Towards the Curtailment of the Baby Factory Syndrome in Nigeria

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Abstract. This paper examines the “Baby Factory” Syndrome in Nigeria, a country already plagued by several cases of human rights violations especially in the area of human trafficking. It evaluates the nature and modus operandi of the baby factories operative in Nigeria. The paper examines the motivations and causes of the illicit trade in children, the fate of children from baby factories and the different forms of abuse that children born in the baby factories suffer. An analysis of the legal implication of operating a baby factory in Nigeria is carried out and the paper makes several far reaching recommendations that include reworking the legal framework of child-related issues, alleviating poverty and orientating the masses as ways through which the operation of baby factories in Nigeria can be drastically reduced and eventually eliminated.

Keywords: Baby Factories, Child Abuse, Child Right, Human Trafficking, Nigeria.

1. Introduction

The term “Baby Factory” has no precise definition and it is impossible to pinpoint the exact time when the practice started in Nigeria. Huntley, asserts that term baby factory was coined by Journalists to describe criminal activities involving the restriction of a person’s movement against his/her will, forced impregnations, sale of babies and illegal adoption.

Makinde considers a baby factory as an ‘illegal shelter that harbours young women who produce children for trafficking and illegal adoption either at their will or under slavery-like conditions.’ The term is often used interchangeably with ‘baby farms’ or ‘baby harvesting.’

Onuoha defined the term as ‘all acts involved in the transfer, sale or receipt of babies within national or across international borders through the stealing or false adoption, fraud or deception to be used for satisfying social, material and ritual purpose among others.’ The term was first used by a 2006 report of the United Nations Organisation for Education, Science and Culture (UNESCO).

Thus as the name implies, a baby factory is actually a “factory” for organized crimes and its machinery is manned by professionals, semi-professionals and even quacks who have little or no knowledge at all about the reproductive system. In practice they are usually disguised as hospitals, maternity homes, social welfare homes or orphanages.

The modus operandi of these baby factories is to recruit young teenagers, impregnate them, keep them in seclusion till they give birth and eventually sell the child to willing buyers, who are not in any way biologically connected to the child.

For a baby factory to operate, there are many participants in the crime ring that carry out one function or the other. Onuoha categorized the principal actors who perform the basic roles in the baby factory as including the following:
Doctors that are responsible for maintaining the baby farms, ensuring that the pregnant girls reproduce as at when due,

Nurses/ midwives that provide antenatal support/care for the pregnant girls

Male syndicate employees primarily responsible for impregnating the girls

Corrupt security agents that are bribed to overlook the operation of the illicit trade

Young girls who are the primary agent in the factory as they are responsible for carrying the pregnancy and delivering the babies.

Scouts/facilitators that are responsible for recruiting young girls and able-bodied men into the illicit business.

Document forgers who procure fake or forged legal documents with which they sell babies

Clients that patronize the baby factories and buy the babies

It is imperative to note that the sophistication of baby factories differs based on the exposure of the operators as it is possible for an operator to combine multiple functions such as a Doctor who facilitates the recruitments of young girls into the trade, impregnates them, provide medical care for them and also liaise with buyers who are interested in acquiring the babies that are produced at the factory. Notwithstanding the fact that some of the teenagers who are involved in the baby factory, go there willingly, others are kidnapped and impregnated, then kept in seclusion till they give birth to the child that is subsequently sold.

Baby factory is a form of infant trafficking which amounts to child abuse. It is a menace that is unfortunately growing rapidly in Nigeria despite efforts that have been made to curb the societal malaise.

It is noteworthy that human trafficking especially child abuse is not a problem bedevilling Africa or developing countries alone as there reported cases even in the United states of America, France, Denmark, United Kingdom, Malaysia, Rwanda, China, Sao Tome, Russia, Romania, Indonesia, Nigeria etc.

It has been noted that the booming trade is more pronounced in the South East geopolitical zone of Nigeria. There are several reports that the baby factories are more prevalent in Cross Rivers, Akwa Ibom, Anambra, Abia, Rivers and Imo States. Other states such as Benue, Lagos, Borno, Ogun and Ondo have also witnessed some cases where baby factories were busted and some operators arrested.

