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Chineze J. Onyejekwe

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Influences of Global Human Trafficking Issues on Nigeria: A Gender Perspective

By Chineze J. Onyejekwe, PhD

Abstract

This paper focuses on the socio-economic conditions that force women and girls into the human trafficking industry. Poverty is shown to be one of the major root causes of this phenomenon. The relationship between poverty and other socio-economic issues such as crime, corruption, illiteracy and HIV/AIDS are discussed. The government's efforts at tackling these problems are analyzed, and further preventive measures also discussed.

Keywords: Human trafficking, poverty, crime, HIV/AIDS

The use of women in international prostitution and trafficking networks has unfortunately become a major focus of international, organized crime which often recruits thousands if not millions of women by false pretenses or coercion, transports them to another location, and then buys and sell them for a range of exploitative purposes. It is estimated that more than 700,000 to 2 million women and girls are trafficked around the world, every year (Lora Jo Foo, *The Ford Foundation*, 20 June 2002; Waliur Rahman, *BBC News*, 4 March 2003). Approximately 50,000 of those trafficked are taken to the United States (Agbu 2003). A conservative account of people trafficked to other parts of the globe, especially western Europe, the Middle East, Japan, North America and Australia in the year 2000 included 250,000 persons from southeast Asia; 150,000 from south Asia, 100,000 each from the former Soviet Union and Latin America; 75,000 from eastern Europe, and another 50,000 from Africa (Agbu (2003). Of these numbers, women and girls are the key target group because of their unequal socio-economic status and their lack of awareness of their legal rights. These vulnerabilities are coupled with other interconnected factors such as:

- Development policies promoting tourism, patterns of development that depends on temporary migrant workers, particularly males
- An expanding commercial sex industry with high monetary returns attractive to crime syndicates
- Globalization and economic liberalization policies that result in relaxed controls and opened borders between countries which facilitate population mobility, and
- Weak law enforcement mechanisms and measures to penalize offenders, exploitation by corrupt law enforcers and officials (UNIFEM Fact Sheet No. 2, 2001).

Despite the fact that sexual exploitation or prostitution is not a new phenomenon, the scope of this problem is increasingly getting a lot more press coverage and the public is becoming more aware of its nature. Prostitution often involves money transaction or the exchange of valuable gifts such as apartment, jewelry, etc (Jennifer Friedlin, *Women's Enews*, 16 April 2004). The fact is, however, that not all women are trafficked

for prostitution. They are trafficked for other reasons such as domestic servitude, illegal and bonded labor, false adoption, organ harvesting, and other criminal activities (Leidholdt 2004; HumanTrafficking.com). It was not until the earlier part of the last century that international laws to tackle this problem were drafted and ratified. These laws, however, focused solely on prostitution. The definition of trafficking and the exploitation and prostitution of others were clearly spelt out in articles 1 and 2 of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. This Convention refers to actions at both the national and international levels, and states among other things, that "prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community." Since then, the concept of trafficking has been extended to include trafficking for the purpose of other forms of exploitation of women. This wider view of trafficking is reflected in the Beijing Declaration and Platform for Action, which also includes forced marriages and forced labor within the concept (United Nations Development Fund for Women [UNIFEM] Fact Sheet No. 2, 2001).

Currently, a widely used definition since 2000 is that of the United Nations known as the Palermo Protocol (Canadian Council for Refugees [CCR] 2004). This document gives a comprehensive definition of the trafficking in persons. It clearly states that the trafficking in persons is 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. Such definitions of trafficking usually refer to the absence of consent but often human trafficking can be a voluntary process in which people willingly pay smugglers to move them across international borders. Women are therefore brought into conditions in which their basic human rights are violated, for example, forced labor.

Most often than not, these women are forced into prostitution, modeling for pornography, and marriage as mail-order "brides," or other sex-related work where they are considered sex slaves (Victoria Zunitch, *Women's Enews*, 17 October 2003). Generally, women who are trafficked for sexual exploitation are often sexually abused and raped to break them mentally and emotionally, in order to force them into sex work (Hughes 2003; Dorchen A. Leidholdt 2004); www.HumanTrafficking.com). On arriving at their destination these women are often kept prisoners by their employers and crime syndicates who saddle them with unlawful debts (International Organization for Migration [IOM] 1996; Hughes 2001; Loconto 2002). Moreover, most trafficked women and girls lack assets and capabilities to participate or negotiate effectively on issues affecting their well-being. Not well equipped educationally and economically, many of them are exposed to sexually transmitted diseases.

