



OHCHR Expert Consultation:

The violations and abuses of human rights rooted in harmful practices related to accusations of witchcraft and ritual attacks

18-19 July 2022, Switzerland, Geneva, and online platform

CONCEPT /BACKGROUND NOTE

I. Introduction

Pursuant to Human Rights Council resolution 47/8, the United Nations High Commissioner for Human Rights (OHCHR) organizes an expert consultation on the violations and abuses of human rights rooted in harmful practices related to accusations of witchcraft and ritual attacks. The expert consultation will take place from 18-19 July 2022, in Geneva, Switzerland, and online, with the participation of various experts and stakeholders.

The objective of the expert consultation is to analyse the human rights and gender impact of harmful practices arising from witchcraft accusations and ritual attacks on groups at risk, and to identify measures to prevent them, protect those vulnerable to them, and implement accountability measures for such violations. The outcome of the meeting will inform the preparation of a study to present at the Human Rights Council at its fifty-second session.

Witchcraft is a global phenomenon whose manifestations can lead to harmful practices and serious human rights violations. These affect the most disadvantaged and marginalised people in society. Although the exact number of people affected could be underestimated, the Witchcraft and Human Rights Network,¹ indicated that there are over 20,000 victims of harmful practices, including torture and killings, related to accusations of witchcraft and ritual

¹ The Witchcraft and Human Rights Network is an online umbrella organization composed of members represented in all regions that provides free, on-line information resources and advocates for change and showcase positive interventions in witchcraft and human rights, <http://www.whrin.org/>.

attacks (HPAWR) have been reported in the last decade, across 60 countries, along with thousands of cases of people accused of witchcraft globally.² These numbers are expected to increase, with cases becoming more violent, the practices spreading, and new forms of such harmful practices emerging³. However, their irreversible consequences on the human rights and lives of persons affected are yet to receive proper attention.

According to Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (joint GR on HP), harmful practices are deeply rooted in social attitudes according to which women and girls are regarded as inferior to men and boys based on stereotyped roles. They highlight the gender dimension of violence and indicate that sex- and gender-based attitudes and stereotypes, power imbalances, inequalities and discrimination perpetuate the widespread existence of practices that often involve violence or coercion. Those who belong to or are perceived as belonging to disadvantaged groups are therefore at a higher risk of becoming victims of harmful practices. Women, children, the elderly, and persons with disabilities especially persons with albinism, are particularly concerned.

II. Drivers and manifestations of harmful practices related to witchcraft accusations and ritual attacks

Overall, the causes of harmful practices are multidimensional and include stereotyped sex- and gender-based roles, the presumed superiority or inferiority of either of the sexes, attempts to exert control over the bodies and sexuality of women and girls, social inequalities, and the prevalence of male-dominated power structures. As for HPAWR, it could be exacerbated by multiple factors such as poverty, displacement, and conflict. Research conducted in 2020 by UNICEF found that often children abandoned due to financial pressures on the family have ended up in “witches’ camps” in certain settings. HPAWR is also a form of gender injustice, that may deprive older women and widow women of their succession and inheritance rights to property and assets. In certain communities, negative stereotypes about female ageing mean that elderly women are perceived as dangerous and may experience non-judicial confinement and banishment from their homes because of accusations of witchcraft. Due to extreme fear of witch-hunting or reprisal attacks, those labelled as “witches” will be exiled to the margins of their communities and forced to remain confined in “safe” spaces, living in deplorable conditions and experiencing the worst forms of exclusion.⁴ Furthermore, family disputes, particularly between mothers and daughters-in-law, have resulted in

² <http://www.whrin.org/wp-content/uploads/2020/11/Concept-Note-23-November-2020.pdf>

³ A/HRC/37/57, paragraph 3

⁴ A/HRC/40/54

accusing one another of engaging in witchcraft.⁵ As for its linkages with displacement and trafficking, research revealed that witchcraft and customary practices had been used by human trafficking networks in certain regions, namely through witchcraft accusations and juju oaths, to lure women into trafficking networks.⁶ Other social norms and cultural beliefs supporting such harmful practices persist and are at times emphasized by a community in an attempt to preserve its cultural identity in a new environment.

HPAWR manifest themselves in various forms, including the following three: (i) the belief in an individual's supernatural power being able to cause harm or damage to persons or things leads to witchcraft accusations against individuals, often followed by violence, social rejection and/ or discrimination. (ii) Another form is manifested by violent attacks or ritual killings to procure body parts of designated groups of people for ritual purposes. The designated groups are often believed to possess (supernatural) qualities that can facilitate the acquisition of fortune. These cases extend to ritual rape and grave desecration, for the purpose of stealing and trafficking the remains of targeted persons. (iii) A third category manifests through "juju" rituals that are used to coerce a person into trafficking, while assuring their obedience and preventing them from reporting, or escaping from their traffickers.⁷ These practices have been in some contexts exacerbated either by conflict, humanitarian crises or by displacement.⁸

III. Human rights consequences of harmful practices related to accusations of witchcraft and ritual attacks

Research conducted have found widespread discrimination, stigma, social exclusion and forced displacement experienced because of witchcraft accusations and ritual attacks. HPAWR involve the breach of international human rights obligations, notably regarding human trafficking, violence against women, the duty of due diligence, the right to life and the duty of protection requiring firm and immediate action, and the duty to prevent and prosecute harmful practices and hate crimes.

