

**INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES**

[ISSN 2581-5369]

Volume 5 | Issue 3

2022

© 2022 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to submission@ijlmh.com.

Proliferation of Child Witchcraft Accusation in Nigeria: A Violation of the Human Rights of the Child

OSIFUNKE EKUNDAYO¹

ABSTRACT

Child witchcraft accusations are a relatively recent phenomenon trending in Nigeria especially in South Eastern part of the country. The stigmatisation of children as witches and resultant child rights abuse is becoming prevalent in this part of Nigeria and is getting worrisome. Witchcraft stigmatisation is increasingly identified as a growing human rights concern and has been recognised as a major barrier to the effective implementation of child rights in Nigeria. The paper aims to give a better understanding of the complexity and the variety of the phenomena described, as well as the causes, which are not only cultural and social, but also economic and political. To do this, it examines the plights of children branded as witches in Nigeria. It explains the reasons for the proliferation and flourishing of this evil practice against these vulnerable children. It sheds light on the inhuman degrading treatments these children are subjected to and the perpetrators are usually family members and religious leaders. The rights of these labelled 'Child witch' under the various international human rights laws are highlighted because witchcraft-related abuse entails significant violations of a range of children's rights. It is revealed in the paper that domestic legislative policy responses are not fully effective, coupled with the problem of enforcement and implementation. The work of various CSOs and NGOs who are the main actors to raise concern about the increase of child witchcraft accusations in Nigeria are highlighted. Some recommendations are suggested. The paper concludes that the phenomenon of witch persecution is still very much alive, and there is the need for urgent response and the needed protection for the affected children by the government.

Keywords: *Child's rights, child's human dignity, government policy, Civil Society Organisations, harmful treatment, witchcraft.*

I. INTRODUCTION

Harmful traditional practices affecting women and children have been the subject of increasing international attention in recent years.² Amongst such practices, child witchcraft allegation

¹ Author is a PhD (London) Reader, Department of Private and Property Law, University of Ibadan, Ibadan, Nigeria.

² Committee on the Rights of the Child, Joint general recommendation No.31 of the Committee on the Elimination

seems to be an increasing phenomenon. Beliefs in the existence and powers of witches have a long and diverse history and are found across a huge range of cultures and traditions. Accused witches have been executed by hanging, drowning and burning at the stake throughout history. The persecution of accused witches continues today in communities around the globe. People described as witches have often suffered abuse, cast out of their families and communities, persecuted, tortured and in many cases murdered and the practice continues today. Historical evidence shows that mankind from prehistoric times has had belief in supernatural entities and powers. The underlying motive has been the quest for man to find answers to unexplained phenomenon and problems including evil occurrences such as death, bareness and sicknesses. From Behringer's view, *'unexpected hardship or bad luck, sudden and incurable diseases, all can be accounted to the actions of evil people, to magical forces...the diagnosis of witchcraft opens up the possibility of combating the causes of hardship.'*³ It is also observed that witchcraft accusation can result from economic disparity, - just as the poor can be accused of jealousy-induced witchcraft, also the well-to-do can be accused of practising witchcraft to acquire wealth. Defining "witches" and "witchcraft" varies across cultures.⁴ Witchcraft beliefs vary among cultures. While the western world for example, Western Europe and the United States embraced child witches like Harry Potter and Sabrina the Teenage Witch, ironically in sub-Saharan Africa, children who are accused of sorcery are cast out of their homes and end up to become street children. In this paper the term witchcraft will be generalised here to mean *harmful actions carried out by persons presumed to have access to supernatural powers.*⁵ Today, in the social sciences, and in the disciplines of religious studies, anthropology and ethnology, a wide range of contemporary beliefs and practices termed "witchcraft" or "sorcery" are studied as a subject.

In traditional Africa, the focus of witchcraft allegations has been on the elderly, in particular elderly women. In these instances, children are involved as victims of witches, or as persons to whom their mother or grandmother passes on knowledge of witchcraft powers. Within traditional African beliefs, children were not commonly associated with the practice of witchcraft but were perceived as victims of witchcraft practices perpetuated by adult witches

of Discrimination against Women/General comment No. 18 of the Committee on the Rights of the Child on harmful practices, U.N.Doc.CEDAW/C/GC/31/CRC/C/GC/18 (2014).

³ Behringer, Wolfgang. (2004), *Witches and Witch-Hunts: A Global History*, Polity Press, at 23.

⁴ Alston, Philip., (2009), *Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development*, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions. A/HRC/11/2 27 May 2009 para 43

⁵ Ashforth, Adam., (1998), 'Reflections on Spiritual Insecurity in a Modern African City (Soweto)', 41 *African Studies Review* 39 (Dec. 1998), at 64.

on them.⁶ Witchcraft allegations against children are not a traditional practice but are a relative recent phenomenon. Child witchcraft accusations, is a recent occurrence. The reasons why children have become the specific focus remain somewhat unclear. Usually, it has been primarily girls and women who were accused of witchcraft but, because of the social and economic disruptions in the country, both boys and girls are now accused. The process of accusing children generally starts when an important family member, such as the child's mother, dies. The father may take a new wife. The stepmother might start to spread the rumour that her stepson/stepdaughter is a witch and asks the husband to intervene. In other cases, where the parents are dead or have been displaced by conflict, the child lives with other family members who subsequently expel the child. An underlying reason can be that there are too many mouths to feed, or jealousy. The family may hire a priest to exorcise the household of the witch child. After the exorcism, the family is often afraid to accept the child back home.⁷ Excuses like witchcraft are thus used as a means of ridding the family of unwanted children.⁸ In a family setting, a child might be singled out on the basis of character, behaviour or appearance. If a child acts abnormal in any way (such as bed wetting or hyperactivity), then this can be interpreted as a sign that the child is a sorcerer.⁹ Children showing any unusual behaviour, for example children who are stubborn, aggressive, thoughtful, withdrawn or lazy or even those who stutter, also make up this category.¹⁰ Children are called witches and blamed for untimely deaths in the family, broken homes, problem at work, loss of work, pain and sickness. In addition, children with disabilities are considered to be at particular risk of witchcraft accusations, as certain medical conditions such as having a hunchback, deafness, albinism or epilepsy are often considered to be evidence of witchcraft.¹¹ It is puzzling that while disabled children are likely to be accused of witchcraft, disabled adults are not. Even if a child is a genius or especially gifted, in witch-believing societies, that could easily lead to suspicions and accusations of witchcraft. These children who are labeled as witches are abandoned, ostracised and violated in several ways which include beating, acid baths, setting ablaze and killing.¹² These children are typically orphans who have lost one or both natural

⁶ La Fontaine, J., (2009), *Child Witches in London: Tradition and Change in Religious Practice and Belief*, in J. La Fontaine (ed.), *The Devil's Children*, Ashgate, p.118.

⁷ Cahn, N. (2006) 'Poor Children: Child "Witches" and Child Soldiers in Sub-Saharan Africa', *Ohio State Journal of Criminal Law* 3: 413 at 441

⁸ *ibid*

⁹ Ogunjuyigbe, P. (2004) 'Under-Five Mortality in Nigeria: Perception and Attitudes of the Yorubas towards the existence of "Abiku"', *Demographic Research* 11(2): 43.

¹⁰ Cimpric, Aleksandra, (2010) *Children Accused of Witchcraft: An anthropological study of contemporary practices in Africa*, UNICEF WCARO, Dakar.

¹¹ Molina, J. (2005) *The Invention of Child Witches in the Democratic Republic of Congo*. London: Save the Children.

¹² Adegoke, P. (2010) *Religiosity, Belief in Witches and the Child-Witches of Nigeria*, in A. Ademowo, G. Foxcroft

parents. Children accused of witchcraft are subject to psychological and physical violence, first by family members and their circle of friends, then by church pastors or traditional healers. Once accused of witchcraft, children are stigmatized and discriminated for life. These acts of persecution, affects the child psychologically, emotionally and physically which can eventually even lead to the death of the accused child. Often children are forced into making confessions of witchcraft which distorts their notion of truth and weakens their trust in adults. After the accusation, children are placed under the care of the church leader, who usually will be well paid to ‘deliver’ or ‘exorcise’ the child¹³ often making use of violent deliverance rituals.¹⁴ After the exorcism, the child is sent from the home and is unable to return. Once outside of the home, the child may engage in criminal conduct, ranging from theft to rape, in order to survive life on the streets.¹⁵ Cases of children being harmed, abused or killed as a consequence of witchcraft allegation practices have been documented in the media; making headlines in newspapers, on social media and the internet. All these abuses are violation of the child’s rights right to be free from violence, abuse and neglect, the right to life, the right to be free from torture, the right to non-discrimination, the right to respect for the views of the child, the rights to food and shelter, and the right to education, other rights, including the right to health, the rights to play, the right to family life and the right to protection against trafficking are also violated. Over the last years, accusations of witchcraft against children have become the focus of increased international attention, in particular due to the fact that they cause direct violations of children’s rights. A belief in witchcraft is not necessarily problematic; the actions taken in consequence of belief however in most cases, violate human rights standards.¹⁶

II. THE CURRENT SITUATION

Presently, in Nigeria especially in the south eastern part, children are accused of being witches; this practice seems to be increasing having serious consequences for the rights of the children so accused. Without denying this belief, the violent nature of accusations calls for greater attention from governments and local and international non-governmental organizations (NGOs). The printed press, television, radio, and more recently Internet sites in various regions of Africa regularly report shocking figures on the number of violent acts against children in the context of practices related to witchcraft beliefs. Few people, however, consider the deep-

and T. Oladipo (eds) *Suffereth not a Witch to Live*, Ibadan: Muffy Prints, p. 47.

¹³ Akhilomen, D. (2006) ‘Addressing Child Abuse in Southern Nigeria’, *Studies in World Christianity* 12(3): 235.

¹⁴ Cimpric, note 9, p.16.

¹⁵ *ibid*

¹⁶ ter Haar, Gerrie (ed). (2007), *Introduction to the the Evil Called Witchcraft in Imagining Evil: Witchcraft Beliefs and Accusations in Contemporary Africa*, Africa World Press at 9

rooted causes of these *horrific and terrifying events that are presented as some kind of “African tradition.”*¹⁷ While the child is considered as a “victim” of witchcraft accusation from the point of view of the Western conception of human and child rights, it is not a view shared by local populations who have designated the child as guilty. According to local beliefs, the real victim is the person who suffered the consequences of an act of witchcraft. As soon as the child has been accused of witchcraft, it is no longer a child, but a witch.¹⁸ Philip Alston UN Special rapporteur on extrajudicial killings or arbitrary executions in his most recent report to the Human Rights Council, says: ‘*In too many settings, being classified as a witch is tantamount to receiving a death sentence.*’¹⁹

Accusations of witchcraft against children in Nigeria

The traditional Nigerian perception of the child places them at the bottom of the social hierarchy, with obedience and respect for adults being paramount. The traditional Yoruba family structure privileges seniority, with junior members of society expected to provide services in a submissive and deferent manner.²⁰ Traditional social stratification within southern Nigeria (an area where witchcraft accusations are particularly prevalent) accords children the lowest social status.²¹ Understanding witchcraft accusations against children as a response to challenges to traditional family and community power hierarchies is therefore certainly unwelcoming in the traditional African context. Cimpric also identifies societal tensions, including the growing centrality of youth in the popular consciousness, poverty and ongoing economic and political instability as contributing factors to witchcraft accusations against children.²² Similarly, children from poor communities or current or post-conflict situations have been identified as being at a higher risk of witchcraft accusations.²³ Beliefs related to witchcraft are not necessarily problematic in themselves, but become challenging when they involve accusations leading to acts of persecution, including psychological, emotional and physical abuse, which can eventually even lead to the death of the accused child. According to Alston, the Special Rapporteur on extrajudicial, summary or arbitrary executions in a 2009 report he stated that human rights abuses carried out due to belief in witchcraft have ‘not featured prominently on the radar screen of human rights monitors’ and that this may be due

¹⁷ Cimpric, note 9, p.5

¹⁸ Ibid, p.41

¹⁹ Alston, P. (2009) Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/11/2 27 May 2009, para 43.

