

ADDRESSING ALLEGED WITCHCRAFT
PERSECUTION AND RELATED HARMFUL
PRACTICES



**COMMON GOOD
FOUNDATION**

Dignity Rights Justice

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A local police station in Nigeria received a report that on July 7, 2020 a seven-year-old girl was tortured and abused by her grandparents. Police arrested the couple. During the course of the investigation, police were told that the girl was tortured for being a “witch.”

The father of the girl died in 2017. The mother brought the girl and her younger brother to Awa Ijebu. She abandoned them with the father and stepmother and disappeared. The grandfather took the girl to two pastors and an imam who said that the girl was a “witch.” The grandfather believed that the girl was responsible for the death of the father and was also planning to kill him. They told him that the girl was responsible for the financial difficulties that he was encountering.

To exorcise the witchcraft, the grandfather tied up the girl on several occasions and applied burnt rubber/plastics all over her body - on the head, hands, back, and the private parts. While the step-grandmother flogged her. The alleged “witch” had wounds all over the body and the younger brother, six, was malnourished.

No information was given regarding the pastors and the imam who had given the advice. The suspects claimed one of the pastors had died while others were roadside practitioners. The suspects also refused to disclose the whereabouts of the children's mother.

The police liaised with the office of the Social Welfare Department of the Ministry of Women Affairs in Ijebu-Igbo and charged the matter to court. The DPO told me that during the court session, the local magistrate was shedding tears while listening to the story of this girl. The magistrate remanded the couple in custody at Igbeba. The children were placed in the care of the Social Welfare Department.

I. INTRODUCTION

Historically, the image of “witchcraft” or “witches” commonly invokes images of people, mainly women, burned at the stake for actions that were unexplainable to local communities. Alongside these images are many stories of gross miscarriages of justice which have taken place, where people were not afforded the ability to defend themselves against accusations. Sometimes, “trials” were not handled by any standardized means, and often the “trials” were conducted with unscientific tests to prove someone was a witch or practicing witchcraft.

Recently, the subject of alleged witchcraft persecution has come up in two connected but different circumstances. The first circumstance is led by those who are working actively to stop related harmful practices against vulnerable people who are alleged to be witches or practicing witchcraft. The second circumstance involves researchers, scholars, and historians who are trying to “clear” historical records by asking for people who were tried as witches or for practicing alleged witchcraft to be exonerated or cleared. Although these movements exist, it still has not created the robust dialogue needed to address current accusations against vulnerable people whose societal status has relegated them to horrific acts of persecution.

In 2009, United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Philip Alston drew attention to the persecution and killing of individuals accused of practicing witchcraft.¹ Alston’s report underscored that witchcraft accusations fell roundly within the realm of the human rights and more needed to be done to combat popular apathy by both States and human rights institutions.²

Over a decade later, the 35th session of the United Nations Human Rights Council (HRC) adopted a Resolution on the “Elimination of harmful practices related to accusations of witchcraft and ritual attacks.” The Resolution called upon States to condemn such attacks, hold perpetrators accountable in accordance with appropriate legal standards, and effectively protect vulnerable people from such harm, among other actions States should take to address this issue.³

The Common Good Foundation has published this report with a specific focus on impunity and the lack of access to justice for victims who are alleged to be witches or are victims of related harmful practices. Throughout the report references are made to examples in different parts of the world, however, the reader is likely to notice many more cases from Nigeria highlighted. This is because the organization, Advocacy for Alleged Witches, continues to document cases on a daily basis and works with police in addressing attacks against people. The problem of alleged witchcraft persecution is international, not limited to a region or continent, and deserves continued attention. The Foundation does not intend this to be a complete or comprehensive

¹ Philip Alston, “Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions,” *Human Rights Council*, May 27, 2009.

² *Id.*

³ Human Rights Council, “Elimination of harmful practices related to accusations of witchcraft and ritual attacks” July 12, 2021.

report, as the focus of the report *is narrow*. The reader should keep at the forefront of their mind that these issues require a multi-disciplinary perspective in order to have a “holistic” response. This report also does not cover the very complex issues of refugees and witchcraft-related violence. The 2021 UN Human Rights Council Resolution provides hope that States will continue to examine this situation with the root causes in mind.

II. WITCHCRAFT IN HISTORY

Miscarriages of justice for those accused of witchcraft--mainly women--are not new. There is also a long history of rampant impunity for those who falsely accuse others of witchcraft.

Under the rule of King James I (1603 to 1625) many people, mainly women, were hunted for being witches or practicing witchcraft.⁴ In Europe, generally between 1450 and 1750, it is estimated that 100,000 people were tried for being witches.⁵ Pope Innocent VII took serious action against witches in his Papal Bull of December 1484, declaring witchcraft “heresy.”⁶ While this Papal Bull only related to Germany,⁷ it was issued around the time of *Malleus Maleficarum* (The Hammer of Witches), which was published all throughout continental Europe. *Malleus Maleficarum* was a “step by step guide” to hunting and prosecuting witches.⁸ It is therefore appropriate to say that “witchcraft was therefore a much more common feature of life in communities across Europe than formal statistics suggest.”⁹

