

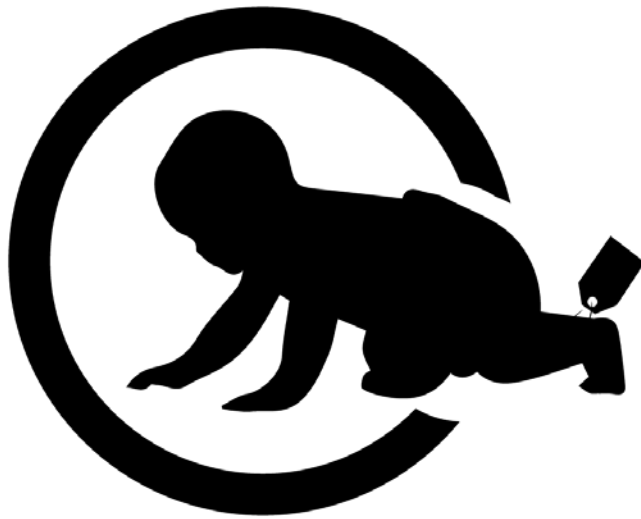
The Global Observatory of Transnational Criminal Networks

Introduction to Trafficking and Laundering of Children

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Introduction to Trafficking and Laundering of Children

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Disclaimer

The facts and the analysis presented herein are sustained in documents and interviews exposed in mass media and judicial records related to the criminal networks analyzed. No primary information uncovering facts has been gathered, which means that only secondary sources were consulted, from legal to media documents. In the case of the names mentioned, quoted or referenced on indictments—with the exception of those specifically mentioned, quoted or referenced in the text as definitively condemned—the presumption of innocence, in observance of individual rights is always preserved.

The judicial truth is the jurisdiction of the courts, which by law will decide whether the defendants are innocent or guilty. It is stated that belonging to, participating in, being connected to, or appearing on a network, as analyzed herein, does not imply having committed a criminal act or being engaged in a criminal enterprise. It is always possible to belong, participate, be connected, or appear on a network as an agent promoting interests that are socially and institutionally beneficial, or as a result of coercion, among other reasons unrelated to criminal acts committed by the agent.

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Introduction

Trafficking in human beings is generally referred to as the 21st century's slavery, and it has been asserted that human trafficking is more common now than at any time in history (Snyman, 2005). The Global Report on Trafficking in Persons, published by the UN Office on Drugs and Crime (UNODC) in November 2014, found victims from 152 nationalities in 124 countries. Additionally, in some regions child trafficking is a major concern; for instance, in Africa and the Middle East children constitute 62 per cent of detected trafficked victims (UNODC, 2014). Currently, children are trafficked for prostitution, forced labor and early marriage: *"In African countries, the poverty existing in households, the absence of social protection, the high profits earned by traffickers, and the low conviction rates for offences against the traffic, have caused child trafficking to persist"* (Mbakogu, 2014).

In 2006, the Trafficking in Persons Report published by the U.S. Department of State revealed that human trafficking is the third market generating profits for organized crime, behind only drugs and guns trafficking. It is estimated that an amount close to USD \$9.5 billion is generated annually through trafficking. Bearing in mind the relevance of this criminal market, this document is an introduction to the humans trafficking market, providing an overview of this contemporary trafficking. Additionally, attention is focused on the specific trafficking of children happening in the African countries of Democratic Republic of the Congo (DRC), Nigeria, Benin, Cameroon and Ethiopia.

1. Definition

The Article 3 of the Palermo Protocol¹ defines trafficking in persons as follows: *"(a) Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs... [...]."*

¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also referred to as the Trafficking Protocol or UN TIP Protocol).

Regarding the definition of child trafficking the Protocol specifies: "(c) *The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered trafficking in persons.*" It is important to note that the Palermo Protocol complements the United Nations Convention against Transnational Organized Crime and shall be specifically interpreted together with the first article of the Convention. This means including the movement of children, carried out by a criminal organization, for the purpose of exploitation.

Countries involved in trafficking are divided into three categories: (i) countries of origin, (ii) countries of transit, and (iii) countries of destination. A country may be included in more than one category, and may be included in all three simultaneously. South Africa, for instance, is designated as belonging to the three categories (UNODC 2014).