²⁰ Falola, T. (2001) *Culture and Customs of Nigeria*. Westport, CT: Greenwood Press.

²¹ (Akhilomen, note 12, p.243.

²² Cimpric note 9, p12.

²³ Schnoebelen, J. (2009) ‘Witchcraft Allegations, Refugee Protection and Human Rights: A Review of the Evidence’, *UNHCR research paper* no. 169, p.15.

partly to the difficulty of defining ‘witches’ and ‘witchcraft’ across cultures.²⁴ He stated further that cases of children being harmed abused or killed following accusations of being a witch or for the purpose of witchcraft have been documented mainly in African countries.²⁵

Belief in witchcraft is dominant within Nigeria society and particularly in the South Eastern region, specifically in Akwa Ibom State, and in Eket Senatorial zone in particular,²⁶ in relation to the Ibibio peoples of south-eastern Nigeria. The presence of children labeled as ‘child witches’ is known to virtually everyone across the state and is practiced state-wide.²⁷ The children are called witches and blamed for untimely deaths in the family, broken homes, problem at work, loss of work, pain and sickness. These children who are labeled as witches are abandoned, ostracised and violated in several ways. The primary accusers and perpetrators of violence are members of the immediate family who attempt home – made remedies, which include beating, acid baths, setting ablaze and killing.²⁸ The existence of ‘child witches’ is a cultural belief which is rampant in the state. It is generally believed that any ill-luck that befalls a family ranging from a down turn in business, to ill health, infertility, even death is caused by a child or children in the family.²⁹ Chineyemba comments, ‘*Urban and rural dwellers are entrapped in the deep rooted fear of witches. . . Ibibio society is organised around an intrinsic fear of witchcraft. . . it is enshrined in communal consciousness*’.³⁰ Children are primarily accused of witchcraft by either their families or church leaders/prophets, often from revivalist Pentecostal churches.³¹ Case data from Akwa Ibom State shows that in 31 percent of cases the child was accused of witchcraft by a pastor³² and Molina considers that ‘the boom in revivalist churches is undoubtedly closely related to the accusations of witchcraft against children’³³ The children are taken to churches, shrines and traditionalists who use one, or a combination of prayers, praise and worship, oil in the eyes and ears or to drink.³⁴ Other extremely harmful remedies meted out include beating, chaining, sawing, tying up, herbal enemas and nails driven

²⁴ Alston, P., (2009), The Special Rapporteur on extrajudicial, summary or arbitrary executions 2009 report. A/HRC/11/2, 27 May 2009 para 43.

²⁵ Ibid, para.49

²⁶ UNICEF, (2008), *The Causes and Prevalence of Accusation of Witchcraft among Children in Akwa Ibom State*, UNICEF

²⁷ Ibid p.5

²⁸ ibid

²⁹ ibid

³⁰ Chineyemba, L. (2010) ‘The Emergence of and Worries Over Child Witches’, in A. Ademowo, G. Foxcroft and T. Oladipo (eds) *Suffereth not a Witch to Live*, pp. 1–8. Ibadan: Muffy Prints. 1

³¹ Cahn, N. (2006) ‘Poor Children: Child “Witches” and Child Soldiers in Sub-Saharan Africa’, *Ohio State Journal of Criminal Law* 3: 413–56.

³² Foxcroft, G. and E. Secker (2010) ‘Report on Accusations of Witchcraft against Children in Akwa Ibom State, Nigeria’, *Stepping Stones Nigeria*.

³³ Molina, J. (2005) ‘The Invention of Child Witches in the Democratic Republic of Congo’. London: Save the Children

³⁴ ibid

into the head.³⁵ These superstitious beliefs have become a fertile ground for churches, shrines and traditionalists who have cashed in on the situation to provide a remedy in the form of exorcism and deliverance. Following an accusation, a church leader will usually be paid to ‘deliver’ the child, usually by means of an exorcism or deliverance ceremony which is often violent or abusive.³⁶ Cimpric further identifies that witchcraft accusations are exploited by revivalist, charismatic or Pentecostal churches. Their pastor-prophets fight against witchcraft in the name of God, identifying witches through visions and dreams, and then offering treatment – divine healing and exorcism – to the supposed witches. This ‘spiritual’ work, often of a violent nature, reinforces beliefs in witchcraft and increases accusations. The persecution of witches has become a lucrative business for many pastor-prophets.³⁷ Along the same vein, Adegoke agrees that ‘the ideology of witchcraft is one of the lucrative doctrines in Pentecostal Christianity’.³⁸ As a result, some unscrupulous pastors motivated by personal gain and often involved in Pentecostal Churches, have harnessed the fear of witchcraft for their own ends, initiating a reign of terror against some of the most vulnerable members of society whom they falsely accuse of being witches.³⁹ The victims suffer appalling abuse. Furthermore, as well as understanding who is likely to be accused, it is also important to consider who made the accusations and with what motivations.⁴⁰ Kathryn Leslie made a statement in which she stressed that, owing to their vulnerability, victims of witchcraft were often children and that impunity prevailed, as children had little access to redress, rehabilitation and social support, hence results with devastating lifelong consequences. The extreme stigma robs them of any social support network from their families, communities and churches. They are called names at school and suffer mob attacks. They therefore go through both physical as well as psychological trauma. Prosecution of individuals who make accusations or harm suspected witches is difficult because of the unwillingness of communities to name perpetrators and the police usually express indifference, having belief in the guilt of the accused.⁴¹ Additionally, residents will likely strongly resist the prosecution of witch killers because they believe that killing witches ultimately promotes community welfare.⁴² A child who has been accused of witchcraft will be stigmatized for life, and even if he has undergone various treatments, his

³⁵ *ibid*

³⁶ Akhilomen, note 12.

³⁷ Cimpric, note 9 p.3

³⁸ Adegoke, note 11, p.47.

³⁹ *ibid*

⁴⁰ Jean La Fontaine, note.5

⁴¹ Golooba-Mutebi, Frederick., (2005) ‘Witchcraft, Social Cohesion and Participation in a South African Village’, *36 Development and Change* 937 (Sept. 2005), at 950

⁴² *ibid*

witchcraft past will continue to haunt him. The child is stigmatised within his family, neighbourhood, village or community. The possibility that he will be accused again remains high. Stigmatisation and discrimination lead to traumas, psychological and emotional suffering. They also make more difficult any attempt to reintegrate the children into the family and social cycle. Accusing a child of witchcraft can also lead to the onset of mental illness and physical disability. Some children are permanently damaged by the abuse that they have suffered. They may be so traumatised from the extent of their pain that they never fully recover.

III. ROLES OF CIVIL SOCIETY ORGANISATIONS (CSOs) AND NON-GOVERNMENTAL ORGANISATIONS (NGOS)

Harmful traditional practices affecting women and children have been the subject of increasing international attention in recent years. Previously, the governments concerned and the international community were reluctant to address these practices as they were considered sensitive cultural issues falling within the private sphere of the family. Today, thanks to the pressure of Civil Society(CSO), local Non Governmental Organisation(NGOs), and the international community this taboo seems to be open to change and the harmful traditional practices have become a recognised issue that affects the rights and dignity of women and children. Non-Governmental Organizations (NGOs) have been the main actors to raise concern about the increase of child witchcraft accusations, in particular in Africa. The last decade has seen measurable progress in public opinion with regards to harmful traditional practices at large. The historic lack of policy response from government has resulted in actions to address witchcraft-related child rights abuses in Nigeria to date being primarily undertaken by civil society. Published information from relevant CSOs demonstrates a focus on high level advocacy combined with grassroots awareness-raising techniques, production of culturally relevant publicity materials and use of the international media. The two prominent ones operating in Nigeria are Stepping Stones Nigeria (SSN), a charity organization dedicated to ‘supporting the rights of vulnerable and exploited children such as the so-called child witches mainly in the Niger Delta’. SSN works with local community organizations and has developed programs that provide education, shelter and health care to these children. SSN submitted Shadow Reports to the UNCRC in 2009 concerning the issue of stigmatization of children labeled witches.⁴³ SSN have produced and screened two television documentaries, and a Nollywood film and children’s book have been developed which address the nature and effects

⁴³ Battarbee, et al (2009) ‘Witchcraft Stigmatisation and Children’s Rights in Nigeria’ Shadow Report prepared for the 54th Session of the UN Committee on the Rights of the Child, Geneva, May 2010 by Stepping Stones Nigeria. Report prepared by Lynda Battabee, Gary Foxcroft and Emilie Secker

of witchcraft accusations.⁴⁴ Another organisation is the Childs Rights and Rehabilitation Network (CRARN). CRARN is a charity organization founded in 2003 which operates mainly in the Akwa Ibom State. The purpose of CRARN is to reduce the numbers of street and abandoned children, to stop children being accused to be witches and killed for these reasons. This paper has taken cognisance of some Civil Society Organisations, NGOS and other related agencies who have been in the frontline advocating against accusation of witchcraft in Nigeria and providing reliefs to victims of such accusation. They are also key informants on the plights of the accused witch children. The roles of Stepping Stones Nigeria (SSN), Childs Rights and Rehabilitation Network (CRARN) and Africans Unite against Child Abuse (AFRUCA), are highlighted in this paper.

i) Childs Rights and Rehabilitation Network (CRARN)

Sam Ikpe-Itauma established the Child Rights and Rehabilitation Network, (CRARN) which cares for more than 130 children abused and abandoned due to witchcraft accusations.⁴⁵ Sam Ikpe-Itauma and the CRARN team who provided a fascinating and important insight into the very dehumanising and unacceptable situations for which Nigeria should have zero tolerance. CRARN runs several programmes to counter witchcraft accusations against children, including the CRARN Children Academy. This programme provides street and abandoned children with access to education and training facilities. They also run the CRARN Children's Camp, which offers child witches accommodation, food, medicine and security from violence and abuse. CRARN is community based group and networks with other NGOs, Government departments such as Ministry of Women Affairs and Social Development MOWASD and National Agency for Prohibition of Trafficking in Persons and other related matters (NAPTIP).⁴⁶

These agencies provide shelter, feeding, education and medical care. who CRARN enjoys a good working relationship with the police who have helped in ensuring that a few parents who have abandoned their children are forced to take them back. Akwa Ibom is an oil producing State and Mobil oil workers who work in the very remote areas are able to alert CRARN when they find abandoned children. Their main limitation is inadequate funds, as a result they can only cope with a few children. The children are able to continue their education, receive counselling, feeding, shelter and Medicare largely through support from Stepping Stones and occasional philanthropists. There are a few recorded success stories of reunification with

⁴⁴ Ibid, Battarbee, et al

⁴⁵ McVeigh, Tracy. Children are targets of Nigerian witch hunt, *The Guardian* (Dec. 9, 2007), available at <http://www.guardian.co.uk/world/2007/dec/09/tracymcveigh.theobserver> accessed 14 Jan. 2022.