There were many factors and causes which allowed witch hunts to flourish: widowhood; failure to attend religious services;¹⁰ the general high rate of mortality at the time which led to a great deal of superstitious beliefs;¹¹ terrifying symptoms of illness which indicated bewitchment;¹² or even simply the act of being an elderly woman, as such were often deemed eccentric and anti-social.¹³ Menstrual cycles were seen as yet another potential sign of the practice of witchcraft, as blood was believed to have magical powers including “bewitching a lover” or its ability to be used as an “aphrodisiac.”¹⁴ In the majority of cases, people who had physical or mental disabilities were often the most likely to be accused of being witches.¹⁵

Cultural practices existed outside the large towns during that time period, utilizing people who were known as “cunning folk”—people who would practice healing through the use of natural remedies, who would practice comforting or advising, and, in some cases, would tell the future. As the witch hunt fervor grew, this cultural practice would turn “cunning folk” into targets for

⁴ Tracy Borman, Witches, James I and the English Witch Hunts, (Vintage Publishers), 2014, pg xv.

⁵ *Ibid* at xvi.

⁶ *Ibid* at 40.

⁷ *Ibid* at 41.

⁸ *Ibid* at 41-42.

⁹ *Ibid* at 44.

¹⁰ *Ibid* 66-67.

¹¹ *Ibid* at 93.

¹² *Ibid* at 95.

¹³ *Ibid* at 99.

¹⁴ *Ibid* 109.

¹⁵ *Ibid* 103.

prosecution.¹⁶ Essentially, “many of those accused of witchcraft were on the periphery of village life--the witch hunts represented an ideal way to get rid of them.”¹⁷

There are many historical examples from around the world that show how alleged witches have been treated. Throughout Europe, people who were accused of witchcraft were denied fair trials and many were executed.¹⁸ For example, in Catalonia, during the trial of Caterina Trenca,¹⁹ courtroom transcripts show:

If you tell me the truth, the trial will be cancelled and you'll die faster,” the prosecutor tells the accused. “I’ve done nothing wrong, neither against people nor God,” she responds. Trenca is then tied face-down on a rack in a dungeon and the torturer turns a wheel and the rack tears her tendons and muscles.

In the United States in New York around 1816, Jane Kanniff’s²⁰ case shows that communities took an active role in the prosecution of alleged witches. As documented:

As an eccentric widow, she checked all the boxes for witch-suspicious neighbors: she wore bold colors, kept a black cat and had a talking parrot. She was known to harvest local herbs and help others with their ailments. Spared the typical witch tests like dunking, a scale was used by villagers to weigh Kaniff against a brass Dutch Bible. If she was lighter, she would be considered a witch, if heavier released. Naturally, she passed the test, avoiding execution.

In 19th century India²¹ the following method was documented as one way in which witches were investigated:

Commonly, villagers sought advice from a local witch hunter, or Bhopa, who would identify the witch. The favoured punishment was witch swinging. One report offered the following description: ‘Without trial or being heard in defence, the supposed witch is seized, her eyes stuffed with red chillies and bandaged and ropes are tied firmly round her legs and waist. She is then taken to a tree and swung violently, with her head downwards ...till she confesses to a falsehood or dies under the barbarous infliction’.

There are many more examples around the world that could be highlighted in this report; however, the themes are largely consistent with either an informal proceeding with no standard and grotesque punishments in many cases, regardless of whether or not the person accused had circumstances which could explain the behavior (for instance medical problems). History

¹⁶ *Ibid* at 79.

¹⁷ *Ibid* at 134.

¹⁸ Researchers in Scotland have been working through pinpointing locations in Scotland of persecution of alleged witches. See, Meilan Solly, “[This Map Shows the Scale of 16th- and 17th-Century Scottish Witch Hunts](#)” Smithsonian, September 26, 2019.

¹⁹ Joshua Hammer, “[Spain’s Centuries – Long Witch Hunt Killed 700 women](#)” Smithsonian Magazine, November/December 2022.

²⁰ Lisa LaMonica, “[Season of the witch: Witchcraft trials in New York state](#)” Time Union, October 31, 2022.

²¹ Craig Campbell, “[Witch Trials in British India](#)” Untold Lives Blog, British Library, March 27, 2020.

surely has had some impact on the imagery of witch trials, but there has been no improvement on the delivery of justice for those who stand accused, no matter how legitimate or far-fetched the accusations may be.

III. HUMAN RIGHTS INSTRUMENTS, WITCHCRAFT ALLEGATIONS, AND RELATED HARMFUL PRACTICES

The topic of harmful practices and alleged witchcraft persecution has been barely addressed in international treaty body systems. The 2021 UN HRC Resolution was a significant step in complimenting previous efforts by Philip Alston, the former Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; Ikponwosa Ero, the Independent Expert on the Enjoyment of Human Rights by Persons with Albinism; and reports by the UNHCR discussing witchcraft persecution and refugee movements.

The following section will provide a brief overview of how the treaty bodies purport to protect victims of witchcraft allegations and related harmful practices and the obligations of State Parties under these treaties.

A. International Covenant on Civil and Political Rights (ICCPR)

Widely considered to represent the first generation of human rights codification, it provides, *inter alia*, for the right to life,²² the right not to be subjected to torture,²³ and the right to non-interference with family, privacy, and home.²⁴ It is binding upon its signatories, and is enforced by the HRC, which is empowered to receive and respond to country reports, and inter-state complaints.²⁵ With the 2021 HRC Resolution on witchcraft and harmful practices, the ICCPR can be used to inquire among all State parties as to how they are combatting this issue.