Allison Loconto (2002) uses the example of the trafficking of Nigerian women into Italy for reasons of prostitution and sexual exploitation to highlight the human rights violations committed against trafficked women, the massive infection of HIV/AIDS among them, and the social repercussions of this despicable global trade. Apparently concerned on the continuous spread of HIV/AIDS, and the accompanying social malaise

in Nigeria, the Executive Director of Women's Consortium of Nigeria (WOCON) Mrs. Bisi Olateru-Olagbegi has decried the continued inhuman treatment meted out on women and children through trafficking and forced labor. Supporting Allison Loconto's (2002) study, The Director pointed out that this has aided the spread of HIV/AIDS in the country (Femi Adekoya and Babatunde Bodurin, *The Guardian* [Nigeria], 2 December 2004). As a result of a nationwide concern, the government has established laws aimed at stopping trafficking of women and girls both within and across borders. In August 2003, for example, the National Agency for Prohibition of Traffic in Persons (NAPTIP) was established. However, the fight has not been easy as intended due to earlier definition of this problem.

Some anti-trafficking activists are often immersed in bitter debates because they tend to conflate prostitution and trafficking as if they are one and the same. Consequently, they try to fight both at the same time. (Jennifer Friedlin, *Women's Enews*, 16 April 2004). The result is that while NGOs will often pull together on common campaigns to combat trafficking, they have not always agreed on strategies. This is especially true where sex trafficking is concerned. The related disagreements often shows over whether legalizing prostitution would lead to less, or more, trafficking in persons have lead to a range of Non Governmental Organizations (NGOs) taking decidedly different positions on this question. Some NGOs note that the reality in many countries is that for some women, prostitution is the only means of securing a livelihood. Hence, some NGOs focus their efforts on aid for sex workers--attempting to make an unfortunate predicament a little safer for these women (Zarrin T. Calwell (*OneWorld US*, 8 April 2005).

Some of the anti-trafficking activists argue, for example, that prostitution is the only reason sex trafficking exists so combating it is, the only way to eradicate trafficking in women and girls. This viewpoint might be supported by the success of the Dutch experiment Christopher DeWolf (*Maisonneuve*, 23 March 2003) as well as that of Sweden (Gunilla Ekberg 2004) which show that while prostitution will never go away, legalizing and regulating it like any other profession would drastically reduce the potential for abuse, violence and disease, with the added bonus of taking control of the industry away from exploitative pimps and organized crime. This viewpoint as noted by Dorchen A. Leidholdt (2004), causes problems for organizations wanting to stop trafficking in women but do not want to legalize prostitution. Their argument seems to be supported by experiences from other countries such as Germany (and Australia) which show that the legalization of prostitution has not improved the conditions in which prostituted women are sexually exploited (Dorchen A. Leidholdt 2004). Legal reforms in Australia, for example, did not reduce the violence experienced by prostitutes in sex work or reduce the other hazards of the prostitution profession (Suzanne Harty 1989). Meanwhile, the current United States Administration considers all forms of prostitution as exploitation. Consequently, NGOs receiving U.S. federal funds are currently not allowed either to promote, support, or advocate for the legalization or practice of prostitution. This is considered in some quarters as hampering their ability to help young women and girls trapped in prostitution (Center for Health and Gender Equity (Washington), 18 May 2005).

The fact is that sex trafficking and organized prostitution are inextricably connected and share fundamental characteristics. Dorchen Leidholdt (1999) makes the

point that in the vast majority of cases prostitution represents the ownership of women and children by pimps, brothel owners, and sometimes, even customers for the purpose of financial gain, sexual gratification, and/or power and domination. Leidholdt adds that while sex tourism, a form of prostitution controlled by local or global economic interests is often the launching pad for sex trafficking, it is not considered such as it involves sexual exploitation of local women in their country of origin.