⁴⁶ UNICEF, note 25, p.24. see also Secker, E., (2012) Witchcraft stigmatization in Nigeria: Challenges and successes in the implementation of child rights, *International Social Work* 56(1) 22–36, see Battarbee et al., 2009

families and reintegration into communities, by CRARN. However, the vast majority of accused children continue to be stigmatised due to the negative mind set of the people

ii) Stepping Stones Nigeria(SSN)

SSN was established in 2005 and is a grassroots charity dedicated to supporting the rights of vulnerable and exploited children, such as the so called ‘child witches’ and ‘wizards’ of the Niger Delta.⁴⁷ Working with local community organizations, they deliver education, shelter, healthcare and hope for a brighter future to these group of children.⁴⁸ Through advocacy and research, SSN campaign passionately at a local, national and international level to put a stop to the abuse of innocent children.⁴⁹ They work with the Child Rights and Rehabilitation Network (CRARN) and their sister NGO, Stepping Stones Nigeria Child Empowerment Foundation (SSNCEF), to protect, save and transform the lives of children who have been stigmatised as being witches.⁵⁰ Stepping Stones Nigeria (SSN) supports the work of CRARN, by paying staff, building structures, supporting feeding and giving scholarships. SSN has a model primary school. The Founder of Stepping Stones, Gary Foxcroft resides in the United Kingdom.⁵¹ Their papers and documentary on the internet provided an important background to the wider context of the issue of children accused as witches. SSN is extremely concerned about the high numbers of Nigerian children who are stigmatised as witches and subsequently tortured, abused, abandoned and even killed as a result of this harmful traditional belief.⁵² In 2009, Stepping Stones Nigeria prepared a Shadow Report to the UN Committee on the Rights of the Child on witchcraft stigmatization and children’s rights in Nigeria.⁵³

Stepping Stones Nigeria is also particularly concerned by the widespread popularity of certain ‘Nollywood’ films which promote the belief in child witchcraft. Stepping Stones Nigeria considers that these films have significantly contributed to the increase of child witchcraft stigmatization and resultant abuse, both in Nigeria and in other areas of Africa where such films are gaining increased attention.⁵⁴ Stepping Stones Nigeria remains extremely concerned about the treatment of children within Nigeria who have been stigmatized as witches, and who suffer abuse of their rights as a result. Stepping Stones Nigeria The Director of the NGO Stepping Stones Nigeria (SSN), Gary Foxcroft, has repeatedly raised the issue of the alarming

⁴⁷ Foxcroft, G.(2010), Report on accusations of witchcraft against children in Akwa-Ibom State, Nigeria, Stepping Stones Nigeria, Lancaster

⁴⁸ *ibid*

⁴⁹ *ibid*

⁵⁰ <http://www.stepsstonesnigeria.org/node/18> accessed 14th January2022.

⁵¹ *ibid*

⁵² *Supra* note47

⁵³ *Supra* note 43

⁵⁴ *ibid*

situation of children accused of witchcraft in Akwa Ibom State in Nigeria.⁵⁵ SSN has been working with the local NGO CRARN to provide support for victims stigmatized by witchcraft accusations.⁵⁶ Their work has been supported by the government of Akwa Ibom State, the local government of Eket and aid from the United Kingdom.⁵⁷ They have managed to set up a centre for abandoned children, especially after witchcraft accusations where they live most generally. They also hire teachers for the centre, to provide an education for children who have rarely attended school previously. In addition, set up medical services and feed the children by offering one meal a day. They have been able to reunite some children with their families.⁵⁸ Despite not being able to bring down the number of accusations against children which is a long-term effort, prevention efforts within families and communities, and setting up education facilities will no doubt help to reduce accusations which is mainly what SSN has done.

iii) Africans Unite Against Child Abuse (AFRUCA)

This is a UK based NGO. It was established in 2001 to promote the rights and welfare of African children in the UK. AFRUCA works to protect children from witchcraft abuse. Talking about faith organisation that exorcise children stigmatized as witches, AFRUCA called for legislation to better regulate the establishment and monitoring of places of worship to ensure that leaders “are fit to be spiritual leaders with responsibilities for vulnerable families and their children most of whom rely exclusively on their faith networks for support, help and assistance in settling into their lives in the country.”⁵⁹ In Nigeria, UNICEF has established collaboration with the Child Rights and Rehabilitation Network (CRARN) and other concerned actors in the field of allegations of witchcraft made against children and has developed with its partners a strategy of social mobilization for building a consensus on the negative impact of the stigmatization of children accused of witchcraft with the aim of eradicating the phenomenon. There are, however, a number of key problems faced by CSOs when addressing these forms of child rights abuse. First, there exist significant challenges concerning logistics and resources. There are very few international child rights organisations operating in the Niger Delta region, due to the difficulty and danger inherent in working in this area. Second, there is the problem of funding the lack of capacity of local organizations, particularly concerning access to international funding from the reputation of Nigeria and

⁵⁵ *ibid*

⁵⁶ *Supra* note 47

⁵⁷ *ibid*

⁵⁸ *ibid*

⁵⁹ AFRUCA. Proposal for a New Law Against Diagnosing a Child as a Witch or Demonising a Child and Carrying Out Exorcism Rites on a Child, available at [http://www.afruca.org/documents/PROPOSALS%](http://www.afruca.org/documents/PROPOSALS%20) accessed 23 February 2022.

Nigerians as corrupt, which to a great extent results in most international organisations and charities not giving aids to the country. As a consequence, the scope of CSOs' work, particularly that of grassroots level organisations, on witchcraft-related child rights abuse remains limited. Third, work of CSOs has faced significant opposition both from local communities and from government. This has resulted in attacks on local staff, calls from government for the arbitrary arrest of CSO personnel and judicial action initiated by religious institutions who argue that their rights to freedom of belief are being violated.⁶⁰ It should be remembered that though the right to freedom of religion and to freedom of expression should be upheld, nonetheless, under no circumstances should the enjoyment of these rights be permitted to compel or to justify the violation of children's rights. Where a belief infringes the inherent rights of children, it must be restricted. Civil Society Organizations (CSOs) which work on this issue in Nigeria consider that certain books and films, often produced by Pentecostal churches, have played a key role in popularizing and disseminating the belief in specifically child witches Nwadinobi arguing that *'these. . . foster a climate of fear and doubt which immediately puts children into a vulnerable position'*.⁶¹

Concerns about the resurgence of violence in cases of witchcraft have been expressed recently by United Nations representatives. In his report for the High Commissioner for Refugees, Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions, highlighted the extent of the problem.⁶² Several reports by UNICEF, notably in Nigeria,⁶³ and the UNHCR 2009 Report all⁶⁴ confirm the problem of violence associated with witchcraft accusations and the close link with human rights violations. Both the difficulty and the weakness of governmental organisations and social services in providing protection and assistance to victims of witchcraft accusations. In response to the increasing number of accusations, international donors and NGOs have acted to limit the marginalisation of children, and have accused in turn church leaders, pastors and certain traditional healers of abuse. Civil Society Organisations (CSOs) which work on this issue in Nigeria consider that certain books and films, often produced by Pentecostal churches, have played a key role in popularising and

⁶⁰ Robbins, M. (2011) 'The Dangerous Fight for the "Child Witches" of Nigeria', The Guardian, 14 January, available online at: <http://www.guardian.co.uk/science/the-lay-scientist/2011/jan/14/1> accessed 23 February 2022.

⁶¹ Nwadinobi (2008) 'The Causes and Prevalence of Accusation of Witchcraft among Children in Akwa Ibom State', UNICEF, unpublished research paper.

⁶² Supra note 12

⁶³ Supra note 26, see also Cimpric, A., (2010) 'Children accused of witchcraft: An anthropological study of contemporary practices in Africa', UNICEF, WCARO, Dakar.

⁶⁴ Supra note 23 See also UNHCR, (2011), 'Breaking the spell: responding to witchcraft accusation against children' New issues in Refugee Research. Research paper No 197, UNHCR Policy and Evaluation Service.

disseminating the belief in specifically child witches.⁶⁵

Faith-based perspectives

The issue of child witches can be traced to 1998/1999 when two films called “End of the Wicked” and “Coven” by Evangelist Helen Ukpabio of the Liberty church was released. From the time of the airing of the two movies, the church cashed in on it. The act of prophesying that a child was a witch and the carrying out of deliverance became the main preoccupation of the Liberty church.⁶⁶ Helen Ukpabio, the leader of Liberty Foundation Gospel Ministries in Nigeria is one such. Her film entitled 'End of the Wicked' brands children as witches, and in her book 'Unveiling the Mysteries of Witchcraft' she states that a child under the age of two that cries at night and has poor health is 'an agent of Satan'. As most parents have children who at times cry at night and sometimes are ill, this would include most, if not all, children. She therefore has an endless supply of parents who can easily be convinced that their children are witches. These parents are then forced to pay to have their children 'cured'.⁶⁷ These sorts of writings foster a climate of fear and doubt which immediately puts children in a vulnerable position. Certain books and films, often produced by Pentecostal churches, have played a key role in popularizing and disseminating the belief in specifically child witches.⁶⁸ These foster a climate of fear and doubt which immediately puts children into a vulnerable position.⁶⁹ This situation could be interpreted as a clash between the rights to freedom of religion and freedom of expression and the rights of children. However, it is a well-established principle within international human rights law that the enjoyment of human rights must not be achieved by methods which require the abuse of other rights.⁷⁰ Therefore, whilst respecting and upholding the rights to freedom of religion and freedom of expression, under no circumstances must these be allowed to justify the abuse of the human rights of children. Whilst an individual has the right to believe whatever he or she chooses to, this must never compromise the safety or wellbeing of a child. Whipping up emotions and charging families for the exorcism of their children, these preachers have turned the suffering of children into a lucrative business. In

⁶⁵ Emilie Secker, (2012) Witchcraft stigmatization in Nigeria: Challenges and successes in the implementation of child rights, *International Social Work* 56(1) 22–36 pp 26,

⁶⁶ UNICEF, (2008), ‘The Causes and Prevalence of Accusation of Witchcraft among Children in Akwa Ibom State’, June 2008 p.14.

⁶⁷ International Humanist and Ethical Union (IHEU), (2009) Human Rights Situations That Require The Council’s Attention, Written statement submitted by the International Humanist and Ethical Union (IHEU), a non-governmental organization in special consultative status, A/HRC/12/NGO/11 para 8, p.3.

⁶⁸ Nwadinobi, E. (2008) ‘The Causes and Prevalence of Accusation of Witchcraft among Children in Akwa Ibom State’, UNICEF, unpublished research paper.

⁶⁹ Supra note 42, Battarbee, et al, p.12.