1. Right to Life

Given the wealth of reports in which those accused of witchcraft have lost their lives--either through ordeal, starvation and neglect, or extrajudicial killing--Article 6 of the ICCPR is an essential tool for tackling abuses relating to witchcraft.²⁶ The right to life is non-derogable, is to be interpreted widely, and concerns “the entitlement of individuals to be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death, as well as to enjoy a life with dignity.”²⁷ Per General Comment No 36, the State has a duty to exercise due diligence in the protection of lives, even where violations descend from actions

²² Article 6 ICCPR.

²³ Article 7 ICCPR.

²⁴ Article 17 ICCPR.

²⁵ Article 41 and 42 ICCPR.

²⁶ See Alston, note 2, at §49.

²⁷ HRC, ‘General Comment No. 36, Article 6: Right to Life’ (3 September 2019) UN Doc CCPR/C/GC/36 at §3.

that are not attributable to the State.²⁸ This requires the State to adopt certain measures to ensure the right to life is upheld, including, *inter alia*, the creation of a legal framework to hold violators accountable, the codification of targeted legislation, the establishment of adequate institutions and procedures to prevent the loss of life, the investigation and prosecution of potential cases, and the provision of reparations.²⁹ Investigations into loss of life are expected to be “independent, impartial, prompt, thorough, effective, credible and transparent.”³⁰

The HRC, additionally, noted the need for States to take a proactive role in relation to the needs of vulnerable persons who face a specific threat or pre-existing patterns of violence; among the highlighted at-risk categories are those alleged to be witches.³¹ The right to life occupies one of the highest echelons in the human rights strata; consequently, it places wide-ranging duties upon the States to be not only responsive but also proactive in addressing the general conditions in society which impede the ability of individuals to live their lives with the utmost dignity. To this extent, it is clear that the loss of life descending from witchcraft allegations is a violation of the right to life under the ICCPR.

2. *Prohibition torture, or other cruel, inhuman or degrading treatment or punishment*

The ICCPR also prohibits torture, or other cruel, inhuman or degrading treatment or punishment.³² Similar to Article 6, the protections afforded by Article 7 are absolute and non-derogable. The prohibition is also found in the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). There is no fixed definition of what may fall within the parameters of torture; however, legal interpretation affirms that it is not limited to physical injury alone, may include psychological harm, and extends to corporal punishment.³³ Torture has primarily been viewed as State-centric violation, focusing on actions of State actors in interrogations. However, the State is also expected to intervene and protect persons from private sources of harm.³⁴ Specifically, in failing to intervene or exercise due diligence in a matter involving torture, inhuman, or degrading treatment, the Committee Against Torture (CAT) has argued that States’ “indifference or inaction provides a form of encouragement and/or de facto permission.”³⁵ This interpretation has previously been used to broach gender-based harms, including female genital mutilation and domestic violence.³⁶ CAT has firmly stated that it “rejects any religious or traditional justification that would violate this absolute prohibition.”³⁷

²⁸ *Ibid* at §7.

²⁹ HRC, note 27, at §§18-20.

³⁰ *Ibid* at §28.

³¹ *Ibid* at §23.

³² Article 7 ICCPR.

³³ See HRC, ‘General comment No. 20: Article 7 (Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment)’ (1992) UN Doc CCPR/GEC/6621/E at §5.

³⁴ CAT, ‘General Comment No. 2: Implementation of article 2 by States parties’ (24 January 2008) UN Doc CAT/C/GC/2 at §18.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Ibid* at §5.

3. *Right to Freedom of Thought, Conscience, and Religion*

Certain practitioners have hesitated to combat witchcraft beliefs on these grounds, stating that they are protected by the right to religion as encapsulated in Article 18 of the ICCPR.³⁸ This right provides for the freedom of thought, conscience, and religion. Moreover, Article 18(3) clarifies that it may be circumvented by law in order to “protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”³⁹ Consequently, it does not present a conflict with the other rights, so long as it is done in a proportional manner.⁴⁰ The 2021 HRC Resolution calls for a balance between addressing harmful practices and freedom of religion. It is clear that navigating these particular issues will remain tricky as the issue gains more attention.

B. Convention on the Rights of the Child (CRC)

The CRC offers another means through which the witchcraft allegations may be addressed.⁴¹ The CRC codifies specialized protections with the needs and rights of children at the center. Above all, it protects the inalienable dignity of every child.

The CRC adapts pre-existing human rights standards making them more applicable to the developmental needs of each child. For example, with reference to the right to life, there is a direct obligation upon the state “to ensure to the maximum extent possible the survival and development of the child.”⁴² This takes the duty beyond non-interference, towards active monitoring and protection. Similarly, Article 19 places an extensive obligation upon the State to take all ‘legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation’ from anyone who has care of the child. Clarifying further, in Article 19(2), that protective measures must include “effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child...”.⁴³ Finally, Article 24 binds the State to “take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.”⁴⁴ Taken individually, or in unison, these provisions provide a comprehensive set of obligations which can be utilized in combating the malignant practice of branding children as witches.

