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## **The Role of African Traditional Religion and 'Juju' in Human Trafficking: Implications for Anti-trafficking**

May Ikeora<sup>1</sup>

### **Abstract**

This article examines the role that African Traditional Religion (ATR) plays in giving ammunition to human trafficking, a role that serves as an emerging perspective in the understanding and critical engagement with this subject area. Elements within African traditional religion, popularly and often wrongfully termed 'Juju', proffer a method of control often used by certain traffickers to keep their victims in perpetual bondage. The data used in this article was derived from extensive fieldwork in Nigeria and the United Kingdom (UK) where forty-six (46) anti-trafficking stakeholders including victims were interviewed. The data indicates that this control mechanism was present in several cases of human trafficking from Nigeria, serving to impede effective investigations and the prosecution of traffickers. Consequently the protection of victims has also been obstructed. This article hence asserts that trafficking should also be understood from the perspective of the belief system of victims, one rooted in ATR rather than being attributed to brainwashing. It is also pertinent that policymakers and practitioners understand this emerging perspective if appropriate and sustainable anti-trafficking measures are to be fashioned to stem the tide.

*Keywords:* Human Trafficking, Juju, African traditional religion, Oath-taking

*"Traffickers... take advantage of people's spiritual beliefs to force them into slavery"*  
Farrell Courtney

### **Introduction**

Human trafficking has been explored from an array of perspectives, yet there are more discoveries to be made. As traffickers devise 'better' means to exploit more people, anti-trafficking crusaders, including activists and governments, must be a step ahead in ensuring that they (traffickers) are obstructed to prevent an increasing number of victims. The abuse of religious or cultural belief has been an ongoing tactic in today's slavery, utilised by traffickers mostly from Nigeria, to victimise vulnerable people, specifically from Africa. Traffickers abuse the African traditional religious beliefs of their victims as a control mechanism. Within the rubric of trafficking, this form of control is not particularly new, as has been pointed out not only in academic scholarships but by the media at large.

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However, as this article intends to articulate, there has been a dearth of literature with a particular focus on this topic. The problem with the nature of this type of psychological control is that it hinders the protection, prosecution and prevention of trafficking due to the limited knowledge of law enforcement authorities and relevant anti-trafficking practitioners<sup>2</sup> in dealing with the peculiarities of cases within this particular context. The taxonomy of this method of control as ‘Juju/voodoo’ is an unjustified reference to the discourse of human trafficking, being that ‘traditional oath-taking’ is truly the main method utilised. However, for the purpose of popular nomenclature and clarity of argument, ‘juju’ will be used interchangeably throughout this paper, in an attempt to provide a critical understanding of this nature of trafficking. Having shed light on the current form and scope of human trafficking, both the concepts of ‘juju’ and traditional oath-taking will be conceptualised and deconstructed within the context of ATR much later in this text.

### **Human Trafficking Today: Forms and Scope**

Over the last decade, there has been considerable growth in the literature on modern slavery, with substantial efforts made to capture the different experiences of victims of slavery around the world (Bales 2000). In addition, there has been ongoing continuous awareness of the various quandaries uncovered within the rubric of contemporary slavery (Quirk 2000: 257-258). Amongst the different forms of modern slavery, the subject of human trafficking has received renewed attention. The United Nations (UN) General Assembly established an intergovernmental, ad-hoc committee in December 1998 and charged it with developing a new international regime to fight transnational organised crime (U.N. Doc. A/RES/53/111, 1998). After eleven sessions involving over 120 participating states, the ad-hoc committee concluded its work in October 2000 by establishing a regime against human trafficking (UN Doc A/55/383, 2000). The latter led to a consensus as to what human trafficking constitutes. It was subsequently defined within the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, (hereafter, Trafficking Protocol) supplementing the United Nations Convention against Transnational Organised Crime (hereafter, Organised Crime Convention). The Trafficking Protocol defined human trafficking as:

The recruitment, transportation, transfer, harbouring 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 (Trafficking Protocol 2000: article 3).

Three major elements emerge from this definition. Firstly, the ‘act’, which stipulates what was done. Secondly, the ‘means’, which simply illustrates how it was done. The means is omitted in a situation where a child is involved (Trafficking Protocol 2000: article 3(c)). Thirdly, the ‘purpose’, which specifies why it was done. The Trafficking Protocol provides the first international definition of trafficking as an explicit law enforcement regime (Bruch 2004:14): It marks a significant milestone in international efforts to combat the problem of human trafficking and, to date, has attracted 147 signatories (UNODC 2009).

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<sup>2</sup> Practitioners in this context are professionals actively engaged in anti-trafficking.

Human trafficking affects both adults and children and takes the form of sexual exploitation, forced labour, domestic servitude and organ harvesting, amongst other emerging forms of exploitations. Trafficking for sexual exploitation is one of the most discussed forms of trafficking, dominating most academic literature on the subject. According to the United Nations Office on Drugs and Crime (UNODC 2009: 6), since sexual trafficking is the most reported form of trafficking, it has been the most documented in comparison to other forms of trafficking that require similar attention. Although it is an area that has been overly emphasised, it does not cease to provoke moral consciousness following “morality tales of women and girls who are sexually enslaved” (Lee 2011: 39).