Another viewpoint is that of Ann Jordan, director of the Initiative Against Trafficking in Persons at the International Human Rights Law Group in Washington, D. C. who adds, that in poor countries where organized crime is often in cahoots with the government, that no amount of anti-prostitution legislation will end trafficking. On another level, activists such as Donna Hughes (2000) emphasize, that efforts to eradicate trafficking should be focused on providing assistance for the victims and imposing steep penalties on the perpetrator. This divergence of opinions on “trafficking in women/Forced prostitution” according to Ann Jordan are, so ideological that they are not even addressing the core issues that are really tough and need to be addressed. These core issues include the socio-economic status of women, particularly in countries where the economies are collapsed and governments support the migration of their people to support domestic economy” (Jennifer Friedlin, *Women’s Enews*, 16 April 2004). In Nigeria, for example, the socio-economic problems such as illiteracy, unemployment, inflation, poverty, crime and social insecurity are all on the increase (Olatunde Olugbenga, *This Day*, [Nigeria], 3 January 2003; African Labor Research Network [ALRN 2004]). All these serve to further compound the problem.

Nigeria is considered a country of origin, transit and destination for human trafficking (IRIN [Abuja], 17 July 2001; Titi Salami, *Democratic Socialist Movement* [DSM] 1 March 2003). According to the United States Agency for International Development (USAID), over 300,000 Nigerian women have been illegally trafficked out of the country since the obnoxious business in human trafficking gained roots in the country in 1990 (Kunle Adeyemi, *The Punch* [Nigeria], 23 July 2004). Due to the lack of opportunity at home, and the eagerness for a better life abroad, the issue of consent does not arise, as what people will consent to depends on the choices available to them. The Fall 2003 Report on trafficking in women and girls by the Canadian Council for Refugees states that a deplorable condition elsewhere may be better than what one left behind (or what one would face if returned to one’s home country). This is one of the tragic reasons why young women from developing countries leave their countries of origin. While the nature and scope of the trade in Nigeria remains unknown, Immigration and police officials throughout Europe have reported a steady flow of Nigerian women enthralled and sold into prostitution in Europe, particularly the Netherlands, Italy, and the Czech Republic (AFRO Gender Profile 2002).

Other countries of destination include many parts of the world such as Algeria, Cameroon, Cote d’Ivoire, Gabon and Morocco, Belgium, France, and Spain, China, Japan and Saudi Arabia. UNICEF estimates that between 60% and 80% of girls involved in sex trade in Italy are Nigerians, with an average age of 15 (Cheryl Heckler, *The Christian Science Monitor*, 6 February 2003; Titi Salami, *DSM*, 1 March 2003). While the Nigerian Interpol claims that women (mostly economically motivated) usually entered the sex trade independently and not controlled by syndicates, experience shows that these women are vulnerable to abuse and violence in the hands of local drug barons. Some of the

tactics Nigerian syndicates use to persuade those forced into sex work from attempting to escape include indebtedness, threats of beatings and/or rape, physical injury to the victim's family, arrest, and deportation (AFRO Gender Profile 2002). These abuses constitute violence against women defined by the Declaration on the Elimination of Violence Against Women adopted by the United Nations General Assembly in 1993 as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life" (Article 1).

It further asserts that states have an obligation to "exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the state or by public persons" (Article 4-c). It sets forth ways in which governments should act to prevent violence, protect and defend women's rights. Under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) also adopted in 1979 by the UN General Assembly, and often described as an international bill of rights for women, state parties are obliged to take all appropriate measures to suppress all forms of traffic in women (article 2e and 6). Yet, in various measures of this standard, and in many countries worldwide, states are failing in their due diligence to protect women from violence (Women's Human Rights Network [WHRnet] 2003). In this regard, the Nigerian government has repeatedly committed itself to eliminating the trafficking of women but it continues to restrict information about this crime, thus failing to fully mobilize the society to combat it (Titi Salami, *DSM*, 1 March 2000).

