

Understanding [anti]Human-Trafficking from Nigeria: The Role of African Traditional Religion (ATR) and “Juju”

Conference Presentation Paper

by

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Juju/ATR/Witchcraft “is probably one of the most abused, misused, and misconstrued concepts...”

Mwizenge Tembo

“To the African they are still part of the traditional ideas of his country, and there is little sign of a decrease in witchcraft belief with increasing education.”

Parrinder Geoffrey

Introduction

The previous speakers have done a great job in defining human trafficking, its global extent and diverse perspectives especially as it relates to Nigeria, a country which remains a source of human trafficking to Europe and other part of the world. Despite the significant investment that has been made in the fight against human trafficking, there are still gaps in finding real solutions to the issues. Nevertheless, it is important to acknowledge the significant work that is been done on anti-trafficking and how it has increased the level of reporting and awareness we see today. So, even when we perceive an increase in the practice of human trafficking, it might be that the increase we see is as a result of more reporting and more prosecution. Still, there is more that can be done.

That said, in order to successfully curb the problem of human trafficking, we have to firstly, acknowledge the evolving nature of the crime and therefore, ensure that our solutions evolve and adjust accordingly to the current trend. This means that we must always be a step ahead of traffickers and their accomplices. We have to continue to share knowledge in theory and practice to fight this heinous crime of human slavery. This is a major reason why conferences like this are well appreciated.

This paper focuses on understanding human trafficking from Nigeria and the peculiarities that tend to affect the cases we see today. Although data associated with human trafficking is often inconclusive (of which Nigeria is no different), Nigeria is known to be a prominent source country for human trafficking from Africa. Just in Europe, Nigeria remains amongst the top-five source countries as seen in many annual reports. Investigative media reports often assert that six out of ten people who are trafficked to the West are Nigerians (Premium Times, January 2014). Following the prevalence of trafficking from Nigeria, it is an incomplete understanding of the methods by which trafficking takes place that remains a threat to the work that is currently been done by frontline practitioners in this subject area.

Whilst we all know too well how force, threat and deception is used by many traffickers to abduct or coerce their victims to be exploited, in Nigeria we see the use

of superstitious belief as a control mechanism in human trafficking where traffickers abuse the belief system of their victims to keep them in slavery. In this paper, I assert that this belief system is founded under the rubric of African Traditional Religion (ATR), which serves as a basis to help us understand how this control mechanism really works, and ways that we may begin to find solutions to this peculiarity in human trafficking from Nigeria.

What is ATR?

African Traditional Religion is simply the indigenous beliefs and practices of Africans. 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). As a concept, African Traditional Religion (ATR) better explicates what seems like a complex element entwined in the human trafficking of today. Even though many Africans have embraced major world religions primarily Islam and Christianity, ATR remains a major part of their belief system which goes as far as featuring in the manner in which these major religions are practiced in Africa and Nigeria especially. Without going into the longstanding ATR argument as a religion or set of religious practices to be recognised rather than relegated to the practice of a ‘dark continent’, such argument is important in recognising the very foundation of the problem we encounter today in understanding trafficking from Nigeria.

The practice of ATR has often been derogated as primitive, pagan, fetish, animistic and involving “Juju” (as currently used by many practitioners within the context of human trafficking). In fact, the word ‘Juju’ which has been used many times in this subject area 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 prejudice or ignorance. Keeping this in mind, we should begin to move away from the current nomenclature towards the concept of what truly takes place in the nature of trafficking we see today from Nigeria. Whilst most people tend to use juju, voodoo or even magic and brainwashing (at least in the UK) to depict this element of trafficking, it is actually the use of traditional oath-taking that is dominant as we have seen in many case-studies.

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’. ‘Juju’ in its very nature nurtures the negative stereotype often ascribed to ATR reflecting belief systems rooted in the fear of destructive spiritual forces within a perverted cosmology. Hence, juju in its very understanding does not require the involvement of the victim as it is often done in secret against the person whom it is directed to and for this reason, it mostly cannot be proven by the victim. Whereas, oath-taking involves the victim’s participation in order to instil the fear and instinctive compliance sought after by the traffickers and their accomplices. So, how does oath-taking work in this instance of Nigeria human trafficking?

ATR Oath-taking as a control mechanism for human Trafficking from Nigeria

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. The fear generated from the oath-taking in these shrines is deep-rooted in the belief system of victims. Therefore, Nigerian traffickers are often able to use the belief system of victims as a control mechanism to keep their victims in bondage. This is often more powerful than the usual methods used by other traffickers from other parts of the world as the trafficker does not have to be physically present to keep the victim in check. This is often what makes the cases of trafficked victims from Nigeria difficult to conclude, as their scenarios do not often fall under the usual expectation of law enforcement authorities when they expect a typical scenario of enslavement. For instance, being locked up in a basement, physically beaten and monitored by pimps etc.

Most of time, the oath-taking ritual take place in the source country, with some common rite performed on the victims. According to scholars like Gbadamosi (2006) this ritual often requires personal clothing of the victims, their blood, pubic hair, fingernails 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 of breaking the contract are often assumed to be sickness, misfortunes or even death for the victim and/or their 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 situations, some victims would rather suffer prosecution from law enforcement than give evidence against their traffickers because of how they rationalize their level of fear for both authorities (in this case, between a government authority and a supernatural authority).

