIDS is very high. Apart from servicing unknown men against their will, which is an outright rape, the scenario and circumstances these girls are coerced to have sex with men is highly dehumanizing and degrading without any form of secrecy and sacredness of the act of sexual intercourse. Girls are often lined up and forced to have sex in full view of other teenage girls one after the other.⁵⁶ Human beings are treated and reduced to the lifestyle of animals like goats and chickens at home where one he-goat or cockerel goes round all the females in the neighbourhood in the full glare of others all at a time. It was reported from a raid carried out on a *baby factory* in Imo State, Nigeria where the baby factory is located,⁵⁷ that “*girls were often impregnated by an elderly security guard, who watch at the gate of the mineral and water packing factory during the day and impregnated the girls at night. It is also believed that a 23 year-old man found living in the compound was hired by the factory owner to impregnate the girls.*”

In cases where the trafficked person is not ready to cooperate or attempt to regain his or her freedom, the trafficked persons are usually beaten, tortured or locked-up and promised their freedom only after earning

⁵¹ Andrew. W., “Trafficked Children Tell Their Stories” BBC News Abuja. Reported on Tuesday 5th February 2008 at 00.45 GMT. Retrieved from www.newsbbc.co.uk/2/hi/africa7226411.stm. See also “Nigeria Frees 16 in ‘Baby Factory’ Raid” reported on 20/06/2013. Retrieved from www.news24.com/Africa/News/Nigeria-frees-16-in-baby-factory-raid

⁵² Amana, D., “Focus on Africa” British Broadcasting Corporation (BBC) Network Service, October 23rd 2003 at 8.30-9.00 am. Cited in Lewu, M.A.Y., *op. cite* p.96

⁵³ WOTCLEF “The Role of Civil Society in Combating Human Trafficking and Child Labour In Nigeria” Abuja 2001.

⁵⁴ Adisa, T., “Sex War...” p.43 as cited by Lewu, M.A.Y., *Op.cit.* p. 98

Op. cite p.98. Also in Kano, Kano state Northern part of Nigeria the parents of the 105 children allegedly trafficked and rescued in the bus denied that their children had been trafficked. As reported in BBC News Abuja. Reported on Tuesday 5th February 2008 at 00.45 GMT. Retrieved from www.newsbbc.co.uk/2/hi/africa7226411.stm. Accessed on 09/10/2013.

⁵⁵ “Restoring the Dignity of the Nigerian Women” A pastoral Letter of the Catholic Bishops’ Conference of Nigeria. Lagos, Catholic Secretariat 2001. P.9 cited in Lewu, M.A.Y., *Op. cit.* p.99

⁵⁶ Yvounne N., “Baby Factory Exposed in Nigeria” reported on 16th May, 2013 at 21:11 retrieved from <http://www.blogs.aljazeera.com/blog/africa/baby-factory-exposed-in-nigeria> . Accessed on the 09/10/2013. This revelation was made during a raid in Imo state, where police found young girls forced to become pregnant and give birth repeatedly.

⁵⁷ *Ibid.*

through prostitution or forced labour their purchased price as well as their travel and visa costs.⁵⁸ Solomon⁵⁹ (not real name) one of the two children trafficked to Gabon narrated one of his ordeal in the hands of his uncle, on the occasion he was supposed to give the money to a prostitute his uncle had slept with the night before, but he didn't make enough, thus; "*The man took electric iron plugged it in and allowed it to over red and used it on my body. When something is getting difficult like that, there is no way you can even cry because if you are even pleading for cry you will not get (sic),*"⁶⁰ the list is endless. It is estimated that one or two million people are trafficked around the world every year mostly women and children but increasingly men and boys as well generally used for forced labour, agricultural bondage, prostitution or other forms of indentured servitude.⁶¹

• Denial Of The Right To Personal Liberty And Right To Freedom Of Movement

By the provision of the constitution⁶² of the Federal Republic of Nigeria, every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law. It must be noted that for a person to be deprived of his right to personal liberty, it must be in accordance with the provisions of the constitution. Also the right to freedom of movement is akin to the right to personal liberty. The right to freedom of movement is to the effect that every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom.⁶³

