Mothers in Human Trafficking Networks Robbed of Their Rights
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STOP
TRAFFICKING
In
WOMEN
&
GIRLS

Oga that money too big now, e mean say we go pay one million naira all together. Abeg Oga settle, just.

Una go pay only, five hundred thousand naira before dem commit, and when dem reach abroad una go pay my balance five hundred thousand naira. No more, no less.

Oga Abeg we go pay you the six hundred thousand naira and next time we go try our best so that the money go big. Oga Abeg we no go fail you.
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“To hold that motherhood is a cultural practice is to deemphasize what is universal about it, because it implies an initial assumption that its significance is closely linked to the cultural, social, and economic context in which it takes place”

Cristina Palomar Verea. *Maternidad: historia y cultura*
Foreword

It is unquestionable that States have an obligation to protect the human rights of all persons, regardless of their skin color, ethnic origin, immigration status, socioeconomic status, sexual orientation, or sexual identity. The strength of our societies can be measured in terms of how well they protect their most vulnerable members. However, women and girls who are victims of human trafficking are subjected to multiple violations of their most basic human rights, a grim reality that most people are unaware of. Every day, these women and girls face egregious violations of their rights to physical integrity, to live free of violence, freedom of movement, access to justice, and even their right to life.

In this investigation, Women’s Link documents the systematic violation of women trafficking victims’ right to be mothers and have a family, a right so cherished in our societies that we take for granted that everyone will have access to it. The investigation further shows the discrimination faced by these women for their status as trafficking victims as well as stereotypes around what it means to be a “good mother.” In addition to depriving women of their dignity by restricting their parental rights, these stereotypes, deeply embedded in our societies, make it difficult or impossible to perform an assessment of their children’s rights without discrimination and prejudice.

In the following pages, we offer a candid look at the stark reality of how we treat Nigerian women and their families in Europe and the double standards we apply to access to basic human rights. These women face not only violence and exploitation at the hands of traffickers; they cannot turn to the authorities for protection either, and when they seek to exercise their right to family life, they are met with discrimination and humiliation.

This is why we are publishing Mothers in Human Trafficking Networks: Robbed of Their Rights, an investigative report intended to encourage reflection on the limits and strengths of the legal frameworks and policies of protection for trafficking victims and their children in Spain, France, Germany, and Denmark. With this report, we hope to give a voice to women who struggle every day to seek a better life for themselves and their children.

Viviana Waisman
President and CEO
Women’s Link Worldwide
Glossary

CARE AND CUSTODY

The responsibility to care for and protect one’s children. Termination of care and custody may occur when the parents are shown to be unable or unfit for childrearing. Care and custody is usually transferred to other close family members or a government agency.

JOURNEY HUSBAND

A man who enters into a relationship with a victim of trafficking in human beings during the process of exploitation. The trafficking network usually decides who will play this role. It is usually the journey husband who gets a woman pregnant.

JUJU

A religious and/or spiritual ceremony that gives traffickers power and control over women during the exploitation process. The power of juju allows trafficking networks to control women through simple telephone calls.

MADAME

A woman at the top of the pyramidal structure of the trafficking network who exploits the victim in the destination country. It is her job to keep the exploited women in line and ensure that they follow the orders of the trafficking network.

NEGLECT FINDING

A legal concept that allows the competent authorities of each autonomous community of Spain to take custody of a child because the mother is considered unable to care for him or her.
NON-PLACE

Fundación porCausa describes non-places at the border as physical spaces characterized by exclusion and denial of rights to those who are located within a border separating “us” (residents of a territory who have regular immigration status) and “them” (undocumented migrants).

RECOVERY AND REFLECTION PERIOD

A protective measure for potential trafficking victims. It is a period of at least thirty days during which the trafficking victim is provided with the assistance necessary for her physical, psychological, and emotional recovery, away from the influence of the trafficking network and without threat of expulsion if she has irregular immigration status. During the recovery and reflection period, victims can take time to think over whether they wish to cooperate with the authorities in the investigation and prosecution of the criminal activities of the trafficking network.

SISTER

A woman who has a close relationship with a woman trafficking victim, even if they are not blood relatives. Sisters often come from the same town or neighborhood and form a bond with victims as if they were blood sisters.

VISITATION AUTHORIZATION

Permission granted to women trafficking victims in Spain allowing them to live with their children, but the autonomous community, not the mother, retains custody.

ZODIAC

An inflatable plastic boat with an outboard motor. The boats used to reach the Spanish coast can accommodate from 19 to 60 people. There are also smaller inflatable rowboats that can fit up to 11 people.
1. Introduction

For several years, Women’s Link Worldwide has studied the realities of women, teens, and young girls caught up in human trafficking networks for exploitation in Europe, with a particular focus on the experiences of Nigerian women and girls.¹ Some women and girls begin their migration journey in Nigeria as part of the process of exploitation, while others are captured by the networks at some point on the journey. Many become pregnant during the journey or while being exploited in Europe. Still others are mothers who are being sexually exploited under the threat of the debt that the network imposes on them.

Women’s Link hopes that this report will raise awareness of the multiple forms in which trafficking in human beings affects these women’s lives, particularly as regards their experiences as mothers and their ability to carry out the broad range of responsibilities and activities that motherhood entails at different moments in the migration process and in different countries.

All over Europe, we met women who were looking for their children. These women trafficking victims had lost contact with their kids because of decisions made by the traffickers or by the child protection systems of different European countries. We also met women who had formed families, usually single-mother families, and were trying to figure out how to reconcile their situation of exploitation with their motherhood.

Trafficking networks are known for moving women from city to city and country to country. This requires us to adopt a new way of analyzing human trafficking from a regional perspective, taking into account the processes of movement of women and their children from place to place during their exploitation.

The women whose voices are included in this report recount not only their own experiences; they speak also of their children born during the transit and exploitation processes and the broad range of strategies they employ to protect their kids and preserve their families, as well as the responses they receive from the authorities.
Their stories raise questions about the place—or non-place\(^2\)—of borders in the phenomenon of trafficking, as well as the relative ease of crossing the European Union’s internal borders and how it contrasts with the differences among legal frameworks and policies of identification and protection of victims and their families in different European countries.

**PROCESS OF DOCUMENTATION**

The countries included in this report were chosen on the basis of three criteria:

- Countries that have like-minded organizations with experience working with trafficking victims.
- Countries on the migration route of exploited Nigerian women.
- Countries with good practices in protection for trafficking victims.

In the following pages, we will describe the situations of exploitation and control of women and their children living in Spain, France, Germany, and Denmark, with particular attention to the administrative and legal realities related to their identification and protection.

Our analysis\(^3\) of each country will be based on the life story of a Nigerian mother who is a trafficking victim. We have changed the names of the women and their children in the interest of confidentiality and out of respect for these mothers who shared their stories with us.

In order to carry out the documentation process, we visited the four countries between October 2014 and March 2016, interviewed 23 women trafficking victims, analyzed their cases, and spoke with many organizations that accompany the women in their identification and protection processes.

We also interviewed authorities charged with identification of and assistance for trafficking victims, visited refugee reception centers, and reviewed the applicable legal frameworks of each territory. Out of the cases identified, we selected four emblematic cases that exemplify the intersectional nature of the violations of rights suffered by women and girls, both as trafficking victims and as mothers. The stories selected highlight the need to apply a human rights approach and a gender perspective to cases.
The information-gathering process was carried out through qualitative methods. We held semi-structured interviews with the different sources (women trafficking victims, ally organizations, and authorities) and held focus groups and discussion groups with specialists.

In Spain, Women’s Link visited Andalusia, Basque Country, Asturias, Murcia, the Canary Islands, Galicia, and Catalonia. We held interviews with the Red Cross; Fundación Amaranta; Centro de Adoratrices; SICAR-CAT (a project of the Adoratrices religious order); Casa Daniela; Lloc de la Dona; Programa Oblatas (a project of the Oblate Sisters); Cáritas; Fundación Cruz Blanca (White Cross Foundation); Fundación Apipe-Acam; Asociación Genera; Agencia para el Abordaje Integral del Trabajo Sexual (Agency for a Comprehensive Approach to Sex Work), an office of the Barcelona City Council; Área de Infancia del Defensor del Pueblo Catalán (Catalan Ombudsman’s Children’s Unit); and Fundació Àmbit i Prevenció (Foundation Scope and Prevention). During each visit, we spoke with the women and met with facility staff, social workers, and attorneys who were working with the women or on their cases. In every city we visited, we were supported by member organizations of the Red Española contra la Trata de Personas (Spanish Network against Trafficking in Persons, RECTP).

In France, we worked with Association Accueil, Loisir, Culture (Association Shelter, Recreation, Culture); the coordinator for AC.SÉ Dispositif National (National Network AC.SÉ); Association Les Amis du Bus des Femmes (Association of Friends of the Women’s Bus); the organization Hors la Rue (Off the Street); and Le Foyer AFJ (AFJ Home).

In Germany, we met with staff from our partner organization Dortmunder Mitternachtsmission e.V. (Dortmund Midnight Mission); a representative of the BAMF-Bundesamt für Migration und Flüchtlinge (Federal Office for Migration and Refugees) in Düsseldorf; a staff member from the Dortmund Youth Department; and an official from the Bundesministerium für Familie, Senioren, Frauen und Jugend (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth). We also visited a refugee camp in Dortmund to interview the head of European Homecare, a representative of the Foreign Office, and a staff member from Diakonie Dortmund. We also visited our partners at SOLWODI-Solidarity with Women in Distress in Berlin and interviewed two women.

In Denmark, we met with staff from the Center mod Menneskehandel (Danish Centre against Human Trafficking) and the NGO Hope Now. We also visited the Mødested facility (Meeting Place), operated by the organization Nest International.
2. On the Move

Trafficking networks move women from one territory to another to maximize profits and avoid law enforcement. Many women are pregnant during this process, often as a result of sexual violence or sexual exploitation. Whether the women will travel while pregnant is always up to the networks, which decide whether women use contraceptives, have an abortion, or carry a pregnancy to term on the basis of the network’s interests.23

When the women are on the move, so are their children, for the trafficking networks use children too as a means of control and to maximize the profitability of their exploitation. Upon arrival in Europe and throughout the process of exploitation, these mothers have the additional responsibility of finding a way to provide care for their children in hostile contexts. The children are more visible in the first European countries they reach, and their visibility diminishes as their mothers move from country to country.

But in reality, many Nigerian women do form families in Europe. These are generally single-mother24 families where the mothers raise their children on their own. Even when there is a father or partner, the women have the sole responsibility for their children. They often live in the shadow of a father figure who is not completely absent or in some cases is a member of the trafficking network. Notwithstanding these family structures plagued with violence, motherhood is seen as positive in Nigerian culture. Many African societies place such a high value on motherhood that women from many countries renounce their own names and simply use “Mama” followed by their first child’s name. And so in the countries we selected for the study, we met Mama Favour, Mama Bright, Mama Faith, and Mama Prince.

These women move among different legal frameworks that are supposed to be harmonized under the umbrella of the European Union. There exists a shared asylum system, and the legal provisions containing directives regarding trafficking in human beings impose the same mandate on all Member States. But many organizations are concerned that traveling from country to country within Europe may have a negative effect on protections for women and girls who are trafficking victims, because their case information is lost due to a lack of systems for sharing information on the measures taken by each country’s protection services.
This breakdown in communication is related to a failure to apply a human rights approach, a gender perspective, and a children’s rights approach to policies regarding trafficking in the four countries. When state policies on trafficking in human beings are not made in accordance with human rights and obligations to protect those whose fundamental rights are violated, this leads to violations of other rights, such as the right to private and family life, the right to live free of discrimination, and children’s rights. In addition, the lack of coordination among States represents a missed opportunity to provide universal protection within the European Union.
2.1. MAMA FAVOUR. SPAIN: SEPARATING FAMILIES, DESTROYING LIVES

Mama Favour was born in Benin City, Nigeria, about 28 years ago. Favour is her only child. She was very young when she was captured by the trafficking network in her hometown. She traveled through Niger, Algeria (Tamanrasset), and Morocco (Oujda and Tangier) on her way to Spain, where she continued to travel from city to city. We met with her in different places and at different moments of her situation of exploitation, including the route through Morocco, her point of entry into Europe, and during the process of exploitation in several Spanish cities and Paris, France.

