**A STUDY ON VIOLATIONS AND ABUSES OF HUMAN RIGHTS ROOTED IN HARMFUL PRACTICES RELATED TO ACCUSATIONS OF WITCHCRAFT AND RITUAL ATTACKS, AS WELL AS STIGMATIZATION IN SUB-SHARAN AFRICA**.

\*[[1]](#footnote-1)

**Abstract**

This research work provides an up-to-date information relating to violations and abuses of human rights rooted in harmful practices related to accusations of witchcraft and ritual attacks, as well as stigmatization in Africa with the primary aim of ascertaining if there are any legal, normative and institutional framework put in place in the continent to hold violators accountable, eliminate and prevent such barbaric practices, and also provides the opportunity to research, document, and communicate such heinous crimes, and furthermore, create the platform to protect and support victims while identifying the challenges encountered in addressing violations and preventing reoccurrences.

**Introduction**

This research is undertaken mainly to support the office of the High Commissioner for Human Rights in its work to prepare a study on the situation of the violations and abuses of human rights rooted in harmful practices related to accusations of witchcraft and ritual attacks, as well as stigmatization in the world. However, this work is limited in scope in that it begins with a global perspective on the issues under discourse and narrowed down to specifics. It critically examined the human rights situation in Africa as regards the allegations of witchcraft, ritual attacks and stigmatization.

There are many unresolved human rights problems in Africa generally but the issue of witchcraft accusation, ritual killings and stigmatisation is troubling. And the damages it has done to the African society are astronomical.[[2]](#footnote-2) Some writers say that human rights violation is endemic in all governments, and that it is not peculiar to any continent, region and ethnic group. It cuts across faiths, religious denominations and political systems and affects both young and old, man and woman alike.[[3]](#footnote-3) Witchcraft accusation, rituals killing and stigmatisation is found in democratic and dictatorial politics; feudal, capitalist and socialist economies. Christian, Muslim, Hindu, and Buddhist cultures are equally bedevilled by it. And these harmful practices did not begin today; the history is as old as the world. Ancient civilizations have traces of widespread harmful practices related to rituals killings, witchcraft accusation and banishment. Thus, it has been ubiquitous in complex societies from ancient Egypt, Israel,[[4]](#footnote-4) Rome, and Greece down to the present day Africa.

**Historical, Geo-Political and Economic Background of the Study**

Africa is said to have a total land mass area of about 30,365,000 sq km with an alleged population of over 1.37 billion.[[5]](#footnote-5) Africa is also acclaim to be the second largest continent in the world. It has three major religions namely African Traditional Religion, Christianity and Islam.[[6]](#footnote-6) By the recent United Nations’ Human Development Report, the Human Development Index of the 46 countries calculated in sub-Saharan Africa indicate a poor economic situation that has kept per capita gross domestic product low or in some cases caused it to decline in the region.[[7]](#footnote-7)

**Africa’s Historical Track of Harmful Practices Related to Accusations of Witchcraft and Ritual Attacks, as well as Stigmatization**

Generally, Africa has a shameful track record of human rights abuses[[8]](#footnote-8) which can be conveniently classified and discussed under three periods in the history of the continent namely: pre-colonial, colonial, and post-colonial era.[[9]](#footnote-9) The catalogue of horrible human rights situations of the said age are beyond the scope of this research work.[[10]](#footnote-10) Nevertheless, it is important to note that Africa’s history is replete with tales of torture, murder and cultures repugnant to natural justice, equity and good conscience.[[11]](#footnote-11) Of classical example was the culture of the killing of twins practice in West Africa, Nigeria.[[12]](#footnote-12) There were other reported cases of such barbaric practices of the ignoble past.[[13]](#footnote-13)

Although, witchcraft, ritual killings, stigmatization has been an integral part of the primitive African society however, it occurrences suddenly exploded in the 1990s in Nigeria and many other parts of Africa[[14]](#footnote-14) that by 2008, available studies indicates that, not less than 15,000 people had been branded witches, more than a million used for rituals and 40, 000,000 stigmatised.[[15]](#footnote-15) Since then there had been increasing cases of witchcraft accusation, rituals killings and stigmatisation.[[16]](#footnote-16)

* **Measures to Ensure the Elimination of Harmful Practices amounting to Human Rights Violations related to Accusations of Witchcraft and Ritual Attacks in Nigeria**.