According to Karen Smith Rotabi (2014), the phenomenon of child trafficking is a challenging idea when talking about illicit child adoption across national boundaries. On the other hand, *child laundering* is a concept that dates back to 1990 when Hans van Loon wrote the Hague Permanent Bureau report: "[...] *Child laundering*' expresses the claim that the current intercountry adoption system frequently takes children illegally from birth parents, and then uses the official processes of the adoption and legal systems to 'launder' them as 'legally' adopted children. Thus, the adoption system treats children in a manner analogous to a criminal organization engaged in money laundering, which obtains funds illegally but then 'launders' them through a legitimate business" (Smolin, 2006).

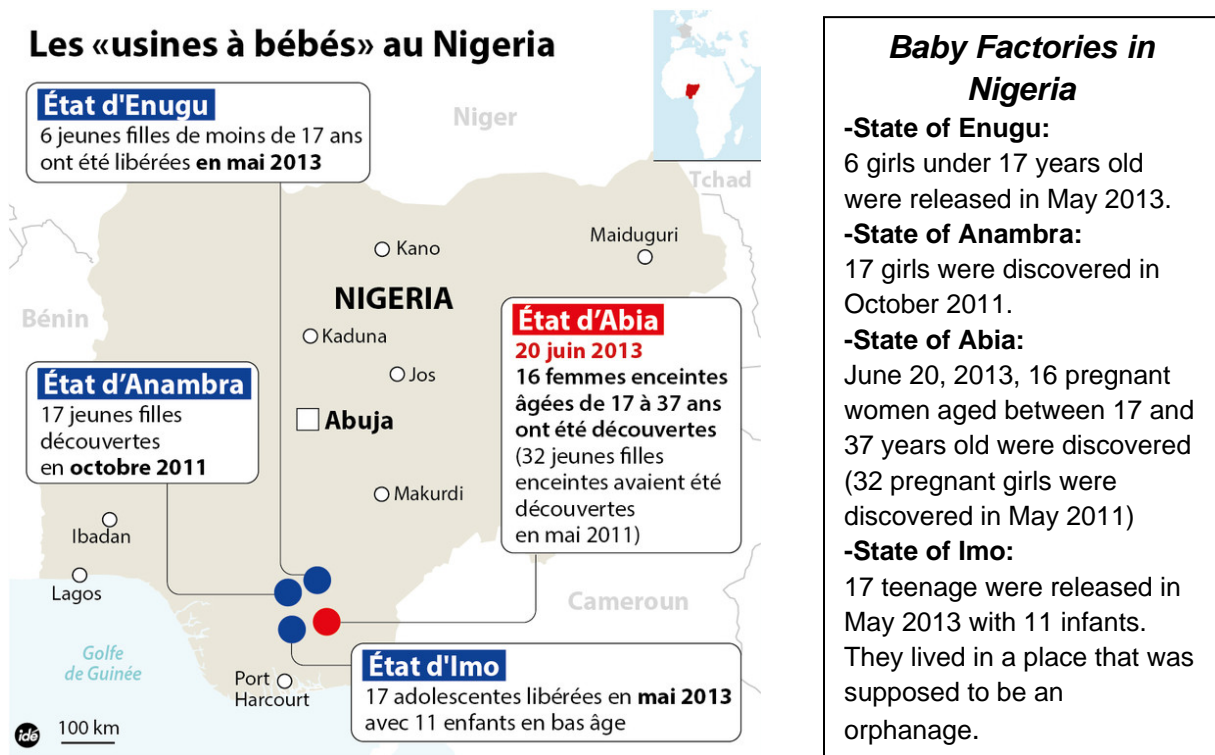
Organized crime takes advantage of intercountry adoption procedures to traffic children; in other words, criminal organizations 'launder' children, which usually involves coercion, fraud and revenues: "*The child is presented as an orphan, socially and legally, when in fact he has biological family. [...] Considering these ideas, all family involved in intercountry adoption (ICA) are taken advantage of, in the laundering process*" (Van Loon, 1990), the child, the family of origin, and the adopting family are therefore being exploited in an ICA scenario.

