### The following is the input from the Advocacy for Alleged Witches(AfAW) in Nigeria and Malawi. AfAW works and campaigns to end witch persecution in Africa

### Structure of inputs and key questions

1. **Measures to ensure the elimination of harmful practices amounting to human rights violations related to accusations of witchcraft and ritual attacks**
   1. What measures have been put in place, including legal and policy ones, to ensure the elimination of harmful practices amounting to human rights violations related to accusations of witchcraft and ritual attacks, as well as stigmatization?

**ANSWER: Presently, we have laws against owning human tissue which has helped in protecting people born with albinism as their body parts are used for rituals in Malawi. Further, the Witchcraft Law also says that witchcraft does not exist and punishes anyone who accuses another of witchcraft or who calls a traditional doctor to cleanse witchcraft. However, this law is now being changed to say witchcraft exists and will be tried in a court of law. This is a policy setback on our part. It means we will have to mount another fight again to have this changed.**

**In Nigeria, the criminal and penal codes criminalizes witchcraft accusations, self or other identification as a witch. The child rights law in Akwa Ibom state includes provisions that prohibits child witch stigmatization. However these provisions are seldom invoked or enforced. There have cases where state courts ruled and indicted** [**the accused**](https://www.vanguardngr.com/2021/01/strange-as-court-orders-adamawa-witches-to-heal-three-year-old-girl/) **not the accusers.**

* 1. What measures have been undertaken to ensure that no one is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on the account of accusations of witchcraft and ritual attacks?

**ANSWER**: **Our laws in Malawi provide for this protection that it protects those accused and victimized of witchcraft or even religion. However, the law is against the wide belief that witchcraft exists and it leaves the Police divided as to how to act. For example,** **when someone has been accused and beaten, the Police end up keeping the individual at the Police to protect them from the community, which is almost the same as having that person in detention. Therefore, as much as the policies and laws are favorable to the idea that witchcraft does not exist, their practicality is different. However, we must also recognize the role of the Police in their community action where they negotiate with community and family members to have the accused back into the community. But from experience, they still face discrimination when they have been brought back.**

**As in Malawi, the laws in Nigeria protect the accused and victims of witch persecutions and ritual attacks use them. But the challenge is in law enforcement and interpretation of the law by court officials. When victims try to use the existing laws, such efforts suffer delays and sometimes police and court officers compromise investigations and court processes after receiving bribes from the accusers or the victimizers. Police and court officers compromise when the accused refuse to offer bribes. Police give excuses for refusing to arrest suspects or diligently investigate cases while courts adjourn the cases until the victims abandon the cases.**

* 1. What measures have been put in place to ensure equal access to justice, including effective remedy, as well as psychosocial support, rehabilitation and reintegration of survivors?

**ANSWER**: **There are no other clear measures apart from the policies and laws on remedy, psychosocial support, and rehabilitation. However, we have seen good examples of reintegration of the accused. The challenge is that even the policy and lawmakers strongly believe that witchcraft exists and as such, they only pay lip service to the issues. There was the need to eliminate the belief altogether but there cannot be this commitment since they too feel it is there.**

**This is a challenge in Nigeria because vicitms are usually persons in weak socio cultural positions. In practice there are no effective measures to ensure equal access to justice. Poor and elderly persons with limited financial means are unable to report cases to the police and institute court actions. They cannot lobby or pressure politicians and access support and remedies.**

1. **Accountability**
   1. What measures have been put in place to bring to justice all perpetrators of human rights violations related to accusations of witchcraft and ritual attacks in compliance with applicable international law?

**ANSWER: There are laws and policies against accusing others of witchcraft and also rituals which is in compliance with the international law of human rights.**

**No measures because existing local mechanisms in Nigeria are ineffective**

* 1. Are there comprehensive accountability frameworks that go beyond criminal justice and courts?

**ANSWER: No, everything starts and ends with criminal justice and the courts. That is one of the limitations that most actors hide behind the limit of the law for their inactions towards the issue.**

**There are alternative dispute resolution mechanisms (with chiefs and humani rights institutions) and out of court settlements but due to the fact that abuses linked to witchcraft accusations and ritual attacks are usually perpetrated by those in stronger socioeconomic positions against those in weaker positions, these mechanisms are seldom explored and used. Perpetrators do whaterver they can to wnsure that justice is delayed and** [**eventally denied**](https://www.modernghana.com/news/1177972/ritual-murder-of-university-student-in-delta-state.html)

* 1. What measures have been put in place to ensure the full, effective and meaningful participation of victims, persons in vulnerable situations, including women, children, persons with disabilities, older persons and persons with albinism, as well as traditional and religious leaders, and faith-based actors in all stages of decision-making processes regarding elaboration and implementation of accountability measures at all levels?

**ANSWER: The Government, media, police and the general public must be commended for their role in the effective participation of victims. Although there is a lack of favorable action, these stakeholders have provided a space in which these things are discussed. For example, whenever there is a witchcraft-based violence case, the Police make themselves available and report to the media on the issue as well. This provides information to the general public on the issues and it helps in changing attitudes. However, these actions are only aimed at handling a particular case as they do not look at the issue from the larger picture. This is why the cases continue to happen due to the isolated reaction.**

**In Nigeria, measures have been put in place but most of them are largely ineffective due to pervasive institutional weakeness and belief in the reality and efficacy of witchcraft and occult forces.**

1. **Effective protection of all persons, particularly persons in vulnerable situations, including women, children, persons with disabilities, older persons and persons with albinism**
   1. What kind of measures have been put in place to prevent widespread discrimination, stigma, social exclusion and forced displacement experienced as a result of witchcraft accusations and ritual attacks?