Recent reports on human trafficking estimate that eighty percent (80%) of victims trafficked internationally are women, while seventy percent (70%) of these women are trafficked for sexual exploitation (International Labour Organisation (ILO) 2012).<sup>3</sup> Convictions for human trafficking have also been dominated by sexual exploitation offences, making up ninety percent (90%) of prosecutions (Piper 2005: 203). As part of sex trafficking, victims are forced to engage in all forms of sexual activities as sex workers in brothels, massage parlours or wherever the trafficker deems fit for such business. Typically, victims of sex trafficking, especially from Nigeria, incur debt in the process of trafficking, which they are expected to repay before they can be freed. This includes money that has been invested to facilitate their migration and up-keep. The debt is usually outrageous, often ranging between \$25,000 and \$40,000, thereby keeping victims in a state of indebtedness until the trafficker has no further use for them (Human Rights Watch (HRW) 1/9/2000).

Forced labour, on the other hand, involves “all work and services that is exacted from any person under the menace of any penalty and for which the said person has not offered himself [or herself] voluntarily” (Forced Labour Convention 1930 (No. 29): Article 2(1)).<sup>4</sup> This ‘menace of penalty’ includes threats of physical violence against a worker or relatives, physical confinement and denial of rights (ILO 2005: 5). According to the 2012 International Labour Organisation’s (ILO) global estimate of forced labour, 20.9 million persons are affected globally, of which mostly adults are victims (ILO 2012). Similar to sex trafficking, they could also be in debt to their traffickers and having to work to buy off their freedom. The United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Practices Similar to Slavery, also prohibits this form of labour debt bondage (Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, Article 1 (a); See also Organisation for Security and Co-operation in Europe (OSCE 2009: 36). The actions and outcomes that constitute forced labour within the Trafficking Protocol can also be found within the legal parameters of employment systems; hence the ‘continuum of abuse’ in mainstream economic sectors (Lee 2011: 42; Andreas 1998: 72; Anderson 2007). However, forced labour and workers’ exploitation are not the same, due to the physical and/or psychological trauma associated with forced labour (ILO 2012; Anderson & Rogaly 2005: 18).<sup>5</sup>

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<sup>3</sup> ILO, Global Estimate of Forced Labour (ILO 2012). This publication refers to estimates of adults in forced labour as being 15.5 million.

<sup>4</sup> Forced Labour Convention, 1930 (No. 29) Article 2(1) “For the purposes of this Convention the term *forced or compulsory labour* shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” [as emphasised in original document]; Convention Concerning Forced or Compulsory Labour (Entry into force: 01 May 1932).

<sup>5</sup> As the ILO observes, “Forced labour cannot be equated simply with low wages or poor working conditions. Nor does it cover situations of pure economic necessity, as when a worker feels unable to leave a job because of the real or perceived absence of employment alternatives.”

Although sometimes explored separately, domestic servitude often falls under forced labour; that is, where victims are forced to work in private households. Work often includes being forced to perform household tasks like housekeeping and childcare for little or no pay. Sometimes the victims have restricted access to movement outside the home in which they work. Children usually fall within this category of exploitation, while the pattern often differs across cultures (OSCE 2010). In some cultures, the pattern often tends to fall in line with traditional fostering system where children from poor families are taken to live with richer relatives (or other people) to work as domestic help in exchange for a good education or an apprenticeship providing them with useful business skills (Mazonde 2014). In such cases, these children are fully integrated members of the family, enjoying the privileges of the other members of the families without being abused. There is anecdotal evidence of the positive effects of the latter in supporting poorer families living in rural areas in Nigeria, for instance; so much so that the Nigerian Child Rights Act (2003 Sections 28(1) (b) (d)) has created allowance for such traditional input in fostering children.<sup>6</sup> Unfortunately, such flexibility has created a loophole for traffickers to deceive parents into trafficking their children by promising them a better life.

Once these children are trafficked for domestic servitude, they experience, in many circumstances, physical violence at the hands of their employers and in extreme cases, sexual abuse. The Organisation for Security and Co-operation in Europe (OSCE) refers to domestic servitude as ‘an invisible form of exploitation which is extremely difficult to detect due to the hidden nature of the work provided’ (OSCE 2010: 10) The crime often takes place in the domestic sphere and, as a result, often goes undetected. It thereby lacks substantial data to quantify its prevalence. In addition to the common forms of human trafficking that have been briefly explored above, other forms of exploitation have emerged, including organ harvesting (Scheper-Hughes 2000; Allain 2011: 117-122), baby harvesting (*The Nation* 15/8/2004) and trafficking for benefit fraud, all requiring extensive investigation (BBC 16/5/2008).

The underground nature of the operation and tactics used in trafficking, as well as the difficulty of victims to report the crime, has reinforced the hidden nature of this form of slavery. Consequently, measuring its prevalence has proved tough, with different organisations and scholars giving different estimates in the quest to quantify its scale. In so doing, statistics on human trafficking have suffered both from under and over-estimation, as part of the limitation of this research area. According to Di Nicola, research in this area seems ‘to languish’, with the knowledge acquired appearing to be ‘weak’ or of a ‘piecemeal’ nature (Nicola 2007: 49). Such deficiency in research affects, directly or indirectly, the calibre of existing policies, which are sometimes based on sentiments and political or dogmatic bias, rather than strong substantiated research results (Nicola 2007: 49).

Bales’ estimation of 27 million people currently in slavery continues to be widely used (Bales 2005). However, it combines all forms of modern slavery of which human trafficking is only one component or part. That said, there seem to be differing global estimates but no real figure as to the extent of human trafficking (Lee 2011: 11; Kempadoo 1998: 15; Lazcko 2005: 5-16). Maggi Lee asserts that estimates on the prevalence of human trafficking may be manipulated for other purposes, such as enforcement agencies wishing to boost their efforts in combating illegal migration by securing more resources or, indeed, to obscure failure (Lee 2011: 16-18). Such limitations in estimating the scale of trafficking interrogates the United Nations’ conclusion that trafficking is the third most lucrative business in the world, generating profits of over 31.6 billion

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<sup>6</sup> 30(2)(a) makes provision for the protection of children who are under the care of family/relations from abuse and exploitation.

dollars annually; an estimation that suffers from limitations in the availability of accurate data (ILO 2005).

