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Voodoo, Witchcraft and Human Trafficking in Europe

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Introduction

Witchcraft is typically defined as the ability to harm someone through the use of mystical power.¹ However, only African witchcraft falls within the scope of this paper, specifically its manifestations in Europe.² The belief in witchcraft is not itself problematic but its practices may be result in human rights violations.³ Crimes in the name of witchcraft, such as the murder and mutilation of albinos in magic rituals or aggressions against alleged witches, are examples of the violent manifestations of the beliefs and practices of witchcraft in Africa.⁴

The growing numbers of Africans in Europe has led to the proliferation of *marabouts* – traditional African priests –offering advice on how to obtain love and money or achieve success in business, get rid of the evil eye or heal diseases. Also, in some African communities children are being accused of practicing witchcraft and voodoo threats have become one of the characteristic of African sex trafficking networks.

This paper focuses on human rights violations linked to African witchcraft which are occurring in Europe. It is organized in three sections. The first section examines threats toward alleged child-witches; the second examines the misuse of voodoo to enslave women for sexual purposes; and the third will look at the mistreatment and sexual abuse of children or women as part of witchcraft rituals.

Freedom of religion and belief

The belief in witchcraft, widespread across many traditional faiths, is covered by the right of freedom of religion and belief, and recognized by a variety of international and national legal texts. For example, the International Covenant on Civil and Political Rights⁵ (ICCPR) states that such beliefs are “*not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions.*”⁶

Nevertheless, some restrictions are allowed if limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

It is important then to distinguish between normal witchcraft-related activities and abuses linked to witchcraft belief as the latter may violate human rights standards and do not enter within the scope of the freedom of religion.

¹ CIMPRIC, A. *Les enfants accusés de sorcellerie. Etude anthropologique des pratiques contemporaines relatives aux enfants en Afrique*, Unicef, Dakar, April 2010; at 2

² The paper focuses on sub-Saharan Africa, even if we talk about Africa to make the reading more dynamic.

³ SCHNOEBELEN, J. *Witchcraft allegations, refugee protection and human rights: a review of the evidence*; New Issues in Refugee Research, Research Paper n° 169, Geneva, January 2009; at 3

⁴ See SCHNOEBELEN, *supra* note 3 or CIMPRIC, *supra* note 1

⁵ The right of freedom of religion and belief is recognized in article 18

⁶ HUMAN RIGHTS COMMITTEE, *General Comment No. 22 on The right to freedom of thought, conscience and religion (Art. 18)*, 30 July 1993

Child witches in Europe

Crimes against child witches – a child who is supposed to be “able to use evil forces to harm others⁷” – are common in several African countries, for example the Democratic Republic of Congo (DRC) or Nigeria.⁸ In Europe these cases are specifically taking place in the United Kingdom (UK): in 2000 an Ivorian girl was assassinated by her relatives who accused her of being possessed by an evil spirit;⁹ in 2005 an eight-year-old child was tortured by her guardians who feared she was a witch¹⁰ and, in 2010, an adolescent accused of practicing witchcraft was tortured and mutilated by his sister and her boyfriend.¹¹ These are just a few examples; Scotland Yard has conducted 83 investigations of faith-based child abuse in the past decade.¹² Cases have been also reported in France, the Netherlands and Belgium.

Profile of a child-witch

In 2005, a study on cases involving children of African, South Asian and European origin showed that the majority of abuses linked to witchcraft involved Africans.¹³ The study revealed that most of the alleged child-witches are between 8 and 14 years old and that boys and girls are equally at risk. Recent research shows that girls are more at risk of being accused of witchcraft and that the majority of abused children are teenagers aged between 11 and 15.¹⁴

The bulk of these crimes are committed by family members, guardians, aunts, uncles and step-parents but not by the parents themselves. Perpetrators of crimes against alleged child-witches have mostly been Congolese (DRC), Nigerian and Angolan. As mentioned the majority of these crimes have taken place in the UK, and although the majority of concerned families are first or second-generation migrants, about half of the abused children were born in that country.

Many of these children have something “different” that is interpreted as a sign of witchcraft. It can be a disability or an illness, a challenging behaviour, sleepwalking problems, wetting the bed or having nightmares (usually transforming themselves in an animal and flying somewhere to kill and eat people).