In a recent research study carried out by Makinde et al, it was reported that “Seven baby factories were identified and reported by the media where women were found pregnant and awaiting delivery, for the babies to be subsequently trafficked in 2015 across Nigeria. This was a 14% reduction in the number of identified in 2015 against 2014. These are beside another 23 illegal orphanages identified and shut in a state for being involved in infant trafficking. Thus, concern on the number of illegal orphanages selling babies shows the practice might be becoming more elusive. Baby factories remain concentrated in the South- East harboring 86 percent (6/7) of such discoveries in 2015.”

Makinde also notes that more than 290 pregnant or recently delivered women were found within 20 baby factories that were discovered by law enforcement agents between 2008 and 2014.

2. Causes of Baby Factory

It is imperative to interrogate the reasons why the baby factory trade started and why it is being patronized in Nigeria. The basic questions to ask at this stage are as follows; why are the operators engage in the production and sales of young babies? Why are the young girls allowing their children to be sold and inversely, why are the clients patronizing the baby factories?

While Onouha submitted that baby factories are caused by escalating poverty, decaying moral and social values in contemporary society, poor regulation of orphanage homes and the complicity of state actors, Huntley incorporated gender discrimination and societal stigma as part of the causes of the incidences of baby factories.
in the country. Interestingly, Eseadi added other factors such as lack of ethical behaviour of medical professionals and greed. According to UNESCO, the factors that lead to baby factories are poverty, perversion of cultural traditions, manipulation of religious rituals, harmful cultural and social realities. Huntley listed low levels of education, illiteracy and lack of information on human trafficking as some factors. She argued that although poverty is a major cause of baby factories yet there are at least two other factors that make these victims of baby factories vulnerable: being children (most victims are still teenagers) or being pregnant out of wedlock, which carries a social stigma in Nigeria.

It must also be added that the absence of education about sex, reproductive health and family-planning which will enable adolescents prevent unwanted pregnancies and sexually transmitted infections coupled with the illegality of abortion and its attendant consequences also contributed to increase in the operation of baby factories. Hence, this paper will embark on a brief analysis of some of the various causes of baby factories in Nigeria.

Societal stigma and its attendant discrimination has led to the emergence of several social phenomenon including baby factories. The established norm in the African society is for a young woman to be lawfully wedded to a man and thereafter produce offspring from the wedlock. Anything that departs from this recognized procedure is generally frowned at as irregular and unacceptable. Thus the stigma that lead to baby factories are in different dimensions.

Firstly, unmarried young girls who get pregnant as a result of illicit sexual affairs are considered to be a shame to their family, especially as it might not be possible to for the young girl to subsequently have an elaborate wedding celebration. She is considered to have reduced her values before potential suitors and it is not uncommon for her to be cited as a bad example and a wayward girl when mothers are advising their daughters. Thus in order to avoid this societal scrutiny, to prevent discrimination or loss of status in the society, the teenager begins to consider her options, one is abortion and the other is to carry the child in secrecy. This explains why they usually succumb to the baby factories operators who promise them secrecy and undertakes to be responsible for their welfare during the pregnancy and even to assist them to dispose of the child in a mutually economical beneficial manner.

Obaji recounted an experience with a lady who had sold her baby through the baby factories operators. In his words; “I remember how one girl told me that, she does not regret her actions that it was better she didn’t abort the baby and destroy lives. And I wonder the irony to her action. Another with tears said, that she was stigmatized, castigated and pressured by her family, friends, and society as wayward and hopeless and that forced her into hiding for delivery. That she would have abandoned the baby at road side after delivery if the home was not there for her.. She went on to tell me that she charges 400,000 naira ($2,000) for a girl and 500,000 naira ($2,500) for a boy.” This stigma leads to a high rate in the supply curve of the baby factory graph. An analysis of the fertility structure of Nigeria shows that the total fertility rate in Nigeria is still very high, namely 5.19, ranking number 12 out of 224 countries (2015 estimate). Correspondingly, the contraceptive prevalence rate was only 15.1% in 2013 (CIA, 2015). Thus leading to many unwanted pregnancy.

