**Call for submission of written contributions for the elaboration of 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**

ISSUED BY

**Office of the High Commissioner for Human Rights**

DEADLINE

**18 September 2022**

**Purpose** To inform the drafting by OHCHR of the study requested by Human Rights Council resolution 47/8 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.

OHCHR invites Member States and other relevant stakeholders, including the United Nations Secretariat and relevant bodies, representatives of subregional and regional organizations, international human rights mechanisms, national human rights institutions, and non-governmental organizations to provide written inputs to help OHCHR 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.

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?**

In the elimination of harmful practices, the following measures were put in place to address the practices in Nigeria:

a. The Violence Against Persons (Prohibition) Act was enacted in 2015 (VAPP Act). This Act prohibits all forms of violence against persons in private and public life and provides protection and effective remedies for victims and punishment of offenders.

b. The enactment of the Child’s Rights Act which guarantees the rights of all children in Nigeria, providing for the best interest of a child to be of paramount consideration in all actions. It also provides for a child to be given protection and care necessary for his or her wellbeing.

c. The Criminal Code Act provides in Section 210 that any person who accuses any person of being a witch or having the power of witchcraft; or makes or takes part in making, selling or using, invocation, worship or possessing any juju, drug or charm or control over any human remains connected with witchcraft, human sacrifice or other unlawful practice; is guilty of a misdemeanor and is liable to imprisonment for two years.

d. The development of the National Policy on Albinism 2012.

e. The National Human Rights Commission in collaboration with Pillars of Hope Africa Initiative (POHAI) created a drama series SILENT PREJUDICE on Africa Independent Television (AIT). The series condemns the violations of Osu discriminatory Caste System in some parts of Nigeria.

f. The National Human Rights Commission had spearheaded a number of public hearings across the states to address issues of SGBV, widowhood violations/ inheritance, domestic violence and other discriminatory practices.

* 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?**

The following measures have been undertaken to prevent violation of the above-listed rights in Nigeria:

1. The Constitution of the Federal Republic of Nigeria, 1999 (as amended): Chapter IV of this constitution provides guidelines for the prevention of such violations which are applied when dealing with accusations of witchcraft, ritual attacks and all other such practices. All law enforcement agencies are mandated to comply with these provisions in the discharge of their duties.
2. The National Human Rights Commission has commenced nationwide training of law enforcement agents on the protection of human rights in the discharge of their duties with a view to preventing further violation/harm.
3. The Centre for Civilians in Conflict (CIVIC) developed a mobile application for rules of engagement for the military in times of conflict. The focus of the app is for the Military to avoid causing harm to civilians and avoiding situations where civilians are not treated as “collateral damage”.
4. The National Human Rights Commission in collaboration with CLEEN Foundation created an automated complaint reporting database on Human Rights violations in Nigeria. The app is to help Nigerians speedily report violations from anywhere at any time. It also provides users of the app an opportunity to upload pictures from the scenes of violations.
	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?**
5. The National Agency for Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP) is responsible for the protection of all persons against human trafficking and violence against persons through a people-centered access to justice and the provision of safe spaces. The Agency through its Counselling and Rehabilitation department rehabilitates and counsels’ victims of human trafficking as well as other harmful practices. From the inception of the Agency to December 2021, a total of One hundred and Ninety-One (191) of the trafficked persons assisted by the department were empowered to return to school or acquire vocational training. While an additional five hundred and sixty-one (561) were further supported to establish their own businesses through the donation of trade equipment and provision of resettlement allowance to enable them cater to their personal needs.
6. NAPTIP operates ten (10) shelters across the country catering to the needs of persons who have been exposed to harmful practices due to accusations of witchcraft, ritual attacks, and other harmful practices.
7. National Policy on Protection and Assistance to Trafficked Persons: the policy is a collection of rehabilitation and re-integration strategies and opportunities available for victims. It also contains the rights and privileges of the victims as well as the responsibilities of government, departments, and agencies in the welfare of victims. The policy was approved by the Federal Executive Council of Nigeria, the highest decision-making body in the country in 2008. There is also a Strategic Implementation Framework (SIF) to serve as a roadmap for fast-tracking the implementation of the Policy.
8. Nigeria has validated the Pan African Parliament's proposed guidelines on concrete actions to end harmful practices related to witchcraft
9. The services of the National Human Rights Commission are free. This provides survivors of human rights abuses and violations with equal access to justice regardless of their economic powers.
10. The National Human Rights Commission also established a Counselling Unit available to counsel complainants and respondents in need of psychological support.
11. **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?**
12. In compliance with the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the Violence Against Persons (Prohibition) Act was enacted in 2015. Section 20 of the Violence Against Persons (Prohibition) Act expressly prohibits harmful traditional practices and prescribes punishments for offenders
13. The Violence Against Persons (Prohibition) Act has been adopted in Twenty-Eight (28) states thereby ensuring the criminalisation of offenses prescribed in the Law in most parts of the country. In 2021, 49 suspects of trafficking were prosecuted and 36 of them were convicted.
	1. **Are there comprehensive accountability frameworks that go beyond criminal justice and courts?**