The profile of these alleged child-witches in Europe is the same as the profile of the alleged child-witches in Africa; the only difference being their gender, with boys more likely to be accused of witchcraft in African than girls.

⁷ STOBART, E (2006). Child abuse linked to accusations of “possession” and “witchcraft”, Department for education and skills, research report n° 750, Nottingham.

⁸ See AGUILAR MOLINA, J. *The invention of child witches in the Democratic Republic of Congo: Social cleansing, religious commerce and the difficulties of being a parent in an urban culture*, Save the Children, London, 2006 or CIMPRIC, *supra* note 1

⁹ Case of Victoire Climbié

¹⁰ Case of child “b”

¹¹ Case of Kristy Bamu

¹² BBC, *Witchcraft-based child abuse: Action plan launched* (14 august 2012), available at <http://www.bbc.co.uk/news/education-19248144> (last visited 24 February 2013)

¹³ STOBART, *supra* note 7

¹⁴ LA FONTAINE, J. *Accusations of witchcraft made against children* in Childhood Wellbeing Research Centre (CWRC), *A rapid literature review of evidence on child abuse linked to faith or belief*, Working paper n° 15, London, October 2012; at 20

Accusations of witchcraft

Accusations of witchcraft are visible manifestations of witchcraft belief.¹⁵ These accusations usually start when problems arise within the family circle. In these cases “*a spiritual explanation is sought in order to rationalize misfortune*”.¹⁶ It is worth pointing out that “*belief in witchcraft does not exclude empirical understanding of cause and effect*”¹⁷, as witchcraft doesn’t explain how the problem came but addresses the ‘why’, i.e. why to them and why at that moment?¹⁸

A situation of vulnerability inside the family is then a key element to explain witchcraft accusations, as well as the accusers’ inability to face and deal with the problems they face.¹⁹

More difficult to understand is why a particular child is turned into a scapegoat. As Stobardt explains, the fact that the child is perceived as “different” or an “outsider²⁰” is a major factor, but there are also other reasons, such as weak bonds of affection between the minor and his parents or guardians, or the belief that the minor is violating family norms.²¹

Accusations of practicing witchcraft are followed by abuses. The most common types of abuses include:

- Physical abuses include: beating, burning, cutting, semi-strangulating, or tying up the child; cold water baths; rubbing chili peppers or other substances on the child’s genitals.
- Psychological and emotional abuses, involving isolation – not letting the child eat with the family or share a room with them – threats of abandonment, labeling the child a witch.
- Neglect of the child: refusing to take the child to see a doctor, absences from school, lack of personal hygiene, depriving the child of meals or clothes, etc.
- Sexual abuse.

The consequences of the abuses are physical and psychological damages, such as relationship problems or lack of self-confidence. Some children are separated from their abusers and put into the care of social services or orphaned. Others go back to Africa without the guarantee of abuses not happening again.²²

¹⁵ CIMPRIC, *supra* note 1; at 12

¹⁶ HM GOVERNMENT, *Safeguarding children from abuse linked to a belief in spirit possession*, United Kingdom, May 2007; at 7

¹⁷ CIMPRIC, *supra* note 1; at 18

¹⁸ *Id*

¹⁹ ADESUWA, J. *Hexenkind. Die wahre geschichte einer Frau, die in Afrika als Hexe verfolgt wurde*, Edition a, Vienna, 2011; at 178

²⁰ STOBART, *supra* note 7; at 19

²¹ *Id*

²² STOBART, *supra* note 7; at 17

The role of religious leaders

Religious leaders play an important role in the spread of witchcraft abuses. According to the NGO Africans Unite against Child Abuse (AFRUCA) “*when immigrants arrive (...) they are faced with a multiplicity of problems ranging from clash of cultures to immigration issues, unemployment... Under the circumstances, religious values and beliefs become the obvious coping mechanisms. Indeed [religious centres] become places of refuge and support for many people. The imams, pastors and priests are the most trusted people in the community and therefore enjoy power that can easily be abused.*”²³

Religious leaders may then take advantage of the families in vulnerable situations, which made them more susceptible to follow their indications.²⁴ Several faith leaders find children *the easiest target* to blame when people seek their advice.²⁵ That is why they may confirm the suspicions that a child is bewitched or accuse them directly.²⁶ They are often paid for their advice and, if needed, exorcisms.