On the demand side, there are societal stigmas that also lead people to demand to buy children from the baby factories operators. This is inherent in the traditional value system and the premium that is placed on having children as fruits of a marriage.

Alichie summed it up perfectly when she concluded that:

Thus, there is need for preventing and responding to violence, exploitation and social stigma placed on unmarried teenagers/women with unwanted pregnancies, stigma placed on children born outside wedlock, stigma placed on infertility among couples or couple with only girl child/children etc are the manifest factors influencing this criminal enterprise-buying and selling of babies (www.againstbabyfactories.com accessed 20th December, 2014; Vanguard, 2014).
These stigmas are interrelated, while the first two promotes the supply of the women and the babies, the last two ensure that there is high demand for such babies, the end product. There is also social stigma related to the issue of adoption, so people prefer to buy babies when they are born in order to deceive people in the society that they are the ones that gave birth to the children. Moreover, the adoption procedure is usually hectic, cumbersome and tedious. It is noteworthy that it is not only poor teenage girls that have unwanted pregnancy, as children of the rich and affluent people in the society are more adverse to the stigma that can be generated from unwanted pregnancy. Moreover, considering the amount at which the children are sold and the calibre of people who categorize them, it becomes evident that poverty is not the primary motivator for the owners and operators of the Baby Factories. Hence, stigmatization rather than poverty will be the major cause of baby factories in Nigeria.

Another thing to consider is the fact that it takes nine months for a lady to carry a pregnancy and give birth to a child, thus the owners of the baby factory, will keep taking care of the woman and the baby within her pending when she gives birth, thus expending high cost of money on her welfare and upkeep. Hence, poverty cannot be the main reason as there are other get-rich-quick-schemes that they could have ventured into. Some of the owners of the Baby Factories consider themselves as solution providers in that they take in the teenage girls, ensure her welfare and medical needs are met, ensure the safe delivery of the child, and sell the child in order to solve the need(s) of the client who wants the child for varying purposes. For instance, serving as an intermediary who solves the problem of the teenage girl who doesn’t want the pregnancy and on the other hand, solving the problem of another childless woman through this procedure of illegal adoption.

Agbonkhese et al also put forward the cost of adoption, in terms of responsibility requirement, duration of process and subsequent checks on the child and also the fact that the family might get the baby on the same day they made payment as reason some families might want to patronise black market babies otherwise known as factory babies. According to them; “The procedure is energy, money and time consuming and most of the couples are disqualified eventually. In Lagos State for example, the procedure is also very strict and you can’t travel with the child, at least for the next five years. This is because social workers will need to keep checking on the child. Sadly, that’s why some couples eventually go to baby factories. However, these are no excuses because it takes nine months to deliver a baby and such effort should not be wasted by handing over such baby to anyone without thorough investigation.”

Alichie submitted that there is a link between the reduction in cases of baby dumping and the increase in the trend of baby factories in Nigeria. Rather than dump babies as was the usual custom, people have decided to make economic gains out of the situation. According to her; “The rates of baby dumping or abandonment of unwanted babies has reduced drastically posing a major challenge to the scarcity of babies in orphanages for legal adoption. By implication, baby dumping reduced while the business of baby factories replaced it and boomed to a point where the International Crime Database report describes the new baby factory phenomenon as a widespread crime which is systematic in nature, since some of the operators are allegedly to be part of human trafficking networks”.