Various forms of violence and human rights violations can also be associated to HPAWR, including killings, mutilation, burning, coercion in trafficking of persons, torture and other cruel, inhuman, or degrading treatment and stigmatization, particularly for persons in vulnerable situations, including women and children, persons with disabilities, older women, and persons with albinism. These are often committed with impunity.

⁵ UNICEF Literature Review on Harmful Practices in Nepal, page 33, 2020.

⁶ A/HRC/37/57, paragraph 51.

⁷ Witchcraft and Human Rights Network, concept note, 2021.

⁸ Witchcraft allegations, refugee protection and human rights: a review of the evidence, Jill Schoebelen, UNHCR, 2019

IV. States obligations and measures to address harmful practices related to accusations of witchcraft and ritual attacks

The Convention on the Elimination of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) contain specific references to the elimination of harmful practices. Accordingly, States parties are obliged to plan and adopt appropriate legislation, policies and measures and ensure that their implementation responds effectively to specific obstacles, barriers and resistance to the elimination of discrimination that give rise to harmful practices and violence against women (CEDAW, articles 2 and 3).

States parties are also obliged to take all appropriate measures, including temporary special measures (art. 4 (1))¹⁴ to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices that are based on the idea of the inferiority or the superiority of either sexes or on stereotyped roles for men and women (art. 5 (a)).

The CRC provides for the right of the child to be protected from all forms of violence, including physical, sexual or psychological violence (art. 19) and requires States parties to ensure that no child is subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a)). It applies the four general principles of the Convention to the issue of harmful practices, namely protection from discrimination (art. 2), ensuring the best interests of the child (art. 3 (1)),¹⁵ upholding the right to life, survival and development (art. 6) and the right of the child to be heard (art. 12). The obligations outlined in the Conventions provide the basis for the development of strategies to prevent and respond to HPAWR.

Various stakeholders including State entities, United Nations entities and human rights mechanisms and regional bodies have taken steps to address HPAWR, although often with a particular perspective and in specific countries and contexts.

At the global level, the Special Representative of the Secretary General on violence against children⁹, the Special Rapporteur on violence against women, its causes and consequences¹⁰ as well as the Working Group on the issue of discrimination against women in law and in practice¹¹, the Independent Expert on the Rights of Persons with Albinism¹², Independent Expert on the enjoyment of all human rights by older persons¹³, the Special Rapporteur on freedom of religion or belief¹⁴, the Special Rapporteur on torture and other cruel, inhuman or

⁹ <http://srsg.violenceagainstchildren.org/page/850>

¹⁰ A/HRC/20/16, A/HRC/26/38/Add.1 and A/HRC/23/49/Add.2

¹¹ A/HRC/41/33, paragraph 28

¹² A/72/131 and A/HRC/34/59

¹³ A/HRC/42/43/ADD.2

¹⁴ A/HRC/25/58/Add.1

degrading treatment or punishment¹⁵, the Special Rapporteur on Trafficking in persons¹⁶, and the Special Rapporteur on extrajudicial, summary or arbitrary executions¹⁷ have addressed the devastating impact of witchcraft and sorcery related violence on children and women, including in contexts of displacement. The Universal Periodic Review and Treaty bodies have addressed recommendations to several countries on their obligations to prevent and address the human rights violations arising from harmful practices, including violence-related accusations of witchcraft.¹⁸

At the regional level, members of the Pan-African Parliament held a consultation with the Independent Expert on albinism on 19 and 20 April 2021, to validate a *Preliminary Report and Guidelines for Parliamentarians on Accusations of Witchcraft and Ritual Attacks: Towards Eliminating Harmful Practices and Other Human Rights Violations*. The development of the Guidelines for the Africa region underscores the gravity of HPWAR in the African region and will become a valuable best-practice to other regions.

In their report to the Human Rights Council in 2017, the Independent Expert on the enjoyment of human rights by persons with albinism compiled the measures and promising practices taken at national level to prevent and address HPAWR, particularly against persons with albinism.¹⁹

¹⁵ A/HRC/25/60/Add.1 and A/HRC/31/57 at para 14

¹⁶ A/68/256

¹⁷ A/HRC/25/58/Add.1, paragraph 42, and A/HRC/11/2

¹⁸ A/HRC/46/6 (UPR 2020), A/HRC/39/4 (UPR 2018), A/HRC/33/10 (UPR 2016), CEDAW/C/MOZ/CO/3-5 (CEDAW 2019), CEDAW/C/AGO/CO/7 (CEDAW 2019), CCPR/C/AGO/CO/2 (CCPR 2019) and E/C.12/CAF/CO/1 (CESCR 2018).