Accountability frameworks that go beyond criminal justice and the courts include:

1. The National Human Rights Commission is empowered by its Act and rules of procedure to authorise and constitute panels of inquiry to investigate human rights abuses.
2. The National Policy on disability in Nigeria 2017.
3. The Discrimination Against Persons with Disability (Prohibition) Act 2018 provides for a five-year transitional period within which public buildings, structures or automobiles are to be modified to be accessible to and usable by persons with disabilities, including those on wheelchairs.
4. The Law also provides that all public organisations are to reserve at least five percent of employment opportunities for persons with disability.
	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?**

The following measures have been put in place:

1. The Discrimination against Persons with Disabilities (Prohibition) Act provides in sections 29 and 30 provides that all employers of labour in public organisations shall, as much as possible, have persons with disabilities constituting at least 5% of their employment, and Persons with disabilities shall be encouraged to fully participate in politics and public life.
2. The Act also stipulates that the Government shall actively promote an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, non-governmental organisations and associations concerned with the public, activities and administration of political parties. and political life of the country; without discrimination;
3. Establishment of the National Commission for Persons with Disabilities
4. The National Human Rights Commission adopts a carry the victims alongside approach in the treatment of complaints before it
5. President Muhammadu Buhari approved the National Policy on Ageing for older persons in Nigeria on 10th February 2021. The purpose of the policy is to have a society where senior citizens are guaranteed security, independence, participation, comprehensive care, self-fulfillment, and dignity.
6. Civil Society Organisations (CSOs) such as The Albino Foundation (TAF) have championed this cause by working with the government, and development institutions in programme areas that improve the health, education, and social wellbeing of persons with albinism in Nigeria; as well as assist and empower them to find their rightful place in society.
7. **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?**

The following measures have been put in place in the Country:

1. The National Human Rights Commission in a bid to combat stereotypes, prejudices, and harmful practices relating to persons with disabilities regularly conducts sensitization campaigns across the 36 states of the Federation via community-based sensitization, education campaigns, media campaigns, and initiated school-based disability rights awareness programme; on human rights violations against persons with disabilities that are rooted in stigma and customary beliefs.
2. NAPTIP in the discharge of its duties carries out awareness campaigns, seminars, and workshops, radio and television programmes aimed at educating the public
3. The Albino Foundation (TAF) sensitization campaigns.
4. The Ministry of information in creating awareness on the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018.
5. The creation of the National Orientation Agency of Nigeria. The agency is tasked with the responsibility of ensuring that Government programmes and policies on the prevention of discrimination and stigmatization in all sectors are communicated to and better understood by the general public.
	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?**

The following measures have been undertaken in Nigeria:

1. The NAPTIP through its Counselling and Rehabilitation department rehabilitates and counsels victims of human trafficking and violence. From the inception of the Agency to Dec 2021, a total of One hundred and Ninety-One (191) of the trafficked persons assisted by the department were empowered to return to school or acquire vocational training. While additional five hundred and sixty-one (561) were further supported to establish their own businesses through the donation of trade equipment and provision of resettlement allowance to enable them to cater to their personal needs.
2. NAPTIP operates ten (10) shelters across the country catering to the needs of persons who have been exposed to harmful practices due to accusations of witchcraft and other related matters.
3. The Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development established a Special Needs Department responsible for monitoring and evaluation of rehabilitation programmes, provision of aids and appliances to individuals and institutions that provide rehabilitation services to Persons with Disabilities and coordination of rehabilitation service delivery in Nigeria.
4. The establishment of the Social Welfare Department of States Ministries of Women Affairs. The Department engages in counseling services and the creation and supervision of transit homes/shelters.
5. The National Human Rights Commission through its counseling unit provides psychosocial support to complainants who have been victims of such harmful practices.
	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?**