Furthermore, trafficking can take place internally (within a country) as well as across borders. According to Laczko (2005), research on trafficking has been more concerned with international trafficking and less on internal trafficking in particular countries. Both areas of human trafficking appear to have been studied as if they were “completely distinct and separate phenomena” (Laczko 2005:9). Internal trafficking cannot be undermined as it is of high prevalence. It is certainly cheaper than transborder trafficking and affects far more people than we realise. The International Organization for Migration (IOM) has described internal human trafficking as under-researched but essential to anti-human trafficking discourse. It is of high prevalence in comparison to cross-border trafficking and can often be a starting point for the latter in certain communities (Aronowitz 2009: 119).

For instance, a report by the United Nations International Children’s Emergency Fund (UNICEF 2007) indicated that human trafficking in India directly affects over 200,000 people, but within this figure, only about ten percent (10%) of it is international trafficking. In spite of the overall understanding of human trafficking that has emerged from the increased level of research undertaken by various stakeholders, there are many dimensions of human trafficking that are yet to be articulated within this discourse (Laczko 2005). Such dimensions include the emerging method of control that traffickers are employing in order to keep victims in exploitation as the main focus of this article.

As part of articulating this method of control within human trafficking, three different case studies are presented below. These case studies illustrate reported incidences of human trafficking, where traditional oath taking has been used as an element of control. The three case studies outlined below will be used in this article as reference for further discussions in terms of their significance to the victims and the anti-trafficking issue at large.

#### *Case Study One: ‘Unreported World in Nigeria’*

The journalist, Jenny Kleeman, reported on what she called ‘black magic’ used to trap thousands of Nigerian women in sex slavery (*The Independent* 7/4/2011). This was based on her documentary: ‘Unreported World -Nigeria: Sex, Lies and Black Magic’, broadcasted on UK television’s Channel Four. It revealed that two categories of women were being trafficked; one type of woman was deceived into the human trafficking business, while the other was aware that she was being trafficked. During the interview, one of the girls vowed that no one was going to stop her dreams of making money in Europe. Vivian (as she was called in the film) insisted, “I’ve made up my mind that I will go there, and I must go there (trafficking destination). I chose it.” She had to take an oath to pledge her loyalty to her trafficker to pay back the debt assigned to her. Vivian was taken to a shrine run by a ‘priest’ called Dr Stanley who instructed Vivian to undress and wash herself in the hut outside the shrine. When she finished, he blew chalk dust over her body and smeared clay over her forehead, “marking her out so the spirits can identify the soul that is being offered to them” (*The Independent* 7/4/2011). He then asked her to kneel before him to swear the oath of allegiance to her trafficker.

#### *Case Study Two: The UK Osezua Osalase*

In a recent case occurring in the United Kingdom in 2012, A Nigerian, Osezua Osalase, was convicted in the Canterbury Crown Court in the UK for inter alia trafficking of two young Nigerian orphan girls for sexual exploitation (*The Guardian* 29/10/2012). The victims were raped,

sexually abused and subjected to an oath-taking ritual to control them as victims of trafficking. It was reported that Osalase told the teenage girls that they would die or never bear children if they tried to escape or reveal what had happened to them. Part of the rituals performed on these girls included making tiny cuts with a 'razor blade' on the chest of the victim and rubbing black powder into the bleeding wounds. Even though Osalase knew that he had HIV, he still raped the girls without using condoms. According to the Judge Williams who prosecuted him,

You were dealing in exploitation and manipulation and degradation ... You are undoubtedly a very, very dishonest man. You are arrogant and manipulative, you are devoid of conscience, devoid of any compassion to your victims. (Canterbury Crown Court: Case Number T20117301/T20127023).

### *Case Study Three: NAPTIP Cases*

The National Agency for Trafficking in Persons of Nigeria (NATIP) also attributes the difficulty of the Agency to prosecute traffickers to the fact that the "victims are afraid of juju and are hardly forthcoming" (Mojeed 2008). According to an officer of the Agency, the girls are usually taken to shrines and made to take oaths of secrecy (Mojeed 2008). When they arrive the destination country, they are usually subjected to another round of oath-taking. The oath restrains them from testifying against their traffickers in court.

The Agency has given examples of several incidents where this has occurred. One of these is the case involving Sarah Okoya, who was charged with trafficking six (6) girls to Spain for prostitution. The victims refused to show up in court to testify, virtually bringing the trial to a halt, due to their fear of the potency of the oath that they had taken. However, the Agency was finally able to secure the conviction of Sarah Okoya because it then successfully raided the shrine of the juju priest who administered the oath. The Juju Priest was compelled to testify against the trafficker, leading to her conviction.

In a similar case involving one Costance Omoruyi, the victims also failed to testify and conviction was only secured because the chief priest who administered the oath testified against the trafficker in court (Mojeed 2008). Nevertheless, it is quite unclear as to how this evidence reflected or re-established the role of the chief priest as an accomplice.