Although, the above provisions are not absolute, because it may be derogated from in exceptional circumstances as may be justifiable by law.⁶⁴ It is apparent that in all the cases of trafficking discussed so far, there cannot be any justifiable reasons and no circumstances of the incidence of these acts of trafficking that can find support in any of the constitutional exceptions to the right to personal liberty and the right to freedom of movement. As an inalienable right, Mukherjeaj,⁶⁵ defines the term 'personal liberty' thus:

In ordinary language 'personal liberty' means liberty relating to or concerning the person or body of the individual and 'personal liberty' in this sense is the antithesis of physical restraint or coercion. According to Dicey, who is an acknowledged authority on the subject, 'personal liberty' means a personal right not to be subjected to imprisonment, arrest or other physical coercion in any manner that does not admit of legal justification... .

Trafficking being a crime as well as a violation of the fundamental rights of the trafficked persons, the traffickers use diverse methods and routes to beat the tight security check-points at the airports, borders and even while on transit within the country of origin. As a result, the trafficked persons travel with fictitious names and identities. As a usual practice, especially in trans-border cases of trafficking, the victims are subjected to ritual oaths not to divulge any information about the nefarious activities of the traffickers or their agents. They therefore remain silent for fear of the threatened repercussion such as death, madness, (some are

⁵⁸ Samuel O.A., "Implications of Human Trafficking For Human Rights: The Case of Nigeria" *Global Journal of Human Social Science Arts And Humanities* Vol. XII, Issue XI, Version I 2012 p. 32

⁵⁹ Andrew. W., "Trafficked Children Tell Their Stories" BBC News Abuja. Reported on Tuesday 5th February 2008 at 00.45 GMT. Retrieved from www.newsbbc.co.uk/2/hi/africa/7226411.stm. See also "Nigeria Frees 16 in 'Baby Factory' Raid" reported on 20/06/2013. Retrieved from www.news24.com/Africa/News/Nigeria-frees-16-in-baby-factory-raid

⁶⁰ *Ibid.*

⁶¹ Emmanuel, J.C.D & Ogbonnaya, U.M., "Combating Human Trafficking in Nigeria: An Evaluation of State Policies and Programmes" *Mediterranean Journal of Social Sciences* Vol. 3 No. 3 September 2012 p. 161.

⁶² See. Section 35 of the CFRN 1999.

⁶³ See. Section 41 of the CFRN 1999.

⁶⁴ See; Sections 35(1) (a) and the Proviso to the same section i.e. subsections (2)-(6). And Section 41 (2) (a) & (b) of the CFRN 1999.

⁶⁵ See the case of *Gopalan v. State of Madras (1950) SCR 38*. Cited in Oluyede, P.A., & Aihe, D.O., *Cases And Materials on Constitutional Law in Nigeria*. 2nd edn. (Ibadan, University Press PLC. 2006) p. 197.

threatened that their entire family will be annihilated should they report them to the police) or should they break the oath.⁶⁶

When traffickers draw up a contract, they often call on a traditional Priest to give approval. This is usually done at a traditional 'shrine'. The priest takes something deeply personal from the girl. It might be hair from her head, some pubic hair, a nail clipping, or some underwear. This trophy is wrapped up with a flourish and the priest leaves no doubt that it will be used to control the victim from a distance. This use of voodoo is a way of keeping the girl in bondage because it plays on her deepest superstitions⁶⁷

Most often, the reality of the journey and agreement dawns on them when they arrive their destination, their agents who promised to release their travel papers and passports after their huge debts have been paid off confiscate their passports and other traveling documents. With this loss of identity, they lose their freedom and are completely at the mercy of their agents. In fact, the right to their personal liberty and to move freely is curtailed because they are in perpetual fear of being arrested by the law enforcement agents.⁶⁸ Although, the fear of the law enforcement agents may not be paramount because this may be a way out of bondage to regain their freedom, but it is observed that the trafficked victims are ultimately in the fear of being caught by the police which may lead to divulging the information relating to the traffickers or their agents to whom they are bound by oath not to disclose.

One of the fastest growing phases of human trafficking in Nigeria as earlier discussed, is the menace of 'baby factory' in Nigeria. The most vulnerable group here are teenage girls who get pregnant and may not want to keep the baby and girls who have been deceived and trafficked from their homes in the guise of employment opportunities. In worse cases girls are kidnapped and held hostage, impregnated and until they give birth, they are not allowed to enjoy their freedom.