Today, many practitioners especially in Europe tend to be hindered by the element of oath-taking in human trafficking cases which often lead to a dead-end in their related cases. The latter could be associated to the lack of understanding of practitioners in this area on one part, and the complexities associated with ATR as a concept in human trafficking on the other. For us to begin to address these blocks in anti-trafficking, we must first understand the concept of this belief system, its effects and how such understanding could help practitioners in the field to support victims and prosecute traffickers.

Oath-taking is an acceptable practice and a common feature of the customary law resolution of disputes in certain parts of Africa which is also situated in ATR (Oraegbunam (no date): 53-85). 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 in the court of law. 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 ritual directly submit to the supernatural tribunal to settle disputes brought before the deity.

The effects of oath-taking cannot be taken lightly especially with regards to the sort of fear it instils in victims. Although, this sort of oath-taking that enslaves a person is never a binding contract under international law following its status as *jus cogens* or peremptory norms (Vienna Convention on the Law of Treaties 1969, Articles 53 & 64). However, the extent to which international law may influence the fear and belief of victims in this regard is very limited. Law is very crucial to anti-trafficking but where socio-cultural norms serve as a hindrance to achieving key solutions, we have to fully engage those norms in the solution. In this instance, addressing the fear of the victim becomes a key to finding these solutions. Victims of trafficking where ATR is concerned need to be truly free of their bondage in order to give evidence that allows for a conclusive result or for their true identification as victims of trafficking followed by support and evidence that would allow for the prosecution of their traffickers and their accomplices.

When anti-trafficking stakeholders begin to acknowledge the power of this fear and the need to decipher its hold on victims of trafficker then, we many begin to find solutions across the 3Ps (Protection, Prosecution, Prevention) that will put an end to this practice. It is important to clarify that acknowledging that this fear exists does not require practitioners to accept the validity of the oath-taking or the belief system of the victim. This also applies in cases where Christianity or Islamism is used as a form of control. We cannot and should not force frontline practitioners who may be atheist to start believing there is a God when they come across cases like this but rather, they will have to respect the belief system of their client and therefore must apply the understanding that follows accordingly towards the sole objective of safeguarding the victim.

Conclusion: Addressing the Fears

We know that the law denounces human trafficking by all means but where the law is not enough to pursue a thorough anti-trafficking campaign in this regard, we have to come up with innovative ways to address this issue of trafficking as seen in Nigeria. We also know as explained in this paper that we have to understand the very nature of this dimension of trafficking from Nigeria to know that addressing the fears of victims is crucial for identification and the three major Ps of anti-trafficking. Therefore, solutions should be geared towards ways that enable victims share their experiences without fear of reprisal.

We have seen some extreme approaches geared towards reversing the oath taking by the victim as a way to free them, at least, psychologically. This has been seen to reduce the fear of the victim. This is an approach that was tried out by the main anti-trafficking agency in Nigeria (NAPTIP) where the so-called ‘juju priest[ess]’ who performed the oath-taking ritual was approached to carry out a reversal ritual to break the oath between the victim and the trafficker. This reversal ritual often involves some incantation and bathing of the victims as a way to washing the curse off their body and life as a whole. The ritual was carried out as a way to assure the victim that the curses they fear have been lifted. In other cases, the church have been involved in ‘cleansing’ or deliverance’ sessions for victims of trafficking who believe that they have been tied by oath to their trafficker. According to an officer from NAPTIP, these techniques have been found to be effective in addressing the fears of victim... giving

them a sense of freedom or that a chain has been broken and therefore allows them to speak out.

Supporting the latter, scholars like Nagle and Owasanoye (2016) contend that government authorities may be able to neutralize the effects of oaths and curses as well as boost the confidence of victims if they embrace and adapt to this counter rituals approach as part of their rescue and rehabilitation process. They presented a case study of a victim who had undergone the oath-taking process and blamed her subsequent illness to the oath after being rescued by the authorities. She was taken to a Pentecostal church where she underwent a 'spiritual deliverance' or 'prayer' session to destroy the oath and its associated impact on her health. It was seen to be a ground-breaking success where the victim was healed and felt free from her trafficker (Nagle & Owasanoye, 2016).

Whilst the effectiveness of this counter-ritual approach have been seen to reduce the fears of some victims, it lacks scientific basis which in itself is problematic in replication and validation. Secondly, such practice raises ethical issues especially for frontline practitioners who may find the practice as against their belief. Thirdly, the pragmatic possibility of adopting such approach in Europe and other parts of the world is also slim. Regardless of the limitations such approach presents, it helps us identify the new stakeholders to be engaged for perpetrators to be prosecuted in the chain of trafficking from Nigeria.

Firstly, we have to begin to engage faith leaders in the discourse including traditional and community leaders. Traditional leaders in Nigeria are well respected and recognised by law in Nigeria. They practice ATR as understood by their community members and can make massive impact in creating the awareness of trafficking and its pervasion of the use of ATR to perpetrate human trafficking within their communities. As seen in the adjustment of the law in Edo state to prosecute 'juju priest[ess] involved in performing this ritual for human trafficking, more should be done in prosecuting them nationally as accomplices to the crime. The clear engagement of faith/traditional leaders, law enforcement authorities and other stakeholders would help generate the right partnerships towards finding the best solutions to this dimension of trafficking that would possibly protect victims, prosecute traffickers, prevent human trafficking from Nigeria as a whole.

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