Despite the fact that some faith groups and leaders are encouraging faith-based abuses, most of them are developing procedures to safeguard children from these abuses²⁷. Moreover, even if exorcisms are a part of witchcraft belief, violence is not a part of exorcisms, as Pastor Modeste Muyulu defends, “*Sometimes we hear that some servants of God have been very violent when they're doing deliverance. But disciples should only do what the master did, I never read in the bible about Jesus Christ being violent with anybody to cast out any spirit.*”²⁸

Legal answers to these cases

European laws protect vulnerable children and punish crimes and abuses committed against them. The question is whether these laws are strong enough to protect children from witchcraft abuses or if specific witchcraft legislation is needed.

For AFRUCA, “*a law to stop children being branded as possessed or as witches is essential to safeguard vulnerable children from long term abuse, harm and even death.*”²⁹ That is why AFRUCA proposes a new law against the branding of children as witches or as possessed by demons. This law would make it an offence to designate a child as a witch, carry out any form of ritual or exorcism rite on a child, send a child outside the UK (including other European

²³ AFRICANS UNITE AGAINST CHILD ABUSE (AFRUCA), *What is witchcraft abuse? Safeguarding African Children in the UK Series 5*, London, June 2009; at 12

²⁴ STOBART, *supra* note 7; at 26

²⁵ HUNT, L. *Why is child abuse tied to witchcraft on the rise?* (18 January 2012), The Guardian, available at <http://www.guardian.co.uk/society/2012/jan/18/child-abuse-witchcraft-exorcism-rise>, (last visited 24 February 2013)

²⁶ CWRC, *supra* note 14; at 19

²⁷ See CHURCHES’ CHILD PROTECTION ADVISORY SERVICE, *Good practice for working with faith communities and places of worship – Spirit Possession and Abuse*, available at <http://www.ccpas.co.uk/Documents/faith%20communities%20guidance.pdf>

²⁸ CINDI, J. Exorcisms are part of our culture (3 June 2005), BBC, available at http://news.bbc.co.uk/2/hi/uk_news/4596127.stm (last visited 24 February 2013)

²⁹ AFRUCA, *Proposal for a new law against branding children as witches or as possessed by evil spirits and carrying out exorcism rites on children*, July 2010

countries) to be exorcised, pray for the child to die or to urge that the child be killed because he/she is an alleged child-witch.

On the other hand, the Victoria Climbié Foundation, considers that “*Britain already has a solid child protection framework. Where the focus needs to be is on continuing the work that is being done within the communities: working with church leaders and pastors to raise awareness about the abuse to children where it may arise.*”³⁰

So far no legislative change has been made, even if the UK government has developed new policies and practices to fight against faith-based abuses, for example the 2012 National Action Plan to Tackle Child Abuse Linked to Faith or Belief. Some years before, in 2005, the Metropolitan Police Service launched Project Violet to study the abuses linked to the belief in spiritual possessions. Since then, faith communities have been approached and several guidelines to protect minors from these abuses have also been published.

Judicial answers and cultural defence

In criminal law a “cultural defence” is an argument raised by someone accused of a crime who uses his cultural background as a mitigating factor.³¹ This term arose in the 1980s in American newspapers. Although in the United States cultural defence is commonly used, it is not formally admitted in Europe, which does not mean that cultural sensitivity is excluded in courts.

In the United Kingdom, the application of cultural defence in witchcraft cases has so far been banned: “*The criminal and family proceedings arose out of ritual harm to a child that was said to be associated with (...) witchcraft. The court has been told that causing physical harm to a child who is believed to be possessed by witchcraft is not an acceptable part of the traditional belief. Whether that is right or not, this court has no hesitation in condemning ritual practices that cause physical or emotional harm to children.*”³² This was corroborated in March 2012, when the sentence of an alleged child-witch was pronounced: “*It is only explicable if you shared witchcraft belief. It provides some explanation for what happened, but it does not excuse it.*”³³

However, in the Netherlands, a court accepted to attenuate the punishment in a case of an alleged child-witch mistreatment on the basis of their cultural background.³⁴ In this case an Angolan boy was accused of being a witch by his stepmother and another woman who lived with them. This was confirmed by a pastor who came from France with the intention of resolving the