¹⁹ A/HRC/34/59

VI. Content of the Expert consultation

The expert consultation will examine the challenges faced by duty bearers in addressing this issue, namely its determinants, including in the context of mobility and humanitarian situations, the linkages with other human rights such as the right to exercise one's culture, religion, belief and expression, and its impact on the human rights of specific categories of women and children.

The event will also be an opportunity to discuss how the current global, regional, and national frameworks could strategically be used to prevent and further protect those at risk of HPAWR. It will look specifically into the role of national institutions, State entities, civil society actors including religious and traditional organizations, as well as ways to address current normative and institutional challenges, and the emerging forms of HPAWR.

This expert consultation builds on the recommendations formulated at the expert workshop organized, in 2017, on witchcraft and human rights, by the Independent Expert on the enjoyment of human rights by persons with albinism.²⁰

A. Sessions

a. Session 1: **Drivers, manifestations, and emerging forms of HPAWR**

This session will discuss how this practice is linked to other cultural and social norms, the drivers, root causes and structural determinants of the HPAWR. This includes an overview of such practices in urban and rural settings, in contexts of displacement, and during migration and human trafficking in women and children. It will also look at the intersecting determinants (financial, economic, social) that support, condone and facilitate the perpetuation of such practices and their mitigating factors in all regions, through a right-based and gender related approach.

Questions:

- What are the determinants of HPAWR in all regions?
- What are the commonalities in their manifestations and impact on the lives of the most at risk among women and children?

b. Session 2: **Interconnection between human rights and HPAWR**

This session will analyse the right-based approach definition of HPAWR. This part does not aim to discuss whether witchcraft should be or not criminalized, but instead how to address their implication on the human rights and protection of potential victims/survivors of HPAWR. Previous research on the question of whether to criminalize acts of witchcraft considered that

²⁰ A/HRC/37/57/Add.2

criminalization would reinforce the social stigmatization of those accused in addition to the difficulty of finding a clear definition of the concept.²¹ However, all criminal acts should be prosecuted, regardless of their link to witchcraft; namely any killing of persons for the use of body parts in witchcraft-related practices such as *muti* or *juju*²².

Questions:

- Where to draw the line between HPAWR and the right to exercise different types of religion or belief, to preserve the right to freely manifest a religion or belief, individually or in community with others, including for persons belonging to religious minorities?
- When does the law consider that a religious practice violates the rights of others - to the extent that it amounts to a harmful practice?
- When do these harmful practices constitute crimes in national contexts?
- How and where do we draw the line between a cultural practice (through rituals) and the harm that person concern could suffer and protected from?
- Given the three types of manifestation that the expert meeting wishes to consider, how can a clear line be drawn on what has been legally defined as witchcraft and ritual attacks in international and national laws - and how do these laws assess the harm?

c. Session 3: **Preventive measures to HPAWR**

The CEDAW and CRC committees have underlined that prevention can be best achieved through a rights-based approach to changing social and cultural norms, empowering women and girls, building the capacity of all relevant professionals who are in regular contact with victims, potential victims and perpetrators of harmful practices at all levels and raising awareness of the causes and consequences of harmful practices, including through dialogue with relevant stakeholders. In this connection, the session will be discussing the need to adopt a rights-based approach in normative frameworks that is founded on recognition that rights are indivisible and interdependent, how these harmful practices should be addressed, with a context and or region-specific approach.

Questions:

- Discuss how rights based and gender social norms could be established to uphold practices in the society with positive impact on the identity and social cohesion without causing harm?

²¹ See for instance A/HRC/37/57

²² Research from the Witchcraft and Human Rights Network explain that *Muti* is a Southern African term for black magic, such as the use of body parts from people with albinism, its synonymous in West African countries is *juju*.

- Regulations and interventions of practitioners in the area, to which extent this is possible? What actions and standards could apply? What are the promising practices in terms of legislation, policies, budget, data collection at all levels?
- Which stakeholders have a role to play? What is the role of national human rights institutions? What could we learn from human rights mechanisms, and regional mechanisms? What could State entities, all stakeholders do better?

d. Session 4: **Response to and support measures for survivors of HPAWR**

The CEDAW and CRC Committees call upon States parties to explicitly prohibit by law and adequately sanction or criminalize harmful practices, in accordance with the gravity of the offence and harm caused, provide for means of protection, remedy, reintegration and redress for victims and combat impunity for harmful practices. Although studies conducted reveal the difficulty, both nationally and regionally, in defining witchcraft, international human rights law provides an institutional framework that address harmful practices and other human rights violations resulting from witchcraft accusations and ritual attacks.²³ This session will consider best ways to address the consequences of HPAWR, and examine how to ensure victim-centred remedies and reparations measures. Experts will discuss the rights of children and women throughout the legal processes, the challenges and consider some of the promising practices.

Questions:

- What are the challenges in prosecution of perpetrators of violence and rejection? Of body cutting and of traffickers, where law exist? And in reparations, where necessary? How can they be overcome?
- How to address challenges of evidence, including in context of rituals attacks, and of coercion through witchcraft for the purpose of trafficking?
- What measures are in place to ensure gender responsive and child -friendly protection measures for survivors and witnesses of HPAWR?

²³ HelpAge study, 2011