International law has been developed to address child laundering. In fact, the 1993 Hague *Convention on Protection of Children and Co-operation in Respect to Intercountry Adoption* provides a legal framework of protection for orphaned and vulnerable children and their families. The Convention's aim is to prevent the sale and abduction of children when intercountry adoption happens.

In criminal law, child trafficking refers to cases in which children are taken or abducted, and then offered for sale. Child abduction is done without the consent of parents or guardians of the victim, while the child's exposure is understood as the practice of bringing the child to a place where his physical, moral and mental safety is not guaranteed (Anti-Slavery, 2002). However, as discussed below, cases in which a mother gives her newborn after receiving a payment, should also be considered as children trafficking or children laundering, specially in conditions involving “baby factories”. Bearing in mind the concepts of *child laundering* and *child trafficking*, the following countries were identified in Africa as relevant for this criminal market.

2. Countries

Nigeria and surrounding countries



Source: TF1 News, 2013. Available in: <https://goo.gl/JNAXz4>

Nigerian authorities revealed in June 2014 an infant trafficking scandal that was formerly a *cancan* (gossip) with origins dated back to 2013. Apparently, the wrongdoing affected just

Niamey, capital and largest city of Niger, but the enquiries exposed a criminal cross-border trafficking network with ramifications in Nigeria, Benin, Burkina Faso, and Togo.

The basic mechanism of the crime lies in the “*usines à bébés*” or *baby factories*. Usually, women or couples wanting to have a baby contact a mediator that put them in touch with a southern “clinic” called **Ajavon at Cotonou**, in Benin. Thereafter, the clinic fixes a series of meetings with the women and after the first talk, concoctions, such as breast swelling, are given to the buyer women to show signs of pregnancy. Around the fourth meeting, a newborn is delivered to the buyers in the presence of a *nigérienne* matron and her assistant, and then the buyer woman goes to Benin where a birth certificate is provided. The buyer woman can go back to Niamey by land to avoid border controls, or by air, giving the babies to the nannies. The prices of the newborns are defined according to a criterion in which the most expensive are twin boys.

The criminal network operates recruiting willingly or unwillingly girls to maternity prisons where they are forced to live in deplorable conditions; “*the young women are piled on each other and deprived of healthcare*” (Jeune Afrique, 2014). In fact, there are baby factories where rapes are usual; in other factories, the owner employs a young man between 20 and 30 years old whose role is to pregnant women.

In other cases, **Owerri**, Imo State, Nigeria, is the operational center where adolescents and women dealing with unintended pregnancies resort to “NGOs” that, apparently, are dedicated to assist women in difficulty. There, doctors promise the pregnant woman to take care of their babies and pay them up from 90 to 225 euros, while traffickers later resell the children for prices between 1100 and 4500 euros. Nevertheless, traffickers do not sell all of the babies, therefore they sacrifice those remaining in the factories (Jeune Afrique, 2014).

Investigators have pointed out that **Happiness Ogundeji**², a Burkinabe businesswoman residing in Benin, could be one of the masterminds of the babies trafficking. She manages one *usine à bébés* in **Ilutitun**, Ondo State, where she was arrested, although she denied being part of the criminal network and claimed that she only helped women giving birth through traditional concoctions. Additionally, there is an intermediary between the Nigerian and Happiness Ogundeji: **Alizeta Ouédraogo**, alias *la belle-mère nationale*, who left

² Ogundeji is also accused of organ trafficking.

Ouagadougou, Burkina Faso, in 2014. Judges and enforcement agents lost her track, although apparently she is located at Abidjan, Ivory Coast.

On May 15th, 2013, the police discovered six pregnant teenagers held in a house and arrested three suspects who apparently were trying to sell the future babies: "*Informed by the intelligence services, we raided a house in Enugu where we found six girls aged less than 17 years,*" said Ebere Amaraizu, police spokesman, to *Le Monde*. Five days before, authorities released 17 pregnant adolescents and 11 children held in a house in the neighboring state of **Imo**. The girls, aged between 14 to 17 years old, told police, they had all been made pregnant by a 23-year man who is currently in prison (Le Monde, 2013).