Trafficking in women and girls in Nigeria is blamed on the problem of limited capacity of customs and immigration agencies to police the country's borders as well as the lack of a legal frameworks and policies to fight against this crime. Most importantly, the problem can also be ascribed to poverty. Analyzing poverty in 2000, The United Nations Children's Fund (UNICEF) describes it as an object that wears a multitude of faces and numerous dimensions, ranging from inadequate income to unmet basic needs (Akubuiro Ifeanyi, *The Sun*, 19 August 2003). For poor women specially, it is a factor that impedes their access to employment, educational opportunities and other resources. For these reasons Amartya Sen (1999) describes poverty, as "capability deprivation" seen in the ability to "function" in the society so as to achieve certain "functionings" or "beings and doings" constitutive of well-being. Most trafficked women lack assets and capabilities to participate in, negotiate with, influence, control, and hold accountable institutions that affect their lives. The victims of human trafficking are at an increased risk of further violence, as well as unwanted pregnancy and sexually transmitted infection, including infection with HIV/AIDS (Beijing Platform for Action, chap. I, resolution 1, annex II, para. 122).

Despite huge incomes derived from oil wealth, the scope of poverty has become a national embarrassment so much so that since the mid-1970s every regime in Nigeria has made attempts to tackle it. Yet, recent studies show that the rate of poverty in the country has been on the increase. The United Nations Children's Fund (UNICEF)'s 2002 *State of the World Children's Report 2000* shows, that about 34 million of Nigerian population estimated at 120 million live below absolute poverty level. This is in a country where the per capita is also about \$280 [United States dollar] (Godwin Haruna, *This Day* [Lagos], 9 November 2003). The situation is worse for most women who are the hardest hit by the

current economic recession. They constitute the majority of the unemployed, the poor (52 percent of the rural poor), and the socially disadvantaged (Ngeri-Nwagha 1996; African Labor Research Network [ALRN] 2004). For these women, the social dimension of poverty manifests itself in terms of low status, lack of dignity or self esteem, vulnerability and even marginalization. For the rural poor, these disadvantages are related to a series of factors such as remoteness, lack of education and healthcare, insecure and unproductive jobs. As a result of these factors many women are currently being forced to leave home and look for work elsewhere. For these women the choice is mostly between exploitation in employment, or survival on the margins. According to the 2002 United Nations Population Fund [UNFPA] Report, living on the margins has been known to result in women's vulnerabilities, especially to human traffic barons. These women may become victims of trafficking when they seek assistance to obtain employment, work permits, visas and other travel documents.

Obviously, there are close linkages between poverty and widespread illiteracy as well as unsafe and un-informed migration, and a lack of awareness of HIV/AIDS. Illiteracy, for example, serves to deprive the poor, especially trafficked women, the information and control over their lives necessary for protection against HIV. This situation may lead poor migrant women (due to powerlessness) to risky behavior in order to survive, and at the same time prevent them from taking protective actions. In terms of illiteracy, in 1998 Nigeria was ranked 151 among 174 countries assessed under the United Nation's Development Programme's Human Development Index (Fideli Soriwei, *The Punch* [Nigeria], 26 January 2004). The 2002 UNFPA Report shows that female literacy is about 39 per cent while male literacy level stands at 62 per cent. Not well equipped educationally and economically, many of the trafficked women are exposed to sexually transmitted diseases such as HIV/AIDS.

There is a close relationship between human trafficking, international prostitution and the augmented threat of HIV/AIDS in Nigeria (Chidi Chike Achebe (2004). While it is not possible to generalize about the epidemic in the country, the accepted prevalence rate in 2001 according to Professor Ibronke Akinsete, chairman National Action Committee against AIDS [NACA] is 5.4 per cent. Estimates show that the country has in recent years witnessed an alarming increase in incidences of HIV/AIDS (Emmanuel Edukugho, *Vanguard*, 21 November 2002). Professor Akinsete further states that in respect of the larger national population, 3.8 million Nigerians have HIV/AIDS. About half of all new infections occur in young people aged 15-24. Doctor Timiebi Koripamo-Agary, Permanent Secretary, Ministry of Labor and Productivity the Permanent Secretary, Ministry of Labor and Productivity also states that women are the most vulnerable group with regards to HIV/AIDS scourge (*Vanguard* [Lagos], 18 March 2004). Women's vulnerability to HIV/AIDS can be attributed to biological, economic, cultural and gender norms as well as the unwillingness of governments to publicly discuss the empowerment of women in gender relations and sexual practices (WHO 2003).