In a number of sub-Saharan African countries, practicing witchcraft is against the law, although it is not always applied. To my knowledge, the law is in force in Cameroon, CAR, Chad and Gabon.[[17]](#footnote-17) However, the story is not the same in Nigeria. Nigeria is very active and rich in making laws and subscribing to international human rights treaties and conventions. Unfortunately and regrettably so, there has not been any measures be it legislative, normative and or policy specifically put in place in most African countries to ensure the elimination witchcraft accusations, ritual killings, and stigmatization save some aspect of the Nigerian Constitution, Criminal Code, Child Rights Act and the Evidence Act, 2011.

Though the Nigeria constitution did not speak directly to the issue of accusation of witchcraft, ritual killings and stigmatisation, it does recognize extra-judicial killings. Under Section 33, it provides that no one shall be deprived intentionally of his life,[[18]](#footnote-18) save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria and accordingly Section 34 provides that no person shall be subject to torture or to inhuman or degrading treatment; held in slavery or servitude; and or required to perform forced of compulsory labour.

On its part, the Nigeria’s Criminal Code from section 207 to 217 prohibits accusing, or even threatening to accuse, someone of being a witch, having possession of human remains, performing trial by ordeal while the Child Rights Act, 2003 makes it a criminal offence to subject any child to physical or emotional torture, or submit them to any inhuman or degrading treatment.

Apart from the above provisions of the Nigerian Constitution, the Criminal Code, and the child Rights Act, the Evidence Act[[19]](#footnote-19) and the law establishing the various courts in Nigeria and in most African countries as well, introduced repugnancy doctrine which disallow Courts to enforce customs, belief that is repugnant to natural justice, equity and good conscience. It purposes primarily, was to filter harmful customary practices such as the accusation of witchcraft, ritual killings and stigmatisation. Though most African countries had repealed the repugnancy provisos in their statute books when they obtained independence but Nigeria still retains it.[[20]](#footnote-20) In South Africa for instant, it is said that the repugnancy test had outlived its usefulness and courts in that country are to apply the customs of the people freely subject only to the provisions of their constitution and or any other law.[[21]](#footnote-21)

Beside the Constitution and the ordinary laws of the land, there is no normative framework either in Nigeria or in Africa as whole which expressly prohibit the act of witchcraft accusation, ritual killings, and stigmatisation rather the existing normative orders which operates along with statutes in the continent encourage some of these harmful practices. One extra-ordinary example is the religious commandment under Exodus 22:18 of the Holy-Bible which provided thus: ‘thou shalt not suffer a witch to live’.

In terms of measures undertaken in Africa to ensure that no one is deprived of 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. The Nigeria, Ghana, and South-African constitution guaranteed rights to life, liberty and security of the human person and also makes elaborates provisions under chapter IV on the right for any one not to be subjected to torture or other form of cruel, inhuman treatment even when it was not directed to the human right issue relating to witchcraft accusation. It is worthy of note that the Nigeria’s constitution provides for, in theory, equal access to justice for everyone in every case however, there is no provision for effective remedy as well as psychosocial support, rehabilitation and integration of survivors of witchcraft accusation, rituals attacks and stigmatisation in Africa.[[22]](#footnote-22)

* **On Accountability Measures**

While studies indicate that there are several institutional frameworks put in place in most African countries to bring violators of human rights to justice however, there are no institutional accountability framework specially created to tackle issues of witchcraft accusation, ritual attacks and stigmatisation outside the ones already in existence such as the Police Force and Court despite its frequent happenings in Africa.[[23]](#footnote-23) It has been argued that the existing institutions can readily cover cases of witchcraft accusation, ritual attacks and stigmatisation but whether such institutions can effectively handle the peculiarities of such cases is a different ball game altogether. It is bad enough that Africa has no institutions responsible for bring perpetrators to justice but to think that affected persons are not involved in all the stages of decision-making processes regarding elaboration and implementation of accountability measures at all levels is what is more worst in the region.