3. Consequencial Effects on Children from Baby Factory

According to earlier studies, women in baby factories suffer physical, psychological and sexual violence in these places. Apart from the basic fact that the operation of baby factories is a form of human trafficking which is contrary to international standards, there are different forms of child abuse that take place in these baby factories, such as the following: the underage girls that are kept in seclusion and impregnated are themselves being abused as they are subjected to the whims and caprices of the operators of the baby factories. They are forced to have sex without their consent, and purely for economic purpose. The children that are produced at the baby factories also suffer numerous forms of child abuse. Their births are not registered contrary to
the extant national and regional laws on registration and status of children at birth. They are also denied the right of knowing their biological parents, while they may subsequently locate their mother, it becomes almost impossible to locate the professional syndicate who was employed to impregnate the women. The children do not receive proper care and there are inadequate health facilities or professional to attend to their medical emergency. These can lead to the neglect and eventual death of the infants. Some of the children are sold in a form of illegal adoption while others are sold to politicians and ritualists who use them for sacrifice and rituals, thus leading to murder, an offence punishable under the law. The children can also be killed in order to harvest their organs which are subsequently sold to people who have health challenges. This shows that the purpose for which people patronize the baby factories are different. It is proper to note that the children from these baby factories could subsequently be used as Child Soldiers or sold into prostitution rings.

4. The Legal Position on Operating a Baby Factory in Nigeria

The Nigeria government has enacted, signed and ratified several treaties and policies for fighting human trafficking and for the protection of women and children. While some of the laws are national, some are regional and others are international treaties. The National Assembly enacted the Child Rights Act in 2003 and several states in the country have also domesticated the law. Some of the agencies charged with regulations of child issues include the Federal Ministry of Women Affairs and Social Development and Nigerian Federal Ministry of Employment, Labour and Productivity (Child Labour Unit), The National Agency for Prohibition of Traffic in Persons and other Related Matters (NAPTIP). At the regional level, Nigeria has ratified the African Charter on Human and Peoples’ Rights (1982), the African Charter on the Rights and Welfare of the Child (1990), and the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (2003).


The National Assembly has enacted and even amended the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act so as to end the growing incidences of baby production for business purposes. The House of Representative has described the incident as a serious crime, which deserves to be punished by the law and proposed a 10-year jail term for baby factory operators. The NAPTIP Act proceeded to establish four departments, to wit; Investigation Department, Legal Department, Public Enlightenment Department and the Counselling and Rehabilitation Department in order to enable the agency discharge its functions effectively and efficiently.

Furthermore, the NAPTIP Act also criminalizes the buying and selling of any person under the age of eighteen, section 21 of the Act provides that:

“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 such person will be employed or used for any such purposes, commits an offence and is liable on conviction to imprisonment for fourteen years without the option of a fine.”

The Child Rights Act, which is a national law that has been domesticated in most of the states in Nigeria also provides in section 30 as follows:

(i) No person shall buy, sell, hire, let on hire, dispose of or obtain possession of or otherwise deal in a child.
(ii) ……A person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to imprisonment for a term of ten years.

(iii) The Act also created the National, State and Local Government Child Rights Implementation Committees. National Child Rights Implementation Committee to monitor and regulate issues relating to children in order to prevent them from being abused or trafficked.

In the same vein, the Penal Code Act also criminalizes the buying and selling of a person under the age of eighteen. Section 278 is to the effect that;

“Whoever buys, sells, hires, lets to hire or otherwise obtains possession or disposes of a person under the age of eighteen years with intent that the person shall be employed or used for the purpose of prostitution or for an unlawful or immoral purpose or knowing it to be likely that such minor will be employed or used for any such purpose, shall be punished with imprisonment for a term which may extend to ten years and shall also be liable to fine.”

In spite of the above, these treaties and policies are basically on paper without corresponding enforcement and execution by the government. If the laws are properly enforced, the issue of baby factories will have no place in our society. This assertion is in line with the submission of Huntley that government’s actions have proved ineffective because the current policies on child right and social protection by the Federal, State and Local Governments are far below the level needed to enforce such strict measures or as a result of either too weak, loose policies lacking the institutional framework that would make them viable.

It has been reported that part of the virtual impunity under which the baby-sellers operate is their seeming invulnerability before the law. It is rare for a case of baby-trafficking to appear in Nigeria’s courts; it is even rarer for those involved to be sentenced and jailed. When culprits are allowed to get away with their crimes in this manner, it only goes to substantiate rumours of complicity at the highest levels of society.

5. Any Way Out

A country’s greatest investment is in its citizens, especially children as they are the future of the country. Thus, the negative trend of child abuse and trafficking cannot be allowed to continue as it will diminish the Nigeria’s invaluable human resources. Hence a tripartite approach is recommended to lift Nigeria out of the doldrums and restore its pride of place among the comity of nations as far as child abuse and child trafficking is concerned.