Tangier, Morocco

I go out panhandling every morning. We get up at seven. I walk from Plaza Toros to the medina, where we spend the whole day. I’ve been doing this since I got pregnant and the father left me. He had brought me from Nigeria. Later on, my daughter started coming with me to panhandle.

We go back to our place in Plaza Toros at eight in the evening, except Fridays, the day of prayer, when we come back earlier because people give more outside the mosques. We usually go to one of the big ones. We beg from the older people especially, because they give more money.

Mama Favour spent a few years there, waiting for her chance to enter Europe. She finally got a chance to take a zodiac\textsuperscript{25} from Tangier across the Strait of Gibraltar. She climbed aboard with her daughter in her arms.

Andalusia, Spain: Migrant Reception Center

When Mama Favour reached Tarifa, Spain, in summer of 2014, she and her daughter, now three years old, were transferred to a migrant reception center in Córdoba. The authorities found that her daughter was neglected\textsuperscript{26} based on reports they received from the organization that runs the reception center, a police report identifying Mama Favour as a trafficking victim, and her express wish to leave the center with her daughter. Mama Favour lost custody of her daughter, who was placed in a protection center.

At the time, Spanish authorities were focusing on women who crossed the southern border with children, and removal of custody was a frequent practice.
They took her away from me on August 13, 2014. This is the paperwork they had me sign. I don’t understand most of what it says. She is my only child. I’m devastated. They’ve given me medication, look (showing us Lorazepam and Fluoxetine). I can’t live without her. I keep her things, her clothes, her toys, and this paperwork they gave me here.

Mama Favour decided to stay in the center in the hopes of getting her daughter back. She attended all the visits scheduled by child protection services. She was allowed only one hour of supervised visitation per week.

I see her an hour a week. They told me not to cry during the visits, because it upsets her, and then she wants to leave with me. They said if I cry when I see her, they won’t give her back to me or let me see her anymore.

During the custody removal proceedings, there were multiple irregularities on the part of the agency, including improper notice, violation of deadlines, failure to provide legal information on her parental rights, and inadequate assessment of the parent-child bond.

When we visited Mama Favour at the center, she was crying. In her tidy little room, she had a place where she kept all her daughter’s things. She had the paperwork from the custody removal proceedings organized by date, since she did not understand most of what the Spanish-language documents said. She was obsessed with keeping everything that had to do with her daughter just the way it was until she got her back.

In the meantime, she continued attending all her scheduled visits with her daughter.

The neglect case against Mama Favour was closed after six months for lack of a legal basis to keep it open and keep them separated.

Favour is mad at me. She used to say I had abandoned her. And she would tell me I don’t speak Spanish, and she doesn’t like English.
**Zaragoza, Spain: Trafficking Victims’ Assistance Center**

Mama Favour agreed to enter a center for trafficking victims in Zaragoza with her daughter. She complied with everything that was asked of her. She took Spanish classes and a training course for housekeepers.

I’m so happy they gave her back to me. They’re having me go to a center with her now.

Although she complied with the conditions the agency imposed in order to get her daughter back, including receiving services at a facility specializing in assisting women trafficking victims, Mama Favour has a hard time identifying herself as a trafficking victim. What she knows is that she owes a debt, and she has to pay it.

It’s a center for trafficking victims, but I’m not a victim. I’m not. I have to pay for my trip. It’s normal. I really agreed to go because I needed them to give me my daughter back. I won’t lie about it.

Mama Favour’s daughter has been her companion and her reason to go on ever since she was born in a Tangier hospital. At one point, Favour wanted to talk to us too. She is supportive and protective of her mother.

Mom left me at that place, with that family. They were nice. They’d take me to school and buy me stuff. But I’m mad at mom because I wanted to see her. And mom doesn’t speak good Spanish. You know, there are a lot of things she doesn’t know how to do, and I help her a lot [Favour].

**Paris, France**

Some Nigerian women we know have told us that Mama Favour and her daughter are living in Paris now. We are not able to see her, but we get her contact information and chat via internet with her.

Yes, I left the center. I couldn’t stay. I have to work. I have to pay, because of the *juju*[^27] or something bad will happen to my family and Favour.
You can earn money here in Paris. I work a lot every night, and Favour stays with a friend of mine I’ve known since we were in Tangier. She’s doing well, she’s so smart, and she’s going to learn French now. She already speaks English and Spanish. I have applied for asylum, and the police don’t hassle us here. In France, there is a lot of assistance available, so Favour and I can live here, I can pay the debt, and then I can apply for papers. I want Favour to be able to become French, go to school, and have a good life—better than mine.

The case of Mama Favour shows the complexities facing women trafficking victims who enter Europe through the southern Spanish border with their children. In 2014, the Office of the Immigration Prosecutor reported an alarming increase in the number of Nigerian women migrants with signs of being trafficking victims reaching the Spanish coast with very young children. The Prosecutor began to implement measures to verify that these boys and girls were indeed the children of the women with whom they were traveling as they reached the coast.28

In an effort to protect the children, they were given DNA tests to confirm the biological relationship. But the authorities began removing the children temporarily from their “alleged” mothers until the DNA results came in. The children were taken to reception centers without court or prosecutor authorization (government agencies or the police can proceed to removal directly), and without having to find the child in a situation of neglect.29

Once it has been shown that the minors are the women’s children, if the women do not self-identify as trafficking victims and decline to accept the recovery and reflection period30 they are offered, the authorities interpret their refusal as another risk factor for their children.31 Despite the presence of signs that the women enter Europe through a trafficking network for purposes of exploitation, according to the Office of the Immigration Prosecutor, the “woman’s refusal to acknowledge her status as a victim and her rejection of the mechanisms of protection under Article 59 of the Aliens Law prevent the application of any protective measure she may be entitled to as an alien in irregular administrative situation in our country, so her return to her country of origin may be ordered.”32

The Office of the Immigration Prosecutor has made its position clear:
In the case of minors, the specific duties of protection lead to the clear conclusion that a refusal to accept the protections provided under Article 59 of the Aliens Law on the part of the child’s mother or the woman accompanying the child in Spain does not necessarily preclude all suspicion that she may be subject to the schemes of criminal persons, groups, or organizations, and therefore, that there may be additional risks of varying seriousness for the child in her care.33

The concept of risk, as employed here, carries legal consequences, including temporary removal of children from their mothers. This differs appreciably from the Organic Law on the Legal Protection of Children and Young People, which defines a situation of risk as “a situation in which, due to circumstances, deficiencies, or family, social, or educational conflicts, the minor’s personal, family, social, or educational development, wellbeing, or rights are harmed in a manner that, without being of such a nature, intensity, or consistency to call for a neglect finding and assumption of custody by the State, requires intervention by the competent state agency in order to eliminate, reduce, or repair the difficulties or maladjustment affecting the child and prevent a situation of neglect or social marginalization, without having to remove the child from his or her family environment.”34

The Spanish authorities’ analysis is based on the idea that a woman’s status as a trafficking victim places her child in a situation of neglect. Mama Favour explains how the process of breaking up the family was initiated when she expressed her wish to leave the migrant reception center with her daughter.35 In some of the cases we reviewed, the reports on which the neglect finding is made are written in language that contributes to a negative image of the women by referring to “escape” or “flight” from the center, despite the fact that these centers are open and anyone staying there may choose to leave at any time. The only choice left to mothers is to self-identify as trafficking victims and go to a specialized facility to avoid being separated from their children.

According to the organizations that work on these mothers’ cases, once a finding of neglect is made, the follow-up work by child protection services is woefully inadequate. In the first place, there is often no legal basis for the neglect finding, so many files are closed six months after findings are made. In addition, the organizations explain that the reports on which the findings are based are plagued with stereotypes, with similar reports written for different cases, citing general signs of trafficking without performing an individualized review of each case. Neglect findings are made based on the existence of indicators that the mother is a trafficking victim.
but has declined to accept the protective measures offered to her (the recovery and reflection period). Signs of trafficking are used as a basis to justify breaking up the family, but the women do not consider the recovery and reflection period a valid protective measure when they are not offered other alternatives.

In addition to Mama Favour’s case, 14 other cases were identified in which mothers were separated from their children in Spain. In these cases, even when the mothers complied with a set of conditions imposed by child protection services, they had a hard time getting their children back, and in some cases, they never did. Once these children, particularly the youngest among
them, enter a reception center and spend a certain amount of time in the child protection system, it is considered in their best interest to keep them in the system.\textsuperscript{36}

Furthermore, the visitation schedules and conditions do not support the parent-child relationship and bond, as shown in the case of Mama Favour. Mothers are allowed to see their children one hour per week, in the center and under supervision, even when there has been no showing of abuse or neglect. These conditions are not imposed because of any failure on the mothers’ part to properly care for their children, but simply because of their status as trafficking victims.

Three of the women interviewed explained that after their children were taken away, they were unable to see them for a full month before visitation was set up. The separation was traumatic. When visitation began, the women found the one hour per week entirely inadequate.

The Regional Government of Andalusia decided that they would offer to the women to make a neglect finding, but allow the women to live with their children in a specialized center for trafficking victims (mothers’ center). The problem with this model was that the women could not remain in the centers all the time, because they had to leave in order to pay off their debts, if they had not gone through the personal process of deciding to escape the trafficking network. They described how they felt forced to accept this solution in order not to lose their children under the combined pressure of the requirements imposed by the agency and the demands of the trafficking networks.

The requirement for women to self-identify as trafficking victims is problematic in this context. Firstly, no state, regional, or international legal framework imposes such a requirement. Victims are not required to acknowledge that they are being trafficked in order to activate state obligations to provide them with protection. Furthermore, an unwillingness to self-identify is intrinsic to the nature of trafficking in human beings and related to the fear the women feel. Data reported by the authorities reveal a very low rate of identification of victims.

The Office of the Ombudsman reported that in 2013, out of 736 recovery and reflection periods offered, 603 were refused by the victims.\textsuperscript{37} This shows the inadequacy of protections provided under the Aliens Act\textsuperscript{38} through the recovery and reflection period, particularly when it is offered
to women who have recently entered European territory, have been exploited for a short time, and have not established relationships of trust with anyone other than members of the trafficking network.

In another case we studied, a woman agreed to be transferred to a center for trafficking victims in the Canary Islands with her daughter while her daughter’s legal custody remained with the Regional Government of Andalusia. She was granted permission to live with her daughter in the Canary Islands facility under a visitation authorization, despite not having legal custody. Because of the way the Spanish system works, the Administration under which a child is in custody is responsible for covering the costs of living of that child. When she had been living in the center in the Canary Islands for a year, the organization running the center explained to us that child protection services staff for the Regional Government of Andalusia had never contacted social services for the Canary Islands. The only contact from child protection services was the quarterly parenting assessments they sent. Furthermore, the organization took in children who were in the custody of other autonomous communities without any financial support, so they had to cover living expenses for the mothers and children.

Because of stereotyped views of the way Nigerian women raise and care for their children, in addition to the control the networks exert over these mothers, government agencies are quicker to decide to interfere in their private and family lives. The stigma associated with the contexts of prostitution in which exploitation takes place, and the social marginalization these contexts entail, lead agencies to suspect that the mothers are unable to provide their children with an appropriate environment and upbringing. These factors, in turn, lead to more frequent decisions to terminate their rights to care and custody of their children, often in violation of their rights to private and family life. The message sent to the women by government agencies is not one of protection, but of criminalization and punishment. This creates a dynamic of mistrust, leading women to conceal the fact that they have children. This dynamic recurs as the process of exploitation continues in other European Union countries.