The first case study depicts the complicity of vulnerable victims who agree to the oath-taking ritual in exchange for a better life in Europe, as is often promised by their traffickers. It also illustrates a clear case of the use of wrongful language to describe the problem. Kleeman, like many journalists who maintain a sentimentality attached to reporting this issue, project a negative image of the African culture. The use of the phrase 'black magic' is tantamount to a projection of negative attributes and stereotypes onto magic. These signifiers of negativity can be linked with the Western construction and imagination of blackness, equivalent to a large degree with Africanness itself. Nevertheless, in the light of these different case studies depicting the common use of oath-taking as a method of control, the next section will discuss the link between this form of control and its implications for victims and anti-trafficking as a whole. In view of the odd nature of this trafficking, especially for Western practitioners who are often challenged by these cases, there is a clear need to demystify the ambiguous understanding currently surrounding this practice. The continuing lack of understanding of the nature of this type of trafficking has been detrimental to anti-trafficking and the endeavours of activists to attain the necessary justice for victims of trafficking.

## **Juju and Human Trafficking Nexus**

In recent times, the link between so-called ‘Juju’ and the trafficking of human beings has featured in many trafficking cases, especially from Nigeria, as seen in the three case studies detailed above. Whilst there is scant existing research on such a link, it is a component of trafficking that has generated significant attention in human trafficking discourse focusing on trafficking from Nigeria into other destination countries. Empirical data shows that while juju can be used in this context of trafficking, it is actually the use of traditional oath-taking that is dominant. Both traditional oath-taking rituals and juju are often used as a ‘control mechanism’ to keep victims of trafficking in bondage and at the mercy of their traffickers. Traditional oath-taking often occurs as part of the recruitment process of human trafficking as a contractual agreement between traffickers and their victims involving a myriad of rituals. This aspect of recruitment does not apply to all cases of trafficking but seems to have taken the process of trafficking to a different dimension.

In some cases, juju serves as an indication as to whether the trafficker will continue with the trafficking process or not; particularly, when we consider that it serves as a source of security for the trafficker.<sup>7</sup> However, in some cases, the oath-taking occurs in the destination country. The words, in Pidgin English, of a survivor, Mary (19 years old) are very potent here, trafficked as she was from Nigeria to the Republic of Benin:

When I reach there I swear make I no implicate her, I swear that I cannot send money home or tell anybody about the work you are doing... until you pay your debt” (Mary 2012 int.). This is translated as: “When I got there, I swore not to implicate her [the trafficker], I swore that I would not send money home nor tell anyone about the work that I have undertaken until I pay my debt.

Mostly, the oath-taking ritual happens in the source country, with some common rite performed on the victims. According to Gbadamosi (2006) and consistent with the case studies outlined earlier, this ritual often requires personal clothing of the victims, their blood, pubic hair, finger nails etc. During field research on human trafficking in Nigeria, when victims of trafficking were interviewed, they confirmed similar accounts of items taken from their bodies. Some of these victims also mentioned the use of their underwear (lingerie) in the ritual.

The entire scenario of the ritual generates an aura of fear, coupled with the rites which can be rather violent; the implications being of breaking the contract are often assumed to be sickness, misfortunes or even death for the victim and her family (Opara 2007: 230). This so-called ‘trafficking contract’ breeds the fear of reprisals for the trafficked victims and, as a result, compels them to endure their ‘suffering in silence’ (Opara 2007: 230-1). In some cases, some of the possessions taken from victims as part of the ritual are held by the traffickers, almost like owning a piece of the victim, so that no matter where he/she is, they are never far away from ‘being destroyed’ (Ikeora 2014: 145). Hence, running away is usually not perceived by some victims as a safer option. Where victimhood is measured by physical violence or abuse, this sort of covert violence, often more psychological than physical, may often be overlooked during the identification of victims of trafficking.

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<sup>7</sup> Security for the trafficker entails the guarantee that the victim would pay the money demanded and will also keep the whole process confidential without involving law enforcement authorities.



According to Opara (2007:230), “[this] psychological coercion has proved most productive for traffickers of African women”, mainly due to the traditional belief in ancestral spirits and the supernatural held by some African communities. Before the traffickers procure the travel documents as part of the trafficking process, victims undergo this oath-taking ritual<sup>8</sup> in a chosen shrine, declaring to pay back their debts as well as obey their ‘madam’ or ‘Oga’ (traffickers) under all circumstances.<sup>9</sup> The amount of this debt is sometimes agreed during or before the ritual is performed and can range between £500 and £12,000 or more in some cases (UKBA 2012). This oath-taking ritual serves as a contract between the trafficker and the victim for the purpose of “allegiance, secrecy, confidentiality and repayment of the cost of her journey” as well as other expenses incurred in the process, all solely determined by the trafficker (Opara 2007:230). As a survivor indicated, “I did the voodoo oath in exchange for the transport” (Alpes 2008: 40). Another survivor said: “I was obliged to do juju several times during the journey. I was obliged to do it; otherwise it would have been as if we didn’t trust them. It was so that we wouldn’t talk to the police” (Alpes 2008: 40).

There are several reasons why it is not easy for these victims to refuse this oath-taking. For one, the victims often view the trafficker as an ‘helper’ or ‘good Samaritan’ and may even volunteer to take the oath to reassure the trafficker of their allegiance in exchange for an anticipated opportunity for a better life (Opara 2007:230). In many cases, it is for victims to agree easily to paying the outrageous monetary fees and therefore debts assigned to them by their traffickers. The traffickers generally rely on the ignorance of the victims when assigning these debts. In many cases, these victims are recruited from rural areas (mainly villages) and may have no real concept of a sum equivalent to these debts in their national currency. Others who are aware of the equivalence are deceived into believing that they would earn back the money in a short space of time (from a few months to a maximum of a year); a completely unreasonable assumption in the context of their emigration. In most cases, the victims are tied to these debts for many years and when they are still unable to pay them they are kept in slavery until their trafficker has no use for them (Bales 2000). The implication of this oath-taking is not only harmful to the victims but can also be detrimental to anti-trafficking efforts, especially for law enforcement.