* **On Protection and Preventive measures**

It is sadden to know that there are no measures put in place to prevent widespread discrimination, stigma, social exclusion and forced displacement experienced as a result of witchcraft accusations and ritual attacks in most African countries including Nigeria. However, in terms of provision of shelter, psychosocial support and rehabilitation services to ensure effective protection of victims of human rights violations rooted in harmful practices related to accusations of witchcraft and ritual attacks, it is only non-state actors which 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

A close study of the key drivers of human rights violations rooted in harmful practices related to accusations of witchcraft and ritual attacks including aggravating factors, such as unequal access to resources, poverty and socio-economic situations, climate change, humanitarian settings in Africa reveal that any response to accusations of witchcraft and ritual attacks should strengthen nation-wide protection systems that prevent and respond to abuse, exploitation and violence, including improving service provision, legal frameworks and access to justice. Moreover, education and advocacy interventions should promote social change by raising awareness among families and community leaders.

* **On Data Collection**

In this area, data collection is very critical to generating valuable information for decision-making in real time. For instance, to determine if an intervention is necessary. However, since African countries lack institutional framework empowered to research, document and report 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, it is extremely difficult to have a high quality, accessible, trusted, timely, open, and reliable disaggregated data. In this time and age, it is one area in which the use of the internet would have been greatly beneficial. Oral accounts, videos, documentaries, and interviews on the subject under consideration are fragmented and the available figure is more of estimation from general statistic. There is no serious expository and analytical attempt to throw more light on these grey and unpopular areas of human rights.

* **Challenges and opportunities**

Responding to the issues of human rights nowadays by both State and non-State actors has not been without challenges in any part of the world most especially in Africa. 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 stigmatizationare numerous but not limited to Culture, Court, Creed, Constitution and Commander-in-Chiefs.

**CONCLUSION**

However, all hope is not lost as the United Nations human rights treaty based bodies such as Committee Against Torture, Subcommittee on Prevention of Torture, Committee on the Rights of the Child, Human Rights Committee, Committee on the Elimination of Discrimination Against Women can be position to bring about the needed change in Africa and the world.

The above bodies of independent experts should strictly monitor the implementation of the provisions of the various Conventions establishing it and in addition, prevail on States to develop laws which directly address the issues of witchcraft accusation, ritual attacks and stigmatisation, strengthen evidence and understanding of witchcraft accusation, promote social change through dialogue, access to justice and welfare services, promote as well, the role of legal and health professionals in protecting victims and evaluate promising practices.[[24]](#footnote-24)