Later, during the same year, authorities discovered another *usine à bébés* in **Asaba**, Delta State, Nigeria. The factory was set up by a couple who clandestinely recruited young girls and encouraged them to give birth and sell their newborns to childless households or even to people wishing to engage in human sacrifices. In fact, in Port Harcourt, River State, a baby factory sold infants for 1,800,000 nairas (about USD 11,342 dollars) (Diasporaenligne, 2013). Authorities seek the owners of the baby factories, including a woman known as "Madam One Thousand" who sold babies through an "*orphelinat-écran*" (false orphanage) called "Ahamefula Motherless Babies Home", in **Umuaka**, in the district of **Njaba**. During the operation against this criminal network, the police surrounded the building of the orphanage and found two men whose role was to impregnate the teens.³

In April, the Security Corps and civil protection of Nigeria (NCSDC) called in 32 pregnant teenagers in a maternity hospital in the city of **Umuzuo** in the state of Abia. The young women confessed that they have sold their male babies for 100,000 naira each one (about USD \$631) and their female babies for 80,000 naira each one (USD \$505). According to further investigations carried out by the Nigerian police, the owner of the maternity ward had sold boys for 450,000 nairas each one (USD \$2,900) and girls for 400,000 nairas each one (around USD \$2,521 USD dollars) (Diasporaenligne, 2013).

In June 2011, Nigerian police intervened facilities of the Cross Foundation located in **Abia**, southeastern Nigeria, identifying 32 young pregnant women aged between 15 and 17 years old, who were compelled by the owner of this foundation to give birth. According to the

³ Additionally, the Police discovered another practice used for trafficking babies: the baby theft. During their investigations, enforcement agents captured four people accused of stealing a baby boy to his mother in a maternity located in the State of **Enugu**.

National Agency against Trafficking in Persons, NAPTIP, some teenage girls told the police that the foundation offered them the purchase of their unborn babies for about 130 euros. Therefore, the 42 children were sold for about 4,500 euros (RFI, 2011). Also, in 2008, police raids revealed a network of "baby factories" and according to the local director of NAPTIP, **Ijeoma Okoronkwo**, many of these cases are currently being processed by the courts of Nigeria.

Democratic Republic of the Congo, DRC

In September 2013, the Congolese Directorate of Migration, DGM, suspended international adoptions of Congolese children for a period of twelve months. According to the Director General of the DGM, the decision was enforced after receiving information about the traffic of children who were previously adopted. As a result, international adoptions are still banned in DRC.

In the DRC an American citizen was involved in a child trafficking network. In 2013, the Congolese authorities jailed **M. Samuel Jessy** whose accomplice was the Congolese residing in the United States, **Gauthier Mukoko**. The criminal organization headed by Jessy took the children to **Kasumbalesa, Katanga**, and then sent them to the U.S. Mukoko has a transport company in Kitwe, Zambia, which is apparently used to send the kids to the U.S. Ntshuvi Dodi and Muembo Chatty, her niece, were in charge of arranging fake documents of parental consent to facilitate the children's travel abroad.

Sales of Congolese kids to couples and individuals in the U.S. is not the only mechanism to traffic children outside the DRC; in fact, procedures related to traditional adoption are also used for taking children outside the country. For instance, **Laurence Sénéchal** is a Belgian woman who was sentenced on appeal to six months in prison and to pay a fine of 300,000 Congolese francs (about 325 euros) for attempting child abduction. Sénéchal, as well as other foreigners involved, was not authorized to adopt. As a result, she tried to take illegally a kid out of the DRC by bribing two officers of the Congolese Directorate of Migration, DGM⁴. In fact, Sénéchal not only managed to obtain fake documents of adoption in complicity with a criminal network of lawyers⁵, she also obtained an emergency travel document⁶ issued on

⁴ Direction Générale de Migration.

⁵ Téléjournal RTVS. Available in: <https://www.youtube.com/watch?v=c6FZoEup0kM>

⁶ Titre de Voyage Provisoire.

March 17th, 2014, by the Embassy of Belgium, to take out of the DRC the five years old girl, Agnès Sénéchal.