The fear that this oath taking generates for many of these victims often serves as a hindrance to investigation and prosecution of traffickers, while in some cases it also presents obstacles to the protection of these victims. Investigations may be disrupted because victims are scared to give concrete information to law enforcement authorities due to the oath that they have sworn. As a result, the reality of the victims may, in some cases, be inconsistent with the information that they decide to provide, often resulting in criminals escaping convictions. The lack of evidence may also be due to the victims believing themselves the protection of this element of African traditional religion. According to Agazue (2013: 42), an African scholar of African traditional religion and culture:

For many Nigerian organised criminals who have little or no business with the doctrines of the new religions, juju oaths form part of their initiation procedures. The oaths may also be used to recover debts or settle dispute when violence is not

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<sup>8</sup> Oath is defined as a solemn, formal declaration or promise to fulfil a pledge, often calling on God, a god, or a sacred object as witness.

<sup>9</sup> ‘Madam’ (female) and ‘Oga’ (male) are terms often used to refer to people in some parts of Africa in terms of their class/status/position and age (as a form of respect). It has often been used as a sign of respect. Victims often use those terms for their traffickers (as boss).

considered as an option for whatever reasons. The fear of being destroyed or even killed by juju would normally compel a member to remain compliant to any agreement reached under the oath.... those in the diaspora are not left out as Africans are fond of upholding their popular cultures wherever they are.

Victims who have undergone this oath-taking ritual believe that if they disclose this experience or give evidence about their trafficker, they will experience a number of tragedies. Such tragedies may include being killed, experiencing mental illness and the torment of the family of the victims through illness or death, amongst other types of causes to which the victims have agreed during the ritual ceremony. Agazue (2013: 42) also claims that trafficked women who have undergone these rituals become 'mentally enslaved'. For these reasons, alongside the traditional beliefs held by these victims, they may often lie about their experiences in keeping with the oath they have taken to protect themselves. This fear may be further intensified by the panic that these victims often feel when they are interviewed or assessed by law enforcement authorities.

According to one NAPTIP official (2012 int.), a certain number of the victims identified in Europe frequently fear that European officials may not understand their belief system and are therefore reluctant to relay their stories. Interrogating and interviewing victims of this type of trafficking has been a subject of great difficulty for practitioners in Europe, as confirmed by the anti-trafficking authorities in the United Kingdom (Desmond 2009). These problems often arise from factors such as mistrust and a lack of cultural understanding, which often prevent practitioners from asking the right questions in order to generate the needed rapport.

Some victims tend to exhibit elements of memory loss. They often indicate that they are unable to remember their experiences in great detail, trying to suppress the thoughts of their experiences or tending to live in denial of their experiences. Moreover, they often feel shame or disgust, some blaming themselves for playing a part in such ritual. This is because traditional oaths are generally perceived as abhorrent, even by some Africans who now align themselves to "mainstream religions" like Christianity, amongst others. ATR practitioners are often seen as devil worshipers by those who practice Christianity and Islam (Agazue 2013: 65). However, Oba insists that even some Christians still practise elements of ATR and often "defend such practices with bible passages in Luke (20: 25); Mark (12: 17); Matthew (22: 21)" which say, "Then give to Caesar what is Caesar's, and to God what is God's." They interpret this to mean that Jesus supports their patronage to other gods whenever they feel the need to do so (Agazue 2013: 65).

Nevertheless, where practitioners, including law enforcement authorities, suspect that a person has been trafficked, they may be further challenged by the victim's inability to testify against his/her trafficker due to the oath amongst other reasons. However, in many cases, the victims who experience this nature of trafficking tend to mistrust law enforcement authorities who are unable to conclude that they (the victims) are trafficked due to the lack of information, as well as concern that some victims try to use trafficking and such 'bogus claims' of 'juju' in order to gain asylum or offset immigration laws. This has been evident in the disproportionately large number of conclusions of trafficking cases of non-European Union nationals who are identified and assessed through the UK National Referral Mechanism (NRM), a system intended to ascertain whether an individual has truly been trafficked. A positive conclusion within this identification mechanism usually equates to victims receiving most of the support and protection that they require. However, a negative conclusion may lead to the deportation of victims and the denial of

any protection, which may also lead to the re-trafficking of these victims (Arocha 2010).<sup>10</sup> Victims who are not able to give evidence due to oath-taking fall into the latter category, thereby affecting their protection and, overall, jeopardising the 3Ps (Protection, Prosecution and Prevention) of anti-trafficking.

The implication of this element in evidence-based investigation of ATR has proven to be detrimental to the significant efforts being made to eradicate human trafficking so far, both in the prosecution and conviction of traffickers and also for the protection of victims, as illustrated. It demonstrates that there is significant need to understand this concept of oath-taking and juju in order to devise better ways of addressing the obfuscations that provide obstacles to tackling trafficking cases. For this reason, clarifying the practice of juju as a concept within the scholarship of Africa Traditional Religion is crucial to demystifying the misconceptions that currently impede anti-trafficking within this context.