In *Umuaka*, Imo State in the Eastern Nigeria, where one of the 'baby factories' was raided, it was reported that young girls were crammed into four tiny rooms where they slept on nothing but straw mats without beddings. They were tricked into thinking it was a safe haven for teenage girls who did not want to keep their babies, but did not want an abortion either. They intended to give their babies up for what they thought was a formal adoption. But once they were in the compound, they were held as prisoners by the owner of the 'baby factory' known as *Madam one thousand* and forced to get pregnant again and again without escape route from the compound.⁶⁹

It was reported that the buildings in which the teenage girls were held was fenced with barbed-wires and the face of the walls had been embedded with broken bottles to prevent any attempt of escape by the pregnant teenagers.⁷⁰ Even the security checks in the so-called motherless babies' home located in *Umuaka*, Imo State cannot be anything compared to the days of slave trade and prisoners of war. The inmates cannot even lean on the wall/fence of the 'prison' because of the imbedded broken bottles in the walls what more of attempting to climb the fence to regain their freedom. This is really dehumanizing and a violation of human rights.

In another related report, Affiong, a sixteen years old girl in South East Nigeria of *Akwa-Ibom State* said, the father of her child disappeared and cut off contact when she became pregnant and as a result of the problem in her home with her parents, Affiong headed for the city of Calabar in neighbouring Cross-River state. Confused, scared and broke, she was extremely vulnerable. She said, she was offered free food, lodging and medical care at a refuge for pregnant teenagers on the condition that, she would give them the baby after delivery and go away. Affiong said, while in the home, she was not allowed to use a mobile phone

⁶⁶Lewu, M.A.Y., *Op.cit.* p.101.

⁶⁷ Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo. Reported by the United Nations Office on Drugs and Crime (UNODC) September 2006 p. 52.

⁶⁸Lewu., *Op.cit.* p. 99.

⁶⁹Yvounne, N., *Op.cit.*

⁷⁰ "Imo Baby Factory: Pregnant Teens Held Hostage Till Delivery" reported on 20th May, 2013 retrieved from www.channelstv.com/home/2013/05/20/imo-baby-factory-pregnant-teenagers-h . Accessed on 09/10/2013.

to call anyone and that the only time she was allowed to leave the home was for medical check-up or to go to church along with other pregnant teenagers. She said she was escorted to church and after service she had to come straight back to the home.⁷¹

- **Commercialization/Sale of Children**

The sale of babies or human being has been going on for a while, but not at the alarming degree at which, the phenomenon is mounting speed these days. The history of human trafficking in form of commercialization or sale of human being seems to have taken its root from the wide spread practice in West Africa where children are bought from their families to work in plantations, mines and factories or as domestic house help.⁷² Although, the current trend of baby factory metamorphose directly from the incidents of teenage girls with unwanted pregnancies who give out their children for adoption, usually to couples who want them; some couples get the children at agreed terms and conditions.⁷³ From this point, others caught a glimpse of the economic gains of engaging in the perverse commercialization of human new-borns in the manner of economic animals such as chicken, pigs, goats and cows. So dehumanizing is the issue that some parents are said to have sold their children to raise money to solve pressing personal problem.⁷⁴ Some persons under the guise of running orphanages and maternity homes take to this illicit trade, and if nothing is done about it quickly it will become a business that will soon be fighting its way to the stock exchange.⁷⁵ Whatever may be the reason(s) or justification for engaging in the sale or commercialization of human beings, such cannot be a legitimate business and cannot by any dint of moral decadence in the society today be legitimized.⁷⁶ Hence there are ample provisions in our laws prohibiting the sale, commercialization or dealing in human person especially children.

The Trafficking Act⁷⁷, provides thus:

Any person who buys, sells, hires, lets or otherwise obtains possession or disposes of any person under the age of eighteen years with intent that such person be employed or used for immoral purposes or knowing it to be likely that some person will be employed or used for such purposes, commits an offence and is liable on conviction to imprisonment for fourteen years without the option of a fine.