Benin

According to records provided by Anti-Slavery, three departments have been critically affected by children trafficking, especially the trafficking of girls: **Mono**, **Ouémé** and **Atlantique**. Between January 1st, 1996 and March 31st, 1998, 320 Beninese children in destination for Côte d'Ivoire, Gabon and Nigeria left the three departments.

In July, 2014, Interpol arrested **Safia Coulibaly**, the wife of a former Director General of the National Lottery of Burkina, at **Cotonou**, Benin, which is considered both a supplier and a provider country of trafficked children (Anti-Slavery, 2000). Coulibaly was in possession of two babies, one was five and the other was nine days old. Both babies were stolen in Nigeria. Apparently, Safia brought them into **Niamey**, Niger, where they were supposed to be allocated to wealthy women who were interested on “adopting” (NetAfrique.net, 2014).

Ethiopia

Ethiopia is one of the top ten countries of origin of trafficked children in Africa (Humanium 2012), since approximately 20,000 children are sold each year by their parents in this country. According to the International Organization for Migration, poor Ethiopian families sell their children for the paltry sum of USD \$1.20 dollars. Adoption agencies are part of this criminal scheme, since they *harvest* Ethiopian kids for illegal intercountry adoption with the help of national authorities.

Mariam Alemayehu G. asserts that there is a cottage industry in child trafficking under the cover of adoption: “*The official position of the dictatorship in Ethiopia is that most children adopted by foreigners are actually orphans or abandoned and parentless street waifs [...]. That is simply not true. Many of the adopted children have parents and families, some of whom are relatively well off by local standards*” (The Huffington Post, 2011). Adoption agencies do not only go to orphanages to get children for adoption but, in fact, sometimes these agencies also “harvest” them in the countryside and commoditize them: “[...] *while many children languish in underfunded and overcrowded orphanages, some international adoption agencies are out spruiking [marketing promotions] in villages asking families to relinquish their children for adoption. This is a phenomenon known as 'harvesting' and it's shocking to see*

[...]. There are more than 70 private international adoption agencies operating in Ethiopia [...]. Almost half the agencies in Ethiopia are unregistered, some doing whatever they can to find children to satisfy the foreign market...[...]' (ABC, 2009).

Conclusion

The referred cases provide an overview about children trafficking and children laundering in the African countries of Democratic Republic of the Congo (DRC), Nigeria, Benin, and Ethiopia, where infants and newborns have been commodified by transnational criminal networks that traffic children, to take them out of countries where adoptions are banned. This, however, doesn't mean that trafficking of adopted children, specially orphans from poor families, is the only criminal market established around children and babies. In fact, there are "factories" established for giving birth to newborns that are later sold to foreigners interested on adopting babies.

Prices of newborns in Nigeria are about of USD \$2,000, and the trafficking process is based on institutions and *entreprises-écran* (screen companies) that are supposed to only facilitate the adoption of orphans. Nevertheless, as previously mentioned, the sold babies aren't always "orphans", since the *usines à bébés* (baby factories) are a common scheme in countries such as Nigeria and Congo DCR.

Trafficking of children is a crime characterized by low risk and high profit, which explains why this criminal market is the third most profitable, only behind drugs and arms trafficking. However, this criminal activity requires specialized legal procedures since transnational movement of newborns and children is usually highly regulated. The level of legal specialization also explains the fact that public servants have got deeply involved in various cases of trafficking.

The existing pieces of legislation for confronting the trafficking of children, for instance through regulation of Inter-country adoption procedures, are significant steps toward fulfilling Western Africa's international obligation to protect its children against trafficking. However, there are no laws tackling and punishing the specific crime of *children laundering*, especially due to the difficulties on identifying when an adoption is carried out because the adopted children are really orphans or because the family legitimately decided to give away the children without receiving any economic consideration. Therefore, it is the governments' responsibility to

implement legislation that simultaneously addresses issues such as (i) holding the victimizers unconditionally accountable for their crimes, (ii) relieving the needs of those children who have been commodified by the criminal networks, and (iii) facilitating intercountry adoptions of orphans and other children from poor families, under a rigorous and strict regulation.

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