⁷⁰ Committee on Economic, Social and Cultural Rights, General Comment 12: The right to adequate food, 12 May 1999, para. 8; see also, Article 46(2) Declaration on the Rights of Indigenous Peoples

another incidence, a certain “Bishop” Sunday Ulup-Aya, based in the Akwa Ibom region of Nigeria has made a fortune from this practice of exorcism of ‘child witch’. His methods included pouring a mixture of alcohol and his own blood into the eyes of children that he accuses of being witches, whilst charging their parents £170, this in a country where millions of people have to live on less than £1 a day. He would then hold the child captive until the parents paid his bill. These abuses were highlighted in the documentary 'Saving Africa's Witch Children' which won both the BAFTA and Amnesty Film Awards. After the film was shown on British TV, Sunday Ulup-Aya was arrested and charged with murder.⁷¹

Influences of films

Various films which promote the belief in and abuse of children stigmatised as witches are being marketed. There are a large number of ‘Nollywood’ films on the subject of child witchcraft. These films depict children eating human flesh, being initiated into covens and committing all kinds of atrocities towards families and communities. Stepping Stones Nigeria considers that these films have contributed not only to the belief in child witchcraft, but also to the stigmatisation and abuse of these children.⁷² The films play on popular fears and contribute to the demonization of children which may eventually lead to the abuse of children’s rights. Such films are widely available and enormously popular. This popularity means that they are extremely lucrative to produce and sell, which in turn encourages the production of further films on the theme of child witchcraft. The National Film and Video Censors Board of Nigeria also noted how the film ‘End of the Wicked’ significantly fuelled the belief in child witchcraft in a presentation given at the Child First Conference: Preventing Abuse of the Nigerian Child Today, School of Oriental and African Studies, University of London, 30 May 2009. The protection of children’s rights should be a central concern when determining which films may be released for viewing by the public.

IV. THE APPLICABLE LEGAL FRAMEWORK (HUMAN RIGHTS NORMS AND POLICIES)

(A) International human rights framework

As discussed in this section of the paper, human rights approaches to child witchcraft accusations have been framed in various ways. They have been related to children's civil rights

⁷¹ International Humanist and Ethical Union (IHEU), (2009), Human Rights Situations that require the Council’s Attention Written statement submitted by the International Humanist and Ethical Union (IHEU), a non-governmental organization in special consultative status A/HRC/12/NGO/11 7 September 2009 ,p.3,para 10, accessed 23 February 2022

⁷² The National Film and Video Censors Board of Nigeria also noted how the film ‘End of the Wicked’ significantly fuelled the belief in child witchcraft in a presentation given at the Child First Conference: Preventing Abuse of the Nigerian Child Today, School of Oriental and African Studies, University of London, 30 May 2009.

and freedoms, in particular as forms of torture and other cruel, inhuman or degrading treatment or punishment, to forms of social exclusion, to health related issues in the form of harmful traditional practices as well as to special protection measures. The many different frameworks under which witchcraft accusations and their consequences are addressed give an indication of the numerous human rights issues involved. Even if there is no international instrument that includes specific reference to the practices of witchcraft, black magic or divination, these beliefs and practices form part, in general terms, of certain rights, for example, the right to freedom of thought, conscience and religion which is protected by Article 18 of the Universal Declaration of Human Rights (UDHR)⁷³ and Article 18 of the International Covenant on Civil and Political Rights (ICPR),⁷⁴ and also in Article 14 of the Convention on the Rights of the Child (CRC).⁷⁵ These provisions have served as the basis for the recognition of the right of freedom of thought, conscience and religion of children. The right to freedom from harmful treatment is traditionally associated with and articulated by the prohibition on torture or cruel, inhuman or degrading treatment apart from their right to freedom from harmful treatment. However in respect of a child alleged of witchcraft, the child's basic rights to physical and psychological integrity are also violated. In addition to the prohibition on torture and cruel and degrading treatment or punishment, the various human rights instruments link a number of further rights pertaining to activities which threaten the child's physical and psychological integrity. This reflects the reality that treatment which threatens a child's person is rarely due to the violation of a single right. Starting from the principles of the Charter of the United Nations, the fundamental principles of equality, non-discrimination and human dignity is affirmed.⁷⁶ Elimination of harmful practices related to accusation of witchcraft are further protected in the various international human rights instruments, namely; the International Covenant on Civil and Political Rights (ICCPR) which provides that no one should be deprived of his or her life.⁷⁷ The prohibition on torture and cruel, inhuman and degrading treatment or punishment under ICCPR Art 4(2) is non-derogable. Within this context it is likely that the child's right to freedom from harmful treatment is likewise a non-derogable right. The International Covenant on Economic Social and Cultural Rights (ICESCR),⁷⁸ the Convention

⁷³ Universal Declarations of Human Rights. G.A. Res 217, UNGAOR 3rd Sess.Supp. No 127 at 71 UN Doc A/80 (1948).

⁷⁴International Covenant on Civil and Political Rights adopted by General Assembly Resolution 2200A (XXI) of 16 December 1966, entered into force on 23 March 1976.

⁷⁵United Nations Convention on the Rights of the Child adopted by UN General Assembly Resolution 44/25 of 20 November 1989.)

⁷⁶ Preamble of the UN Charter. United Nations, Charter of the United Nations, 24 October 1945, 1UNTS XVI

⁷⁷ Article 6 ICCPR

⁷⁸ Article 5 ICESCR

on the Elimination of All Forms of Discrimination against Women (CEDAW),⁷⁹ the Convention on the Rights of Children (CRC) provides for protection from abuse and neglect.⁸⁰ The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in its preamble reaffirms article 5 of the UDHR and article 7 of the ICCPR both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.⁸¹ Also, the Convention on the Rights of Persons with Disabilities (CRPD)⁸² and its optional protocol, proclaim the right to life, equality and dignity of the human person (which definitely includes children).⁸³ As documented above, human rights approaches to child witchcraft accusations have been framed in various ways. They have been related to children's civil rights and freedoms, in particular as to forms of torture and other cruel, inhuman or degrading treatment or punishment, to forms of social exclusion, to health related issues in the form of harmful traditional practices as well as to special protection measures. The many different frameworks under which witchcraft accusations and their consequences have been addressed give an indication of the numerous human rights issues involved. While new domestic laws and international covenants can and do address these rights, the execution mechanisms must exist as well.

Harmful traditional practices against children constituted one of the topics of the United Nations Secretary-General's Study on Violence against Children in 2006. According to the United Nations Secretary-General's Study on Violence against Children revealed after an in-depth study on the question of violence against children in 2006 that '...much violence against children remains hidden and is often socially approved'.⁸⁴ The key message of the report of the United Nations Secretary-General's Study on Violence against Children is that no violence against children is justifiable and that all violence against children is preventable.⁸⁵ This was also an area of concern for the mandate of the Special Representative of the Secretary-General (SRSG) on Violence against Children.⁸⁶ The SRSG on Violence against Children highlights in

⁷⁹ CEDAW in its preamble reaffirms the UN Charter faith in the dignity and worth of the human person

⁸⁰Article 19 CRC

⁸¹ UN General Assembly, Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, UN Treaty Series, vol 1465, p.85

⁸² United Nations Convention on the Rights of Persons with Disabilities adopted by the General Assembly, 24 January 2007, A/RES/61/106

⁸³ Articles 10 &12 United Nations Convention on the Rights of Persons with Disabilities (CRPD)

⁸⁴ UN Secretary-General's study reveals full range and scale of violence against children, (2006) HR/06/126.

⁸⁵ Pinherio, P.S., World report on violence against children/ Paulo Sergio Pinherio, Independent expert for the United Nations Secretary-General's Study on violence against children, (2006), Geneva.

⁸⁶ The United Nations' Special Representative of the Secretary General (SRSG) on violence against children is a global independent advocate to promote the prevention and elimination of all forms of violence against children. The core responsibility of the SRSG is to advance implementation of the recommendations of the United Nations study on violence against children (2006), promoting the protection of children from violence as a human rights imperative.

her initial report that: ‘...although there are promising developments, additional vigorous efforts are needed.’⁸⁷ In sum, witchcraft beliefs, practices and related consequences have been reported in the United Nations by various high-level officials and experts — although from a specific perspective and often in a specific country and context. These include the Special Representative of the Secretary-General on Violence against Children,⁸⁸ the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on extrajudicial, summary or arbitrary executions. The Special Rapporteur on extrajudicial, summary or arbitrary killings stressed that witchcraft-related violations of the right to life amounted to arbitrary killings, triggering State responsibility whenever it had failed to act to prevent killings that were foreseeable and preventable. She recommended that witchcraft-related killings be treated as hate crimes, demanding that States adopt a range of additional legal, investigatory, sentencing and protection measures whenever there were suspicions that a killing could be related to witchcraft.⁸⁹ Ms. Callamard also called for firm legal protection, implementation of non-discrimination measures in any State action and demonstration of the effectiveness of State policies and practices with regard to the prevention and investigation of witchcraft killings, punishment of the perpetrators and remedies for the victims or their families.⁹⁰ In practical terms, that meant that the State must do everything in its power to prevent the occurrence of witchcraft-related killings

Some experts have also sent communications to States on the matter. There are also recommendations from various UN committees. For example, 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 (2014) on harmful practices,⁹¹ recognised witchcraft accusations to be among the determinants of harmful practices against women and children and point out that attacks and other human rights violations and abuses based on accusations of witchcraft or other rituals constitute harmful practices.⁹² Also general comment No. 22 (1993) of the Human Rights Committee, in which the Committee affirmed

⁸⁷ *ibid*

⁸⁸ <http://srsg.violenceagainstchildren.org/page/850>. Accessed 23 March 2022

⁸⁹ Report of the Independent Expert on the enjoyment of human rights by persons with albinism on the expert workshop on witchcraft and human rights (2018) A/HRC/37/57/Add.2 para 28.

⁹⁰ *ibid*

⁹¹ Committee on the Rights of the Child, Joint general recommendation No.31 of the Committee on the Elimination of Discrimination against Women/General commentNo.18 of the Committee on the Rights of the Child on harmful practices, U.N.Doc.CEDAW/C/GC/31/CRC/C/GC/18(2014).

⁹² *ibid*

the unconditional right to freedom of thought, conscience and religion, including the freedom to hold beliefs, and noted that restrictions on that freedom were permitted only if limitations were prescribed by law and were necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.⁹³ In essence, General Comment 22 emphasises the broad scope of the freedom of thought and clarifies that article 18 ICCPR protects all form of religion or belief, however, manifestation of religion or beliefs may be limited on the grounds of the protection of others. The Committee on the Rights of the Child is one of the most active entities within the UN system with regard to human rights violations of children accused of witchcraft. The Committee called for effective measures to prevent children from being accused of witchcraft, including through continuing and strengthening public awareness-raising activities, particularly directed at parents and religious leaders and by addressing the root causes, *inter alia*, poverty. It also recommended legislative and other measures to criminalise making accusations against children of witchcraft, efforts to prosecute those responsible for violence and ill-treatment against alleged child witches, and programmes to promote the recovery and reintegration of child victims.⁹⁴ The Committee on the Rights of the Child also addressed the issue of witchcraft accusations in its General Comment no. 13 dedicated to the right of the child to freedom from all forms of violence, which was adopted in 2011.⁹⁵ Here, the Committee includes accusations of 'witchcraft' and related harmful practices such as 'exorcism'.⁹⁶ It can be seen that there are many different human rights frameworks that have been used to frame child witchcraft accusations and their consequences. Also two UN entities have recently engaged in activities related to witchcraft accusations, namely UNHCR and UNICEF. The United Nations High Commissioner for Refugees (UNHCR) has produced two research papers on the subject. A first document was published in 2009 and deals with witchcraft allegation refugee protection, and a second which was published in 2011 deals with witchcraft accusations against children.⁹⁷

In addressing the subject, Philip Alston the Special Rapporteur on extrajudicial, summary or arbitrary executions makes an attempt to shed some light on the witchcraft phenomenon which has many different practices or beliefs at different times and in diverse cultures. In some

⁹³ CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion) CCPR/C/21/Rev.1/Add.4, General Comment No 22

⁹⁴ CRC/C/COD/CO/2, paras. 78-79.