In addition, some Spanish cities have municipal ordinances on citizen coexistence and use of public spaces that impose fines for the “encouragement, promotion, offering, solicitation, or negotiation of paid sexual activity in public spaces.” Many women trafficking victims involved in street prostitution receive these fines. The fines exacerbate the situation of vulnerability and
economic instability the women are already facing. The ordinances, which provide for fines of 750 to 3000 euros for sexually exploited women, or the Citizen Safety Law, which provides for fines of 100 to 600 euros, lead to greater economic pressures for the women.

Between their lack of documentation and their situation of exploitation, Nigerian women are also afraid of the documentation checks that frequently occur during the exploitation process. Organizations working in contexts of prostitution also explain that when the women do not earn enough through sex work, Nigerian trafficking networks force them to commit petty crimes, such as drug dealing or petty theft, particularly of mobile phones.

These factors must be considered in the context of the trafficking situation these women suffer, taking into account their vulnerability due to the exploitation. This suggests that the best solution is often to protect the family unit they form with their children, not separate them from their children.
2.2. MAMA BRIGHT. FRANCE: TRAFFICKED MOTHERS AND TARGETED DAUGHTERS

We met her in a café through Beauty, another Nigerian woman with whom we have a trusted relationship. Mama Bright, 25, was born in Benin City, Nigeria. After being exploited in Italy, she now lives in Paris. She reached Italy by traveling from Nigeria to Niger, then spending some time in Tripoli, Libya, until she could cross the Mediterranean by boat. She tells us about the Moroccan route and the Libyan route. She tells us of those she left behind along the way.

Beauty is my roommate. I live with her and two other girls in a flat in Vincennes. There are four of us there. We don’t have any problems with our papers, because we have all applied for asylum. It’s a way we can live in peace and work to support our kids, pay our debts, and send money home to our families.

Three of us came through Libya, and Beauty entered via Morocco. A lot of times when we talk, we talk about the route, the journey, or our debt, but other times we talk about the beauty salon, our papers, or our future. We go to church on the weekends. Prayer is very liberating for us. I’m a very religious person. God is central to my life. God comes first, then my son.

They also talk about where the different women they met ended up, and what happened with their children. They say that some of the children ended up with the madames, others are with their mothers, and they know of other women whose care and custody of their children was taken away by the government. And they know of many children who have been adopted in Italy and Spain.

They speak of the difficulty of reconciling their need to take care of their children with the obligation they have to pay the debt. They tell us about their “workdays” and the ledgers they have to use to keep track of the payments they make to the madame, as well as the money they send to their families.

They are surprised at the increase in Nigerian girls entering Europe through Italy, especially since 2015. They describe them as little girls, barely old enough to have breasts. They come from remote, rural areas, and many of them are illiterate.
The younger girls who are coming now have a harder time, they don’t know much about the world. They are so naive! At least we have a lot of information. But having that information, or knowing about the realities of the lives of the white people here, doesn’t mean we can become like them.

They explain to us that because the girls are so young now, they can be deceived more easily, and because they do not understand numbers, their exploiters can keep them in debt longer. The traffickers also decide whether they will be pregnant when they cross the border, then make many of them get abortions in Europe.

It’s true that other women bring in girls so they can pay off the debt sooner. There are cases of that, but it’s a tough decision too. On the one hand, your suffering ends sooner, but on the other hand, other girls begin to suffer in your place. But it is a way to get out of the network. If you’re asking me if I would do it to my blood sister [with the same mother and father], no, I wouldn’t bring her here to get rid of my debt.

After we talk for a while, another woman comes in, waves hello to them, and sits on the other side of the café. They wave back and tell us that she is a Nigerian woman who lives in Germany. They ask her to wait until they finish talking to us.

The lady you saw at the café is our madame. She lives in Germany. She’s the one who brought us here. It’s tough, but she is not so bad as a madame. She looked out for us on the way here. Even though we had to panhandle, she didn’t make us work in Libya and Morocco. There are other madames who are worse than her. They abandon the women or make them live away from their kids.

After this first meeting, we decide to stay in touch with the two women through social media, and we interview Mama Bright two more times.

If you’re asking me if I have a debt, of course I do, because I have a madame. She helped me, so I’m working to pay off my debt to her as soon as I can. Some women turn their madames in to the authorities, because apparently they can get a ten-year residence permit. It’s a very tough decision.
I go out to work in the evenings. Having a kid is a real problem, because you don’t have anyone to leave him with. I’m lucky because my madame lets me live with my son. It’s true that other madames don’t let us. Having a kid also means having to work more. I have to pay the madame, send money to my mom, and take care of my son.

Having kids in Europe is tough. Here it’s not like in Nigeria, where everyone looks out for them, we all raise them together. Here they’re always checking up on you, and my sisters have adopted the European way of life and a lot of times they charge me money for taking care of my child. I know other women who have lost their kids because they had to work. The police would show up at their homes, or the school would call the police, and they ended up losing their kids. My son is so beautiful. The first boy is very important to a family. He is my son, my husband, he’s everything to me.

In France, there are no institutional facilities for protection of trafficked families where mothers and their children can live together during recovery. As Mama Bright tells us, mothers who raise their children while working in prostitution to pay the debt may raise a red flag to the system, leading to their children being taken away. In order to protect themselves, women trafficking victims employ different legal strategies to keep their children with them, such as finding a man with French nationality that will recognize the children and provide them with greater security.

This situation is not in line with the ideas held by French organizations and authorities, who believe that the women do not have children before arrival or on arrival, but become pregnant during the exploitation process in France. To some extent, this is because the women do not talk about their children, or speak only of the children they have back in Nigeria, never mentioning those they have had during their time in transit countries on their way to Europe. Some social organizations report that they have determined that the madames are the ones who have children, without specifying whether these children are their own or children of the women they control.

It was in France where we got the clearest look at the alternative strategies for childcare that the women use. As Mama Bright points out, it is complicated to have children in Europe, where childrearing is entirely up to the family, which may from time to time seek outside institutional
or alternative supports. The women we interviewed saw motherhood in a way that had very little to do with this model and in which childrearing is considered a collective social responsibility. Oversight by child protection services and the adoption of European models for relationships force the women to modify this vision, according to Mama Bright. This is not easy to do, because their situation of exploitation and their immigration status do not facilitate access to conventional childcare resources available in Europe. This situation is further exacerbated by the context of prostitution in which they move, which keeps them in a state of constant vulnerability to child protection services.

Yet this protective system has proven unable to protect girls who are trafficking victims in France. The situation of trafficked girls in France reveals the system’s multiple failures to protect children, within or outside the family unit. As Mama Bright explains, since 2015, there has been an increase in the number of Nigerian minor girls being exploited in France. Many of these girls are from the Ishan ethnic group and come from remote, rural areas of Nigeria. They have not had access to education, they do not know how to read and write, and they do not even know the days of the week. They cannot say how long they were in transit countries or how long they have been exploited. This makes it easy for the networks to keep them under the control of the debt for a longer time, so many of the girls end up paying up to twice what they agreed to in Nigeria.

These girls come to Europe via Libya or Morocco, then make their way through Italy or Spain and onwards to Germany or France, where they are not identified as minors or offered the protections minors are entitled to. Since 2015, organizations have begun to report that more girls are coming from Greece too. In France, girls are usually identified by social organizations that work in contexts of prostitution, which call the child protection unit of the police. Even when girls are arrested several times over the course of their exploitation, child protection unit officers explain that the difficulty lies in following up on minor girls who have documentation as asylum-seekers or have been granted refugee status, and their documents, also issued by the police, show them as adults. Furthermore, in the locations where the exploitation takes place, the makeup and clothing the girls wear fool the police into thinking that they are adults.

In Paris, Nigerian women are exploited in street prostitution and in vans in greenbelts or parks on the edge of town, such as the Bois de Vincennes. In 2015, organizations identified over 100 Nigerian minor girls in different areas of Paris who were under the control of other women from their country.
Organizations report that the networks have the girls go to the asylum system to apply for international protection, using a memorized story of persecution and a false name and age,
always trying to pass for adults. This way, they make sure the girls can remain in situations of exploitation without trouble. But in a March 2015 ruling, the National Court of Asylum found that women coming from Edo State who have been subjected to *juju* belong to a specific social group that is persecuted for reasons of gender and needs special protection through the asylum system. In order to exercise this right, they must show that they have no ties to the network and that they are not paying the debt. Nigerian women from other states are usually considered for subsidiary protection.

In France, the procedure for determining age is voluntary. When someone’s age is in doubt, and the person is suspected of being a minor, a court order is required before she can be taken to facilities that perform the evaluation. This is not easy to accomplish, because the girls, who have papers showing them as adults, do not wish to go voluntarily, because they know it may get them in trouble, so the police would have to arrest them and keep them in custody until the order comes. But they cannot keep them in custody if they do not have cause to arrest them.

Furthermore, as Mama Bright points out, and French organizations and government agencies confirm, there is often a fine line between victim and trafficker. Some women and girls start to pay off the debt, and after being exploited for a certain time, they are able to position themselves to start bringing other women into the trafficking networks. This allows Nigerian trafficking networks to work more efficiently and makes it much more difficult for the French police to dismantle them.

Despite the marked increase in girls in situations of exploitation, France has no specialized centers for minor trafficking victims. Child protection services can be broken down into two types of facilities, based on the age of the child:

- Unaccompanied youths up to 15 years of age are sent to facilities called *lieux de vie et d’accueil* (life and reception centers), where they live alongside educators. These are mid-level facilities between children’s shelters and foster families.
- From 15 to 18, youths may be lodged in hotels that participate in a housing system designed to prevent homelessness in France. The youths live alone in the hotels, without agency supervision. Although this system of hotels is used more by teenage boys than teenage girls,
Social organizations warn that girls who are sent there may be in danger of being found easily by the trafficking networks, since some of the hotels do not have adequate security measures in place.

In cases in which a girl’s safety is at risk, she may be transferred to a different protection center in another department where the network cannot find her. According to organizations working with the girls, it is a good practice on the part of child protection services, when a minor is moved to another department, for the same department to continue seeing to her support and documentation, which may help streamline protective measures if her safety is at risk. Organizations emphasize the need to improve training on human trafficking for the educators working in child protection centers, because of the key role they play in victims’ recovery.

Finally, organizations point to the need to put more thought into protections for trafficking victims and move toward more specialized structures that address the specific needs of minor girls and women who have children. In France, as of this writing, there was only one specialized center for trafficking victims operating, although some shelter facilities offering specialized services were being set up in Paris. We were unable to ascertain whether these facilities would include services for girls or families in situations of human trafficking. In the meantime, women like Mama Bright keep looking for ways to keep their children with them, by working more, negotiating with their madames to be allowed to live with their children, and avoiding the watchful eye of protective services.
2.3. MAMA FAITH. GERMANY: A “GOOD MOTHER”

We met Mama Faith at a shelter specializing in working with women suffering psychological trauma, medical issues, or serious illnesses. She was 18, also born in Benin City, Nigeria. She traveled through Niger to Libya, spent some time in Tripoli, and then finally entered Europe through Italy. Soon thereafter, she left Italy for Munich, Germany, where she lives today.

I left Nigeria because I was offered a chance to go to Europe when I was 16. I was happy before I started the trip, but that didn’t last long. It was horrible. Especially in Libya. It’s a country at war, where many people die every day. All I could think about was getting out of there.

I live here in the shelter with my daughter. There aren’t many of us—just one other Nigerian girl. At first it was hard for me to relate to the others, because we’re so different. There are many nationalities here, and we all have our own stories. I have a room for myself and my daughter, and we share the kitchen with the other women.

Shelter staff explained to us that they had to face a new reality when women started arriving via Libya. This group, especially the younger girls, suffer from psychological trauma that manifests as anorexia as a result of oral rape. They cannot keep their food down, because their throats reject it.

I can’t talk about what happened to me there. I can’t, I don’t want to repeat it. Besides, you wouldn’t be able to stand hearing about it. No one could stand hearing about what happened there, and it hurts too much to repeat it. At least I’m alive and I can call my family every week. I carry a picture of my sister with me. She looks a lot like me, and all I can think about is that I hope she doesn’t have to go through the kind of horror I went through [showing us a picture of her sister on her mobile phone].