1. Work written by Imiete Akebin Onyighi- LLB(Cal.),BL(Abj.)LL.M(Oxford) [↑](#footnote-ref-1)
2. UNICEF ‘The impact of accusations of witchcraft against children in Angola: an analysis from the human rights perspective’ (UNICEF, 2008a) [↑](#footnote-ref-2)
3. Walter Laqueur, Fascism: Past, Present, Future (OUP, 1996), 263 [↑](#footnote-ref-3)
4. See I Samuel 28:1-3, 4-25 of the Holy Bible, KJV [↑](#footnote-ref-4)
5. [Davidson S.H.W. Nicol](https://www.britannica.com/contributor/Davidson-SHW-Nicol/2142) ‘Africa Continent’ Britannica (2022)<<https://www.britannica.com/place/Africa>> Accessed on 15th September, 2022 [↑](#footnote-ref-5)
6. Petrie, W. M. Flinders, et al. ‘Book of History: A History of All Nations from the Earliest Times to the Present’ (New York, The Grolier Society 1915) 3397-3410 [↑](#footnote-ref-6)
7. UNDP ‘Human Development Index Report 2021/2022’ (September, 2022)< <https://hdr.undp.org/system/files/documents/global-report-document/hdr2021-22pdf_1.pdf>> Accessed on 15th September, 2022 [↑](#footnote-ref-7)
8. See the following human rights fact-finding missions set up then in Africa to investigation this shameful record: The International Commission of Inquiry on **Guinea established pursuant to UNSC Res.**556 **(**28 October 2009) UN doc S/2009/556 and the report of the Commission UNSC Res 693 (18 December 2009) UN doc S/2009/693, the Commission of inquiry on the reported massacres in **Mozambique under UNGA**  3114 (12 Dec. 1973) UN doc A/Res/[3114 (XXVIII)](http://undocs.org/A/RES/3114%28XXVIII%29) and the report of the Commission pursuant to UNGA Res. 9621 (20 July 1973) UNGA doc A/Res/1973/9621, Commission of experts on **Rwanda pursuant to UNSC Res** 935 (1 July 1994) UNSC doc S/Res/1994/935 and the Reports UNSC Res (4 Oct. 1994)UNSC doc  [S/1994/1125](http://undocs.org/S/1994/1125)  & UNSC Res1405 (9 Dec.1994) UNSC doc [S/1994/1405](http://undocs.org/S/1994/1405),  the OHCHR Fact-finding mission in**Mali pursuant to HRC Res** [22/18](http://undocs.org/A/HRC/RES/22/18) ( 21 Mar. 2013) HRC doc [A/68/53](http://undocs.org/A/68/53) and the report  UNGA Res 23/57(26 June 2013)UNGA doc [A/HRC/23/57](http://undocs.org/A/HRC/23/57), the International Commission of Inquiry for Mali its report UNSC Res 1332 (29 Jan. 2021)UNSC doc [S/2020/](http://undocs.org/S/2020/1332) 1332, Panel of Inquiry on **Liberia pursuant to UNSC Res 25918 (**9 June 1993) UNSC doc [S/25918](http://undocs.org/S/25918) and the report do not published but see the letter by the UNSG, UNSC Res 26265 (7 Aug.1993) UNSC doc [S/26265](http://undocs.org/S/26265), OHCHR Fact-finding mission to**Kenya and the report**  of 6-28 February 2008, Commission of Inquiry on **Eritrea pursuant to HRC** [29/18](http://undocs.org/A/HRC/RES/29/18) (2 July 2015) UNGA doc [A/70/53](http://undocs.org/A/70/53) and the reports  UNGA Res 32/47 (9 May 2016)UNGA doc [A/HRC/32/47](http://undocs.org/A/HRC/32/47) & UNGA Res 29/42 (16 June 2015)UNGA doc [A/HRC/29/42](http://undocs.org/A/HRC/29/42), UN Investigative team in the **Democratic Republic of the Congo pursuant to UNSC Res 617 (**6 Aug. 1997)UNSC doc [S/1997/617](http://undocs.org/S/1997/617) and report [UNSC Res 581](http://undocs.org/s/1998/581) (29 June 1998)UNSC doc S/1998/581, the Commission of Inquiry on the events in **Abidjan and report UNSC 384 (**13 May 2004) UNSC doc [S/2004/384](http://undocs.org/S/2004/384),  International commission of inquiry for **Burundi pursuant to UNSC Res** 1012 (28 Aug. 1995**)UNSC doc** S/1012/1995, OHCHR mission to**Western Sahara**and refugee camps in**Tindouf and its report of** 8 Sep. 2006, Commission of inquiry for **Togo and its** Report [E/CN.4/2001/134-E/CN.4/Sub.2/2001/3](http://undocs.org/E/CN.4/2001/134), Panel of Inquiry on **Liberia pursuant to UNSC Res** [25918](http://undocs.org/S/25918) (9 June 1993) UNSC doc S/[25918](http://undocs.org/S/25918) [↑](#footnote-ref-8)
9. #  [Daniel A. Gross](https://www.smithsonianmag.com/author/daniel-gross/) ‘A Brutal Genocide in Colonial Africa Finally Gets its Deserved Recognition’ Smithsonian Magazine (Wednesday 28, October 2015) <<https://www.smithsonianmag.com/history/brutal-genocide-colonial-africa-finally-gets-its-deserved-recognition-180957073/>> Accessed 26th August 2021