The Committee on the Rights of the Child (CoRC), in its General Comment on the right of the child to freedom from all forms of violence, makes a brief reference to witchcraft accusations

³⁸ Article 18 ICCPR.

³⁹ Article 18(3) ICCPR.

⁴⁰ For further explanation *see* HRC, ‘General Comment 22, Article 18: Right to Freedom of Thought, Conscience and Religion’ (27 September 1993) CCPR/C/21/Rev.1/Add.4.

⁴¹ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC).

⁴² Article 6(2) CRC.

⁴³ Article 19 CRC.

⁴⁴ Article 24 CRC.

and exorcisms when discussing harmful practices from which children should be protected.⁴⁵ It emphasized that the statement, “all forms of physical or mental violence” was all-encompassing, and doesn’t “leave room for any level of legalized violence against children.”⁴⁶ Above all, however, the CoRC stressed the need to focus on prevention, highlighting the danger of “reactive efforts focusing on symptoms and consequences rather than causes.”⁴⁷ This distinction is important; a response-based approach is premised upon a misguided belief that harm is unpreventable.

i. African Charter on the Rights and Welfare of the Child

A regional instrument which is intended to compliment the CRC and assist in implementation is the African Charter on the Rights and Welfare of the Child (ACRWC) which was adopted in July 1990 by the Organization of African Unity (OAU), now known as the African Union (AU), and came into force in November 1999. One major reason for adopting ACRWC was the belief that Africa had been underrepresented at the drafting of the UN CRC. Another reason for coming up with the Charter was that some substantive provisions of the UN CRC were left rather vague as a result of the wish to satisfy the culturally diverse international community that participated during the drafting and adoption process.⁴⁸ Leaders considered that the potentially decisive and emotive issues of their region were omitted in favor of the needs of those participant states.⁴⁹ In order to guarantee that the CRC was implemented in the African countries as per their regional and local requirements, the ACRWC was seen as a complimentary mechanism to the CRC which was believed by some scholars to enhance the protection of child rights in Africa.⁵⁰

Sadly however, the ACRWC is not utilized in a manner that is effective by African States when it comes to stopping witchcraft persecution towards children. In a report released in May 2022, the African Child Policy Forum (ACPF) noted that leaders within Africa are turning a “blind eye”⁵¹ to the problem and that there are significant gaps in the law on multiple levels. Namely, national laws fail to “explicitly prohibit” accusations of witchcraft against a child and failures to enforce the ACRWC and the CRC.⁵² In its report, the ACPF calls attention to the fact that three ACRWC articles address the related harmful practices of alleged witchcraft persecution:⁵³

⁴⁵ CRC, ‘General comment No. 13 (2011): The right of the child to freedom from all forms of violence’ (18 April 2011) UN Doc CRC/C/GC/13 at §29 (g).

⁴⁶ *Ibid* at §17.

⁴⁷ *Ibid* at §12.

⁴⁸ See Osifunke Ekundayo, “Does the African Charter on the Rights and Welfare of the Child (ACRWC) only Underlines and Repeats the Convention on the Rights of the Child (CRC)’s Provisions?: Examining the Similarities and the Differences between the ACRWC and the CRC” Vol. 5, No. 7(1); July 2015.

⁴⁹ *Id.*

⁵⁰ A. Lloyd, “Evolution of the African Charter on the rights and Welfare of the Child and the African Committee of Experts: Raising the Gauntlet” *International Journal of Children’s Rights*, 2002, 179 at 184.

⁵¹ Graca Machel Trust, “African Governments urged to stamp out the horror of witchcraft accusations against children” May 31, 2022.

⁵² Africa Child Policy Forum, “Uncovering our Hidden Shame: Addressing Witchcraft Accusations and Ritual Attacks in Africa” May 2022, pg 17-18.

⁵³ *Ibid* at 16.

- Article 16 (1) obliges States Party to ensure the protection of the child from all forms of torture and inhuman or degrading treatment, and especially physical or mental injury or abuse.
- Article 21 requires that State Party shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child.
- Article 29 (a) obligates States Party to take appropriate measures to prevent the abduction, sale of, or trafficking in children for any purpose or any form, by any person including parents or legal guardians of the child.

The ACPF also noted that other national laws were in place in some jurisdictions, but that these were not being enforced, specifically in terms of child protection.

C. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

On November 16, 2022, the Boko Haram kidnapped 20 women from the Gwoza community in Borno. The women were alleged to be witches or practicing witchcraft and killed by the notorious terrorist group.⁵⁴ There is no further information if members of the Boko Haram have been arrested in connection with these murders.

The CEDAW, like the CRC, is specially equipped to target gendered manifestations of harmful practices.⁵⁵ Unlike other specialized human rights bodies, the CEDAW Committee has an additional tool in its arsenal: the inquiry procedure, provided in Article 8 of CEDAW-OP, which permits the Committee to respond to reliable information pertaining to grave or systemic violations by the State Party.⁵⁶ This enables a general overview of the situation, “motivated by a desire to ensure that systemic discrimination against women is adequately addressed, especially in view of the fact that women may face particular disadvantages in securing information about and access to remedies.”⁵⁷

It is argued that there has been a reticence within the CEDAW Committee to engage the inquiry procedure; therefore, it remains largely underutilized.⁵⁸ One of the primary hurdles to accessing better justice for victims of witchcraft branding is the identification of the systemic and

⁵⁴ Sahara Reporters, “[Advocacy Group for Alleged Witches Condemns Killing of 20 Women by Boko Haram over Alleged Witchcraft in Borno](#)” November 16, 2022.