The boat crossing was the worst of it. I saw people die. In Libya, people die every day, and new people come and take the place of the dead. It’s like a bunch of warehouses full of merchandise. Just before the boat crossing, I got pregnant, then we set out. When you’re about to board, you can’t turn back. There are men pointing rifles at you. So I was pregnant when I went aboard. I don’t remember how long we were at sea. All I know is that I kept praying and praying the whole time. Down below, in the hold, it stunk. We had to piss and shit on ourselves. I couldn’t guess
Mama Faith’s Migration Route

[Map showing the migration route from Nigeria, through Libya, to Europe, passing through cities like Agadez, Tripoli, and Munich.]

Atlantic Ocean

Mediterranean Sea

NIGER
Agadez

NIGERIA
Benin City

GERMANY
Munich

ITALY
Rome

LIBYA

NIGERIA

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how long we were on the boat, but it got dark at least twice, although in the hold there was very little light. We were rescued, and that’s how we reached Italy.

When we visited the shelter, Mama Faith was one of two Nigerian women living there. Three other Nigerian women had stayed there before, but the shelter had to send them away because they were unable to provide the therapy the women needed. Shelter staff told us that it was very challenging to deal with their trauma, and it was affecting the other residents. Most of the Nigerian mothers who have stayed in the shelter in the last few years came from Italy, and they all bore the scars and suffering of having experienced situations of extreme violence.

These kinds of shelters are designed to offer childcare and childrearing assistance to women who have been through terrible violence. One of the greatest challenges they face in their work is child protection services’ unawareness of the Nigerian women’s concept of motherhood.

I don’t want to talk about why I fled Italy either, but I will say that I wanted to protect my daughter. She wasn’t safe in Italy—they wanted to make me get an abortion. I took a train, then hid so I wouldn’t get sent back to Italy. I wanted my daughter to be born in Germany, for her safety. She’s the most important thing to me. I don’t have anyone else.

Shelter staff tell us about the requirement for them to notify child protection services whether the women display behaviors befitting a “good mother” (from a European point of view), because women who are not “good mothers” cannot stay with their children.

They brought me to the shelter when I applied for asylum. I take classes with a lady who teaches me how I am supposed to treat my daughter. There’s also a psychologist who helps me with my problems. I have a hard time eating, but I’ve gained a little weight now, and they tell me it means I’m getting better. I have to learn to take care of my daughter the way a European woman would, and it’s not easy.

There are very few facilities like this one, where women who have faced horrible suffering can live alongside their children and receive the support they need to carry out the duties and activities of motherhood in a healthy way. Still, the unawareness of the broad diversity of models and practices of motherhood makes the women feel that they are under constant scrutiny.
I saw my mother raise my sisters, and I helped her a lot, but there are many things in Nigeria that you’re not supposed to do here. It makes me mad sometimes. I feel bad, like they think I’m a bad mother or I don’t love my daughter. Sometimes I feel interrogated, and it stresses me out, but I want to do it right. I want to get papers, security for me and my daughter, live on my own, send money to my family, eat better, and forget. Especially forget.


Mama Faith tells us her arrival in Germany was the end of a long quest for protection for herself and her daughter. However, what she found there was another complicated reality. In order to enjoy the benefits of the protection system she fought so hard for, she endured hardships and conditions worse than she ever imagined. Her daughter may not be taken away from her, and they may eventually be able to stay together, but only if she can prove that she can become a “good mother.” This situation can be best understood in light of the particularities of the German system, based on a strong asylum system that contrasts with a stringent immigration policy that is weak on human rights protections.

The Nigerian women who come into contact with German organizations have faced an enormous amount of violence, because they have been exploited for a long time. In addition to psychological problems, many women and girls have difficulties with social integration outside of the context of the trafficking network. According to KOK, a coalition of German organizations working in the fight against trafficking and assisting women in their recovery, women often suffer psychosomatic symptoms, panic attacks, nightmares, difficulty concentrating, and flashbacks of the violence they have been subjected to. Organizations working with minor trafficking victims report that being separated from the traffickers causes these symptoms, because they see the network as a safe space that fulfills the role of family for them. It is therefore important for victims to receive effective protection from government agencies in order to replace that supposedly safe space that the network represents for a more wholesome one.

The German asylum system became aware of the presence of large numbers of Nigerian women starting in 2012, when the number of applications for international protection began to rise. Although this does not mean that they were not being exploited in Germany prior to 2012, asylum
applications are one way in which government agencies and organizations begin to receive more information about women and girls who are trafficking victims and their children.

According to the Ministry of Health, in the first six months of 2015, Dortmund authorities detected an increase in the number of Nigerian women applying for asylum, placing them at number 11 among nationalities seeking asylum. The overall increase in asylum applications in the country has led to longer processing times. One of the refugee reception centers we visited in Dortmund during our field research took in as many as 875 in one day. The daily average was 400 intakes, which were then distributed among different reception facilities in other German states.

The social organizations we interviewed explained that the greatest number of Nigerian women they work with come to them from Italy, where they entered Europe, while others come from Spain, and a smaller number come from Greece. Many of them have already been exploited over a long period—usually two to six years—in other European countries.

**Germany: Applicable Legal Framework**

- Residence Act (*Aufenthaltsgesetz, AufenthG*).
- Asylum Act (*Asylbewerberleistungsgesetz, AsylbLG*).
- Act on Compensation to Victims of Violent Crime (*Opferentschädigungsgesetz, OEG*).
- Criminal Code (*Strafgesetzbuch, StGB*).
- Protection of Young Persons Act (*Jugendschutzgesetz, JuSchG*).
- Act on Proceedings in Family Matters (*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit, FamFG*).
Most people entering the asylum system are family groups and men traveling alone who claim a broad range of types of persecution. However, the majority of persons coming from Africa are pregnant women, women with children, or trafficking victims. Nigerian women entering the system usually have children and apply for protection for a variety of reasons. However, it is sometimes the traffickers who decide the type of persecution claimed, because it is beneficial to the criminal network to have undocumented migrant women under its control.51 Another reason they may apply for asylum is to obtain greater security and access to the social protection benefits that can only be obtained through the asylum system, because while they are exploited and required to pay the debt, they have a hard time affording the resources they need to care for and protect their children.

At the same time, organizations report many cases, especially of minor girls, who escape their traffickers in Germany or another European country and seek protection through the asylum system. A smaller number go directly to social organizations or the police.52

Processes for identification of trafficking victims in Germany may also be set into motion through the asylum system.53 When signs of trafficking are detected in intake interviews, this activates the system’s mechanisms for detection of potential trafficking situations. Teams include persons specializing in specific vulnerable groups, including trafficking victims, unaccompanied children, torture and trauma victims, and victims of gender-based persecution.

When the Federal Office for Migration and Refugees (known by the initials BAMF in German), which is in charge of the asylum system, identifies women trafficking victims, it usually calls in specialized organizations to assist them throughout the process. BAMF can also recommend a residence permit when it identifies trafficking victims during the process, but it does not consider asylum to be an appropriate protective measure, because these women do not meet the requirements under the Geneva Convention. In some cases, this protection may be granted without requiring the women to file a police report. Although it is not granted in all cases, social organizations cite this option as a good practice that does provide protection to some women and acknowledges their status as victims without requiring them to turn in their traffickers. However, this protective measure is at odds with the interests of the police, whose objective is to enforce criminal laws against human trafficking.54
Alongside this system, the German Residence Act (Aufenthaltsgesetz-AufenthG) provides for a recovery and reflection period of at least three months and a humanitarian residence permit for victims during the pendency of criminal proceedings.

Subsidiary protection may also be available after the conclusion of proceedings in the event of a tangible risk of torture or inhuman or degrading treatment or punishment in the country of origin. In these cases, women are issued documentation by the immigration office, and then granted a special residence permit as trafficking victims. The permit allows them to work and travel among EU Member States.

Asylum is the preferred protection mechanism of Nigerian women who would rather not cooperate against the trafficking networks, because they associate the police and the court system with a lack of protection. Germany has become the European country whose asylum system offers the highest level of protection and greatest social benefits to these mothers and girls, according to Mama Faith.

The standards of protection for trafficking victims who apply for refugee status vary within the German system of territorial administration, divided into federal states (Bundesländer), which apply protections differently. Some states’ proceedings are more difficult to access than others, and there are differences in the level of flexibility in removal proceedings for those whose applications are denied. Some states have fast-track removal proceedings that are enforced immediately. States such as North Rhine-Westphalia generally offer broader protective measures for asylum-seekers, including protections for trafficking victims.

The German social organizations we interviewed were clear that there is a strong humanitarian approach in the country, and trafficking victims can benefit from it without having to risk being separated from their children. And yet they also recognize that the asylum system, due to its complexity, leaves many women by the wayside and without alternatives for legalization or protection, since the immigration system is designed to restrict access to undocumented migrants who enter Germany.

In their pursuit of asylum, women like Mama Faith will do whatever they must in order to make a good impression and not have to return to the violence and exploitation they have faced, and to protect their families, both in Europe and back home in Nigeria. They will do their best to pass the
“good mother” test, forsaking the memory of their own mothers and grandmothers, their customs, and even their ways of loving and taking care of their children, in favor of a German and European model of childrearing.

The stories of Mama Faith and the other women we interviewed in Germany raise questions about what it means to create a safer space than the trafficking network. They often feel that the system that is supposed to protect them instead imposes conditions on them in order to remain with their children that do not respect their forms of childrearing, and they feel punished if they do not do things in the European fashion. When the State works with these women and their children, it must ensure their right to express their own identity, which includes respecting cultural practices regarding childrearing and motherhood, as well as religious and spiritual traditions. These are all aspects of the right to private and family life, protected under the European Convention on Human Rights and the constitutions of the four countries included in this report.
2.4. MAMA PRINCE. DENMARK: EXPLOITED BY THE TRAFFICKERS, DECEIVED BY THE AUTHORITIES

The Center mod Menneskehandel (Danish Centre against Human Trafficking) contacted Women’s Link to request assistance with the case of a woman whose son was placed up for adoption by the child protection services office for the Community of Madrid. She lost her son when she was still under the control of a trafficking network and attempting to escape from her situation of exploitation.

Mama Prince is a thirty-four-year-old woman, born in Benin City, Nigeria, mother of a boy and two girls. She lost contact with Prince, her son, and she was seeking help to find him so she could tell him the real story of his adoption in Spain.

I became pregnant with my first child in 2002. The pregnancy was the result of a rape. A Tuareg\textsuperscript{55} man raped me. I used to look at my baby and get angry because that man’s blood ran through his veins, but then I was so happy to have him. At first, I didn’t want to nurse him, and the girl who lived with me told me, “He’s not the one who raped you. He’s not the one who took your virginity. It wasn’t him.” Little by little, I fell in love with my son. I would carry him on my back when I went out begging so I could support him.

My memories of him are sweet and wonderful. That’s why I named him Prince. He was strong, he never cried, he ate everything in sight, and everyone wanted to hold him. He was everything to me. He was my hands, my legs. When we were in Spain, he went everywhere with me. I never left him. He liked to tell me, “Mommy, buy me some cookies and gum.”