³⁰ VICTORIA CLIMBIÉ FOUNDATION, [Does Britain need legislation to protect children from being labelled as witches?](http://vcf-uk.org/wp-content/uploads/2010/07/Does-Britain-need-legislation-to-protect-children-from-being-labelled-as-witches2.pdf), July 2010, available at <http://vcf-uk.org/wp-content/uploads/2010/07/Does-Britain-need-legislation-to-protect-children-from-being-labelled-as-witches2.pdf>

³¹ See Phillips, A. “When Culture Means Genre: Issues of Cultural Defence in the English Courts” in *The Modern Law Review*, Vol 66, No 4, Oxford, July 2003, pp. 510-531 or Frick, M.L. “The Cultural Defence versus the Defence of Human Rights”, 3rd Global Conference *Interculturalism, Meaning and Identity. A Diversity and Recognition Project*. Salzburg, November 2009

³² *Haringey London Borough Council v S* [2007] 1 FLR 387, United Kingdom

³³ BBC, *Witchcraft murder: couple jailed for Kristy Bamu killing* (5 March 2012), available at <http://www.bbc.co.uk/news/uk-england-london-17255470> (last visited 24 February 2013)

³⁴ See Agnieszka, E. “Forensic psychiatrist evaluation: a case of witchcraft accusation” in *Bulletin of transcultural special interest*, Group of Royal College of Psychiatrists, Leicester, Autumn 2007

problem. Following the pastor's instructions, the women did not feed the boy, forced him to sleep on the ground and burned his head and genitals with a hot fork to exorcise the bad spirit from him.

Voodoo as a form of coercion in African sex trafficking

It's generally perceived that voodoo is used to force African women into prostitution. However, this is simply a sensationalist way of presenting a complex abuse of women who believe in supernatural forces.

African sex trafficking networks

About 5 per cent of from sex trafficking victims in Europe came from Africa.³⁵ The major destinations are Italy, Spain and the Netherlands followed by Germany, the United Kingdom, Belgium and Austria.³⁶

Sex trafficking victims come mainly from West Africa, especially from Nigeria with roughly 90 per cent of these women from the Delta and Edo states.³⁷ Once victims are transported to their destination they are managed by women, usually former sex trafficking victims themselves. That makes conditions of exploitation more "acceptable"³⁸ to some victims; as one victim said "if a woman tells you to go on the street you accept it because she is like you, she has already done so".³⁹

One characteristic of African sex networks is the debt system. These debts are typically quite high, taking between one to four years to repay,⁴⁰ and are released once the debt is repaid. However, they remain vulnerable because they are left without money, skills, legal status, or a support network.⁴¹ Another characteristic of these sex trafficking networks is the use of voodoo as a means of exerting pressure over their victims.

³⁵ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC), *Trata de personas hacia Europa con fines de explotación sexual*, Viena, 2010; at 9

³⁶ CARLING, J. *Trafficking in women from Nigeria to Europe*, Migration Information Source (July 2005), available at www.migrationinformation.org (last visited 30 September 2012)

³⁷ UNESCO, *Human Trafficking in Nigeria: root causes and recommendations*, Policy paper n° 14.2, Paris, 2006; at 23

³⁸ PRINA, F. *Trade and exploitation of Minors and young Nigerian women for prostitution in Italy*, United Nations Interregional Crime and Justice Research Institute, Turin, July 2003; at 82

³⁹ Id; at 82

⁴⁰ Id; at 108

⁴¹ Id; at 110

Difference between voodoo and ritual oaths

Voodoo plays an important role in enslaving African women and girls (at least West African women and girls), without making a distinction between all the supernatural forces involved in sex trafficking.⁴² First of all it is important to differentiate between voodoo and ritual oaths. As Victoria Nwogu, Programme Specialist with UNIFEM/Nigeria, explains: “*Voodoo is a religion (which includes ritual oaths in its practices), while a ritual oath is a seal placed on an agreement through rituals binding both parties to the terms of the agreement on pain of supernatural retaliation.*”⁴³

Voodoo is a religion based on the existence of an invisible world interconnected to the visible world. It originated in West Africa, where voodoo beliefs are still widespread, mainly in Nigeria, Benin, Togo and Ghana. Rituals oaths are a practice derived from this religion. These oaths seal the pact between women who want to move to Europe and traffickers. Traffickers commit to pay all costs of the journey, while the women promise to repay the money, be respectful to the traffickers and engage not to denounce the traffickers to the police.