### **Juju and Oath-Taking as a Concept**

‘Juju’, as most people in West Africa call it, can be defined as a fetish or charm believed by (but not limited to) West Africans to have magical or supernatural powers, mostly vindictive. It forms part of an African traditional belief system one which takes diverse forms and practices in different cultures and traditions. For instance, the practice exists differently across various communities and ethnic groups in Nigeria, and is thus given different names.<sup>11</sup> Hence, ‘juju’ as a name given to this practice is just one of many names given across the different ethno-national groups in Nigeria. ‘Juju’ as depicted in many Nollywood movies nurtures the negative stereotype often ascribed to ATR<sup>12</sup> reflecting belief systems rooted in the fear of destructive spiritual forces within a perverted cosmology. Additionally, it recuperates a discourse that denies anything of value in ATR, whose moral positioning in terms of what it really is ‘good versus evil’, ‘God versus the Devil’ is no less sacred than those religions that assault it.

On the other hand, oath-taking<sup>13</sup> is an acceptable practice and a common feature of the customary law resolution of disputes in certain parts of Africa (Oraegbunam (no date): 53-85). It is also situated in ATR. According to Onunwa, oath-taking is a religious and judicial system of swearing in the name of a deity, happening either before or at the shrine of a dreaded deity (Onunwa, 2010), usually in cases where the intricacies of the matter are difficult to resolve. According to Okorie (2009), oath-taking is a “situation where absolute loyalty or adherence to certain agreement and conditionality is prescribed and administered [to] the beneficiaries of the agreement, and the exercise is usually fetish” (Oviasuyi et al. 2011:194). Parties to the oath-taking directly submit to the supernatural tribunal to settle disputes brought before the deity. The tribunal’s verdict is final. The oaths are worded in such a way that the swearer invokes a conditional curse upon himself/herself which may include death or illness. It is often the belief of the swearers that should they default, the misfortune they agreed to will befall them through the powers of the ‘gods’. This oath-taking and the fear of misfortune is what comes to play in human trafficking cases as the above case studies have illustrated. However, oath-taking is often dismissed or misrepresented as “juju” because of its fetish nature.

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<sup>10</sup> A negative conclusive decision means that there will be no further trafficking identification decision. If new substantive evidence emerges, then it can be submitted to the competent authority for the decision to be reviewed.

<sup>11</sup> A country like Nigeria with three major tribes and over 250 ethnic groups.

<sup>12</sup> Nollywood is the Nigerian film industry.

<sup>13</sup> Also referred to as “inu inyi” in the Igbo land of Nigeria.

Oath-taking can often be confused for juju, being that they are both frequently performed before the shrines of various deities, or so-called 'Juju shrines'. Some of these deities seen in Nigeria include 'Efe', 'Arusi' and 'Ayelala', all of whom possess different powers and operate in different ways. The priest or priestess of some of these deities can sometimes perform juju rituals against another person when requested by their 'client'. However, these sorts of ritual cannot be mistaken for the oath-taking utilised by traffickers. It is important to note that many African deities are associated with bringing justice and peace to the communities that believe and serve it. Therefore, juju cannot be amenable to them. It is often the same belief that traps the victims of traffickers. Some victim may concur that if they default from their agreement with the trafficker, the deity will kill them or their family. Even though some of these victims are Christians, they still believe in the potency of the oath that they have taken.

Despite the introduction of Islam/Christianity to Africa, oath-taking remains deeply rooted not just in the African traditional belief systems but also in the legal system of some African countries. Some Africa scholars contend that 'superstition in Nigeria is institutionalised' and even legally endorsed in some parts of the country (Agazue 2013: 42). It even plays a decisive role in the arbitration of Nigerian Customary Law and is accorded due respect in the courts as 'juridically valuable' (Oba 2008: 1). Scholars like Oba (2008) assert that oaths form part of the supernatural which plays a key role in both customary law as well as aiding crime detention. According to Ikenga-Metuh (1981), "in spite of [W]estern influences, oath-taking has survived as a legitimate judicial method which the Igbo believe ... [to be] one of the assured ways of obtaining absolute justice."

Several arbitration cases have acknowledged the legal validity of oath-taking, including those of *Charles Ume v. Godfrey Okoronkwo & Anor* and in *Ofomata & ors v. Anoka*. According to Agbakoba:

Oath-taking is a recognized and accepted form of proof existing in certain customary judicature. Oaths may be sworn extra-judicial but as a mode of judicial proof, its esoteric and reverential feature, the solemnity of the choice of an oath by the disputants and imminent evil visitation to the oath breaker if he swore falsely, are the deterrent sanctions of this form of customary judicial process which commends it alike to rural and urban indigenous courts. It is therefore my view that the decision to swear an oath is not illegal although it may be obnoxious to Christian ethics... (Oraegbunam (2009: 76)).

Regardless of its validity in the Nigerian legal system, oath-taking in trafficking is a 'sham contract' between traffickers and their victim (Opara 2007: 242). Nonetheless, it may seem verbally clear to the victims that they have agreed to the terms and conditions of the contract out of their free will, as seen with the case study used in this article. According to Bassiouni (1991: 445), the assumed elements of free choice, consent and freedom to leave may technically negate the applicability of international instruments to the subject. However, the same international law stipulates that an individual cannot renounce their liberty and freedom for the benefit of another party in a contract (Opara 2007: 227). As Kant puts it, "a contract by which one party would completely renounce its freedom for other's advantage would be self-contradictory, that is, null and void" (Gregor 1996: 66). Human trafficking as slavery has attained the status of *jus cogens* or peremptory norms, as provided in the Vienna Convention on the Law of Treaties (1969, Articles

53 & 64). That said, the extent to which such information about the law may influence the fear and belief of victims is extremely limited.