6. Restructuring of the Legal Framework

Kaka Lawan, the Attorney General and Commissioner for Justice, Borno State recently reported that the Borno State Government has apprehended and is prosecuting some baby factory operators. According to him:

“A lady was delivered of a baby, but did not return home with the baby. When investigation was conducted, it was discovered that the woman sold the baby. She was arrested by the Gwange Police Station in Maiduguri for selling her baby. “The two babies delivered by Kaltume Mohammed and Aisha Bukar were actually sold by one Zaria Haruna to Ngozi Nwokocha for N100,000 each.”

For there to be a reduction in the trend of baby factories operation and eventual eradication of the system, the illegality of baby factories in Nigeria must be obvious and clearly spelt out in the operative laws in the country.

The government must ensure that the policies on child welfare obtainable in Nigeria are updated to meet international standards. Since the holistic operations of baby factories is not directly criminalize under our penal laws, it is recommended that the National and State Houses of Assemblies should amend the penal laws to make specific acts of baby factories
illegal, it should not only be limited to the buyer and seller alone but also to the operators and all participants in the baby factory scheme. The medical practitioners caught in the operation of baby factories should be prosecuted and have their licenses revoked by the appropriate authority. There should also be proper registration, accreditation and monitoring of fertility clinics, surrogacy and orphanage homes and their owners and operators across the country. The government should start considering steps towards the legalization of surrogacy as it has been recommended as out of the ways through which baby factories can be reduced.

The NAPTIP Act is in need of urgent amendment in order to incorporate clear cut provisions on specific issues of baby factories operation. The Act should also clearly spell out the agency’s power to investigate and prosecute this specialized crime, this will ensure that they do not conflict but work in harmony with the police in the discharge of their duty. There should be optimal enforcement of the laws that are currently in force in the country. It is more disappointing when it is noted that Nigeria is a signatory and has ratified the United Nations Convention on the Right of the Child, the African Charter on the Right and Welfare of the Child, the Child Rights Act, the Children and Young Persons Act and other incidental laws that are operative in Nigeria yet there are still numerous reported and unreported cases of baby factories and its attendant child abuse.

In prosecuting those apprehended operating baby factories, one key factor to consider in punishing this type of crime is that the innocent babies are incapable of giving consent to be trafficked, hence they are subjected to these debasing child abuse at a very tender age without their consent, involvement or acquiescence. Therefore there should be greater sense of professionalism on the part of the prosecutor as a way of protecting and preserving the fundamental rights of the child.

Additionally, the girls rescued from these baby factories should be oriented to make sure that they agree to testify as witnesses in the trial of the apprehended operators of the baby factories. The investigative and prosecuting authorities must also be alive to their responsibilities to avoid bribery and corruption, settlement out of court or the compounding of the offence to a lesser one. Furthermore, there must be a stem in the tide of corruption that is prevalent in all spheres of Nigeria’s public service including the police and the judiciary in order to avoid interference by some influential people in the society and also to avoid complicity of some state actors.

**7. Orientation**

Apart from rejigging the legal framework, it is imperative for the government to embark on a multifaceted process of mass orientation, awareness and literacy campaign in all nooks and crannies of the country, especially in the rural areas where there exist many people who do not have access to current information and thus remain naïve and gullible to misinformation by traffickers who easily convince them to engage in the operation of a baby factory.

One of the primary cause for the operation and patronization of baby factories that has been identified in the course of this paper is stigmatization, which is a social phenomenon. Thus efforts must be made to destigmatized adoption and the premium that is usually placed on a particular gender of children, especially the male child in the society. If people are properly oriented through sex education and introduction to some pregnancy prevention techniques, there will be a reduction in teenage pregnancy and the supply of children to baby factories. This orientation should also incorporate the social workers who should be trained and equipped to deal with this ugly societal menace known as baby factory. Civil societies should also collaborate with the government to raise awareness and also in orientating vulnerable adolescent girls across the country.