When the Centre contacted Women’s Link, they told us that Mama Prince’s situation was urgent, because her asylum application in Denmark had been denied and she might be deported to Nigeria. Mama Prince wanted to find out how her son was doing and needed to know how the adoption had happened. She feared that if she returned to Nigeria, she would never have another chance to see him. Mama Prince left Nigeria in 2002, stayed in Morocco for a while and then entered Spain, reaching Algeciras in autumn of 2003. She was 22. She was exploited in the cities of Madrid, Málaga, and Barcelona. Finally, the network sent her to Copenhagen, Denmark.
Mothers in Human Trafficking Networks: Robbed of Their Rights

Mama Prince’s Migration Route

Atlantic Ocean

Mediterranean Sea

SPAIN
Madrid
Barcelona
Málaga
Algeciras
Tangier
Tamanrasset
NIGER
Agadez
Benin City

DENMARK
Copenhagen

Benin City

Barcelona

Atlantic Ocean

Mediterranean Sea

SPAIN
Madrid
Barcelona
Málaga
Algeciras
Tangier
Tamanrasset
NIGER
Agadez
Benin City

DENMARK
Copenhagen

Benin City

Barcelona

Atlantic Ocean

Mediterranean Sea

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Madrid
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Tangier
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Agadez
Benin City

DENMARK
Copenhagen

Benin City

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Tamanrasset
NIGER
Agadez
Benin City

DENMARK
Copenhagen

Benin City

Barcelona
I gave birth in Morocco, in a house, not a hospital. I lived off panhandling there for a while, until they took me across the Spanish border. In Spain, I was doing prostitution to pay off the debt, but I didn’t want to be separated from my son, despite the exploitation. Then my *madame* decided to send me to Denmark without my son. So I ran away. The network found me, kidnapped me, and sent me to Copenhagen without him. They threatened to hurt my family if I didn’t fulfill the agreement. My father made the contract with the *madame* and I couldn’t betray him. I was supposed to pay a total of 60,000 euros.

It was not easy when they took him from me. I have faced two truly hard moments in my life: when they took my baby away, and when my *madame* came after me. It was a very hard struggle for me.

We visited Mama Prince twice at her home in Denmark. She has two daughters now who live with her, and she is a single mother.

My daughters know about their brother. I tell them about him, that his name is Prince, that he lives in Spain, and that we’ll be with him soon. I used to have a picture of him that I showed the girls, but I gave it to an NGO that was helping me with some paperwork, and they lost it. That picture... I would always show it to the girls, and I even slept with it, until it got lost.

In my culture, a child’s name cannot be changed, the name his mother gives him at birth. His name will never change because it’s spiritual, because I’m his mother, his biological mother. I was the one who nursed him. He was my firstborn, the first one I nursed. In Nigerian culture, the firstborn son is the head of the household and a very important person. All his sisters and brothers follow him.

Women’s Link contacted the Dirección General de la Familia y el Menor (General Directorate of Family and Children) of Madrid, Spain, and consulted with attorneys specializing in children’s issues to determine what Mama Prince’s chances of getting back in contact with her son were. We needed to find out if there had been any irregularities in the process, and above all, why the mother’s situation of exploitation had not been taken into account. Why had the government failed to protect the family unit? Why was a mother fleeing from human trafficking to protect her son never identified as such and protected by the system?
When the Community of Madrid placed Prince up for adoption, they were unable to notify the mother, because she was no longer living at the address they had on file. The decision was published in the Boletín Oficial del Estado (Official State Gazette). But Mama Prince was fleeing the violence of the trafficking network. Without papers or an address, it was as if she did not exist. She had no way to fight to keep her son.

In Copenhagen, I took refuge in a church and asked them for help. They helped me with my asylum application, and I spent two months in a refugee center. I would always tell all the organizations here about my son. I told them that my son had been adopted in Spain without my permission, and that my *madame* lived there too.

The first time I got news of my son, I finally had a little peace of mind. They told me he was a responsible boy, and that he really liked soccer. I would really like to see a picture of him. I don’t know if he still looks like me. When he was little, they said he looked a lot like me. I don’t know what he looks like now. I pray for him all the time, for him to grow up to be a good man.

I always think about what it will be like the first time I see him again. I wonder if he’ll still be the same sweet boy I knew. I don’t know what he’s like anymore. All I know is that when I do see him, I’ll be the happiest mother in the world. I love all my kids, but he’ll always be my first child. He’ll always be special to me. We suffered a lot together. My girls have grown up on milk and cereal, but he never got to eat cereal. He crossed the ocean with me. He’ll always be the first. But he never got to enjoy being with his mom, the way my two daughters do. Now I can raise my daughters in peace, but everything was so hard for me back then. I am dying to see him.

The network sent Mama Prince to Denmark because it was more profitable for them to exploit her there. Before this happened, Prince was staying in a children’s home under the custody of the Community of Madrid. At first, she saw him often, regularly attending the weekly visitation she was granted.

In July 2004, the trafficking network sent her to Málaga. She told us she started working at a store selling African products. The visits became more sporadic. She called her son from time to time.
and went to see him whenever she could. Her son’s file indicates that there were “signs that the mother may be working in prostitution,” or “involved in a prostitution ring,” but no one suspected that she might be a trafficking victim.

After a while, Mama Prince made a written request for an appointment with the Instituto Madrileño del Menor y la Familia (Madrid Institute of Children and Families) to find out where her son was. She was supposedly provided with a copy of the paperwork regarding placement of her son (pre-adoption placement with a foster family) and informed of the steps to follow to take the case to court if she was not in agreement. There are no documents on record signed by the mother showing that she received this information.

Because Mama Prince had lost contact with her son, child protection services determined that the best option for him was to put him in pre-adoption placement with a foster family, which ended up adopting him.

Danish organizations and authorities report that most of the Nigerian women living in Denmark either do not have children, or if they do, the children live in other European countries where they have obtained residence permits. The result is that these families are invisible to or ignored by the Danish system. When Nigerian women enter Denmark, they very often do so after obtaining papers as residents of the countries through which they first entered the European Union: usually Spain and Italy, and in some cases Greece.

But the Nigerian women we met on the streets of Copenhagen explained that they do have children, but they are not with them, because Denmark is not a good place to bring children. They told us how they had left their children in their country of residence with their friends, people they trust, journey husbands, or “sisters,” and they go back to visit them when they can. Some of them told us about other women whose children were taken away by the government in Italy or Spain. Others told us they had left their children with Italian families. Whatever the reason for the separation, they all agreed that in Denmark, they could earn more money and pay off the debt sooner in order to get their freedom back and reunite with the children that the exploitation and lack of protection robbed them of.

However, as Mama Prince’s story shows, it does not always work out that way. In her case, her efforts to pay off the debt in order to get out of the hands of the traffickers took her far away from
her son, and she ended up losing track of him. This case, as well as those of other women we interviewed in Denmark, illustrates how the system abuses them and their children, and how the system of protection leaves them to fend for themselves with the trafficking networks and deprives them of the chance to raise their children by failing to offer them a viable way to keep them.

The social organizations we interviewed were surprised to hear about the cases of women whose custody of their children was taken away by the government. They explained that children cannot be separated from their mothers so easily in the Danish protection system, because children’s right to family life is defended there.

This statement is at odds with the realities of a system that is not structured to integrate non-Danish children. The Danish educational system emphasizes preservation of the Danish language and does not appear to value diversity.58 This is why the women we spoke with told us that Denmark is a good place to work and pay off the debt more quickly, which is why they move there, but the Danish protection system does not welcome children who do not have documentation to be in the country. The social organizations we interviewed noted that the women’s chief concern is their children’s education. They told us of cases in which Nigerian women left for Sweden to live with their children because they felt there were better opportunities for integration and education there. And because Sweden is a neighboring country, they are able to travel back to Denmark and remain in a situation of exploitation in order to continue paying down the debt.

The Nigerian trafficking victims we met were working in contexts of street prostitution, mostly in Copenhagen, where prostitution is regulated under the law and subject to taxation and work permit requirements. The residence permits issued by Schengen Area States that Nigerian trafficking victims use to enter Danish territory allows them to enter the country legally and remain there for up to 90 days as tourists. It does not authorize them to work, so they cannot legally engage in prostitution or register a business, and many women are detained by the police for working without a permit. When this occurs, they are often returned to the European country where they have a residence permit, where the trafficking network recaptures them and sends them somewhere else. Nevertheless, engaging in street prostitution in Denmark is still safer in comparison with other European countries, particularly France and Spain.

In the event that a woman is detained and identified as a trafficking victim and decides to cooperate with the authorities against the traffickers, she is not returned to her country of
residence immediately, because the authorities assume that the trafficking network is active there. The authorities do not seem to be concerned with the welfare of the women’s children, so they do not generally ask if the women have children who are under the control of the network during the process of identification or cooperation. Even if they did, women trafficking victims living in any European country are reluctant to talk about their children for fear that they will be taken away from them.

Furthermore, Danish law does not provide for the possibility of obtaining a residence permit by cooperating with the police. A woman who cooperates is allowed to remain in Denmark only as long as the court case is pending, then she must return to her country of origin or residence. This is because the two main European directives on trafficking in human beings\textsuperscript{59} that regulate issuance of residence permits for victims who cooperate in the prosecution of their traffickers are not applied in Denmark, and there are no forms of protection available that do not include a requirement to cooperate.

Furthermore, the authorities explain that being a crime victim does not entitle a person to remain in the country, and issuing a residence permit to victims who cooperate is not seen as a protection mechanism for persons who place themselves at risk by testifying and providing information on the networks, but something that may taint the prosecution and the right to a defense by encouraging false accusations.\textsuperscript{60} Despite the fact that the system provides no protection to cooperating witnesses, the police attribute the low number of successful investigations of human trafficking crimes to the fact that the women do not cooperate in the prosecution.\textsuperscript{61}

Organizations explain that deportations are difficult to enforce, because some embassies do not cooperate in the identification and documentation of their citizens, and Nigeria, in particular, does not have an embassy in Denmark. Therefore, Danish authorities often apply instead the Dublin Regulation\textsuperscript{62} and return victims to the country through which they first entered the European Union, without taking into account the consequences for victims whose traffickers are operating in these other European countries. As we have documented previously, the traffickers of many women and girls who are exploited in Denmark are based in Italy or Spain, but victims are still returned to these countries. According to the authorities, Danish police usually fly with the women or alert the authorities of the receiving country as to what flights they are returning on. It is not clear that they are alerted that the women have been identified as trafficking victims, but simply that they were caught working illegally in prostitution.
At the same time, Danish authorities claim that security and stability are improving in Nigeria, and Nigerian nationals can usually return home. The Danish Immigration Service (DIM) is the agency responsible for enforcing the Danish Aliens Act. Its duties include reviewing asylum applications, family reunification applications, visas, work permits, and housing for asylum-seekers. DIM has issued reports on Nigeria and, in particular, the work of the National Agency for the Prohibition of Traffic in Persons (NAPTIP).63 These reports are sometimes used to authorize deportations or removals to Nigeria of women identified as trafficking victims, and in some cases, to argue that the women do not have a real chance of integration in Nigerian society. However, other experts have been more critical of the true capacity of NAPTIP and other Nigerian institutions to protect these women.64

Denmark applies an immigration enforcement approach to protection for trafficking victims as well as for the rights of migrant children. The system directs victims to different protection mechanisms depending on whether or not they are undocumented. Girls who are identified as minors and victims are sent to asylum centers or Red Cross facilities, since there are no facilities specializing in services and assistance for minor trafficking victims. There are no accommodation facilities available specifically for mothers who are trafficking victims either, which further complicates the reintegration process. Organizations point out that the facilities victims are sent to do not have security measures in place, and their locations are publicly known. They further note that there is a need for training for refugee center staff on how best to assist these minor girls, and that there is a lack of awareness or understanding of Nigerian culture.

Some organizations point to a poor human rights approach, because Danish immigration policy is very strict. They are able to cite the cases of only two women trafficking victims who have received refugee status. Between 2007 and 2013, only 297 trafficking victims were identified, only seven of whom were minors. Groups working in areas of prostitution, particularly the Vesterbro area, consider these figures far too low in comparison with the reality they see on the streets. They also note the presence of more and more Nigerian women who display signs of exploitation, including minor girls.

Faced with a system that curtails their rights, women’s coping mechanisms include trying to get pregnant by men with Danish or any other European nationality that may afford them access to basic rights for themselves and their children, such as healthcare, education, or housing. For
Mama Prince, her only chance was to turn to social organizations, once she had paid the debt to the trafficking network, for assistance in recovering her son. These organizations then reach out to similar organizations in the countries where the women’s children are living. There are no mechanisms in place for reunification of these families in Denmark or anywhere else in the European Union.

Mama Prince’s story illustrates how deeply the lives of some women are affected by their experiences in Spain, as a country of entry into Europe, as well as Italy, and to a lesser extent, Greece, and by their undocumented status, since most border crossings occur without papers. Once in their first country of entry into Europe, the women are controlled by the networks and sent to different places to be exploited.