The Child's Right Act⁷⁸ provides that "no person shall buy, Sell, hire, let or hire, dispose of or obtain possession of or otherwise deal in a child."

Also, the Children and Young Person's Law⁷⁹ equally prohibits the sale of children. It provides:

No person shall give or acquire the custody, possession, control or guardianship of a child whether or not for pecuniary or other benefit in such circumstances that it may reasonably be inferred that such child has

⁷¹ Will, R., "Nigerian's Battle to Keep Her Baby" reported on 25th Sept. 2012 at 23:37 GMT BBC News retrieved from www.bbc.co.uk/news/world-africa-19718084. Accessed on the 09/10/2013.

⁷² Agence, F., "Nigeria Frees 16 in Baby Factory, Raid" retrieved from <http://www.news24.com/Africa/news/nigeria-frees-16-in-baby-factory-raid>. Accessed on 09/10/2013.

⁷³ "Baby Factories-Growing Lawlessness" Vanguard News of Sept. 12, 2013. Retrieved at www.vanguardngr.com/2013/09/baby-factories-growing-lawlessness. Accessed on 9/10/2013.

⁷⁴ "Pastor Sells Daughter's Baby For N200,000" reported on 15th Dec. 2013, retrieved from www.sunnewsonline.com accessed on the 15/12/2013. The alleged Pastor, Rev. MichealOguguo, 52 sold the baby of his daughter Chiamaka for the sum of N200,000 with the connivance of a clinic in Umuachem, Etche, Rivers State.

⁷⁵ "Baby Factories-Growing Lawlessness" Vanguard News of Sept. 12, 2013. Retrieved at www.vanguardngr.com/2013/09/baby-factories-growing-lawlessness. accessed on 9/10/2013.

⁷⁶ It is indeed moral decadence today in our society that a person, whether with or not his own child to engage in the sale of human being. It is a negation of the much cherished African values which sees children as gifts from God and deserve the protection of the parents and the society. Children are rated high above material valuation, this is exemplified in the pattern of names given to children in Africa such as *Omatokole*(Igala), *Nwakaego* (Ibo), *Omoboriowo* (Yoruba) etc., which means 'the child is more valuable than money.'

⁷⁷ Section 21 *Op.cit*.

⁷⁸ Section 30(1) CAP C50, Laws of the Federation of Nigeria (hereinafter referred to as LFN) 2004.

⁷⁹ Section 33(1) CAP C.10, Laws of Lagos State 2004.

been sold or bartered or that by reason of such giving or acquiring such child may reasonably be inferred to be placed in mortal danger.

From the provisions of the laws cited above, it is obvious that the cumulative effect of these laws is that, any act of commercialization of human being or acts incidental to the sale of children is highly prohibited and in most cases, attracts a criminal punishment as an offence, as it is most dehumanizing. Although, none of the successive constitutions of the Federal Republic of Nigeria made express provision dealing with the sale of human persons, but the implications and effects of the provisions for the fundamental rights⁸⁰ of its citizen outlaws the sale or dealing in human person.

Those involved in this illicit trade often take advantage of the ignorance, frailty and helplessness of their victims who are usually young and under-age. The case of *Uchechi* readily comes to mind, in *Abakaliki*. The Ebonyi State Police Command arrested two suspects allegedly involved in the sale of a boy to a baby factory in Imo State where the *baby factory* is located. The bubble burst when Uchechi 17 years became pregnant to an Ebonyi husband and was taken away by one man name Ifeanyi Agwu 24, from Amasiri in Afikpo North. He deceived the lady, telling her that he had a place where she will do sales-work at Amaigbo in Imo State. The girl was deceived and taken to a baby factory in the month of March, 2013 and gave birth to a baby boy on the 6th June 2013. The child was taken away from her to unknown people, but the sum of N10, 000 was given to her as transport fare to her place in Amasiri.⁸¹