With regards to Nigeria this viewpoint is supported by Professor Akinsete who observed that young girls carry several folds the HIV burden than boys of corresponding age due to asymmetry in sexual partnerships, etc. (Emmanuel Edukugho, *Vanguard*, 21 November 2002). Though the disease was first reported in the country in 1986, by 2003 the country had highest number of HIV/AIDS-infected adults in West Africa (United

States Agency for International Development [UNSIAD], July 2003). According to the report by USAID, poverty, low literacy, poor health, stigma against people with HIV/AIDS and disenfranchised women are some of the factors that contribute to its rapid. HIV/AIDS also triggers a series of harmful consequences for women such as family rejection, discrimination from the community, and violence.

Human trafficking promotes violence against women and girls, sexual exploitation and gender inequality. This situation is further aggravated when “host” governments wrongly equate the smuggling used to infiltrate undocumented migrant workers with human trafficking. This way, both legal migrant workers and trafficking-victims are denied the protection they need. They, therefore, have little recourse in the face of such problems as sexual abuse, dangerous working conditions, and violations of the right to organize. The majority of the cases go unreported simply because the nature of the crime is also hidden. The clandestine nature of human trafficking makes it impossible to get reliable statistics on the trafficking of women in an “industry” that has over the past decade, grown to an alarming degree. Trafficking also generates high profits for traffickers. This is the case with Nigeria. As recently stated, there is very little doubt that it is a lucrative business and may be one of the most difficult to combat. Its corrupting effects on governments’ institutions are barely perceptible because they are less visible than those caused by gunrunning and drug trafficking (Agbu 2003). Worldwide, the “industry” has become a highly profitable business generating several billion dollars a year– worth \$12bn. Only the illegal trade in drugs and small weapons are estimated to be more lucrative (Waliur Rahman, *BBC News*, 4 March, 2003). At the same time, the number of trafficking victims has not decreased and the number of conviction of traffickers had not increased globally (M2 WIRE, 5 March 2003). What then is the most effective way to tackle this illegal trade that promotes violence against women?

Over the past five decades, the international community has employed various developmental approaches in order, to promote women’s welfare. These approaches include, among others, the “welfare approach”, the ‘equity approach”, the anti-poverty approach” and the “empowerment approach.” The rights-based approach to development is currently the most popular approach within the development community. Its guidelines drawn around a certain set of basic rights which empirical data has shown to be relevant to most societies include the right to adequate food, health, education, decent work, adequate housing, personal security, ability to appear in public without shame, political freedoms, and equal access to justice (UNHCR 2002). With this set of basic rights, this approach can, therefore, be conceived as the expansion of assets and capabilities of poor people especially women and girls victims of trafficking to participate in, negotiate with, influence, control, and hold accountable institutions that affect their lives. In the area of poverty, the government is addressing a range of causative factors, including poverty and inequality. Other concrete steps so far taken by the Nigerian government to tackle the problems of human trafficking include:

- International conference: An International Conference supported by the United Nations Children’s Fund (UNICEF) was held from 1 to 3 August in the Nigerian capital, Abuja, to develop a framework for combating human trafficking and child labor. The overall goal of the conference was to make the combating of human trafficking and child labor a priority on national, regional and international

political agendas. The Conference focused on identifying the causes, magnitude and patterns of the problem, examining its impact on sustainable development, and developing strategies for effective prevention, rehabilitation of victims and punishment of offenders. The United States was also expected to send representatives. Local and international NGOs also played a key role at the conference (IRIN, Abuja, 17 Jul 2002).

