Boko Haram: Selling Schoolgirls Into Modern Day Slavery

Human trafficking has become the third largest criminal enterprise in the world.¹ Boko Haram, a Nigerian based terrorist cell, has been an active participant throughout this industry with the recent abduction of more than 200 girls from a Nigerian based boarding school with the intent to sell them into slavery or child marriages.² Though a small number of the abductees were able to escape, the majority of the girls are still subject to the threat of being sold into this unforgiving industry.³ This industry continues to harbor young girls and women due to improper legal enforcement which allows such occurrences to happen. As a result, our young women and girls are lost to the perils of this modern day slavery.

Boko Haram, founded in 1995 under the name of Jama’atu Ahlis Sunna Lidda’awati wal-Jihad meaning “People Committed to the Propagation of the Prophets Teachings and Jihad,”⁴ has historically been revered as a radical Islamic group aimed at persecuting all non-Muslim worshippers, specifically Christian based religions.⁵ Seen by many around the globe, Boko Haram has been labeled a counterpart of the well-known terrorist group, al-Qaeda, who was responsible for the attacks upon the United States in 2001.⁶ Due to their dangerous ties with al-Qeda, Boko Haram has been rapidly gaining

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³ Emma Roller, Nigeria’s Girls Have Been Held Captive for Three Months, THE NAT’L J. (July 2014). (63 girls were able to escape their captors and return home).
⁴ Neiss, supra note 2, at 44.
⁵ Id. at 4.
⁶ Id. at 1.
Boko Haram has been able to launch various attacks around the Nigerian area, specifically targeting the government, Christian based groups, non-Muslim religious groups and other ideologies that do not parallel Boko Haram’s radical convictions. Since its inception, Boko Haram has intentionally attacked various Christian groups during well-known Christian holidays, including Christmas and Easter. The genocidal and systematic violence due to Boko Haram’s initiatives occurring within Nigeria since 2009 has reached an estimated death toll of approximately 3,000. These crusades depict Boko Haram’s message that the pure teachings of Islam are the only important religion in Nigeria, leaving no place for any other contradicting religion. Furthermore, their religious initiatives to cleanse Nigeria and rid the land of all non-Muslims have spread outward to encompass outside territories.

As a result, the genocidal violence throughout Nigeria has become a growing concern worldwide and has caught the attention of many countries, including the United States. The United States has always considered religious freedom to be an inherent right afforded to their citizens. Boko Haram has started cleansing Nigeria, as well as other countries, of opposing religious beliefs, as a result the United States has started to take measures against Boko Haram for fear of threat to their homeland, as well as to aiding the Nigerian government. The Nigerian government is at odds with how to handle the
rapidly growing terror of Boko Haram because of their lack of military intelligence and power. Due to poorly trained militia and access to equipment, the Nigerian government does not have the same capabilities and resources compared to Boko Haram.\textsuperscript{14} Because of this dilemma, the U.S. has become focused on finding the kidnapped girls, who have been reportedly taken to neighboring countries, Cameroon, Niger, and Chad.\textsuperscript{15}

On April 15, 2014, members of the Boko Haram broke into a boarding school and abducted 276 young females at gunpoint and loaded them into trucks.\textsuperscript{16} The girls, ranging in age from sixteen to eighteen, were about to take their final exams at the Government Secondary School in the northeastern town of Chibok, Nigeria when the attack took place.\textsuperscript{17} Boko Haram’s current leader, Abubakar Shekau publicly announced that the organization was responsible for the abduction of Nigeria’s girls.\textsuperscript{18} In a video released the following Monday, Shekau stated, “I abducted your girls… Just because I took some little girls who were in Western education, everybody is making noise. Let me tell you: I took the girls… I repeat, I took the girls, and I will sell them off. There is a market for selling girls.”\textsuperscript{19} Though most of the girls have not been found, sixty-three of the girls were able to escape their captors and return home.\textsuperscript{20}

The threat of selling the missing girls into sex slavery is a looming problem that many countries around the world combating Boko Haram have faced. A modern form of slavery, the industry of trafficking young women and girls occurs when “persons are

\textsuperscript{15} Id.
\textsuperscript{16} Id.
\textsuperscript{17} Id.
\textsuperscript{18} Id.
\textsuperscript{19} Id.
\textsuperscript{20} Id.
induced by force, fraud or coercion to perform forced labor, bonded labor, or forced prostitution.”

On an international level, human trafficking involves situations where the victims have been lured to the U.S. by the promise of the “American dream,” when in reality, the traffickers confiscate the victim’s passports, require them to perform certain actions, and threaten to deport them if they do not comply. An enterprise that generates an average of $32 billion in profits for its perpetrators internationally, it engulfs young women and girls and they rarely ever escape.

The rising popularity of this industry among terrorist groups over the last decade caused the United Nations to act, creating a universal, primary law preventing the trafficking of young women and girls, The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol). The Palermo Protocol, established in 2000 by the U.N. General Assembly, focuses on preventing human trafficking by requiring states “to establish comprehensive policies, programs, and other measures… to prevent and combat trafficking in persons… such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.” Additionally, the Palermo Protocol focuses on the prosecution of traffickers by making trafficking of persons a criminal offense. Lastly, it mandates that any signatory of the protocol must “protect the privacy and

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22 Id. at 17.
23 Id. at 19.
24 Id. at 29.
25 Id. at 57.
26 Id. at 59.
identity of victims of trafficking in persons… [and] implement measures to provide for the physical, psychological and social recovery of victims of trafficking.”

Nigeria, a signatory of the Palermo Protocol and thus bound by its provisions, has failed to implement any measures to address the Boko Haram abductions. The Nigerian government, by the mandates of the protocol, is obligated to establish programs throughout its military and government that would essentially prevent such trafficking of persons. Compared to the resources of Boko Haram, a relative lack of militia and resources has essentially prevented the Nigerian government from complying with the protocol. As a result, they have to look to outside resources, such as the United States, to aide them in the recovery of the abducted girls.

Nigeria’s lack of militia and resources essentially prevented its government from complying with the Palermo Protocol, allowing Boko Haram to act out another “religious cleansing” against the Christian faith by kidnapping young, schoolgirls participating in Western education. This lack of compliance is a reflection of how in need Nigeria is of essential resources, which could ultimately prevent future trafficking attacks. Nigeria looks to the U.S. for outside resources; thus, when aiding the Nigerian government, the U.S. should incorporate the policies found within the Palermo Protocol and assist the Nigerian government in implementing them. Such initiatives include: ensuring that trafficked persons are not punished for any criminal offense related to their having been trafficked; ensuring that trafficked persons are protected from deportation; and, ultimately, applying the appropriate criminal penalties to person’s found guilty of

\[27\] Id. at 62.
trafficking. These routine policies, if implemented, would give trafficked persons the critical and remedial care necessary to heal, while allowing Nigeria to move towards a country free from modern day slavery.