One of the major reasons fuelling the growth and ever increasing human trafficking in form of the operations of *baby factory* today is the seemingly lucrative nature of the business. The operators make several hundreds of thousands and sometimes millions of naira from the sale of the products (human beings) of the factory. One of the recent police raid on a *baby factory* revealed that a 35 years old Rose Nwadinaobi was arrested for engaging in the illicit and hideous practice of procuring pregnant teenage girls and selling-off their babies soon after they give birth. She was later arrested by the 'Police Ambush Squad' of Imo State Police Command in Port Harcourt where she operated a *baby factory* at 15 *Oyigbo Road* for seven years.⁸² She confessed to the Police that she kept pregnant teenage girls who were practically like 'egg layers' producing innocent babies that were then sold to deep-pocket buyers. The girls were paid N50, 000 after delivery and the baby taken away from them. During the raid on the *baby factory*, the Commissioner of Police, Mr Mohammed Kastina told Sunday-Sun (Newspaper) that six pregnant girls were arrested from the baby factory. Rose the owner of the baby factory further explained; "I do give any of the pregnant ladies who deliver in my custody N50, 000 and then take the baby away. I do sell male babies at N900, 000 while female babies are sold at N600, 000."⁸³

Depending on what a person in need of a child wants, the prices for babies in the baby factories around differs. Twin babies go for about one million naira, male babies are sold for N500, 000, while females are sold for between N350, 000 and N450, 000 for whatever child you desire.⁸⁴ According to data and figures from the National Agency for the Prohibition of Trafficking in Persons, babies can sell for about \$6,400 each.⁸⁵

⁸⁰ See the various Chapters of the successive Constitutions that provided for the protection of the fundamental rights of the citizens. i.e Chapter III, Sections 18-33 CFRN 1963, Chapter IV Sections 30-42 CFRN 1979 and Chapter IV Sections 33-46 CFRN 1999.

⁸¹ "Baby Factory: Police Nab Two over Sale of Baby" Reported in Vanguard newspaper on the 19th, Aug. 2013. Retrieved from www.vanguardngr.com accessed on the 09/10/2013.

⁸² Ngozi, U., "Jezebel That Trades in Babies" reported in The Sun on 8th Dec. 2013, retrieved from www.sunnewsonline.com accessed on 8/12/2013.

⁸³ *Ibid.*

⁸⁴ Petrus, O., "Uncovered! World Baby Factory in Okigwe" Reported on Sunday 6th, March 2011, retrieved from www.nairaland.com/618077/world-baby-factory-busted-imo accessed on the 09/10/2013.

⁸⁵ Ellen, C., "Baby Factory in Nigeria Raided" reported on 10th May, 2013, retrieved from www.globalpost.com/dispatch/news/politics/aids/130510 accessed on 09/10/2013.

The most worrisome issue is the involvement of medical personnel (doctors and nurses who are equally culpable, throwing to the dogs the ethics of their humane profession) in this illicit trade. In a raid carried out in a hospital by the Nigeria Police in Aba, South-eastern Nigeria, pregnant girls allegedly held by a human trafficking cartel, operated under the guise and connivance of the hospital. Although, the hospital owner denied running a *baby factory*, saying it was a foundation to help teenagers with unwanted pregnancies, but some of the girls rescued from that hospital told the police that after their new-born babies were sold, they were given \$170 by the owner of the hospital.⁸⁶

The list is endless as the operation of baby factory is increasing at an alarming rate in Nigeria. This is shameful to our supposed civilized society and the legal system. In fact, this is worse than slave trade because the infants and their helpless mother are dehumanized by avaricious adults parents and friends whose duty is to offer them protection and careful grooming. Nigerian citizen with constitutionally guaranteed rights are incarcerated, molested and at the end sold off as merchandise, and the society watches helplessly and daily *baby factories* increases.⁸⁷ There must be an end to this menace called '*baby farm*' or '*baby factories*' in Nigeria.

4. Conclusions and Recommendations

The issue of 'baby factory' as have been discussed so far in this work is both an emerging crime and a violation of human rights which in the long run, have a multiplier effect of transcending into what may be regarded as 'modern slavery and slave trade.' Although, it is equally worthy of note that, there may be the need for an all-encompassing legislation to effectively fight this new phase of human trafficking, because most of the available laws, especially the National Agency for the Prohibition of Traffic in Person Act⁸⁸ (NAPTIP) in Nigeria did not envisaged or specifically capture the menace of 'baby factory' which is just an emerging phenomenon. This is because the NAPTIP Act in its provision did not make distinction between human trafficking in general terms and child trafficking.