Ritual oaths ceremonies

Once the woman’s travel is arranged, the deal is sealed at a shrine. According to the Nigerian National Agency for Prohibition of Traffic in Persons (NAPTIP) about 90 per cent of girls that are been trafficked to Europe are taken to shrines to take “oaths of secrecy”.⁴⁴

The oaths are taken in ceremonies that include body parts from the person on whom the oath is being administered, as well as from one of her relatives, usually her mother or sister. The use of body parts such as fingernails, blood, sweat, teeth and/or pubic hairs “*give the voodoo priest possession of some part of the victim, creating a sense of fear and an unwillingness to speak out.*”⁴⁵ Other ‘magical’ items, such as animal blood, kola nuts, water, palm oil, earth taken from a graveyard, alcohol and herbs are also part of these ceremonies.⁴⁶ Sometimes women are also asked to take baths and drink or eat “magical” food.⁴⁷ Then, voodoo priests make a small packet with the body parts, some woman’s intimate clothes and other symbolic elements, such as pieces of the Ogun deity⁴⁸ or soap. These packages “*become a concrete expression of the agreement*”⁴⁹

⁴² See ECPAT UK (End Child Prostitution, Pornography and the Trafficking of Children) Discussion Paper: Vulnerability and Control of African Child Victims of Trafficking UK Experience, UK, Winter 2008

⁴³ NWOGU, V. *Human trafficking from Nigeria and voodoo. Any connections?*, La Strada International Newsletter issue 9, Amsterdam, June 2008; at. 8

⁴⁴ WILLMOTT, E. *A bewitching economy: witchcraft and human trafficking* (17 September 2012, Think Africa Press, available at <http://thinkafricapress.com/society/african-witchcraft-contemporary-slavery-human-trafficking-nigeria> (last visited 24 February 2013)

⁴⁵ IKEORA, M. *Why we need to understand voodoo* (30 March 2012), The Voice, available at <http://www.voice-online.co.uk/article/why-we-need-to-understand-voodoo> (last visited 24 February 2013)

⁴⁶ NWOGU, *supra* note 44

⁴⁷ Koh Bela, A-J. *Fonctionnement de la sorcellerie dans la prostitution africaine* (14 December 2004), Afrik, available at <http://www.afrik.com/article7959.html> (last visited 24 February 2013)

⁴⁸ “The deity for iron and metal, which, among other things, is connected to fortune and misfortune during travel” in CARLING, J. *Migration, human smuggling and trafficking from Nigeria to Europe*, International Organization for Migration, 2006; at 60

and are kept by the voodoo priest or the traffickers until the debt is paid. In order to reinforce the pact a “*second round of oaths*” is often made in the country of destination.⁵⁰

Consequences of breaking the oaths

The inobservance of the pact can “*anger the gods*” and “*jeopardize the victim’s life*”.⁵¹ Women are strongly persuaded that terrible things (illness, deaths, madness) will befall them and their families if they don’t repay the debt. According to a victim “*those who do not respect the pact will be living without a meaning of life, like a snake that drags.*”⁵²

All the misfortunes or problems that may happen to the victim after breaking the ritual oath will be linked to this rupture. Sometimes these women may even think that voodoo magic has impregnated them as a form of punishment for breaking their pact with the traffickers.⁵³ Victims usually believe they deserve these consequences because they broke the ritual oath. This reinforces other victims’ belief in the power of the oaths as they witness how the rupture has caused misfortune. It is important to note that breaking the pact is considered to lead to psychic and mental harm to the women concerned, but it is also an act of dishonor to their community, as the oath ties them not only to voodoo gods but also to the local community.⁵⁴

Fear of breaking the pact is so strong that traffickers usually do not even have to closely monitor the women. Some operators confirm that in contrast with other sex trafficking victims, African women enjoy an apparent freedom⁵⁵ and that they are not as exposed to violence and abuse from the traffickers.⁵⁶ Nevertheless, physical threats and violence against the victims and their families is also a reality of these networks, as well as the confiscation of documents, money and the lack of independence.⁵⁷