⁹⁵ UN Committee on the Rights of the Child (CRC), General Comment No.13 (2011), The right of the child to freedom from all forms of violence, 18 April, CRC/C/GC/13.

⁹⁶ *Ibid* para 29

⁹⁷ Referring to the Office of the United Nations High Commissioner for Refugees, see also the communication of 10 October 2008 to the Sudan in A/HRC/11/2/Add.1; the communication of 23 September 2008 to the Sudan in A/HRC/11/2/Add.1 and the Guidelines on Religion-Based Refugee Claims (HCR/GIP/04/06)

cultures, belief in witchcraft is rare; in others, people see it as ‘everyday and ordinary, forming as it does an integral part of their daily lives’⁹⁸ By providing a list of the contexts in which attention has been brought to the human rights consequences of the phenomenon in recent years, the Report aims at providing insights into the nature of the human rights challenges that need to be addressed.⁹⁹ The Rapporteur also raises discussion over the possible forms of intervention and underlines that ‘the most important point is to ensure that all killings of alleged witches are treated as murder and investigated, prosecuted and punished accordingly’.¹⁰⁰ As documented above, human rights approaches to child witchcraft accusations have been framed in various ways. They have been related to children's civil rights and freedoms, in particular as forms of torture and other cruel, inhuman or degrading treatment or punishment, to forms of social exclusion, to health related issues in the form of harmful traditional practices as well as to special protection measures. The many different frameworks under which witchcraft accusations and their consequences have been addressed give an indication of the numerous human rights issues involved. The existing and robust framework of international human rights obligations should be upheld by States. But the instability of the way how the problematic of witchcraft accusations has been framed is probably also an illustration of the lack of knowledge not only how to deal with these practices, but also how to conceptualize them from a children's and human rights point of view.¹⁰¹

(B) Domestic legislative and policy responses

i) The Child Rights Act 2003

The CRC, adopted by General Assembly in 1989 was ratified by Nigeria in 1995. Ratification, however, does not mean that the provisions of the CRC automatically becomes part of the Nigerian domestic law. Article 12 of the Nigerian Constitution states that *no treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly*. It was in 2003 that Nigeria enacted the CRA as a Federal legislation to be adopted by 36 States. The CRA spells out the basic human rights of children including the right to survival; to protection from harmful influences, abuse and exploitation amongst others. The aim of the CRA is to provide and protect the rights of the Nigerian Child. Akwa Ibom State adopted the CRA in July 2008.

⁹⁸ Alston, Philip.,(2009), Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/11/2 27 May 2009 para 45. See also Henrietta Moore and Todd Sanders,(eds), (2002) ‘Magical Interpretations, Material Reality: Modernity, Witchcraft and the Occult in Postcolonial Africa’.

⁹⁹ Ibid, Alston, para 49

¹⁰⁰ Ibid, para 57

¹⁰¹ ibid

Section 274 of the Akwa Ibom State Child Rights Act 2008 provides that any person, group or organisation that accuses a child of witchcraft has committed an offence and is liable on conviction to ten years imprisonment and/or the payment of a fine. Section 275 of the same Act provides that any person, group or organisation who, in the course of action intended to cure, purge or exorcise a child of witchcraft, subjects the child to any form of torture, trial by ordeal or inhuman treatment, has committed an offence and is liable on conviction to ten years imprisonment without option of a fine, thus making it illegal to stigmatise children as witches in Akwa Ibom state.¹⁰² Akwa Ibom state is the only state in Nigeria to have specifically criminalised accusations of witchcraft against children. This is particularly welcome as Akwa Ibom is a state which has seen a large number of witchcraft accusations made against children in recent years. It is hoped that Akwa Ibom will act as a model for other states who will follow suit in making it illegal to stigmatise children as witches.¹⁰³ As yet there have been no known cases of prosecution resulting from the abuse and neglect of children who have been stigmatised as witches, in Akwa Ibom state.

The CRA is relevant to child witchcraft allegation and harmful treatments in many ways including for example:

Section 11 Every Child is entitled to respect for the dignity of his person and accordingly no child shall be: (a) subjected to physical, mental, or emotional injury, abuse, neglect or maltreatment, including sexual abuse. (b) Subjected to torture, inhuman or degrading treatment or punishment.

Subjecting children who have been stigmatised as witches to abuse and torture is clear violation of the provision of section 11 CRA. Therefore, the state is to investigate and punish those responsible for abuse and neglect of children. Section 14(2) provides that every child has the right to maintenance by his parents or guardians in accordance with the extent of their means, and the child has the right, in appropriate circumstances to enforce this right in the family court. So children stigmatised as witches who are abandoned and end up roaming the streets have their right under section 14(2) violated and can go to family court to enforce their right. Sadly it is unlikely that they will be reintegrated into the family.

ii) Criminal Code Act(CCA) (2004)

There are punishments by law for child rejection practices which are criminal such as Section

¹⁰² S.274 Akwa Ibom CRA 2008. See also, Akpan-Nsoh Uyo, I and Hakeem, S, 'Child-Witch: Akpabio Outlaws Stigmatisation of Children', *The Guardian*, 7 December 2008

¹⁰³ *Supra* Batterbee et al, note 43, p.14

315 of the Criminal Code Act which provides that any person who unlawfully kills another is guilty of an offence which is called murder or manslaughter according to the circumstances of the case. The punishment for murder and manslaughter under sections 319 and 325 of the CCA is death and life imprisonment respectively. Section 341 CCA provides that any person who unlawfully abandons or exposes a child under the age of seven years, in such a manner that any grievous harm is likely to be caused to it, is guilty of a felony and is liable to imprisonment for five years. Section 335 provides that any person who unlawfully does grievous harm to another is guilty of felony and is liable to imprisonment for seven years. The national justice response to the situation of child witches illustrates a variety of approaches for protecting children in various countries. A few countries have statutes specifically regulating witchcraft. In Nigeria Section 210 CCA prohibits accusations of witchcraft against both adults and children. Similarly in South Africa and Zimbabwe, it is illegal to accuse someone of witchcraft. In some countries, witchcraft is regarded as a criminal offense; both children and adults accused of the practice can be convicted to prison sentences. It is illegal to practice witchcraft. For example, citing Cameroon Penal Code s.251, *Whoever commits any act of witchcraft, magic or divination liable to disturb public order or tranquility . . . shall be punished with imprisonment . . . and with a fine . . .*

In Nigeria, even though the Criminal Code Act in Section 210 prohibits accusations of witchcraft against both adults and children, but the child rights-specific CRA does not have similar provision.

iii) Trafficking In Persons (Prohibition) and Law Enforcement and Administration Act, 2003

Children who have been stigmatised as witches are frequently abandoned which makes them extremely vulnerable to trafficking, both internally and externally. National Agency for the Prohibition of Trafficking in Person NAP TIP which is a law enforcement agency of the Federal Government of Nigeria that combats human trafficking and other similar human rights violations have made recent arrests of a number of persons involved in child trafficking.¹⁰⁴ Sections 23 and 24 of the Trafficking In Persons (Prohibition) and Law Enforcement and Administration Act, 2003 as amended in 2005 (NAP TIP ACT) makes it an offence punishable with life imprisonment for any person to deal or trade, purchase, sell or take any person in order that such person be held or treated as a slave.

From records, there has to date been no known successful prosecutions of the perpetrators of

¹⁰⁴ *ibid*

child rights abuse resulting from accusations of witchcraft against children. The key problem is effective implementation and enforcement of all human rights treaties that Nigeria has ratified. It is not a lack of applicable legal mechanisms, but of the political will to ensure their implementation. The key problem, common to all human rights provisions, is not a lack of applicable legal mechanisms, but of the political will to ensure their effective implementation. The many different frameworks- international and national under which witchcraft accusations and their consequences have been addressed give an indication of the numerous human rights issues involved. But the instability of the way how the problematic of witchcraft accusations has been framed is probably also an illustration of the lack of knowledge not only how to deal with these practices, but also how to conceptualise them from a children's and human rights point of view.¹⁰⁵ In conclusion, the rights discussed above are protected under international, regional and national human rights law, via the United Nations Convention on the Rights of the Child 1989 (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC) 1999 and the Nigerian Child Rights Act (CRA) 2003 respectively. However, although these legal regimes clearly prohibit the forms of children's rights abuse which result from accusations of witchcraft, the legality of actually making accusations of witchcraft against a child remains contested, particularly at the international level. There is no mention of witchcraft accusations in either the CRC or the ACRWC, although it is clear that the rights abuses which result from such accusations would contravene the protections offered by these instruments. The principles contained in the various international obligations should in turn be reflected in the policy and operational documents adopted at the national level. While the States retain significant discretion in the specific approach they adopt, international human rights law points in the direction of a range of measures which should be adopted in this regard. Furthermore, relying solely on a formal legal response to a cultural phenomenon would be problematic as the efficacy of such responses is unclear, particularly in a society where belief in child witches is reported as widespread even amongst police and judiciary

The Committee on the Rights of the Child is one of the most active entities within the UN system with regard to human rights violations of children accused of witchcraft. In its Concluding Observations regarding Nigeria in 2010, the Committee on the rights of the child addresses witchcraft accusations in Nigeria under the section related to 'basic health and health care', but now adds a specific subcategory which is distinct from the 'harmful traditional practices' subcategory. The Committee expresses its deep concern at the re-emergence of the

¹⁰⁵Directorate-General for External Policies of the Union,(2013) Child Witchcraft Allegations and Human Rights, Policy Department, European Parliament, EXPO/B/DROI/2012/18, Brussels, p.18

persecution of children accused of witchcraft and the very negative consequences of such accusations, including cruel, inhuman and degrading treatment, and even murder.

*Concluding observation of the report submitted to the Committee on the rights of the child*¹⁰⁶

The Committee first notes with appreciation the measures taken by the State party to address the phenomenon of children accused of witchcraft, including the passing of state legislation prohibiting such practice in Akwa Ibom State, the arrest and prosecution of offenders, ongoing awareness-raising and rehabilitation programmes, and successful family reunification projects, but remains extremely concerned at the reportedly widespread practice of the witchcraft stigmatization of children in the State party and reports that these children are tortured, abused, abandoned and even killed as a result of such stigma and persecution. The Committee is particularly concerned at the reported roles of certain churches and the film industry in promoting the belief in child witchcraft and that already vulnerable children, including children from poor families and children with disabilities, are at greater risk of witchcraft stigmatization and also expresses utmost concern at reports of arbitrary killings of children during the course of activities designed to extract a confession of witchcraft or resulting from exorcism ceremonies. As a remedy, the Committee urges the State party to strengthen efforts to combat the belief in and accusation of children of witchcraft and urges the State party to criminalise making accusations against children of witchcraft and related abuse at national and state level and ensure that authors of crimes on the basis of witchcraft are prosecuted as well as to ensure training, sensitization and awareness-raising programmes to address the belief in child witchcraft and also to regulate those religious institutions found to engage in such practices and request them to adopt child protection policies. Finally, the Committee also ask Nigeria to undertake a comprehensive research study on the causes and effects of the phenomenon.¹⁰⁷

(B) Challenges to the protection of children accused of witchcraft

Challenging witchcraft belief and accusations needs to be based on a detailed understanding of the lives, needs and priorities of those who subscribed to such beliefs, irrespective of their degree of literacy, unfortunately there are certain barriers which are highlighted here. Identifying the limitations will allow for preventive measures to be planned. This plan must include and must resolve the current situation. The key challenges are as follows:

First, once the child is labelled a “witch”, it is considered a lifelong label, it is therefore difficult

¹⁰⁶ Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention (Concluding observations: Nigeria), CRC/C/NGA/CO/3-4, 21 June 2010.