Although, it is one thing to have a legislation; it is another thing for the implementation of the same legislation to cater for the need of the people. Nigeria is signatory to many international and regional conventions and have even enacted several domestic laws dealing with the rights of the child, for example the Child Rights' Act.⁸⁹ It is the latest in the row of laws seeking to protect the rights of children in Nigeria. However, it appears that the Act have differing levels of acceptance and implementation among the states of the federation of Nigeria. The Act remains inapplicable in other states of the federation unless such state takes steps to pass the Act as a state law by the state legislature (House of Assembly), this is a big problem in the fight against the violation of the rights of children in Nigeria.⁹⁰

Also, laws for example, relating to 'adoption of children,' running of 'orphanages' etc. without implementation seems to be dead laws in our statute books. This may be due to the fact that most of these laws have become obsolete and are unable to cover and cope with the pace of modern challenges and vices of the society, especially as it relates to the emergence of baby factory in Nigeria.

As earlier discussed in this work, one of the reasons for the operations of baby factories in Nigeria is the lucrative finance-yielding nature of the business. Though, an illegal business, people engage in it to make money at all cost, as such other vices like corruption, abduction, murder, torture etc. becomes the normal and usual process of making their money without due regard to the inalienable rights of the people.

⁸⁶ "Nigeria Baby Farm Girls Rescued by Abia State Police" Reported on 1st. June, 2011, retrieved from www.bbc.co.uk/news/world-africa-13622679 accessed on the 09/10/2013.

⁸⁷ "Baby Factories-Growing Lawlessness" Vanguard News of Sept. 12, 2013. Retrieved at www.vanguardngr.com/2013/09/baby-factories-growing-lawlessness. (accessed on 9/10/2013)

⁸⁸ (Prohibition) Act 2003

⁸⁹ Cap. C 50 LFN 2004.

⁹⁰ see; Tarhule, V.V., 'Corrections Under Nigerian Law' (Lagos, Innovative Communications, 2014) pp. 238-242

From the foregoing, in order to win the war against the operations of baby factories and human trafficking in Nigeria, the following suggestions are recommended;

- a. There must be a legislation to deal specifically with all the incidence of the emerging menace of ‘baby factory’ phenomenon in Nigeria and stiffer punishments must be meted on the offenders than is contained in the National Agency for the Prohibition of Traffic in Person Act.⁹¹
- b. The existence of baby factories in Nigeria is still unknown to many persons and even in the very society where they operate. Hence, there is the need for awareness campaign on the existence and how the syndicate operates, the dangers of this phenomenon on the victims and the society at large.
- c. The government at all levels must ensure the effective policing of their environment in order to unravel and nip in the bud the practice of baby factories and human trafficking at the earliest opportunity.
- d. There is the need to overhaul the various laws dealing with the rights and welfare of children in Nigeria, for example, the laws on ‘adoption, running of orphanages’ etc. should be updated to cope with the realities and the exigencies of the society today. This is because most of the operators of the baby factories in Nigeria often carry out this evil in the guise of running orphanages, maternity home and/or giving out this children for adoption.
- e. As already stated in this work, one of the reasons people indulge in human trafficking and the operation of baby factories in Nigeria today is the high rate of poverty and unemployment, government at all levels should focus more to addressing the issue of unemployment and poverty. This may be achieved through the inauguration of more ‘poverty-alleviation programmes’ and the likes in different states and local governments.
- f. Human trafficking and baby factories operation which is a violation of human rights, requires that the various stake holders like the Human Rights Commission, the Legal Aid, the Nigerian Bar Association and other non-governmental organizations (NGOs) must take up the challenges to direct their search-light in this area to curb the operation of baby factories and human trafficking in Nigeria.
- g. People must also cooperate with the law enforcement agents and various stakeholders in this area to report cases of human trafficking in the form of baby factories at the earliest opportunity. In fact, this evil thrives because of the ignorance of the people and their unwillingness to give information or report any form of appearance of strange practices in their society.

From the foregoing, the dangers of the operations of baby factories in Nigeria as an emerging phase of human trafficking cannot be over-emphasized as have been discussed. As a crime as well as a violation of human rights, it is therefore hoped that the recommendations suggested in this work will help to bringing to an end this ugly trend in our society.

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