⁴⁹ *Id.*; at 28

⁵⁰ MOJEED, M. *Nigeria – Voodoo aids human trafficking*, October 2008, available at <http://lastradainternational.org/lisidocs/Nigeria.pdf>

⁵¹ VAN DIJK, R. “Voodoo on the Doorstep: Young Nigerian Prostitutes and Magic Policing in the Netherlands” in *Africa: Journal of the International African Institute* Vol.71, n° 4, Edinburgh University Press, Edinburgh, 2001, pp. 558-586; at 570

⁵² SEVERAL AUTORS. *Tráfico y prostitución: experiencias de mujeres africanas*, Likinianoren Altxorra n° 17, Bilbao, 2003, at 74

⁵³ WOMEN’S LINK WORLDWIDE, “Hoja informativa 2. Principales resultados” in *Los derechos de las mujeres migrantes: una realidad invisible*, 2009; at 26

⁵⁴ PRINA, *supra* note 39; at 39

⁵⁵ *Id.*

⁵⁶ CARLING, *supra* note 49; at 48 and CENTRE POUR L’EGALITE DES CHANCES ET LA LUTTE CONTRE LE RACISME, *Rapport traite des êtres humaines 2006- Les victimes sous les projecteurs*, Brussels, July 2007; at 109

⁵⁷ OKOJIE. CEE, OKOJIE. O, EGHAFONA. K, VINCENT-OSAGHAE. G, and KALU. V. *Trafficking of Nigerian girls to Italy. Report of field survey in Edo State, Nigeria*, United Nations Interregional Crime and Justice Research Institute (UNICRI), Torino, July 2003;at 65-67

Rituals oaths: a form of coercion?

As stated before, ritual oaths seal the pact between victims and traffickers; but they also protect women during their travel to Europe, and offer them success in their future work, making them even more desirable for customers.

Women usually “do not experience (the ritual oaths) as intimidating and coercive per se”.⁵⁸ Therefore, agreeing to these oaths it is not so much a form of coercion as the foundation of a close relationship between women and traffickers. This relationship constitutes the strength of African sex trafficking networks. The effectiveness of the oath is also reinforced by the fact that the debt can be repaid and victims can be released or promoted to supervisors, which represents a strong incentive to fulfill the oath.

Intimidation and coercion occurs later, when realities and horrors of the sex industry begin to set once the victims have reached Europe.⁵⁹ Coercion only begins when the victims seek to escape the pact by breaking their oath, and not at the time when the oath is sworn. This, according to Van Dijk, is the moment when the women begin using the word “voodoo” as synonymous with black magic and “spiritual entrapment.”⁶⁰

Legal frame to punish threats linked to voodoo faith

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also referred to as the Palermo Protocol) was adopted by the United Nations in 2000 and entered into force on 25 December 2003. According to the Protocol, human trafficking for sexual purposes is the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat, use of force and other forms of coercion including abduction, fraud, deception, abuse of power, the exploitation of a position of vulnerable situations.

Human trafficking can only be designated as such if there is no consent, or if it has at some point been invalidated. This question is not trivial as traffickers sometime allege in their defense that victims entered into the arrangement of their own free will. Even if the oaths rituals are not necessarily viewed as coercive by sex trafficking victims, it does not imply that women voluntary entered into prostitution and, what is more relevant, that they accepted to be exploited.

Strictly speaking ritual oaths invalidate women’s consent by means of fraud and not by threats or coercion: victims agree to participate in the rituals without properly understanding the difficulties they will face in fulfilling the pact. They are not aware of the magnitude of their commitment. Coercion begins when they want to withdraw from the pact.

Either way, whether by means of threat, coercion or fraud, the use or abuse of voodoo belief to force women into prostitution is punished by the Protocol. Even if it is rare that voodoo beliefs are the single element of coercion in these abuses, as victims may also suffer from physical

⁵⁸ VAN DIJK, *supra* note 52; at 571

⁵⁹ *Id*; at 572

⁶⁰ *Id*

violence, confiscation of documents, deprivation of liberty or even the kidnapping of their children.

Strategies to neutralize voodoo oaths

Dealing with women who have sworn voodoo oaths is a challenge for the police. The cultural differences and the lack of information on voodoo and its role in African sex trafficking are obstacles and prevent authorities from approaching and protecting victims and asking them to cooperate as witnesses or informants. Building a trusting and safe environment that allows victims to cooperate is a complex undertaking. Victims must explain a phenomenon which is not easily expressed; in addition, they have to share their feelings with people who do not understand their beliefs; likewise, they must overcome their own fear regarding their belief in the consequences of breaking the ritual oath.