In ensuring the prevention of human rights violations rooted in harmful practices related to accusations of witchcraft and ritual attacks, the following initiatives have been put in place:

1. The enactment of the VAPP Act has been a groundbreaking initiative in defining violations such as Female Genital Mutilation (FGM), harmful widowhood practices, harmful traditional practices, and grievous bodily harm in Nigeria. These provisions contribute to the prevention of these harmful practices by criminalizing actions and providing sanctions.
2. The National Human Rights Commission actively participates in the annual commemoration of 16 Days of Activism on the Elimination of Violence against Women and Girls with the international community, from 25th November to 10th December annually. During this period, the Commission embarks on various advocacy campaigns across all its offices, including awareness and sensitization via road walks, school visits, radio/television interviews, and meetings with critical stakeholders to stimulate support towards the elimination of violence against Women and Girls.
3. The Child’s Right Act provides every child with the right to free, compulsory and universal basic education and imposes a duty on the Government in Nigeria and the child’s parents/guardian to provide and assess such education respectively.
4. The Federal Ministry of Information make provisions for the promotion of awareness regarding the rights, respect, and dignity of persons with disabilities; and the capabilities, achievements, and contributions of persons with disabilities to the society.
5. The Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development through its Humanitarian Affairs Department is saddled with the responsibility of coordinating all humanitarian interventions for the Ministry. They also mobilize and coordinate effective principles of humanitarian actions in partnership with Local actors (Non-Governmental Organisations), International NGOs, United Nations Agencies, Civil Society Organisations, development partners and other Ministries, Departments and Agencies (MDAs) that render assistance to the vulnerable population.
6. The establishment of the National Orientation Agency to consistently raise awareness, positively change attitudes, values and behaviours; accurately and adequately inform; and sufficiently mobilize citizens to act in ways that promote peace and harmony. `
7. The Discrimination Against Persons with Disability (Prohibition) Act provides for equal right to work, opportunity for employment, and participation in politics for people with disability.
	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?**

It is our finding that unequal access to resources and poverty are major aggravating factors in the violation of human rights related to accusations of witchcraft and ritual killings. As many as 4 in 10 Nigerians live below the national poverty line which has driven citizens to engage in all sorts of criminal activities to make ends meet. Many believe in the use of human body parts especially that of women for ritual sacrifices in return for fortune. This has led to an increase in kidnapping and ritual attacks in the Country.

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.**

There is no centralised data source in this regard.

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?**

The following challenges have hindered the country’s effort in combating violence as a result of accusations of witchcraft and ritual attacks:

1. Ineffective coordination between ministries, as well as across federal and state agencies.
2. Deeply rooted cultural beliefs repugnant to natural justice.
3. Failure of some states to domesticate the VAPP Act and Child’s Right Act;
4. Poor implementation and enforcement of laws created to curb these practices.
5. Inadequate funding
6. Inadequate data and documentation
7. Lack of centralised data system
8. Lack of accountability
9. Poor reporting on convictions of perpetrators.
	1. **Have you identified some promising practices in this regard?**

The following are some promising practices:

1. The operation of shelters by NAPTIP, it is hoped that in the earnest future, all 36 states of the Nation would have a functional shelter for survivors
2. The institutionalization of counseling and rehabilitation departments in government agencies who are first respondents in this thematic area
3. The continuous collaboration by the National Human Rights Commission and other government agencies with Civil Society Organisations and Non-Governmental Organisations (NGOs) to raise awareness and tackle human rights violations
4. The creation of laws and policies to address subject-specific human rights violations with provision of appropriate sanctions/punishment
5. The National Human Rights Commission’s joint effort with POHAI on the creation of a drama series condemning violations of human rights emanating from Osu discriminatory Caste System in some parts of the country is a notable stride in maximizing the use of the media in advocacy.
	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?**
6. Funding of National Human Rights Institutions, CSOs and NGOs from the United Nations
7. Capacity building programmes and trainings for Ministries, Departments, and Agencies (MDAs), Law enforcement, CSOs, NGOs, and other relevant first responders.
8. Support of country implementation of appropriate laws and policies
9. The United Nations ought to declare witch hunting as a harmful practice