**ANSWER: There are no clear measures with regard to this. The attitude is that everyone belongs to their community and they have to make sure they are at peace with that reality. However, cases of discrimination, stigma, etc, do exist and it leaves the victims at the mercy of the community since there is nowhere else to go. This has been the case for those accused of witchcraft as they end up in the police cell instead of somewhere safe.**

**Legislative and human rights measures have been put in place to address these abuses but they are not effective due to reasons that have been outlined above.**

* 1. What kind of measures, including safe shelters, psychosocial support and rehabilitation services, have been undertaken to ensure effective protection of victims of human rights violations rooted in harmful practices related to accusations of witchcraft and ritual attacks?

**ANSWER: There are no clear measures regarding safe shelter, psychosocial support and rehabilitation services. However, rehabilitation and psychosocial support are now gaining prominence due to issues of mental health. However, accusations of witchcraft and ritual attacks are not part of the mainstream discussion when it comes to this.**

**In Nigeria, safe shelters exists but victims of witchcraft accusations suffer discriminations They suffer discriminations at these shlters when other persons at these shelters become aware of their cases. State facilities for support and rehabilitation are few and far apart.**

* 1. What kind of initiatives have been organized, focusing on, *inter alia*, gender equality, education, health, housing, livelihood, women’s autonomy and decision-making, community mobilization and awareness raising, to prevent human rights violations rooted in harmful practices related to accusations of witchcraft and ritual attacks, particularly against persons in vulnerable situations, including women, children, persons with disabilities, older persons and persons with albinism?

**ANSWER**: **As a stakeholder, we have worked with other concerned individuals and organizations towards public awareness on gender equality, education, women’s autonomy and community mobilization. This is mainly being done through our access to the media and also in constant talk with the police officers and traditional leaders to make sure**

**In Nigeria, mainstream witch persecutions into the work of the national human rights commission and other human rights NGOs especially its campaign against gender based violence. AfAW has been promoting institutional synergy so that the police, ministry of justice and social welfare can join efforts to tackle witch persecutions and ritual attacks.**

* 1. Have you analysed human rights violations rooted in harmful practices related to accusations of witchcraft and ritual attacks, including key drivers, aggravating factors, such as unequal access to resources, poverty and socio-economic situations, climate change, humanitarian settings? If yes, what were the key findings?

**ANSWER: We did not have formal research on the root causes, but a situational analysis of the cases ends up as caused by unequal access to resources, poverty and socio-economic situation. Malawi is one of the poorest countries in the world and this is why we see these things happen so often.**

**In Nigeria, vulnerable members of the populations, women, especially elderly women, children from dysfunctional home and people with disabilities are usually victims. People who live in rural and slum areas with limited state/police presence**

1. **Data collection**
   1. Have you collected disaggregated data, based on gender, age, disability, ethnicity, religion etc. about human rights violations and abuses rooted in harmful practices related to accusations of witchcraft and ritual attacks, as well as stigmatization? How such data is collected? Please share available disaggregated data on the phenomenon.

**ANSWER: No, we have not done that. However, from a recent study by Afrobarometer on witchcraft in Malawi, it was found that those affected are mostly old people (females especially) and children. Most of those affected, both the victims and the accusers are believers. Most of them are of the black race.**

1. **Challenges and opportunities**
   1. What have been the key challenges to prevent and address human rights violations and abuses rooted in harmful practices related to accusations of witchcraft and ritual attacks, as well as stigmatization?

**ANSWER: First, the wide belief in the existence of witchcraft. This has made it seem like our efforts are a drop in the ocean. Second, lack of political will since the decision makers too believe in the existence of witchcraft. Recently, the Malawi Law Commission proposed to have the law recognize the existence of witchcraft. Third, religion has also been a challenge since most people base their belief in the existence of witchcraft on the Bible or the Quran.**

**In Nigeria, corrupt police and judicial establishments, a policy that police to intevene following a formal report or complaint by victims or their familes, slow court processes, ill equipped police force, witch believing state police, court and human rights officers, lack of amplification of the voices and activities of activists, limited funding for advocacy and interventions**

* 1. Have you identified some promising practices in this regard?

**ANSWER: Some young men have now started questioning the existence of witchcraft and this promises a brighter future.**

**Institutional synergy and social media activism. Cross sectoral approach, UN Women, Unicef and special rapporteurs on disability, older persons should emphasisze these abuses in their reports.**

* 1. What kind of further action could be undertaken by existing mechanisms at the United Nations for the elimination of harmful practices amounting to human rights violations related to accusations of witchcraft and ritual attacks, as well as stigmatization?

**ANSWER: The law must not recognize the existence of witchcraft and we need to deliberately develop lessons for the young ones that question the existence of witchcraft to make sure the future generations look at this issue not as we do today.**

**Recognize the activities and interventions of advocactes, individuals and groups working and campaigning to end witch persecution and ritual attacks. Highlights effective interventions and efforts being made to address the problem.**