Moreover, women cite Spain and Italy as the countries where care and custody of their children is most frequently taken away by the government while the women are under the network’s power. In Spain, many separations of women trafficking victims and their children took place between their arrival on the Spanish coast and their entry into migrant reception centers, when their children were found to be neglected. Other cases, such as that of Mama Prince, are related to the tyranny of the debt and the instability the networks impose on the women by moving them from city to city and country to country, which interferes with their ability to care for their children.
3. Crossing Paths

The stories of these four Nigerian women, Mama Favour, Mama Bright, Mama Faith, and Mama Prince, recount their movements around Europe and illustrate common elements of their life experiences and those of their children during the exploitation process and as they move among different systems of assistance and protection.

The first point these stories have in common is the nearly complete lack of a human rights approach with a gender perspective in the fight against human trafficking. Instead, crime prevention and immigration enforcement are prioritized. This leads to revictimization of women and girls by States, which become responsible for new violations of human rights, particularly children’s rights and the right to private and family life. In the next section, we analyze these points in common among the four stories and four countries as regards the lack of adequate protection for the rights of women and their children.

3.1. BORDERS WITHIN BORDERS IN THE EUROPEAN UNION

Frequent movement within the European Union is a common factor in the lives of these Nigerian women and child trafficking victims. As they are moved around by the trafficking networks in an effort to maximize profits, government agencies and social organizations are faced with the challenge of protecting their rights in the different European countries they travel to in this continuum of exploitation.

The European Union has developed the Common European Asylum System and enacted laws on trafficking through two directives. However, the life stories we present in this report illustrate that women must deal with very different systems of identification and protection when they move from one European Union country to another. The lack of uniformity among systems is used by trafficking networks to decide where to move the women and what to do with their children—whether or not to allow them to travel with their mothers.

Out of the four countries we visited in this investigation, the 2004 and 2011 directives on trafficking are binding on Spain, France, and Germany, but not on Denmark. However, the
Council of Europe Convention on Action against Trafficking in Human Beings, which provides for a recovery and reflection period for persons showing signs of being victims of trafficking, applies in all four countries. In Spain, as noted above, the recovery and reflection period has been governed under the Aliens Act since 2009. In France, however, at the time of our field interviews, there were no domestic legal provisions for the recovery and reflection period. Legislation was being worked on to implement the 2011 directive.

German law does provide for this period, but in practice, it is granted on the condition that victims cooperate with the authorities against the trafficking network, according to German organizations working on issues of trafficking. This is contrary to the Directive, and as a result very few recovery and reflection periods are granted. The German Institute for Human Rights has noted multiple problems in practice relating to the period and denounced a lack of data on the number of periods granted.

In Denmark, a 120-day period may be granted, but the Group of Experts on Action against Trafficking in Human Beings (GRETA) does not describe it as a reflection period—since there is no possibility of obtaining a residence permit to remain in the country—but a “prepared return” period in which victims have to cooperate with their own deportation. Asylum, too, is essentially unavailable to victims, as of 2012, only four trafficking victims, out of the 300 officially identified by Danish authorities, have been granted this protection.

Finally, in Spain, a period of reflection of at least 90 days is provided under law, but due to its characteristics and the situation of the women when it is offered to them, very few victims take advantage of it. In 2013, out of 736 recovery and reflection periods offered, 603 were refused by the victims. In 2016, only 12 victims of trafficking for the purposes of sexual exploitation were granted refugee status.

The solution to these differences within the borders of the Schengen Area must include greater uniformity in the way States regulate systems of protection for trafficking victims, particularly as regards identification and the reflection period. It is also necessary to set in place systems to share information on the measures taken by protective services in each country, so victims may receive more consistent services, and women will not have a new, blank file every time they move to a different part of Europe.
Europe: Applicable Legal Framework

- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (applies in Spain, France, and Germany, but not in Denmark).


- Council of Europe Convention on Action against Trafficking in Human Beings (Treaty No. 197), Warsaw, May 16, 2005 (applies in all four countries).

- Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (applies in Spain, France, and Germany, but not in Denmark).


- Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (applies in Spain, France, and Germany, but not in Denmark).
3.2. DEFICIENCIES IN THE SYSTEM FOR THE IDENTIFICATION AND PROTECTION OF MINOR TRAFFICKING VICTIMS

The lack of communication among systems of protection for trafficking victims and child protection services is a common factor in all four countries. Furthermore, the identification of sexually exploited minor girls is a problem affecting all territories, and organizations agree that the procedures for determining age are inadequate for protecting girls quickly and effectively.

Over the course of this investigation, we became aware that the ages of victims have dropped considerably in the last few years, and there are more girls between the ages of 10 and 14 years in situations of sexual exploitation in Europe. The networks are capturing girls younger and younger, and they have increased the debt as well. Girls must now pay around 60,000 euros over the course of their exploitation. This reality is in stark contrast to another common factor: the lack of facilities specializing in working with minor trafficking victims in all four countries.

Firstly, when it comes to the identification of these girls, the organizations we interviewed in all four countries agreed that the tests for determining age in cases where a victim may be a minor are not reliable, a view the medical and legal communities share. Both the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the United Nations High Commissioner for Human Rights have repeatedly expressed their concern for the consequences of these kinds of tests on young people, citing their poor accuracy as well as the fact that they fail to take into account racial, ethnic, nutritional, environmental, psychological, and cultural factors, all of which exert a direct influence on the development and growth of children.

In all four countries, we found cases of minor trafficking victims who were considered to be over 18 by the authorities for varying reasons. In France, some girls simply carried documents showing them as adults. Others, including girls we met in Spain and Denmark, clearly looked like minors, but since they claimed to be adults, protection mechanisms and age-determination procedures were never set into motion. These measures are taken only when the person claims to be a minor, in order to verify the claim. In short, these girls come into contact with state authorities who fail to uphold their responsibility to identify and protect them as minors.

Trafficking networks take advantage of the weaknesses of the age-determination procedures and tell the girls to claim to be adults. In fact, another common thread was that the girls themselves
had been convinced by their traffickers that it was better to be considered adults, because that way they had a better chance of remaining in Europe and sending money back to their families in Nigeria. Furthermore, girls who did state their true age to government officials told us they had been subjected to age-determination procedures that made them feel violated and judged, because the authorities acted on the assumption that they were lying. They told us how the authorities asked them if they were trying to be found to be minors in order to get access to the benefits of the system of protection.

This situation is exacerbated by the decentralization of child protection services in the countries we investigated. Organizations in all the countries indicated that in different European countries, there are different criteria for the security or timelines of administrative procedures, including identification, documentation, assistance, or travel to a new city for security purposes. In Spain, France, and Germany, social organizations pointed out that even budgetary differences from one region to another create differences in terms of the benefits and assistance available to minor trafficking victims.

Secondly, when they do receive protection, girls are at risk of getting lost in the protection systems, as has been the case of several girls whose cases we documented in Spain and Denmark. According to social organizations, this risk is directly linked to the absence in all four countries of facilities specializing in assistance for minor trafficking victims equipped to provide protection with a children’s rights approach. The children’s shelters are open facilities that are not equipped to provide accompaniment and assistance for trafficking victims and their particular needs, resulting from their exploitation experience and the threats of the trafficking networks, which manipulate the emotional bond they establish with the girls. By the same token, reception centers for trafficked adult women often lack the resources necessary to provide specialized assistance for children. What sort of specialized facilities are most appropriate for minor trafficking victims is an open debate in Spain and something that has not yet even been discussed in the other countries.

Finding a solution to this problem requires acknowledging that minor trafficking victims have, first and foremost, the right to be recognized as minors, which in turn entitles them to exercise children’s rights. Therefore, the first and most basic measure States must adopt is to ensure the existence of identification procedures that comply with international standards for protection of minors and that respect the rights to be presumed to be a minor, to integrity, and to non-discrimination.
3.3. STEREOTYPES, DISCRIMINATION, AND THE IMPOSITION OF A WESTERN MODEL OF MOTHERHOOD AND FAMILY

Another common characteristic of the four countries studied is that women trafficking victims are highly stigmatized as a result of existing prejudices in European societies based on factors including their status as migrants, ethnic origin, or involvement in prostitution. As a result, the agencies the women interact with operate on the basis of stereotyped ideas related to their roles as mothers and their ability to care for their children.

In all four countries, organizations working with women in the process of integration told us that agencies consider Nigerian women “bad mothers” because they raise their children in a different way from the European model, which is seen as the only model for motherhood and family. They explained that Nigerian mothers are seen in one of three ways: distant mothers, authoritarian mothers, or simply not being up to the task of raising children.

One of the specific stigmas they face is the notion that they become pregnant as a strategy to be able to remain in Europe. In Spain, for example, the authorities refer to the children of women who cross the southern Spanish border by boat, usually Nigerian trafficking victims, as “anchor babies.” The use of this term, adopted from American English, does not fit the Spanish context or the context of many other European countries, as it does not reflect the ways one can obtain citizenship. A child born to a Nigerian mother in one of these countries’ national territory does not receive the nationality of that country. The term “anchor baby” suggests that these children may make it possible for their mothers to remain in the country, but since citizenship by birth does not exist in Europe, this term serves only to stoke prejudices and promote the idea that the women see their children as tools to obtain immigration status.

Furthermore, social organizations have observed that many custody decisions are made on the basis of stereotyped views regarding these mothers’ ability to take care of their children and the suitability of their lifestyles for a mother, as if they represented a risk to their children’s safety and the fact that they are being sexually exploited by a criminal network were their fault. Notwithstanding these stigmas, organizations describe Nigerian mothers who are trafficking victims as protective of their children. They leave their homes to undertake a migration journey to create a better life for the families they leave behind, which sometimes include their own children, but also to create a better future for those who may come after.
At the same time, the Nigerian mothers we interviewed during our field work told us that they felt that protection and social services agencies expect them to conform to certain standards that bear little relation to their concept of childrearing. They feel that their Nigerian childrearing customs are not valued, so they have to adapt to European models. To make matters worse, they are not even sure what these models consist of. For them, raising sons and daughters is a group activity that is shared among the community and members of the family, meaning the extended family, not the nuclear family of the European model. Other women do wish to adapt to what they perceive as European childrearing methods, or at least approximate what government agencies and some organizations expect of them.

As a result of this process of stigmatization, organizations have detected that schools and hospitals are much quicker to raise a red flag when they suspect that the children of Nigerian women need protection, in comparison to similar situations affecting the children of women from other countries, particularly European countries.

Child protection services often determine that a woman trafficking victim who is being exploited and is undocumented displays a set of risk factors for her children’s safety, which sometimes leads to disproportionate interference in her family life. Organizations have observed how government agencies take these factors as a sign of uncooperativeness, mistrust, or a desire to hide certain aspects of their lives, such as their source of income, all of which has a negative impact on agencies’ assessment of the women as mothers. They also describe how when an organization gets involved, red flags are not raised as quickly, because they can help the government agencies to understand the reality of these Nigerian mothers who are trafficking victims.

Decisions such as an at-risk or neglect determination must be made in a way that ensures proportionality in the measures taken and respects the right to non-discrimination. These measures may violate the rights of children to live with their mothers under the Convention on the Rights of the Child, as well as the mothers’ right to private and family life.

A human rights approach with gender perspective would require impressing upon the authorities that the fact of being a trafficking victim does not necessarily make a woman unfit to be a good mother. This means protecting the family unit and not revictimizing the woman.
3.4. WOMEN’S COPING MECHANISMS

Over the course of our investigation of the four European countries included in this report through our work with social organizations and interviews with mothers we were able to identify a range of coping strategies that Nigerian women use to try to protect their children, despite the situations of exploitation and violence—including institutional violence—they face.