Currently there is no strategy in place to deal with this problem, although the police have tested different solutions. One example in the Netherlands involved a police task force, named Voodoo Team, to fight these specific issues.⁶¹ The intervention of former sex trafficking victims appears to be quite successful in these cases. Collaboration with religious authorities has also proven effective, for example in the Netherlands eight women agreed to denounce their traffickers after meeting with a Nigerian pastor. *“The pastor told them that nothing will happen to them if they break the voodoo oath and that they could trust the police. If it were us who have told them that, they would have never believed us”*, said procurator Warner ten Cate.⁶²

Indeed, faith seems to be the most effective path in overcoming the fear of breaking the pact. Faith and the sense of belonging to a community are key elements in reassuring victims as they *“dip into the same imaginary symbol and ritual (as the ritual oaths)”*⁶³ and find a way to end their isolation.

In Germany, a study led by the Frauen Forschungs Institut Freiburg also revealed that believing that the police already have sufficient information on the traffickers put the victims at ease and allowed them to more freely speak because they did not believe they were breaking their voodoo oath.⁶⁴

Elements to understand voodoo victims

Legal actors, social workers and mediators who deal with West African sex victims should be aware that:

⁶¹ VAN DIJK, *supra* note 52; at 2

⁶² MICHAUD, H. *L’antivaudou au service de la justice néerlandaise* (13 March 2012), Radio Nederland Wereldomroep, available at <http://www.rnw.nl/afrique/article/lanti-vaudou-au-service-de-la-justice-n%C3%A9erlandaise> (last visited 24 February 2013)

⁶³ PRIDA, *supra* note 39; at 117

⁶⁴ See HELFFERICH, KAVEMANN, RABE. *Determinanten der Aussagebereitschaft von Opfern des Menschenhandels zum Zweck sexueller Ausbeutung. Eine qualitative Opferbefragung*, Bundeskriminalamt, Cologne, 2010

- Religious and spiritual beliefs play an important role in the lives of Africans.
- “*Witchcraft is real for those who believe in it*”.⁶⁵ The power of voodoo oaths and rituals must be considered from the victims’ perspective and the victim’s cultural and religious belief must be taken into account.
- Victim’s beliefs differ and not all believe with the same intensity in the power of rituals oaths and voodoo magic. Nevertheless, such ceremonies in the context of sex trafficking may create, even in those with weaker faith in these supernatural powers, a situation of fear or psychological distress.
- Ritual oaths are independent of the victim’s religion. Believing in other religions (Islam, Christianity, etc.) is not necessarily an obstacle to believing in the effect of oaths and voodoo magic.

Abuses linked to witchcraft rituals

Another phenomenon that has so far only been lightly studied are the abuses linked to witchcraft rituals. These abuses, which may include sexual abuses and human sacrifices, are carried out to make the oath ritual more effective.

Sexual abuses

Cases in France, as well as other Western countries, have documented women reporting sexual assault and rape as part of the voodoo cleansing ritual.

In Toulouse, an African *marabout* was accused of rape by two women (who paid up to 3,000 Euros for several sessions) who allege that the *marabout* undressed them and asked them to rub a special oil on themselves as part of the ritual.⁶⁶ Then, he began to touch the victims and to have sexual relations with them in order to exorcise the bad spirits.

In other cases they victims have been asked to drink or eat something before being sexually assaulted. In Nanterre, for example, a Nigerian *marabout* was accused of raping eight women after having drugged them.⁶⁷ According to one of the victims, the *marabout* gave her a “drink of the Gods” which made her dizzy and she fell deeply asleep. Later on, the victim awoke undressed, with evidence of sexual assault. In trial, the *marabout* recognized that these sexual acts purify the client’s body.