The officials of the National Agency for the Prevention of Trafficking in Persons are enjoined to carry out its dutiful roles as stipulated in the NAPTIP ACT as follows:

(3) The Public Enlightenment Department shall, in collaboration with the Federal Ministries of Information and National Orientation Agency, Women and Youth Development, Employment, Labour and Productivity and Federal Ministry of
Education be responsible for campaigns, seminars and workshops aimed at educating the public on the problem of trafficking in any person, thereby stimulating interest in and awareness about the problem.

(4) The Counselling and Rehabilitation Department shall, in collaboration with the Federal Ministries of Women and Youth Development, Employment, Labour and Productivity, Culture and Tourism, Nigerian Police Service be responsible for - (a) counselling, after-care rehabilitation, social reintegration and education of trafficked persons; and (b) counselling and the promotion of the welfare of convicts.

8. Poverty Alleviation

The level of poverty in the country is alarming and it leads many people to commit atrocities and illegal acts, all in a bid to feed themselves and their families. Therefore, since the emergence of baby factories in Nigeria has been linked to the high rate of poverty, it becomes imperative that when looking for a way out of the logjam, efforts must be concentrated in reducing the rate of poverty in the country. The government is advised to ensure the implementation of robust poverty alleviation programmes and ensure that there is empowerment of the citizens, especially those in the rural communities.

There should be accessible and affordable reproductive health facilities to ensure that people can make germaine decisions on childbirth and thus avoid unwanted pregnancy. Moreso, those who do not have children should be able to get subsidized treatments at fertility clinics in order to increase their chances of giving birth either through treatment or recognized and regulated surrogacy. There should also be family counselling centres for childless couples. This will greatly reduce the number of those that patronize the baby factories and once the demands reduces, the supply will also inversely reduce.

The Government, the private sector and international donor agencies must ensure that Nigeria has a viable economy and the tide of poverty is rapidly reduced. The minimum wage of workers should be increased, there should be more money in circulation and thus many citizens will be lifted out of the cyclic strata of poverty.

There must be empowerment for the personnel in the Child Health and Care Sector. Government at all levels must ensure that issues relating to children are given paramount attention as they are the leaders of tomorrow. Hence, there should be capacity development training organized by the government, donor agencies, Non-Governmental Organizations for community health care provides, social workers, health personnel, officers of NAPTIP and other child issue-related agencies, the police and judges on the menace of baby factories and how all hands must be on deck to stem the ugly tide.

Apart from making the legal framework available for these agencies to perform their functions, they should also be optimally equipped with manpower, funds and other required equipment’s in order to assist them in unearthing baby factories, investigating reported cases and prosecuting suspected offenders.

Additionally, it is recommended that there should be Creation of more Orphanage Homes by the Government, NGO’s and Religious Bodies to ensure that people who want to adopt babies can go to these lawful establishments rather than patronize baby factories. The orphanages in existence should also be optimally managed in such a way that it will be easier to convince someone who has an unwanted pregnancy to give the baby to the orphanage than sell the child through a baby factory.

Government should provide accommodation for the pregnant girls rescued from Baby Factories where they will be given training that will empower them to be self-sufficient after the delivery of their babies; and where they will receive proper medical care till delivery. The babies delivered in such accommodation should be taken to government orphanages where proper adoption procedure is available.

9. Conclusion

This paper has traced the background of the emerging menace of baby factories in Nigeria. It has examined the factors that contribute to the
growth of the trade in the country, particularly societal stigma and poverty. One of the factors identified is that young teenagers who get pregnant through questionable means and cannot afford to commit abortion, kill their baby or dump them in open spaces, decide to sell them off to barren families thereby satisfying their conscience that they have done something right by helping the family to have a child, helping the child to have a family where he can grow and also making economic gain in the process.

This paper examined the legality of the baby trade and concluded that it is illegal based on the extant laws in the country. The paper has recommended a reworking of the legal framework of child trafficking legislation and policies in the country. It has also suggested the introduction of optimal orientation, reproductive health education, family counselling and poverty alleviation schemes in the country as ways through which the baby factory syndrome in Nigeria can be totally eradicated.

References