¹⁰⁷ Ibid, paras 67-68.

to change behaviour and convince parents that witchcraft does not exist. This however has been rarely achieved and results in rejection by the community. Many children may be reluctant to report instances of abuse due to a fear of being ignored, a fear of repercussions by family members and communities and/or a lack of belief that anything will be done with this information. Children in Nigeria are largely unaware of their rights, and of how to claim them. Children are unable to exercise their rights because they lack legal literacy and advocates. But even if they understand their rights, they cannot access them because of longstanding cultural barriers that reinforce children's subordinate status. This is exacerbated by the Nigerian perception of the child and of their place in the social hierarchy. Where adults abuse their position of authority, children must be made aware both that they have rights, and of how to make their voices heard in order to secure protection. It is essential that children who have been stigmatized as witches are able to exercise their right to be heard. If their voices are stifled or ignored, the true extent of the abuse that they have suffered cannot be recognised and addressed. Any child who has been accused of being a witch deserves proper care and attention and the perpetrators of the abuse must be prosecuted and punished. Due to the widespread belief in child witchcraft and consequent reluctance to report cases of abuse to authorities or NGOs, it is very probable that many cases are unreported and therefore undocumented as a result, no government agency or NGO would ever be aware that such children even exist or that they have suffered in this way. There is little knowledge within society of the legal protections offered to children. This lack of accountability for child rights violations is intensified for children who have been accused of being witches. Practically, the nature of legal rights does not respond to these group of children's needs in a witchcraft believing society. These children need a family, which is generally not framed as a legal right. Nonetheless in the absence of parental and community care, indigenous organisations like CRARN and SSN as well as bilateral and multilateral institutions can provide some services and fill in the gaps.

Second, the work of CSOs has faced significant opposition both from local communities and from government. This has resulted in attacks on local staff, calls from government for the arbitrary arrest of CSO personnel and judicial action initiated by religious institutions who argue that their rights to freedom of belief are being violated.¹⁰⁸ This further limits CSOs action and results in time and resources being diverted to address threats to the organisations, rather than the issue itself. Civil society organizations that could provide care for accused children have very limited resources. Certain local NGOs are attempting to establish protection and aid

¹⁰⁸ Robbins, M. (2011) 'The Dangerous Fight for the "Child Witches" of Nigeria', *The Guardian*, 14 January, available online at: <http://www.guardian.co.uk/science/the-lay-scientist/2011/jan/14/1>.

programmes for children accused of witchcraft, albinos and twins, but they too lack resources, as well as effective plans of actions. It has proved difficult to implement the plans because of the deeply held belief in child witches and problems understanding local representations.¹⁰⁹

Third, according to the Witchcraft and Human Rights Network, there is currently no normative framework or formal mechanism to conceptualise, record, monitor or respond to such violations.¹¹⁰ The number of cases usually reported are often significantly lower than the reality, since many instances of these human rights violations are unreported or unmonitored by official entities. The exact number of victims of such abuse is unknown, and is widely believed to be underreported. It is believed that, each year, there are at the very least thousands of cases of people accused of witchcraft globally, often with fatal consequences, and others are mutilated and killed for witchcraft-related rituals.¹¹¹ The literature asserts that these numbers are increasing, with cases becoming more violent, the practices spreading and new classes of victims being created, although the difficulty in proving such claims quantitatively is acknowledged.¹¹² The fact remains, however, that *under the rubric of the amorphous and manipulable designation of 'witchcraft', individuals (often those who are somehow different, feared or disliked) are singled out for arbitrary private acts of violence or for Government-sponsored or tolerated acts of violence.*¹¹³

Fourth, there is the reluctance by police and government to investigate issues which are culturally controversial combined with a lack of willingness from families and communities to provide evidence.¹¹⁴ The governments concerned and the international community were reluctant to address these practices as they were considered sensitive cultural issues falling within the private sphere of the family.¹¹⁵ The reluctance by police and government to investigate issues which are culturally controversial combined with a lack of willingness from

¹⁰⁹ Foxcroft, G. and E. Secker (2010) 'Report on Accusations of Witchcraft against Children in Akwa Ibom State, Nigeria', Stepping Stones Nigeria.

¹¹⁰ Report of the Independent Expert on the enjoyment of human rights by persons with albinism on the expert workshop on witchcraft and human rights (2018) A/HRC/37/57/Add.2).

¹¹¹ McVeigh, Karen., "Child witchcraft claims increasing as 'hidden crime' is investigated", Guardian, 8 October 2014; and Ruth Evans, "Witchcraft abuse cases on the rise", BBC News, 11 October 2015.

¹¹² Supra, note 108, see Alston, Philip., "Of witches and robots: the diverse challenges of responding to unlawful killings in the twenty-first century", *Macalester International*, vol. 28, art. 7 (2012); see also Jill Shnoebelen, "Witchcraft allegations, refugee protection and human rights: a review of the evidence", Office of the United Nations High Commissioner for Refugees (UNHCR), research paper No. 169, available from www.unhcr.org/4981ca712.pdf.

¹¹³ Human Rights Situations that Require the Council's Attention *Written statement submitted by the International Humanist and Ethical Union (IHEU), a non-governmental organization in special consultative status* A/HRC/11/2, para. 43.

¹¹⁴ Supra note 108.

¹¹⁵ *ibid*

families and communities to provide evidence.¹¹⁶ Furthermore, the controversial nature of the issue and its potential to encourage socio-cultural tensions concerning conflicts between the right to freedom of thought and belief and the rights of children and/or other vulnerable groups means that governments are reluctant to become involved and consequently pursue a strategy of avoidance.¹¹⁷ The Nigerian government response should therefore be seen as typical.

Fifth, there exist significant problems in acquiring accurate data on cases of abuse. This shows that simple reliance on prosecutions for abuse as a basis for statistical data is inadequate. It does not, for example, include children who are unable or reluctant to make a report or cases where no arrest has been made. Where legislation exists, it is not enforced robustly, and the vast majority of cases are unreported, if reports are made, they are unlikely to result in prosecution. There is a significant lack of data within Nigeria's report on child witchcraft-related abuse. Little or no data collection has been conducted on the problem and as a result there are no official statistics on child rights abuse resulting from witchcraft accusations in Nigeria.¹¹⁸ In the absence of specific data collection, governments are unable to assess the scale of the problem and to develop appropriate policies.

Sixth, there is a lack of coordination between the Government, law enforcement agencies and NGOs with regards to the issue of child witchcraft stigmatisation. There is little evidence of training being given to the police, the judiciary and to social services on the significance of the CRA, and especially on those provisions which relate to child witchcraft stigmatisation.

Seventh, furthermore, witchcraft-related child rights abuse is absent from current Nigerian government policy documents on child rights. This is typified by the 2009 Nigerian report to the UNCRC, which makes no mention of witchcraft accusations as a child rights concern, and had to be pointed out by the CRC Committee in its concluding observation to the report submitted,¹¹⁹ neither does the National Plan of Action for the Promotion and Protection of Human Rights in Nigeria 2009–13 address witchcraft accusations.¹²⁰ Furthermore, witchcraft-related child rights abuse is absent from current Nigerian government policy documents on child rights. This lack of governmental policy and legislative development and implementation concerning accusations of witchcraft in Nigeria is a result of both an insensitiveness of the extent of the problem and a typical attitude of denial. Having listed the core challenges, next, is to find ways to get justice for children who are victims of witchcraft accusations.

¹¹⁶ Ibid, Foxcroft, G. and E. Secker (2010)

¹¹⁷ Supra, note 43, Battarbee et al. (2009)

¹¹⁸ Ibid

¹¹⁹ Supra, Concluding observation of CRC note 104 para 67-68

¹²⁰ Supra note 44, Battarbee et al.

V. RECOMMENDATION

In the light of the foregoing findings on the issue of child witch accusation and treatment of the victims, in Nigeria, it is revealed that despite the efforts, and actions to bring about substantial change in the ongoing various violations of the rights of the child. Many children continue to be victims of child witchcraft allegations, which have damaging effects on them physically, psychologically and emotionally. As a result, a number of key recommendations on how best to address witchcraft accusation against children are suggested both at national and international level based on three axes: prevention, prosecution and protection (3Ps).

Prevention

The government should: condemn harmful practices related to accusations of witchcraft and ritual attacks that result in human rights violations and also take all measures necessary to ensure the elimination of harmful practices amounting to human rights violations related to accusations of witchcraft and ritual attacks. There is the need to employ human rights mechanisms, including relevant special procedures of the Human Rights Council and treaty bodies, to compile and share information on harmful practices related to accusations of witchcraft and ritual attacks and their impact on the enjoyment of human rights; On the international level, the United Nations High Commissioner for Human Rights may organise an expert consultation with Nigeria (a state party) and other relevant stakeholders, including the United Nations Secretariat and relevant bodies, representatives of sub-regional and regional organisations international human rights mechanisms, national human rights institutions and non-governmental organisations, the results of which will help the Office of the High Commissioner 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, and to inform further action by existing mechanisms at the United Nations. Government should implement human rights mechanisms, including relevant special procedures and treaty bodies, to compile and share information on harmful practices related to accusations of witchcraft and ritual attacks and their impact on the enjoyment of human rights, thereby launch a global movement against harmful practices related to beliefs in witchcraft; Government should adopt a national plan to end the discrimination and harmful practices related to beliefs in witchcraft; undertake data collection and monitoring, build capacities and undertake training of the judiciary and law enforcement agencies on witchcraft-related harmful practices. Government should initiate reviews of and amendments to legislations that reflect human rights standards and specifically with provisions that prohibits child witchcraft

allegations. In addition must also ensure that any legislation concerning the illegality of child witchcraft stigmatisation is implemented rigorously to ensure that the mere enactment of legislation is not perceived as having adequately addressed the issue. Government is to do more through improved education and policing to eliminate the twin scourges of those practicing witchcraft and those claiming to find and “cure” witches and to continue the fight for the protection and the promotion of the rights of women and children and ensure accountability and the effective protection of all persons, particularly persons in vulnerable situations.

There is the need to distinguish between harmful practices amounting to human rights violations related to accusations of witchcraft and ritual attacks and the lawful and legitimate exercise of different kinds of religion or beliefs, in order to preserve the right to freely manifest a religion or a belief, individually or in a community with others. In agreement with Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions there should be insights on the definition or conceptualisation of “witchcraft”, recommending the use of an umbrella definition at the international level that covers the plurality of manifestations of witchcraft, with a focus on harmful practices and States’ obligations as defined by international human rights law.¹²¹ Government needs to undertake a comprehensive study on the issue of witch children to evaluate the magnitude of the phenomenon, define root causes and identify strategies to tackle it effectively. Improve primary health care and health education about disease to reduce the belief in witchcraft as a cause of illness this can be achieved by increasing the number of health centres and ensuring medical assistance during pregnancy and for the delivery and also through having an efficient birth registration system.