The first strategy is to seek ways to get out of the trafficking network and obtain immigration papers. This strategy may take different forms. One way women may attempt to escape victimhood, gain power, and get their children back is to become exploiters themselves and capture other women for the network. This perverse situation ensures the survival of the networks and leads to feminization of this criminal activity, as well as hindering law enforcement efforts. However, it occurs within a context. In all four countries, organizations describe how the difficulties in social integration that women who escape the networks face push them into becoming madames.

Nigerian women also see asylum as a viable means of obtaining protection, since it does not require cooperating against traffickers and it ensures that they will not be returned to the country where they were captured. As the European country whose asylum system offers the highest level of protection and the greatest social benefits to mothers and girls, Germany attracts many trafficking victims.

Some women rent documents from other women who have residence permits, while others look for a man with European citizenship or who has had a residence permit for over eight years and who will recognize their child or children. Finding such a father allows children to become documented, and in Spain, it may allow the mother to regulate her migration status after a certain period of residence, which may in turn allow her to reunite with her other children who stayed behind in Nigeria or a country of transit. In France and Germany, women try to get a man with European citizenship to recognize their children residing in Europe, which allows them access to certain rights.

Government agencies view these strategies with skepticism because money often changes hands. Social organizations, however, emphasize that agencies should understand that these are legitimate means for obtaining access to rights, not abuses of the system.
When asked how they deal with childcare, the mothers explained that they try to stay with their children whenever they can. Their children are under the control of the network while the mothers move from one territory to another during the process of sexual exploitation and attempt to cover the costs of childcare. They may try to renegotiate with their madames so they can live with their children again, although this may also mean an increase in the debt.

In our accompaniment work with trafficked women, we have seen that many of them form single-mother households, and their children live in Europe under varying circumstances.

These mothers seek out alternative childcare models that are different than the resources that European mothers typically use, since they cannot access these resources due to their immigration status and situation of exploitation. In some cases, their children live with them, and they make arrangements with other women to provide childcare and upbringing in a variety of cooperative motherhood models. In others, someone from the trafficking network—usually a madame—takes care of the children for a fee and uses this situation as another element of coercion against the mothers. In still other cases, children are in the custody of child protection services as a result of a finding of neglect. It is only in a few cases that women stay in reception and recovery facilities with their children. For purposes of this report, we will break down the forms of direct childcare into three categories:

- Leaving children in the care of other women, usually close friends.
- Using family day care or babysitters.
- Leaving children in the care of the traffickers, usually the madame.

Family day care is perceived differently by different actors, depending on their experiences. Some social organizations explain that this model sometimes lacks the guarantees necessary for childcare. On the other hand, the organizations and the mothers themselves point out that it is often a good alternative to leaving them under the control of the traffickers or accessing the inadequate children’s services provided by the State.
Many of the survival strategies used by women, such as seeking asylum, government benefits, or documentation by getting their children recognized by men who have citizenship in a European country, are designed to achieve a stronger position in relation to the trafficking network and ensure protection for their children. The more the protection systems work to uphold rights, and the stronger the social services system is, the better chance trafficked mothers have of keeping their children with them. This is why Nigerian women try to become pregnant again or find fathers for their children in contexts where social welfare systems are strong in order to achieve a status that will allow them to protect their families in the most effective manner.

3.5. LACK OF A HUMAN RIGHTS APPROACH

Organizations working with trafficking victims identify a lack of a human rights approach that governs government agencies’ actions related to human trafficking as another factor common to all four countries. In their public discourse, governments have begun to speak of prioritizing the protection of victims’ human right, but this has yet to translate into effective practices by government agencies in the real world.

Women suffer the consequences of agencies’ inability to see them as mothers and heads of household, and girls are faced with a lack of identification mechanisms that can ensure their rights. The criminal law enforcement and immigration control approach to trafficking leads to violations of rights directly related to the victims’ gender and status as minors. These rights include children’s rights, the right to safe motherhood, and the right to private and family life free of discrimination.

Sexual exploitation robs girls of their right to be children. It is a violation of this right for trafficking networks to make them claim to be adults in order to meet the demand for sex work. But it is also a violation for government agencies to tacitly agree with this claim and fail to perform age-verification procedures that are respectful of their situation. And it is a violation to separate the children of Nigerian trafficking victims from their mothers or deny their rights because of their immigration status.
In a broad sense, the right to safe motherhood includes the right of every woman to determine the conditions under which she wishes to be a mother, and the obligation of States to create adequate conditions for the effective pursuit of motherhood.

As pregnancy is something only women experience, it falls into the category of sex or gender and entitles the pregnant women to protection against discrimination. International norms do not require States to ensure strictly equal treatment for persons, but to ensure that they are not discriminated against.\textsuperscript{82} The term “discrimination” is used to refer to prohibited differential treatment that has the purpose or effect of nullifying or impairing the recognition or exercise of rights.

One of the harmful stigmas Nigerian women face is the notion that they become pregnant as a strategy to be able to remain in Europe. However, ample documentation exists on women

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Rights of the Child

- The Convention on the Rights of the Child is a universally accepted set of standards and obligations that recognize children’s central role in the construction of just, respectful, and peaceful societies. The Convention establishes the basic, unalienable human rights that children everywhere are entitled to, including the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural, and social life. It protects these rights by establishing standards for healthcare, education, and legal, civil, and social services. These standards serve as benchmarks that allow for the assessment of advances made in these areas, and States that ratify the Convention have an obligation to consider the best interests of the child in any measures they take and policies they enact.

- The Convention includes several core principles that underlie all the rights of the child: non-discrimination; the best interests of the child; the right to survival and development; and respect for the views of the child.
trafficking victims’ lack of reproductive autonomy, as it is the trafficking networks that decide when they will become pregnant, whether they can or cannot abort, and in some cases, what relationship they will have with their children.

**Right to Safe Motherhood**

- At the International Conference on Population and Development, reproductive rights were recognized as fundamental human rights. These rights are rooted in the rights to life, to enjoyment of the highest attainable standard of health, to decide the number and spacing of children, to privacy, to information, and to equality and non-discrimination.

- The right to safe motherhood is included within the category of reproductive rights. Safe motherhood may be broken down into two broad areas: the right of every woman to enjoy motherhood as a free choice, and the right to access to the healthcare services necessary for healthy pregnancy, childbirth, and postpartum period and the social services necessary for childcare. This right must be enjoyed without discrimination and in conditions of equality, meaning that motherhood must not create disproportionate burdens on women because of their gender, race, ethnicity, immigration status, or any other condition. Therefore, for example, States must take all necessary measures to ensure that pregnancy and motherhood are not stigmatized or used as a basis to deny access to rights.

- In the European human rights system, the right to safe motherhood is included within the right to private and family life under Article 8 of the European Convention on Human Rights.

The right to private and family life applies to persons’ private sphere and interpersonal relationships, and the family or family unit is entitled to the highest level of protection. This means that children have a right to live with their mothers, and women also have right and a duty to provide care for their children and must be allowed to exercise this right.
Women’s right to private and family life is violated in contexts of exploitation, first by the trafficking networks, which take children away from their mothers to exploit the mothers. But government agencies bear some responsibility as well, as they have an obligation to promote protection of the family unit and defend mothers’ right to be with their children and lead a family life, which in turn requires them to understand the phenomenon of human trafficking and how it affects women and their families.

**Right to Private and Family Life without Discrimination**

- The right to private and family life is protected under Article 8 of the European Convention on Human Rights and as a fundamental right under Article 18 of the Spanish Constitution. It is associated with a set of inalienable rights of all persons to privacy and identity. The right to family life establishes protections for a set of personal relationships rooted in the person’s family structure.

- Unlike certain other rights, the right to family life is not absolute, meaning that the State may intervene. However, this state interference (or interference by non-state actors) must fulfill certain conditions in order to be considered legitimate and in accordance with this right. The European Court of Human Rights has established that any interference must meet with the following criteria:
  1. It is provided under the law.
  2. It has a legitimate aim.
  3. It is proportional to that aim.
  4. It is necessary in a democratic society in the interests of national security or public safety, the country’s economic wellbeing, public order and crime prevention, the protection of public health or morals, or the protection of the rights and freedoms of others.
These women’s family circumstances and role as heads of household have been ignored to a large extent and only taken into account sporadically by the authorities of the countries included in this investigation. However, the modus operandi of Nigerian trafficking networks, which exploit women’s bodies and reproductive capacity for profit, leads to pregnancies and abortions, as soon as the women reach Europe. This may explain the greater frequency of government actions related to these children, usually consisting of separating them from their mothers, in Spain and Italy, countries of first entry into the European Union. Fewer separations take place in France, Germany, and Denmark, but in those countries women often must accept government involvement in their private and family lives in the form of mandatory trainings on how they should take care of their children.

In the four European countries we studied, the care and protection of children is considered fundamentally a responsibility of the family, specifically the parents. The family is considered the default social group for children, and it is only in exceptional circumstances that the State, through its different agencies, takes on an active role in family relations, usually when it becomes aware of a situation of risk or vulnerability affecting the children that calls for special protection.

European legal frameworks, in accordance with international standards for protection of children, provide that state intervention in cases of neglect in the care and protection of children by their families should have two objectives, depending on the seriousness of the risk situation for the child:

- **Prevention**, in order to mitigate risk factors through the adoption of protective measures for the minor and the family and support the family unit as a whole. These measures may include economic, material, technical, educational, or other supports to improve the family’s capacity to protect and care for the child.

- **Corrective measures** to address situations that place the child at risk, such as separating the child from a harmful family environment, usually temporarily, while an assessment is made of the family’s ability to work toward improving its abilities to care for the child. When separation takes place, it must be done in a manner calculated to preserve the family tie through a visitation schedule that takes into account the child’s wellbeing and right to private and family life, as well as that of the parents.

According to UNICEF guidelines, the children of trafficking victims are entitled to the same level of security, reparation, and restoration of their rights as their mothers. If the victims constitute
a family, the appropriate institution should provide the family protection, and efforts should be made to ensure that the family is not separated, except in cases where such separation is necessary to ensure the best interests of the child. In such cases, appropriate measures should be taken to promote the family tie and restore the right to family life. However, these criteria are seldom met in cases of human trafficking. The cases analyzed in this study show that when decisions are made to separate children from their mothers on the basis of the best interests of the child, protective procedures fail to take into account the trafficking situation affecting the mother and her child.

The practices of government agencies we observed in the four countries vary widely, depending on the social services agencies of each State’s capacity to protect and monitor the family unit. In countries of first entry into Europe, women trafficking victims’ children are frequently taken away from them. Other situations arise when the mothers are exploited over an extended period of time and are unable to regulate their immigration status in any of the European countries they enter, a situation that becomes exacerbated when they begin to accumulate deportation orders, criminal convictions, or fines for administrative offenses. During the interviews carried out for this study, social organizations and women trafficking victims told us of situations in which victims cooperated with the authorities in the prosecution of traffickers but were still unable to obtain legal status or enter the labor market, and this social marginalization resulted in their losing their children.

The best way to address the challenge of protecting these women and children’s right to private and family life remains an open debate between social organizations and government agencies that revolves around the question of how to assess the best interests of the child in cases of children under the care of mothers who are trafficking victims or in the case of child trafficking victims.

The best interests of the child is a key principle of the Convention on the Rights of the Child, defined as full implementation of their rights. This principle applies to the rights provided under the Convention, which include the right to family life and the right to preserve the elements that make up the child’s identity. Therefore, an assessment of the best interests of the child in contexts of human trafficking is possible only if approaches are taken that are calculated to protect the parent-child bond, just as with any other single-parent household. This means that measures must prioritize protection of the family unit, and family separations should be the exception, not the rule.
4. Conclusions

Throughout this study, we have watched the movements of women, first as they undertake their migration journey, crossing deserts and borders, then during the process of exploitation within the Schengen Area, that space without apparent borders, yet whose countries fail to coordinate with each other on protective measures.

These women’s stories have allowed us a glimpse of the failures of the Common European Asylum System, the lack of a human rights approach in European Union Member States’ fight against human trafficking, the lack of dialogue among protection systems for trafficking victims and child protection services, and the way these shortcomings lead to the application of measures that violate the rights to private and family life and non-discrimination.