⁵⁵ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW); see also CEDAW Committee, ‘General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19’ (14 July 2017) CEDAW/C/GC/35.

⁵⁶ Article 8(1) CEDAW-OP.

⁵⁷ *Quoted in* C O’Rourke, ‘Bridging the Enforcement Gap? Evaluating the Inquiry Procedure of the CEDAW Optional Protocol’ (2018) 27(1) *Journal of Gender, Social Policy and the Law* 1 at 10.

⁵⁸ *See* C O’Rourke, ‘Bridging the Enforcement Gap? Evaluating the Inquiry Procedure of the CEDAW Optional Protocol’ *Journal of Gender, Social Policy and the Law* 1, (2018) 27(1).

widespread nature of this human rights abuse, as such a thoroughly conducted public inquiry could have a considerable impact on the current situation.

Widowhood is a related women's issue that connects to the work of CEDAW and to alleged witchcraft persecution. In 2022 the UN General Assembly adopted a Resolution addressing the situation of Widows. This was a hallmark achievement given the many years it took many leaders, such as Barrister Margaret Owen, to convince UN State parties that widows needed protection. As noted in the UN Resolution, "widows in certain parts of the world continue to be subjected to discriminatory and violent mourning rites and harmful practices, such as child, early and forced marriage, including levirate, and are further subjected to forced and unpaid domestic labour."⁵⁹ A recent attack on a widow emphasizes this:

On August 30, 2022, Amarachi, a widow, "was accused of being a witch who caused the death of her husband. Her relatives allegedly reported her to the youths of the community who arrested, tortured and held her hostage for several days until words got to some government officials in the area who alerted the wife of the governor." All her appeals that she was innocent "fell on deaf ears as the youths tied her hands to the back, tied her legs and flogged her in the public square. Some of them were filming her. She had injuries on her head, hands and back. Some people intervened to rescue her, but the youths also attacked them."⁶⁰

In 2017 media attention was drawn to attacks upon widows in Tanzania. Many people within the communities were attacking elderly women. It was suggested that the "hidden agenda" behind such attacks was land rights issues.⁶¹ There are many vulnerabilities women face, particularly when they are widows. These must be addressed which can also help to address witchcraft accusations. Advocacy for Alleged Witches called upon States in Africa on International Widows Day to protect widows. Director Leo Igwe wrote,⁶²

When women lose their husbands, their financial position weakens, and their income diminishes. In many cases, witchcraft accusation provides a pretext to deny widows family inheritance, and dispossess them of the land and other estates. Widows become vulnerable. They are considered an economic burden to the children and other relatives. In a weak financial position, widows are unable to defend themselves and resist witchcraft accusations and witch persecution.

⁵⁹ UN General Assembly, "Situation Concerning Widows," March 15, 2022.

⁶⁰ Ugochukwu Alaribe, "How Ikpeazu's wife rescued widow tortured by youths over alleged witchcraft" Vanguard, August 30, 2022.

⁶¹ Katy Migiro, "Despite murderous attacks, Tanzania's 'witches' fight for land" Reuters March 21, 2017.

⁶² Biodun Busari, "International Widows Day 2022: Stop accusing widows as witches, group begs Nigeria, Other Africans," Vanguard, June 23, 2022.

The CEDAW and CRC have called upon States to remedy these issues through holistic remedies. Specifically,⁶³

...the effective prevention and elimination of harmful practices require the establishment of a well-defined, rights-based and locally relevant holistic strategy that includes supportive legal and policy measures, including social measures that are combined with commensurate political commitment and accountability at all levels. The obligations outlined in the Conventions provide the basis for the development of a holistic strategy to eliminate harmful practices...

In line with the theme of this report, a notable recommendation⁶⁴ made by the CEDAW and CRC Joint Recommendation No.31 includes:

Provide training to all law enforcement personnel, including the judiciary, on new and existing legislation prohibiting harmful practices and ensure that they are aware of the rights of women and children and of their role in prosecuting perpetrators and protecting victims of harmful practices.

The Common Good Foundation notes that survivors, victims, and advocates are well-positioned to continually provide information to UN Independent Experts and UN Special Rapporteurs, and to submit reports during periodic reviews of State performance under these treaties, despite limited access to complaint mechanisms. There are limitations with documentation, but more must be done to assist vulnerable communities and NGOs and advocates working within those communities to help shine a light on these kinds of harmful practices.