With the concern that some churches appear to be encouraging and promoting the belief in child witches, government needs to develop specific laws to regulate harmful practices by churches and religious leaders to prevent related harmful practices and address the beliefs and motivation behind witchcraft accusations and ritual attacks. There should be regulation of traditional healers and the activities of Pentecostal and Revivalist churches. The issuing of licenses to practice as a traditional healer should come under closer scrutiny. There is need to establish an agency to regulate churches. There should be strict regulation by the National Film Censors board so as to prohibit and/or regulate advertisement of witchcraft practices, particularly in the media with scrutiny by the film censors board. There should be public enlightenment programmes especially at the grass root/community level. Local NGOs and CSOs, that are involved in efforts to improve the lives of alleged child witches should also

¹²¹ Alston, P., (2009), The Special Rapporteur on extrajudicial, summary or arbitrary executions 2009 report. A/HRC/11/2, 27 May 2009

utilise local media outlets and traditional mass media to educate parents about witchcraft in relation to their children so the parents will avoid accusing and abusing their children when misfortune afflicts their lives. When prevention is prioritised, prosecution or protection will not be necessary.

Prosecution

Government is to ensure that no one within its jurisdiction 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 that account, and to bring to justice all perpetrators of violations and abuses of these rights in compliance with applicable international law. Whilst there is a strong need for significant change in attitude to children by all concerned, perpetrators need to be punished publicly as a deterrent. In essence, there should be immediate prosecution of offenders and perpetrators. Courts must show their abhorrence of practices which exploit children and result in unimaginable suffering.

Protection

A census of street, abandoned, accused and institutionalised children should be taken in order to give an idea of the magnitude of the problem and for interventions to be meaningful this should be done by tracking which is to locate, track, number and document all abandoned and street children. There should be constitutional amendment making the Child Rights Act a federal legislation to make it universally applicable nationwide, so that all children in Nigeria are protected by the provisions of the Act, and not only children in the states that have domesticated the statute. There should be inclusion of child protection in the school curriculum in social or religious studies. Counselling Reintegration and reunification with families and communities for children already residing in shelters is necessary. There should be provision of counselling centres for day case rather than residential Clients so there is the need for training of counsellors. There is the need to strengthen the protective role of families through promotion of parenting education and need for protective role of communities through non-coercive and non-judgmental approaches. There can also be use of other family-based alternatives when family reintegration is not possible, for example in the alternative, the child could be sent to live with the grandparents. The need for advocacy with the key decision-makers and gatekeepers at State, Local Government and community level will be crucial if children are to be protected. In order to develop an appropriate strategy all players parents, religious leaders, Community representative and NGO representative and a legal practitioner need to come to the

table. In order to ensure that children are protected from the harmful treatment to which they are particularly vulnerable those charged with promoting and enforcing their rights must remain constantly vigilant to ensure that violations are promptly and effectively addressed.

VI. SUMMARY AND CONCLUSION

In his *World Report on Violence against Children*¹²² Pinheiro observes that no violence against children is justifiable and all violence against children is preventable. Many international human rights instruments,¹²³ have provided a comprehensive framework of rights which if given effect will go some way to protect children from the full gamut of harmful treatment to which they can be sadly subjected to. It is apparent from the foregoing that over the past fifty years the international community has embraced child protection as a human right. There remain however areas of domestic law in which significant further progress needs to be made. In particular in the constitution, that child's protection should be specifically protected and be in the exclusive list in the constitution. Rights of the child have been almost universally affirmed¹²⁴ but continuously violated by the different States, particularly in Africa. Although on face, it would appear that Nigeria is committed towards the realisation of children's rights and its compliance to national legislation and international commitments, but this is completely not the true picture. Nigerian government has not paid much attention to the proliferation of this scourge on children labelled as witches. The successful protection of these group of children is being hindered in particular, by hostility and resistance to CSO actions from government and communities and the controversies over challenging local belief systems which result in child rights abuse. This is coupled with lack of in-depth planning and effective coordination of the enforcement and implementation processes. Moreover inadequate financial resources and institutional impotence are also major limitations. There should be concerted efforts to ensure that necessary resource components are in place for the effective enforcement of children related laws to eradicate violence against the children to better their lives. This study hopefully makes an important contribution towards a better understanding of the complexities and problems of

In conclusion, the issue of witchcraft accusations against children in Nigeria is clearly a growing human rights concern requiring increased attention and action from government, CSOs and academia therefore calls for the need for increased collaborative work on the most

¹²² Pinheiro, P *World Report on Violence Against Children* (2006) United Nations

¹²³ For example, UDHR, ICESCR, CRC, ACRWC, ICCPR, CEDAW and CRPD.

¹²⁴ CRC has now been ratified by 195 countries including South Sudan on 23rd January 2015. Available on: http://www.africanchildinfo.net/index.php?option=com_k2&view=item&id=6915#.VMfuXdIvnYo accessed 23rd March 2022.

appropriate and effective ways to address this issue and for joint evaluations from all relevant actors on the development of policies and interventions. The last sentence should appropriately be that: We need to build a nation *for* and *with* children.

VII. REFERENCES

1. Adegoke, P. (2010) 'Religiosity, Belief in Witches and the Child-Witches of Nigeria', in A. Ademowo, G. Foxcroft and T. Oladipo (eds) *Suffereth not a Witch to Live*, pp. 47–51. Ibadan: Muffy Prints.
2. Adinkrah, M. (2004) 'Witchcraft Accusations and Female Homicide Victimization in Contemporary Ghana', *Violence Against Women* 10(4): 325–56.
3. Akhilomen, D. (2006) 'Addressing Child Abuse in Southern Nigeria', *Studies in World Christianity* 12(3): 235–48.
4. Alston P., (2009) Protection and Promotion of all human rights, civil, political, economical, social and cultural right, including the right to development. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions to the UN General Assembly, A/HCR/11/2, 27 May 2009.
5. Amusan, B. (2011) 'Stakeholders Meet to Save "Child-witches"', *The Nation*, 29 June. Available online at: <http://www.thenationonlineng.net/2011/index.php/newsextra/10736-stakeholders-meet-to-save-%E2%80%98childwitches%E2%80%99.html>.
6. Ashforth, A., (2005). *Witchcraft, Violence and Democracy in South Africa*, University of Chicago Press,
7. Bakare, W. and K. Ibrahim (2010) 'Man Attempts to Bury Six-year-old Twins Alive for Alleged Witchcraft', *Punch Metro*, 29 September, available online at: <http://news2.onlinenigeria.com/news/top-stories/66454-Man-attempts-bury-six-year-old-twins-alive-for-alleged-witchcraft.html>.
8. Bartle, N., (2005) 'Death, witchcraft and the spirit world in the Highlands of Papua New Guinea', No 29, *The Melanesian Institute*,.
9. Battarbee, L, G. Foxcroft and E. Secker (2009) 'Witchcraft Stigmatization and Children's Rights in Nigeria', *Shadow Report to the UN Committee on the Rights of the Child*.
10. Baxi, U., (2002) *The Future of Human Rights*. Oxford University Press.
11. Binniyat, L. (2010) 'Father Accused Me of Witchcraft, Bathed Me with Acid', *Vanguard*, 30 November, available online at: http://ukpakareports.com/news.php?type_id=1&news_id=1669.
12. Brain, R., *Child Witches*, in M. Douglas, (1970) *Witchcraft Confessions and Accusations*, Tavistock Press,.

13. Brown, C. (1997) 'Universal Human Rights: A Critique', *International Journal of Human Rights* 1(2): 41–65.
14. Bussien, N., et al. (2011) 'Breaking the Spell: Responding to Witchcraft Accusations against Children', UNHCR Research paper no. 197.
15. Cahn, N. (2006) 'Poor Children: Child "Witches" and Child Soldiers in Sub-Saharan Africa', *Ohio State Journal of Criminal Law* 3: 413–456.
16. Cerna, C. (1994) 'Universality of Human Rights and Cultural Diversity: Implementation of Human Rights in Different Socio-Cultural Contexts', *Human Rights Quarterly* 16: 740–52.
17. Chineyemba, L. (2010) 'The Emergence of and Worries Over Child Witches', in A. Ademowo, G. Foxcroft and T. Oladipo (eds) *Suffereth not a Witch to Live*, pp. 1–8. Ibadan: Muffy Prints.
18. Cimpric, A. (2010) 'Children Accused of Witchcraft: An Anthropological Study of Contemporary Practices in Africa', UNICEF WCARO, Dakar.
19. Comaroff J., & Comaroff, J., (1999) *Occult Economies and the Violence of Abstraction: Notes from the South African Postcolony*, *American Ethnologist* No 26(2), May 1999, pp. 279-303.
20. Council European Union Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse CETS No. 201, adopted on 25 November 2007., Decision of 26 July 2010, establishing the organisation and functioning of the European External Action Service, (2010/427/EU).
21. Council of Europe Convention on Action against Trafficking in Human Beings CETS No. 197, adopted on 15 May 2005.
22. Council of Europe Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children CETS No. 105, adopted on 20 May 1980.
23. Council of Europe Convention on the Adoption of Children (revised) CETS No. 202 adopted on 27 November 2008. Council of Europe, European Social Charter (revised), CETS No. 163, adopted on 3 May 1996.
24. Council of Europe Convention on the Legal Status of Children born out of Wedlock CETS No. 085, adopted on 15 November 1975.
25. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse CETS No. 201, adopted on 25 November 2007.

26. Council of the European Union, Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations (Brussels: 2006), 9767/06.
27. Council of the European Union, Conclusions on the Promotion and Protection of the Rights of the Child in the European Union's External Action – The Development and Humanitarian Dimensions (Brussels 2008), 2570 External Relations Council meeting.
28. Council of the European Union, EU Guidelines for the Promotion and the Protection of the Rights of the Child (2007).
29. Council of the European Union, EU Guidelines on Children and Armed Conflict (2003).
30. Council of the European Union, the European Parliament and the Commission, Joint Statement on European Union Development Policy: 'The European Consensus' (2005), 2006.
31. Cripe L., et al,(2002) Abandonment and separation of children in the Democratic Republic of the Congo, U.S. Agency for International Development, 2002, pp.15-19. http://pdf.usaid.gov/pdf_docs/PNACR086.pdf accessed 23rd March 2022
32. de Berry, J., (2001) Child Soldiers and the Convention on the Rights of the Child, *The Annals of the American Academy*, , pp.102-103. 31 Policy Department DG External Policies
33. de Boeck F. & Honwana, A., (2005) Introduction: Children and Youth in Africa. Agency, Identity and Place, in A. Honwana & F. de Boeck (eds.), *Makers and Breakers: Children & Youth in Postcolonial Africa*, African World Press, Inc. pp. 1-18.
34. de Boeck, F., (2006), *Youth, Death and the Urban Imagination. A Case from Kinshasa*, *Bulletin Académie Royale des Sciences d'Outre-Mer* No 2 – 52, pp.113-125.
35. de Boeck, F., (2009) *At Risk, as Risk: Abandonment and Care in a World of Spiritual Insecurity*, in La Fontaine J. (ed.), *The Devil's Children*, Ashgate, , pp. 144-146.
36. De Feyter, K., Parmentier, S., Timmerman, C. & Ulrich, G., (eds.), (2011) *The Local Relevance of Human Rights*. University Press.
37. de Sousa Santos, B. & Rodríguez-Garavito, C.A., (eds.), (2005) *Law and Globalization from Below: Towards a Cosmopolitan Legality*, Cambridge: University press.
38. Dein, S., (2009) *The Jinn, Black Magic and Evil Eye Among East London Bangladeshis*, in J. La Fontaine (ed.), *The Devil's Children*, Ashgate, pp. 77-90.
39. Dembour, M. B. & Kelly, T. (eds.), (2007) *Paths to International Justice. Social and Legal Perspectives*. Cambridge: University Press.