The combination of the literacy of the law and ignorance also means that victims are often unaware of their options. It is the obligation of the governments of prominent source countries or regions to protect their citizens from such psychological abuse and entrapment. Edo State in Nigeria is protuberant of this nature of trafficking and the government within this region has endeavoured to introduce legislation to address this nature of trafficking. The Edo state Criminal Code (section 233(a)) in Nigeria was amended to include the criminalisation of the administration of any form of oath performed by a woman or girl to travel out of Nigeria for the purpose of prostitution.

However, traffickers tend to resort to other tactics to bypass existing laws (Opara 2007: 182). Despite the afore-mentioned international legal objections to the use of oaths to enslave persons, it is the traditional belief of these women that ‘this contract is spiritually binding and will harm them if they deflate’ that stands as a massive threat and keeps victims in bondage. Traffickers use different shrines with different deities, some of whose concept of justice is limited to the agreement itself, rather than the very nature and circumstance of the agreement. Hence, it may seem that they have no notion of morality. For instance, according to Metuh (1981: 55), whenever Arusi<sup>14</sup> is invoked on somebody, “it blindly kills him whether he is at fault or not.” Hence, existing laws do not make much difference to how victims view the threat posed, due to their deep-rooted belief system founded upon religious and cultural understanding. It is against this backdrop that this practice compels further clarity within the rubric of African Traditional Religion.

### **What has African Traditional Religion got to do with this?**

Studying or comprehending juju or traditional oath-taking for what it really is extends an insight into dealing with the peculiarities of the context of human trafficking as has been discussed so far. As a concept, African Traditional Religion (ATR) better explicates what seems like a complex element entwined in the human trafficking of today. For most Africans, religion is the fundamental, perhaps the most important, influence upon their lives, yet its essential principles are too often unfamiliar to foreigners who are often prone to misunderstanding the African worldview and its beliefs (Awolalu 1976: 2). African Traditional Religion is simply the indigenous beliefs and practices of Africans. Whilst we must be conscious of the fact that Africa is a large continent with a myriad of complex cultures and languages, religion is used in the singular here because, in spite of the aforementioned differences, there are many basic similarities in African’s religious systems (Awolalu 1976: 2). These include the concept of God (although presented with different names) and the concept of divinities, spirits and/or ancestors. Although practiced and named differently across Africa, Awolalu (1976) contends that there is a noticeable ‘Africanness’ in its pattern of practice.

One of the biggest problems in addressing the role of ATR in human trafficking is the ill-acknowledged notion of traditional oath-taking as part of ATR. This stems from the longstanding ways in which many Western ATR theorists have presented religion in Africa, often referring to Africa as a ‘Dark Continent’ where its people have no concept of God, at least in the way it is

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<sup>14</sup> Arusi, as termed by Igbos in Nigeria, are ‘spirit forces’. Arusi are numbered in hundreds and can be found in many villages, each with its pantheon of Arusi. It can be the property of a clan, a family or even an individual. It could also be man-made, where an object made by man becomes an Arusi when the spirits abodes and is manifested through it. Beings in the igbo world-view are hierarchical.

popularly viewed and/or accepted (Awolalu 1976: 2). The practice of ATR has often been derogated as primitive, pagan, fetishistic, animistic and involving Juju (as currently used by making practitioners within the context of human trafficking). In fact, the word 'Juju' which has been used in this paper originates from the French language, meaning a 'little doll' or 'toy' (Awolalu 1976: 2) The word 'Juju' is a misleading and derogatory term which has been commonly used out of either sheer prejudice or ignorance. Keeping this in mind, we should begin to move away from the current nomenclature of ascribing all oath-taking in ATR as Juju/Voodoo, especially in the context of human trafficking.

Oath-taking in ATR, as previously illustrated in this paper, is quite complex and diverse across cultures. It is not therefore clear-cut when trying to make sense of it in practice. However, understanding the extent to which the victim's belief system has been abused by the trafficker will offer significant insight into ways in which protection and support can be meaningful to victims. Hence, as part of ATR, this belief system cannot be undermined. In support of the longstanding argument that ATR should be recognised alongside other mainstream religions, including Christianity and Islam, this section argues for such recognition in this context of human trafficking rather than relegating it to 'brainwashing'. Brainwashing has been the popular explanation in the part of many law enforcement authorities and other practitioners in regard to the link between 'oath-taking' and human trafficking. Relegating the ATR/trafficking nexus to mere 'brainwashing' does not only support the longstanding demonisation of ATR but also undermines the ability to bring forth the dilemma into mainstream anti-trafficking discourse. The latter consequently impacts upon the eradication of human trafficking.

Another fundamental point to be noted is the influence of the deep-rooted belief system of African victims of trafficking on their belief in the reprisal of the oath they have taken at the shrines of different deities. Firstly, it is important to clear up the misconception of such belief system as 'brainwashing'. Brainwashing involves a serious confusion in this context because it singles out a particular religion that shares similar core features with other mainstream religions. It is, after all, uncommon for a practitioner to relegate a victim's belief in Christianity as 'brainwashing', such as is seen with ATR. Such insensitivity also negatively impacts upon the rapport that most practitioners or caseworkers try to build with victims who have strong ATR beliefs. Brainwashing, as a practice, includes pressuring someone into adopting radically different beliefs by using systematic and often forcible means (Singer 2003).