D. Convention on the Rights of Persons with Disabilities (CRPD)

Often overlooked is the Convention on the Rights of Persons with Disabilities (CRPD).⁶⁵ Unlike the other treaty bodies, the CRPD Committee (CoRPD) has dealt explicitly with the topic of witchcraft accusations. In 2015, Y, an anonymous author who has albinism, submitted a complaint to the Committee, detailing the failure of Tanzania to adequately protect him, highlighting the inherent harm posed to people with albinism due to deep-rooted beliefs in their bodies' magical properties.⁶⁶ Y detailed his experiences of having his head forcibly shaved by a neighbor when he was only 11, followed by an assault a year later when a man with a machete stole three fingers of Y's right hand and slashed his left shoulder.⁶⁷ The State provided no medical or psychological rehabilitation, provided no redress for the author, and did not support him in accessing education. Related to his claim, Y highlighted that since 2000, only 5 of the 72

⁶³ CEDAW and CRC, "[Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices,](#)" United Nations Human Rights Treaty Bodies, November 14, 2014, para 33.

⁶⁴ *Ibid* at 73(c).

⁶⁵ Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3 (CRPD).

⁶⁶ See Committee on the Rights of Persons with Disabilities, *Y v Tanzania* Communication No. 23/2014 (30 October 2018) CRPD/C/20/D/23/2014.

⁶⁷ *Ibid* at §2.4.

murders of persons with albinism have resulted in successful prosecution.⁶⁸ The Committee came to the unambiguous conclusion that Tanzania had failed to fulfill its Convention obligations, under

- Article 5 (the right to equal protection under the law);
- Article 7 (the right to full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children);
- Article 8 (the positive duty to raise-awareness in the community of the rights of persons with disabilities);
- Article 15 (freedom from torture or cruel, inhuman or degrading treatment or punishment);
- Article 16 (freedom from exploitation, violence and abuse);
- Article 17 (right to respect for the mental and physical integrity of the person) read alone and in conjunction with article 4; and
- Article 24 (the right to education).⁶⁹

In its recommendations, it was noted that Tanzania had a positive duty to prevent future harms, referring to the recommendations made by the Independent Expert on the Enjoyment of Human Rights by Persons with Albinism.⁷⁰ Tanzania needed to ensure that the practice of using body parts for witchcraft-related practices is adequately and unambiguously criminalized in domestic legislation.⁷¹

Children with disabilities are considered to be at a higher risk of witchcraft accusations because their conditions are believed to be evidence of witchcraft.⁷² The CoRPD's direct engagement with the topic provides hope of a more structured response within the international arena.

One final and important note should be stressed here. In many cases of alleged witchcraft persecution and harmful practices, people with mental health challenges are often accused of being witches or labeled demonic. People with mental health impairments do fall under the protection of the CRPD. "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."⁷³ The issue of mental impairments, mental health, and other related challenges, is one that the CoRPD must

⁶⁸ *Ibid* at §2.6.

⁶⁹ *Ibid* at §9.

⁷⁰ *Ibid* at §9(b); *see also* Human Rights Council, 'Report of the Independent Expert on the enjoyment of human rights by persons with albinism on the expert workshop on witchcraft and human rights' (23 January 2018) UN Doc A/HRC/37/57/Add.2; United Nations General Assembly, 'Report of the Independent Expert on the enjoyment of human rights by persons with albinism on the Regional Action Plan on Albinism in Africa (2017–2021)' (19 December 2017) UN Doc A/HRC/37/57/Add.3.

⁷¹ CRPD, note 57, at §9 (b) (iii).

⁷² E Secker 'Witchcraft stigmatization in Nigeria: Challenges and successes in the implementation of child rights' (2012) 56(1) *International Social Work* 22 at 26.

⁷³ Brendan D. Kelly, "Mental Capacity, Human Rights, and the UN's Convention on the Rights of Persons with Disabilities," *Journal of the American Academy of Psychiatry and the Law Online* June 2021, 49 (2) 152-156.

consider as it relates to witchcraft persecution and related harmful practices. In September 2022, a “mentally sick” man in Nigeria (Bayelsa State) was stoned to death by youth who then uploaded the video to Facebook, where police were going to use the video to arrest the perpetrators.⁷⁴ In a recent submission by Human Rights Watch to the CAT, Human Rights Watch detailed,⁷⁵

In Iraq, people with psychosocial disabilities (mental health conditions) can be shackled - chained or locked in confined spaces. This inhumane practice exists due to inadequate support and mental health services as well as widespread stigma, such as the belief that mental health conditions are the result of possession by evil spirits or witchcraft.

Many who suffer from mental health impairments or conditions are often exploited and targeted throughout communities, with no recourse or protection.

E. Committee on the Elimination of Racial Discrimination (CERD)

Scholars have suggested that the racial dimension concerning witchcraft trials historically was a dimension commonly ignored. Professor Kali Nicole Gross illuminates a grotesque truth about the era of the Salem Witch Trials,⁷⁶

Of the approximately 25 women and girls convicted of witchcraft in the 13 colonies between 1648 and 1692, none met their end strapped to a stake; they were all hanged. And while it's true that women of this period were burned at the stake as a form of capital punishment, most of them were not White — they were Black.

CERD, like its counterparts, is in a strong position to address alleged witchcraft persecution and related harmful practices because of the intersection with racial discrimination. In many different places around the world, minority groups are blamed for societal ills and accused of practicing witchcraft. The CERD noted in a recent report regarding Benin,⁷⁷

The Committee was concerned about reports that people with albinism are often subjected to extreme physical attacks, stigmatisation and discrimination based on beliefs related to witchcraft and skin colour.