 [↑](#footnote-ref-9)
10. Cheikh Anta Babou ‘Decolonization or National Liberation: Debating the End of British Colonial Rule in Africa’ (Sage 2010) 41-54 [↑](#footnote-ref-10)
11. See Christian Purefoy ‘Children abused, killed as witches in Nigeria’ CNN News (Saturday, 28th August, 2010)< <http://edition.cnn.com/2010/WORLD/africa/08/25/nigeria.child.witches/index.html>> Accessed 12th September, 2022 and also [Tracy McVeigh](https://www.theguardian.com/profile/tracymcveigh) ‘Children are targets of Nigerian Witch Hunt’ The Guardian News (Sunday, 9th December, 2007)<<https://www.theguardian.com/world/2007/dec/09/tracymcveigh.theobserver>> Accessed 12th September, 2022 [↑](#footnote-ref-11)
12. Gemma Corbett ‘The Scotswoman Who Stopped Babies Being Killed’ Scottish Field ( Friday 8th June 2018)<<https://www.scottishfield.co.uk/culture/the-scotswoman-who-stopped-babies-being-killed/>> accessed on 26th August 2021 [↑](#footnote-ref-12)
13. For more details see Misty L. Bastian ‘The Demon Superstition, Abominable Twins and Mission Culture in Onitsha History’ (Winter 2001) 13-27 [↑](#footnote-ref-13)
14. Aleksandra Cimpric ‘Children Accused of Witchcraft: An Anthropological Study of Contemporary Practices in Africa’ (UNICEF Report, 2010) 8-9 [↑](#footnote-ref-14)
15. Marc Ellison ‘Branded and Beaten: Children Accused of Witchcraft and Murder’ BBC News (2020)< <https://www.bbc.co.uk/news/resources/idt-sh/nigeria_children_witchcraft>> Accessed on 15th August, 2022 [↑](#footnote-ref-15)
16. UNICEF‘The causes and prevalence of accusation of witchcraft among children in Akwa Ibom State’ (UNICEF 2008b) [↑](#footnote-ref-16)
17. The legal injunction against practicing witchcraft exists in the former‐French colonies of Benin, Cameroon, Chad, Côte d’Ivoire, Gabon, Mali and Mauritania. The Witchcraft Suppression Act is the corresponding text in former‐British colonies, such as Kenya, South Africa, Uganda, the United Republic of Tanzania, Zimbabwe, etc. However, there are significant differences in how the texts are formulated. In French‐speaking countries, the law only punishes those who practice witchcraft, whereas the Witchcraft Suppression Act also those who make false accusations of witchcraft against someone, as well as all persons who claim to be a witch. [↑](#footnote-ref-17)
18. Section 319(1) of the Nigerian Criminal Code 1990 prohibit unlawful murder [↑](#footnote-ref-18)
19. See Section 14 of the Nigeria’s Supreme Court Ordinance of 1914, Section 17 of the Rivers State High Court Law, 2007, Section 18(3) of the Evidence Act, 2011 and the case of Edet .v. Essien (1935)12 NLR 4 [↑](#footnote-ref-19)
20. In this categories are countries such as Ghana, Zambia, South-Africa, and Zimbabwe among others [↑](#footnote-ref-20)
21. See E.A Taiwo ‘Repugnancy Clause and its impact on Customary Law: Comparing the South African and Nigerian Position-Some Lesson for Nigeria’ JJSc(2009)34 [↑](#footnote-ref-21)
22. # Canada: Immigration and Refugee Board of Canada, ‘Nigeria: Prevalence of ritual murder and human sacrifice; police and state response (2009-2012)<https://www.refworld.org/docid/50c84a6d2.html>> Accessed 16th September, 2021

 [↑](#footnote-ref-22)
23. #  Canada: (n 21) 4

 [↑](#footnote-ref-23)
24. Foxcroft, G. ‘Witchcraft Accusations: A protection concern for UNHCR and the wider humanitarian community? (2009) [↑](#footnote-ref-24)