⁶⁵ SCHNOEBELEN, *supra* note 2; at 3

⁶⁶ LA DEPECHE, *Un marabout accusé de viols* (4 February 2011), available at <http://www.ladepeche.fr/article/2011/02/04/1006249-un-marabout-accuse-de-viols.html> (last visited 24 February)

⁶⁷ METRO FRANCE, *Un marabout jugé pour viols* (11 October 2009), available at <http://www.metrofrance.com/info-locale/un-marabout-juge-pour-viols/pijk!@RhbbLtokNHj0RrSbFHTA/> (last visited 24 February 2013)

Marabouts usually assert that these are not criminal practices because clients agree to sexual relations. As the lawyer of two accused *marabouts* alleged “*There is no sexual assault because there is no absence of consent. When they (the victims) went to see them (the marabouts) they already believed.*”⁶⁸

Dealing with these abuses is not simple. This type of crime is under-reported and victims sometimes believe that through performing these rituals it will help them leave their problems behind. And, it is not an easy task to delimit which acts are really necessary to solve client’s problems. The client’s refusal to continue with the ritual must clearly be respected by the *marabout*; on the contrary, he would be committing a sexual crime. However, if the *marabout* asks the client to undress, massage or stimulate him sexually, or even have sexual relations and the client agrees, can we consider this as sexual abuse? What if the client is under 18 or has limited mental faculties?

In the medical domain, nudity and limited contact (without sexual intent) are accepted whenever they are necessary for the patient’s diagnosis or treatment. But how can we know which actions are required to obtain the benefits of a witchcraft ritual; how are we able to state clearly whether or not the *marabout* is taking advantage of the client’s beliefs or vulnerability; and how do we differentiate true *marabouts* from imposters?

Finding answers for these questions is essential to stop these sexual abuses. The promotion of professional associations of *marabouts* or the elaboration of guidelines may provide solutions.

Blood rituals

In September 2001 the torso of a five-year-old African boy was discovered floating in river Thames. Further investigation showed that the boy was brought expressly from West Africa to be sacrificed in a witchcraft ritual. The boy was poisoned before his body was mutilated and drained of blood by an expert *marabout*.

According to a report by the Metropolitan Police, children are being trafficked into the UK from Africa and used for human sacrifices.⁶⁹ Once in Britain, they are exposed “*to violent and degrading treatments, often involving the forced extraction of their blood to be used for clients demanding blood rituals.*”⁷⁰ Child testimonies reveal that *marabouts* usually “*take children hair and cut their arms, legs, heads and genitals and collect the blood.*”⁷¹ We do not know the numbers of children that are victims of this type of abuse, which is linked to blood rituals; however, it does appear that belief in such rituals is increasing the demand for African children.⁷²

⁶⁸ CERCLE CICERON, *Procès en viol-sorcellerie pour deux marabouts: les avocats plaident l’acquittement* (6 October 2010), available at www.cercleciceron.com (last visited 12 September 2012)

⁶⁹ BBC, *Boys “used for human sacrifice”* (16 June 2005), available at http://news.bbc.co.uk/2/hi/uk_news/4098172.stm (last visited 23 February 2013)

⁷⁰ ROGERS, C. *African children trafficked to UK for blood ritual* (12 October 2011), BBC, available at <http://www.bbc.co.uk/news/uk-15280776> (last visited 24 February 2013)

⁷¹ *Id*

⁷² *Id*

The purpose of these rituals, which are more powerful if they involve the sacrifice of uncircumcised male child, is to gain power and money.⁷³

Conclusion

The number of human rights violations linked to African witchcraft belief in Europe is extremely small relative to the number of Africans living in Europe. There is a difference between people believing in witchcraft and agreeing with the actions carried out in its name: many Africans may believe in witchcraft but only a few are involved in witchcraft abuses or approve of them.

The cruelty and extreme violence of these abuses need to be addressed. A better understanding of witchcraft and voodoo is the first step in fighting against these human rights violations, while simultaneously protecting the victims. A close collaboration with African communities, *marabouts* and churches is essential in understanding these beliefs and in setting up strategies and mechanisms to eradicate these abuses.

Nevertheless, it would be a mistake to reduce these human rights violations to a religious problem. Certainly, faith plays a central role in these abuses but in most of the cases it is just a means to an ends. In the majority of the cases presented in this paper, witchcraft belief and witchcraft practices are key elements but not the foremost problem. Only a comprehensive approach that includes improving the situation of vulnerable African immigrants and fighting against human trafficking can successfully eradicate these faith-based abuses.

⁷³ BBC, *supra* note 70