Sadly, many cases may never be brought before CERD due to poor information collection or reporting, and in some cases, because of the remote locations of communities (whether

⁷⁴ Achojah Aruegodore, “[Mentally sick stoned to death over alleged witchcraft in Bayelsa](#)” 21st Century Chronicle, September 17, 2022.

⁷⁵ HRW, “[Submission to the Committee Against Torture and Other Cruel, Inhuman, or Degrading Punishment Ahead of the Review of the Republic of Iraq](#)” March 2022.

⁷⁶ Kali Nicole Gross, “[Opinion: The historical truth about women burned at the stake in America? Most were Black.](#)” Washington Post, February 25, 2022.

⁷⁷ CERD, “[UN Committee on the Elimination of Racial Discrimination publishes findings on Azerbaijan, Benin, Nicaragua, Slovakia, Suriname, United States of America and Zimbabwe.](#)” August 30, 2022.

physical or technological). Recently a situation in Papua New Guinea illustrates this issue. A young girl, (given pseudonym “Justice”) shares:⁷⁸

...in November 2017, the population of her village convinced themselves Justice was a witch. That’s why a mob imprisoned and tortured Justice for five days. It’s why they strung her up by her wrists and ankles and began flaying her with heated machetes. It’s why they screamed at her to recant the black magic they accused her of using to strike down another youngster. “They came to my house and wanted to kill me,” Justice tells TIME matter-of-factly. “They got a big knife and put it in the fire and then hurt my feet.”

Access to justice remains elusive, as the journalist notes,⁷⁹

But criminal prosecutions remain scarce. To date, no one has been held accountable for the murder of Justice’s mother nor for her own torture, despite Justice identifying her attackers from photographs. Some \$3 million of government funds allocated for an intensive sanguma (sorcery) awareness program has been frittered away, say activists, who insist that foreign assistance must be tied to tackling social ills like gender-based violence and improving access to health care.

Competing interests create challenges for appropriate justice, reparations, and healing to take place. The international arena, however, proves that there are many instruments that could address alleged witchcraft persecution.

IV. Other Doors to Open, Challenges to Consider

It is clear that vulnerable communities, the elderly,⁸⁰ widows, the disabled, and children are at risk when it comes to allegations of being witches or practicing “witchcraft.” There are other factors that are worth noting that are broader and may not fit neatly into a specific international treaty.

The role poverty and economic stress may play in accusations of witchcraft persecution is one factor that must be examined more. Some advocates suggest that economic changes within households impacts gender dynamics which often may lead to domestic violence as a result of financial stresses.⁸¹ Women, particularly, may be blamed for the downward spiral and be accused of witchcraft. Some researchers have emphasized that “a patriarchal dimension to witchcraft accusations could also explain the prevalence of women as victims both in traditional societies, and even in modern contexts that can resemble “witch hunts”, such as online bullying

⁷⁸ Charlie Campbell, “[How a 7-Year-Old Girl Survived Papua New Guinea’s Crucible of Sorcery](#)” TIME, July 16, 2019.

⁷⁹ *Id.*

⁸⁰ Robyn White, “[The Witch Camps Where Hundreds of Elderly Women are Left to Die](#)” Newsweek, October 30, 2022.

⁸¹ Seema Yasmin, “[Witch Hunts Today: Abuse of Women, Superstition and Murder Collide in India](#)” Scientific American, January 11, 2018.

specifically targeting women.”⁸² The Foundation notes the reader should also keep in mind that historically men were among those accused of witchcraft throughout Europe⁸³ and punished if they defended those that were accused. Nevertheless, misogyny plays a large role in allegations of witchcraft as the existence of “witch camps” illustrates.⁸⁴

Albeit not a new trend, is the connection between witchcraft practices and human trafficking, with many reports focusing on Nigeria.⁸⁵ In the report of her visit to Nigeria in 2019, the UN Special Rapporteur on Human Trafficking detailed how witchcraft practices had become a key *modus operandi* within trafficking networks.⁸⁶ Once travel arrangements have been set, traffickers would take their victims to the shrines of voodoo priests, setting up a ritual for “oaths of secrecy,” ensuring they will pay their debt and remain discreet.⁸⁷ This creates a powerful hold over victims, impeding them from seeking help or cooperating with the law.⁸⁸ It is estimated that “oaths of secrecy” are demanded from 90% of Nigerian girls trafficked to Europe.⁸⁹ This demonstrates how tangible and easily manipulated fears of “juju,” evil spirits, and witchcraft are; as a result, they must be properly integrated into any rights-based response. One such response was adopted by Oba Ewuare II of Benin, who invalidated oaths of secrecy born from trafficking and placed a curse upon traffickers; Maria Grazia Giammarinaro has described this effort as resulting in unprecedented results.⁹⁰

V. RECOMMENDATIONS

a. ENDING IMPUNITY

The first step in combating witchcraft allegations is enforcing all relevant laws which together can address these kinds of persecution. This means re-invigorating political will and taking significant actions to ensure that law enforcement bodies have the resources they need to ensure effective implementation. Additional legislation may be needed pending further inquiry into the abuses, but the primary concern should be ending impunity using the measures already available. It is extremely important in these cases that governments assess the UNCAT and

⁸² Ruth Mace, “Why Are Women Accused of Witchcraft?” *Scientific American*, January 11, 2018.