- Civil society: In the area of civil society an “anti-trafficking bill drafting committee” initiated by WOTCLEF in June 2000 drafted a bill that if passed into law will, help harmonize existing laws, prevent trafficking, prosecute traffickers, and protect the trafficked. The laws will include funding for training programs that would offer prostitutes another way to make a living. The setting up of state agencies that work with repatriated victims of trafficking should also address the multiple difficulties which women face when they attempt to reintegrate. For example, restoring the victims to the original situation (if not better) before violation occurred- the issue of reparation (Agbu 2003).
- International cooperation: The government is also cooperating with a range of international governmental and non-governmental organizations such as the National Council of Women Societies (NCWS), The International Federation of Women Lawyers (FIDA), and Women Trafficking & Child Labor Eradication Foundation (WOTCLEF). These activities go a long way in exposing the dimensions of this trade in Nigeria and bringing succor to many of the victims (Agbu 2003).
- Awareness raising: The government is making attempts at educating the general public, especially vulnerable groups, about the problem of human trafficking and the need to curb it. It has also visited eleven states of the country and established vanguards/clubs in many secondary schools and institutions of higher education (Agbu 2003).
- Poverty reduction: Towards tackling this problem the current administration is engaged, in poverty reduction and economic empowerment measures through a number of programmes. In 1999 and 2000 fiscal years, for example, the Poverty Alleviation Programme (PAP) was established and funded to the tune of N10 billion [\$0.073257 USD] (Abimbola Akosile, *This Day* [Nigeria], 15 January 2003).
- Corruption: The government, notes Agbu (2003) is making efforts to fight corruption through the present anti-corruption law that makes most common forms of corruption criminal offences. This law positions the government in a better position to confront corruption because it is, a federal legislation.
- HIV/AIDS: In early 2000 the President formed the National Action Committee on AIDS which emphasized a multisectoral approach to the disease. This has led to the establishment of a National Action Committee on AIDS, the development of a major Action Plan that guides programming among partners, and strategies that now address programmes on Mother to child Transmission and People Living with AIDS (USAID, July 2003; Godwin Haruna, *This Day* [Lagos], 9 November 2003).
- The establishment in August 2003, of the National Agency for Prohibition of Traffic in Persons (NAPTIP) was established. One of its action programmes

includes awareness raising, visiting targeted communities and government departments to educate their leaders about this crime.

Despite these efforts to check this illegal traffic, Nigeria was still categorized in Tier Two of the Trafficking in Persons Country List for 2001 compiled, by the United States government and the Transparency International (Agbu 2003). This tier list, lists states that do not meet minimum standards of combating human trafficking but are recognized, to be making efforts to do so. The Nigerian immigration authorities lack the capacity to check movements across porous borders makes matters worse. According to a senior official of the Nigerian Immigration Services, criminal rings have also devised sophisticated methods of continuing what apparently is a very lucrative trade for them (UN IRIN, 26 June 2002). Mr. Mike Nku, Special Adviser to President Olusegun Obasanjo admits that efforts to combat the trafficking in women from Nigeria were being hampered by the absence of enabling laws. Mr. Nku laments that: “ For now, when we arrest we just try to get some relevant part of the penal code to prosecute offenders, but the punishment is not always commensurate with crime and this encourages them to continue” (UN IRIN, 26 July 2002). With the country lacking adequate preventive enforcement structures, institutions, policies and programmes as well as bilateral initiatives. The government needs to initiate further preventive measures. The measures should include:

- The development and implementation of a human rights approach to trafficking, and related exploitation. In the area of poverty, the government needs to address a range of causative factors, including gender inequality.
- Comprehensive and supportive national HIV/AIDS policies, laws, and regulations that will ensure access to antiretroviral therapy and treatment for opportunistic infections which presently is very limited and, where available, cost is often a prohibiting factor for poor victims.
- Education should also be one of the government’s priorities.

Conclusion

In Nigeria, the trafficking in women for the purpose of sexual exploitation is an increasing type of international organized crime. The harmful effects of this despicable industry in the country include HIV/AIDS. Human trafficking is, therefore, a social disease and a cruel act that should be stopped by addressing this issue holistically. This problem needs to be tackled through policy, action and cooperation at different levels. This will go a long way to prevent trafficking, and provide support and protection of victims. Though existing laws are inadequate, they need to be strictly implemented all the same. Failure to protect women against such violation of their rights cannot be justified by any political, social, religious, or cultural claim.

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