40. Dembour, M. B., (2006) *Who Believes in Human Rights. Reflections on the European Convention*, Cambridge University Press.
41. Donnelly, J. (2003) *Universal Human Rights in Theory and Practice*, 2nd edn. London: Cornell University Press. Secker 35
42. Ellis, S. & ter Haar, G., (2004) *Worlds of Power: religious thought and political practice in Africa*. Oxford University Press,.
43. Ellis, S. & ter Haar, G., (2007) *Religion and politics: taking African epistemologies seriously*, *Journal of Modern African Studies*, 45, 3, pp. 385–401.
44. European Commission (2006a), *Communication: Towards an EU Strategy on the Rights of the Child COM (2006) 367 final*.
45. European Commission (2006b), *Staff Working Document Accompanying the Communication from the Commission Towards an EU Strategy on the Rights of the Child, Preliminary Inventory of EU Actions Affecting Children's Rights SEC (2006) 889*.
46. European Commission (2008a), *Communication: A Special Place for Children in EU External Action COM (2008) 55 final*.
47. European Commission (2008b) *Staff Working Document, The European Union's Action Plan on Children's Rights in External Action COM(2008) 55 final SEC(2008) 135*.
48. European Commission (2011a), *Communication: An EU Agenda for the Rights of the Child, COM (2011) 60 final*.
49. European Commission (2011b) *Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The Future Approach to EU Budget Support to Third Countries, COM(2011) 638 Final*
50. European Parliament, *Resolution on a Special Place for Children in EU External Action (2009), 2008/2203*.
51. European Parliament, *Resolution: Towards an EU Strategy on the Rights of the Child (2008), 2007/2093*.
52. European Union Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for PreAccession Assistance. 32 Child witchcraft allegations and human rights
53. Falola, T. (2001) *Culture and Customs of Nigeria*. Westport, CT: Greenwood Press.

54. Federal Ministry of Women Affairs and Youth Development (1995) Nigeria and the Rights of the Child, Published by Child development Department , Federal Ministry of Women Affairs and Youth Development
55. Foxcroft, G. (2009) ‘Witchcraft Accusations: A Protection Concern for UNHCR and the Wider Humanitarian Community’, Stepping Stones Nigeria.
56. Foxcroft, G. and E. Secker (2010) ‘Report on Accusations of Witchcraft against Children in Akwa Ibom State, Nigeria’, Stepping Stones Nigeria.
57. Foxcroft, G., and T. Oladipo (eds (2010) *Suffereth not a Witch to Live*, pp. 47–51. Ibadan: Muffy Prints.
58. Geschiere, P., (1997) *The Modernity of Witchcraft: Politics and the Occult in Postcolonial Africa*, University of Virginia Press.
59. Gibbs, P., (2010) Witch killing and engendered violence in Simbu. *Catalyst* No 40(1), pp. 24-64.
60. Goodale, M. & Merry, S.E., (eds.) (2007) *The Practice of Human Rights: Tracking Law Between the Global and the Local*, Cambridge University Press,.
61. Goodale, M., (2006) Introduction to Anthropology and Human Rights in a New Key. *American Anthropologist*, 108 (1), pp.1-8.
62. Goodale, M., (2009) *Surrendering to Utopia. An Anthropology of Human Rights*, Stanford University Press.
63. Haldorsson, O. L., (2011) Governance Fit for Children, to what extent have the general measures of implementation of the UNCRC been realised in the EU Institutions?, *Save the Children Sweden*,.
64. Hanson, K. & Nieuwenhuys, O. (eds.), (2013) *Reconceptualizing Children's Rights in International Development. Living Rights, Social Justice, Translations*, Cambridge University Press,.
65. Hanson, K., (2012) Schools of Thought in Children’s Rights, in M. Liebel, with K. Hanson, I. Saadi, & W. Vandenhole, *Children’s Rights from Below: Cross-cultural Perspectives*, Palgrave Macmillan, pp. 63 79.
66. Harris-Short, S. (2003) ‘International Human Rights Law: Imperialist, Inept and Ineffective? Cultural Relativism and the UN Convention on the Rights of the Child’, *Human Rights Quarterly* 25(1): 130–81.
67. Human Rights Watch (2006) ‘What Future? Street Children in the Democratic Republic of Congo’, Vol. 18, No. 2(A), available online at: <http://www.hrw.org/reports/2006/drc0406/index.htm/> accessed 23 March 2022

68. Ibhawoh, B. (2001) 'Cultural Relativism and Human Rights: Reconsidering the Africanist Discourse', *Netherlands Quarterly of Human Rights* 19(1): 43–62.
69. Jahangir, A. (2008) 'Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir: Mission to Angola', A/HRC/7/10/Add.4, 06/03/2008.
70. La Fontaine, J., (2009) *Child Witches in London: tradition and Change in Religious Practice and Belief*, in J. La Fontaine (ed.), *The Devil's Children*, Ashgate.
71. Liebel, M. with Hanson, K., Saadi, I. & Vandenhole, W., (2012) *Children's Rights from Below: Cross-cultural Perspectives*, Palgrave Macmillan.
72. Merry, S. E., (2006) *Human Rights and Gender Violence: Translating International Law into Local Justice*, University of Chicago Press.
73. Meyer, B., (1999) *Translating the Devil: Religion and Modernity among the Ewe in Ghana*, Edinburgh University Press.
74. Mgbako, C. A. & Glenn, K., *Witchcraft Accusations and Human Rights: Case Studies from Malawi*, *The George Washington International Law Review* No 43(3), 2011.
75. Molina, A. J., (2006) *The Invention of Child Witches in the Democratic Republic of Congo: Social cleansing, religious commerce and the difficulties of being a parent in an urban culture*, Save the Children,.
76. Moore, H. & Sanders, T. (eds), (2002) *Magical Interpretations, Material Reality: Modernity, Witchcraft and the Occult in Postcolonial Africa*,.
77. Mutua, M, (2002), *Human Rights. A Political and Cultural Critique*, University of Pennsylvania Press,
78. Nwadinobi, E. (2008) 'The Causes and Prevalence of Accusation of Witchcraft among Children in Akwa Ibom State', UNICEF, unpublished research paper.
79. Ogbulafor, A. (2011) 'Akwa Ibom Commission Assures Fairness in Making Recommendations', *Daily Times*, 9 May, available online at: <http://www.dailytimes.com.ng/article/akwa-ibom-commission-assures-fairness-making-recommendations>.
80. Ogunjuyigbe, P. (2004) 'Under-Five Mortality in Nigeria: Perception and Attitudes of the Yorubas towards the Existence of "Abiku"', *Demographic Research* 11(2): 43–56.
81. Oha, O. (2000) 'The Rhetoric of Nigeria Christian Videos: The War Paradigm of The Great Mistake', in J. Haynes (ed.) *Nigerian Video Films*, pp. 192–9. Athens: Ohio University Centre for International Studies. Omunukuma, O. (2010) 'Defending the Existence of and Solidarising with Alleged Child-Witches: Significations on the

- Nigerian Witchcraft Phenomenon’, in A. Ademowo, G. Foxcroft and T. Oladipo (eds) *Suffereth not a Witch to Live*, pp. 27–35. Ibadan: Muffy Prints.
82. Onyinah, O. (2002) ‘Deliverance as a Way of Confronting Witchcraft in Modern Africa: Ghana as a Case History’, *Asian Journal of Pentecostal Studies* 5(1): 107–34.
83. Paulo Sergio Pinheiro (2009) *World Report on Violence Against Children – Paulo Sergio Pinheiro*
84. Petrus, T., Defining witchcraft-related crime in the Eastern Cape Province of South Africa, *International Journal of Sociology and Anthropology* No 3(1), January 2011, pp. 1-8. 33 Policy Department DG External Policies
85. Petrus, T., Influence, insecurities and evil: The political and economic context of witchcraft-related crime in the Eastern Cape, South Africa, *International Journal of Sociology and Anthropology* No 4(6), June 2012, pp. 179-189.
86. Prof. Mrs Ekaete Etuk ‘War Against Child Abuse’- selected speeches of Prof. Mrs Ekaete Etuk Hon Commissioner for Women Affairs and Social Welfare AKS 2003-2007
87. Quarmyne, M., Witchcraft: A Human Rights Conflict Between Customary/Traditional Laws and the Legal Protection of Women in Contemporary Sub-Saharan Africa, in *William & Mary Journal of Women and the Law* No 17 (2), 2011, pp. 475-507.
88. Robbins, M. (2011) ‘The Dangerous Fight for the “Child Witches” of Nigeria’, *The Guardian*, 14 January, available online at: <http://www.guardian.co.uk/science/the-lay-scientist/2011/jan/14/1>.
89. Robert J. Priest, Abel Ngolo and Timothy Stabell, Christian Pastors and Alleged Child Witches in Kinshasa, DRC *On Knowing Humanity Journal* 4(1), January 2020, 1-51
90. Schnoebelen, J. (2009) ‘Witchcraft Allegations, Refugee Protection and Human Rights: A Review of the Evidence’, UNHCR research paper no. 169.
91. Secker, E. (2012). Witchcraft stigmatization in Nigeria: Challenges and successes in the implementation of child rights. *International Social Work*, 56(1), 22–36.
92. Simon, A., Hauari, H., Hollingworth, K. & Vorhaus, J.,(2012) A rapid literature review of evidence on child abuse linked to faith or belief, CWRC Working Paper No. 15 October 2012. http://www.cwrc.ac.uk/projects/documents/Oct2012_CWRC_Child_Abuse_linked_to_Faith_or_Belief_Report_FINAL.pdf. Accessed 12 March 2022.
93. Singh, B. (2011) ‘India: Human Rights of Women Being Violated Openly in the Name of Witchcraft’, *Times of India*, 18 March.

94. Sircar, O. & Dutta, D., Beyond compassion: Children of sex workers in Kolkata's Sonagachi. *Childhood* No 18(3), 2011, pp. 333-349.
95. Sleaf, B. (2011) 'Using the Law to Tackle Accusations of Witchcraft: HelpAge International's Position', HelpAge International, London. *36 International Social Work* 56(1)
96. Smith, D. (2001) 'Ritual Killing, 419 and Fast Wealth: Inequality and the Popular Imagination in Southeastern Nigeria', *American Ethnologist* 28(4): 803–26.
97. Stobart, E. (2006) 'Child Abuse Linked to Accusations of "Possession" and "Witchcraft"', Department for Education and Skills, Research Report RR750.
98. Uchenna Onuzulike, (2013) Children accused of Practicing Witchcraft in Akwa Ibom, Nigeria: A Qualitative analysis of online news media, *International Journal of Child Youth and Family Studies*, November 2013.
99. UNCRC (2010) 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding observations: Nigeria, 21 June 2010, CRC/C/NGA/CO/3 4, para 67-68. Concluding Observations: Nigeria', CRC/C/NGA/CO/3-4, 11 June.
100. UNCRC General Comment 12: The Right of the Child to Be Heard', CRC/C/GC/12, 20 July.
101. UNCRC, General comment No. 13 (2011), The right of the child to freedom from all forms of violence, 18 April 2011, CRC/C/GC/13, par. 17-18 e 29.
102. UNDP (2006) 'Niger Delta Human Development Report', United Nations Development Programme, Abuja.
103. Vandenhole, W., (2011) Children's Rights in EU External Action: Beyond Charity and Protection, Beyond Instrumentalisation and Conditionality, *The International Journal of Children's Rights* No 19(3), pp. 477-500.