⁸³ Niamh Dann, “The Ely men who were accused by their neighbors of witchcraft” *Cambridgeshirelive*, May 30, 2022. *See also* Valerie Kivelson, “In Early Modern Russia, the Majority of Accused ‘Witches’ were Men” *Smithsonian Magazine*, June 15, 2022.

⁸⁴ Ghana Web, “Gambaga witch-hunt survivor speaks at Norway conference on witch-hunting” October 8, 2022.

⁸⁵ See Human Rights Council, ‘Report of the Independent Expert on the enjoyment of human rights by persons with albinism on the expert workshop on witchcraft and human rights’ (23 January 2018) UN Doc A/HRC/37/57/Add.2 at §9; Human Rights Council, ‘Report of the Special Rapporteur on trafficking in persons, especially women and children, on her visit to Nigeria’ (16 April 2019) UN Doc A/HRC/41/46/Add.1 at §9.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ Human Rights Council, ‘Report of the Special Rapporteur on trafficking in persons, especially women and children, on her visit to Nigeria’ (16 April 2019) UN Doc A/HRC/41/46/Add.1 at §71.

how it is incorporated into local criminal codes. This will be a significant step in protecting those who are being accused of witchcraft.

b. IMPROVED REPORTING AND DATA ANALYSIS

One of the central recommendations of this report is investment in reporting and data analysis.⁹¹ Reliance upon anecdotal evidence severely curtails the ability of researchers to gain a thorough understanding of scale, *modus operandi*, and potential solutions.⁹² Officially-endorsed research and thorough collection of data would assist in creating more tailored strategies for combating witchcraft-related abuses, while also preventing denial and sensationalism. Moreover, data collection is needed in different areas generally that intersect with other concerns, such as widowhood and other socio-economic indicators that should be measured to understand whether or not these practices are on a downward trend.

One of the challenges that will remain in addressing the issue is how law enforcement, including prosecutors, will view cases such as this. Many times, people may be quick to suggest there are no witchcraft persecution cases because there is no specific case charged as such. Better data must be kept on the *motivations* of people in committing murder and torture.

c. REFORMING LAWS

Many witchcraft cases, particularly against women, appear to be connected to laws that are inadequate to the realities of today's world. As highlighted above, women in India and Tanzania have been brutally beaten because of inadequate legal measures to protect their land rights from greedy family members or because of societal stigmas that they may face as single women. It is important that legal reforms also keep in line with the treaties that States have adopted and more importantly, protect the rights of vulnerable people within society.

d. INVESTMENT IN SOCIAL PROGRAMMES AND REHABILITATION

Victims and survivors of persecution and related harmful practices should be given the utmost attention in helping them to heal mentally and physically from the harms that befall them. In addition, States should take the opportunity to invest in prevention programs to raise awareness and coordinate with local NGOs who work on the ground to address these kinds of issues for survivors and victims.

Further, States should also consider strong partnerships with local advocacy groups who can assist law enforcement with documentation and responses to these incidents. The Foundation

⁹¹ Robyn White, "[Russia has got a problem with Witches](#)" *Newsweek*, November 23, 2022.

⁹² Stepping Stones Nigeria, "NGO Submission for the Universal Periodic Review of Nigeria 2013: Stepping Stones Nigeria/PACT Coalition" (2013) UN Doc SSN_UPR17_NGA_E_Main at §6.2; Committee on the Rights of the Child, "Consideration of Reports Submitted by States Parties under Article 44 of the Convention" (21 June 2010) UN Doc CRC/C/NGA/CO/3-4 at §68(e); see also E Secker "Witchcraft stigmatization in Nigeria: Challenges and successes in the implementation of child rights" (2012) 56(1) *International Social Work* 22 at 30.

has already noted the work of one NGO in Nigeria. There are others in the space that are working to assist with addressing impunity and rehabilitation, such as the South African Pagan Rights Alliance in South Africa.

VI. CONCLUSION

The gradual decline of witch hunts in England and throughout Europe was instigated by two core factors. The first was the questioning and diminishing of the validity of witchcraft beliefs.⁹³ The second main factor was the advancement of medical science which contributed to the rethinking of “maleficent magic” with medicines curing symptoms that were once thought of as bewitchment. These factors helped to decrease the necessity of accusing people of witchcraft.⁹⁴ Sadly, no one can claim that accusations of witchcraft are in the past, as Wolfgang Behringer, historian, notes that “more people have been killed for witchcraft in the 20th century than in the entire 300-year period of witch hunts in Europe.”⁹⁵

The purpose of the Foundation’s report is to emphasize that there are laws in place on an international, regional, and in some cases, national level. However, the enforcement of these laws in certain areas is lacking and requires concerted efforts by multiple stakeholders. Without coordinated efforts between law enforcement and communities, alleged witchcraft persecution and related harmful practices will not stop. More now than ever, efforts must also be made to collect data and document cases in order to truly study appropriate trends and determine where issues can be addressed in an effective manner. In addition, more attention must be given to raising awareness on these criminal acts which are impacting vulnerable sections of society.

⁹³ Ibid 233.

⁹⁴ Ibid 235-236.

⁹⁵ Charlotte Muller, “[Witch hunts, not just a thing of the past](#)” DW, August 10, 2020.