Edward Hunter first introduced the term 'brainwashing' in 1951 through the publication of his book, "Brainwashing in Red China" (Singer 2003). Singer adds that brainwashing can be described as a process of manipulating and controlling an individual, in particular to keep them unaware that they are being moved along a negative path of change that is only in the interest of their manipulator (Singer 2003: 147). It is also described in terms of coordinated programs of coercive influence, behaviour control and exploitative persuasion (Singer 2003).

In the case of ATR, African victims already believe in ATR and do not require brainwashing to instil fear. This is why such a method of control is not potent amongst European victims of trafficking. The trafficker merely takes advantage of an existing belief and abuses it. Essentially, traffickers do not need to control the way the victims think of the oath other than the very nature of the oath being taken and the reprisal to which the victim agrees. As with other religions, ATR possess both good and bad elements with human beings as its primary actors. Some people may use their positions of power within certain religions as a means to exploit others, and this has been seen, for instance, in both child abuse cases in churches and madrassas in the UK (Cherti and Bradley 2011). It has proved important for practitioners to condemn the act of abuse

in these ‘established religions’ rather than condemn the religious belief system. As such, it has been important to work with church leaders and Imams in dealing with such abuse in their institutions (Cherti and Bradley 2011).

The same approach should be accredited to ATR and the priest(ess) who have abused their positions through performing rites that encourage human trafficking. When these priest(ess) of various deities perform the oath-taking rituals for traffickers, they become accomplices in human trafficking and should therefore be accorded some level of conviction, especially when they are aware it is for trafficking purposes. On the other hand, some of them may perform these rituals to establish a contract between the traffickers and their victims without the awareness that they are enabling trafficking. The latter highlights the importance of educating these priest(ess) on trafficking and engaging in anti-trafficking efforts, particularly within this context.

In the light of the above clarification of trafficking within this context, abstaining from the use of ‘brainwashing’ to describe this issue may begin to open up new horizons for understanding and addressing human trafficking comprehensively, not just in Africa but in other parts of the world where traffickers abuse the belief system of people in order to exploit them. Although this article focuses on Africa (Nigeria specifically), some scholars have highlighted the idea of ‘karmic debt’ as a system used across South Asia to oppress people of ‘scheduled castes’ or the notion of ‘voodoo’ in Haiti (Farrell 2011: 82-83). As quoted by Farrell (2011: 83), even in Guatemala, traffickers use ‘Witch Doctors’ to threaten their female victims of trafficking:

[In 2009]... five members of one family were convicted of trafficking Guatemalan girls into Los Angeles for sex work using beatings and threats against their families, they also employed witch doctors to threaten the girls with curses.

Although not all of the victims rely upon the superior powers of deities in Africa, they still fear its existence against their openly practiced mainstream religions. Some of these trafficked women are practicing Christians and using their Christian faith as a shield of protection from fear of the oath that they have taken (Alpes 2008: 40). To further emphasise the complicated social milieu within which the oath-taking practice operates, it is noted that some Christians or Muslims still practice such cultural tradition covertly (Akosah-Sarpong 2007). As such, Alpes’ (2008) assertion that Christianity shields one from ‘juju’ is still a question of faith, which most Christians in Africa still find difficult to embrace due to a deep rooted belief system that even a colonial influence was unable to permanently uproot. The crux of this article is not to assert the validity of religious/cultural practices, but rather to present a clearer understanding of the source of fear for trafficked victims trapped by this method of control.

In clarifying the context of this mode of trafficking, one can begin to consider better measures not just for protecting the victims of trafficking but breaking down a significant control mechanism that remains a hindrance to anti-trafficking measures. It is therefore recommended that anti-trafficking stakeholders, in the form of governments, law enforcement authorities, NGOs and other international organisations, should begin to engage with this context in their discourse on anti-trafficking. The engagement of religious leaders is also important, one not being limited to the so-called mainstream religions, but beginning to involve traditional leaders who have significant influence in their communities where traditional oath-taking is practiced. Their denouncement of human trafficking is crucial towards eliminating this new method of control in the modern slavery of human trafficking.

## **Conclusion**

Without doubt, there is more research to be done in addressing this nature of trafficking. This article takes a step towards demystifying the current understanding of African traditional belief linked to human trafficking. Many cases studies of trafficking, especially from Nigeria, have been challenged with this nature of trafficking; that is, where victims are made to swear an oath to bind them to the control of their traffickers. Despite the misassumptions about this type of trafficking, one thing is conclusive. Traffickers abuse the belief system of these victims in order to keep them in perpetual fear not just of escaping but also of reporting the crime to the relevant authorities. This emerging control mechanism has complicated the protection of victims and the prosecution of traffickers, thereby generating a clear need to understand and address the dilemma.

Currently, anti-trafficking practitioners in Europe have relegated this nature of control to 'brainwashing'. Such misunderstanding attacks the belief system of the victims, denying the agency of victims and, as a result, affecting their rapport with the law enforcement authorities. This article clarifies that the link of African traditional religion to trafficking is not consistent with the concept of brainwashing, although there is a consensus concerning the element of deceit in the process. This is not an argument for the validity of this religion but rather the acceptance that the fear experienced by victims stems from their deep-rooted belief system. Therefore, any attempt to address the nature of trafficking must start with an understanding of these fears and their impact on anti-trafficking. As it currently stands, the poor understanding of this context of trafficking by the relevant stakeholders has been detrimental to the identification of victims and anti-trafficking as a whole. Therefore, we ought to find new ways or approaches that consider this context of trafficking in order to make significant progress on the anti-trafficking crusade.



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