This report reveals major deficiencies in all four European countries studied regarding protection of the rights of Nigerian women and child trafficking victims. This is directly linked to the prioritization by authorities in the four countries of criminal law enforcement and immigration control over human rights, women’s rights, and children’s rights.

The organizations we worked with observe that funding for the implementation of legal and protective measures is scarce. They also point to a low level of investment in training for government officials on issues related to trafficking in human beings. This shortcoming is particularly apparent in the lack of cross-training; that is, staff of government agencies not directly involved in the system of protection for victims are not trained on trafficking issues. One clear example of this is child protection services and the risk assessments they perform for the children of women who are under the control of the trafficking networks (as shown in the stories of Mama Favour and Mama Prince).

The failure of these agencies’ staff to view human trafficking as a form of violence and a violation of rights often leads to situations in which agency actions meant to protect the women’s children instead violate their rights anew. This happens when the mothers’ status as trafficking victims is not taken into account when deciding to take their children away, or when this status is seen as a risk factor for children, rather than seeking to protect the family unit. These cases pose a challenge
both to the child protection system and the system for protection of trafficking victims. The two systems should coordinate and communicate with each other in order to ensure that the protective measures taken for these children do not end up violating their mothers’ rights.

In order to mitigate these situations, social organizations suggest placing greater emphasis on human rights and protection for victims.

In our view, a human rights approach to human trafficking means considering all existing options for protection of victims, depending on the circumstances of each person, and keeping in mind that these options are not mutually exclusive. They may include access to the system of protection for trafficking victims; the recovery and reflection period; asylum; protection for victims who cooperate with law enforcement; protection for the rights of the child; access to a humanitarian residence permit; and/or access to safe, voluntary return to the country of origin, if desired.

A human rights approach to the fight against trafficking would also require providing comprehensive systems for protection so that victims do not have to compartmentalize their experiences in order to access the services of government agencies. For instance, in the absence of a human rights approach, if a victim is a woman, a minor, a citizen of an EU country, an undocumented foreign national, an asylum-seeker, or a parent, she must go to a different agency for each different circumstance.

The women and organizations we worked with during this investigation were clear that greater access to protection and rights lends women greater power in their dealings with trafficking networks and offers them tools to provide better care for their children.

They further note the importance of international collaboration among EU countries, which should establish coordination mechanisms that go beyond immigration enforcement to ensure that mothers and children who are trafficking victims may access real protection and integrate into European society.

Nigerian women trafficking victims are in constant movement around Europe. But in each country they enter, they must start from square one in their interactions with government agencies, because the protection systems do not communicate with each other. This lack of coordination
is particularly evident when the women are mothers who must interact with the social services of different countries, or when they decide to cooperate with the authorities against the trafficking networks while being exploited in a third country. In the context of the European Union, human trafficking must not be addressed from purely national perspectives, ignoring the fact that women are moving around the continent, and during this constant movement, they continue to be victims of the ongoing crime of trafficking, which crosses national borders with them.
Notes

2 See Glossary. Pages 8–9.

3 In these four countries, Women’s Link consulted with 31 organizations that accompany women trafficking victims during the recovery process or do advocacy work on any trafficking-related issue.

4 Fundación Cruz Blanca is a religious institution founded by the Franciscan Brothers of the White Cross that supports the full development of vulnerable persons through comprehensive assistance in order to build a more just society. For more information: http://www.fundacioncruzblanca.org.

5 Fundación Arip-Acam is a private organization that provides residential and day assistance to differently-abled populations and offers aid, orientation, and training to marginalized groups. For more information: http://www.fundacionapipacam.org.

6 Asociación Genera is a non-profit organization working on issues related to prostitution and trafficking in human beings with a feminist perspective and a human rights approach. For more information: http://www.genera.org.es/.

7 The Agencia para el Abordaje Integral del Trabajo Sexual is an office of the Barcelona City Council that offers comprehensive assistance to women working in prostitution and trafficking victims.

8 Fundació Àmbit i Prevenció is an organization dedicated to working for the autonomy, health, and quality of life of the populations it serves. They work with persons at risk of marginalization, including HIV-positive persons, addicts, people in situations of prostitution, and migrants. For more information: http://fambit-prevencio.org/.

9 The Red Española contra la Trata de Personas is a coalition of domestic and international organizations working in the fight against trafficking in human beings in Spain. For more information: http://redcontralatrata.org/.

10 Association Accueil, Loisir, Culture is an organization that has worked with marginalized and disadvantaged populations for over 50 years. For more information: www.association-alc.net.

11 AC.SÉ Dispositif National is a network of organizations working in aid and protection for trafficking victims. For more information: www.acse-alc.org/fr/.

Hors de la Rue works with homeless children and unaccompanied foreign minors. For more information: www.horslarue.org/.

Le Foyer AFJ is a home run by Fundación de Solidaridad Amaranta (a project of the Adoratrices religious order). It is the only facility offering comprehensive assistance for trafficking victims in France. For more information: www.foyer-afj.fr.

Dortmunder Mitternachtsmission e.V. is an organization offering support to women and minors working in prostitution and trafficking victims. For more information: http://d1a.de/mitternachtsmission/.

BAMF: Federal Office for Migration and Refugees. For more information: http://www.bamf.de/EN/Startseite/-startseite-node.html.

European Homecare is an organization that has offered shelter and assistance to refugees and asylum-seekers in Germany for over twenty years. For more information: https://www.eu-homecare.com/en/.

Diakonie Dortmund provides counseling services to migrants, including specialized services for refugees and asylum-seekers. For more information: https://www.diakonie.de/english/.

SOLWODI is an organization that provides support to at-risk women. It serves as a point of contact for migrant women who enter Germany through sex tourism, trafficking in human beings, or forced marriages. For more information: www.solwodi.de/791.0.html?id=791&L=1.

Center mod Menneskehandel is the government agency charged with implementing Denmark’s Action Plan to Combat Trafficking in Human Beings and providing protection to trafficking victims. For more information: www.centermodmenneskehandel.dk/in-english.

Hope Now is an organization offering assistance and support services to trafficking victims in Denmark. For more information: http://hopenow.dk/en/.

Nest International is a counseling and support center for foreign women. It offers general healthcare, gynecological care, social aid, and legal services. At night, it becomes the Night Cafe. Open Thursdays, Fridays, and Saturdays from midnight to 5 a.m., it serves hot food and beverages to women working in prostitution in the Vesterbro area, as well as condoms, lube, and a warm place to chat and relax. For more information: https://redeninternational.dk/node/168.


See Glossary. Pages 8–9.
Mothers in Human Trafficking Networks: Robbed of Their Rights

25 Ibid.

26 Ibid.

27 Ibid.


29 Unidad de Menores de la Fiscalía de Extranjería. Dictamen 5/2014 sobre protección de menores extranjeros que acceden irregularmente al territorio en compañía de personas sin vínculo acreditado de parentesco y/o en riesgo de victimización [online]. Page 25. Available at: www.fiscal.es/fiscal/PA_WebApp_SGNTJ_NFIS/descarga/DICTAMEN%205-2014%20sobre%20protecci%C3%B3n%20menores%20extranjeros%20en%20riesgo%20de%20victimizaci%C3%B3n?idFile=2b76c647-1b22-4361-ad05-33171de9683a.

30 See Glossary. Pages 8–9.


32 Ibid.

33 Ibid.


36 MARTÍNEZ REGUERA, Enrique. Por si llegas a leernos, querido Walter. 2016. This book tells the story of Walter, separated from his parents at the age of nine on suspicion of abuse after they took him to the hospital several times in one year. It was finally determined that there was no abuse and the mother and father were cleared of wrongdoing.


See Glossary. Pages 8–9.

These are periodical reports prepared by child protection services staff or organizations that run temporary reception facilities for migrants to inform the authorities on the development of the parent-child bond and the mothers’ compliance with the conditions placed on them.

See Glossary. Pages 8–9.

Spanish cities with ordinances prohibiting offering or soliciting sexual services on the street include Barcelona, Oviedo, Palma de Mallorca, Granada, and Valencia.


See Glossary. Pages 8–9.


Lieux de vie et d’accueil are small-scale social or socio-medical facilities that offer shelter and personalized assistance to a small number of children, teenagers, and adults with family, social, or psychological difficulties. They are part of the network of socio-medical and family shelter facilities and offer an alternative for persons who need highly personalized professional services.

Departments are administrative divisions of France.

KOK. Human Trafficking in Germany: An Overview from a Practical Standpoint. 2015.


Interview with Rainer Philippsen, representative of the Ministry of Health, Equalities, Care and Ageing. For more information: www.mgepa.nrw.de/uebersetzungen/englisch/index.php.

Prostitution is regulated in the labor market in Germany, but only those persons who have a work permit may access benefits and the stability offered by the system. Otherwise, they may face sanctions by government agencies.


The Tuaregs, or Imuhaghs, are a traditionally nomadic Berber people of the Sahara Desert. The majority of their population lives in five African countries: Algeria, Libya, Niger, Mali, and Burkina Faso.

See Glossary. Pages 8–9.

Ibid.

Undocumented minors in Denmark do not have access to certain basic rights, such as education and healthcare, through the regular system. They must obtain these services through social and humanitarian organizations. Migrant children whose families do not have residence permits do not attend regular Danish schools alongside their Danish peers; they go to educational facilities set up by the Red Cross. The authorities explain that the reason for this separation is that migrant children are not fluent in Danish, which would interfere with the learning process of Danish children. They do not have access to the healthcare system either. This leads to a lower standard of protection for migrant children in Denmark.


The Group of Experts on Action against Trafficking in Human Beings (GRETA), a monitoring body for the Council of Europe Convention on Action against Trafficking in Human Beings, has evaluated Denmark’s implementation of the Convention twice, once in 2012 and once in 2016, and issued reports and recommendations for improvements in identification processes to ensure that all victims, particularly minor victims, are provided with an adequate recovery and reflection period as provided under the Convention. Council of Europe. Recommendation CP(2016)4 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Denmark [online]. Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/-/DisplayDCTMContent?documentId=0900001680654cb9.

Interview with members of the trafficking unit of the Danish police in Copenhagen.

The Dublin Regulation is an agreement among European Union Member States that establishes that the Member State responsible for examining an asylum application is usually the country through which the asylum-seeker first entered the European Union. The “Dublin System” is based on the assumption that laws and asylum procedures in European Union Member States are based on common standards, which will allow asylum-seekers to enjoy similar levels of protection in all countries.

NAPTIP is the Nigerian government agency charged with improving the country’s human trafficking prevention efforts and reception of Nigerian women who are deported from European countries or return from Europe as identified trafficking victims under the voluntary return programs of the International Organization for Migration.


Spain. Civil Code [online]. *Boletín Oficial del Estado*, July 25, 1889. Article 172. Available at: http://www.boe.es/buscar/pdf/1889/BOE-A-1889-4763-consolidado.pdf. The Article reads in part that “A situation of neglect shall be deemed to exist de facto as a result of the breach or the impossible or inadequate exercise of protection duties as set forth by the laws for the custody of minors, when they are deprived of the necessary moral or material assistance.”


See Glossary. Pages 8–9.

KOK and related counseling centers have been demanding for years now that the reflection period be granted to all women where there is a possibility of their having been victims of trafficking, irrespective of their willingness to cooperate with police authorities. For more information: www.kok-gegen-menschenhandel.de/en/human-trafficking/legal-framework-in-germany/reflection-period/.


Ibid.


In Spain, the government agencies charged with child protection are broken down by autonomous community; in Germany, by federal state; in France, by department; and in Denmark, by city.


VV.AA. *They are children, they are victims. Situation of children who are victims of trafficking in Spain* [online]. 2017, Notebooks for Debate No. 5. Page 32. Available at: https://www.comillas.edu/images/ninos-victimas_EN.pdf.


95 CILLERO BRUÑO, Miguel. *El interés superior del niño en el marco de la Convención Internacional sobre los Derechos del Niño* [online]. Available at: www.iin.oea.org/cursos_a_distancia/el_interes_superior.pdf.
