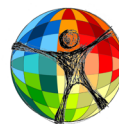


Human Rights Violations and Accusations of Witchcraft in Ghana

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ABSTRACT

This paper serves as an introduction to the phenomenon of individuals, mainly elderly, rural women in northern Ghana, being branded as witches, expelled from their communities and resettled into “witch camps”. The phenomenon is framed as a human rights issue; using an intersectional, legal and anthropological approach to examine how the women are treated when suspected of practicing witchcraft, and why they are punished after being accused. This paper also presents how the protections afforded to the accused witches under international, regional and sub-regional human rights legislation fail to serve the victims. Ultimately, this paper argues that a community lawyering and legal empowerment approach to eradicating witchcraft-related violence is more promising and beneficial for the women than the criminalization of accusations of witchcraft and witch camps.

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Studied mostly by anthropologists, witchcraft accusations and killings should concern all feminists, North and South. For in addition to inflicting an unspeakable suffering on those accused, and perpetrating a misogynous ideology that degrades all women, they have devastating consequences for the communities affected, especially the younger generations.

—Silvia Federici¹

Introduction

I recently learned of the stigma and violence that are inflicted on those who have been branded a witch. This issue came to my attention this past summer during my human rights internship at the Institute for Human Rights and Development in Africa (IHRDA), in The Gambia. IHRDA was in the preliminary stages of building a case against Ghana before the Economic Community of West African States (ECOWAS) Court of Justice. Their case argued that Ghana had failed in its responsibility to protect Ghanaian citizens, specifically elderly women and girls, from the human rights violations they are subjected to after being accused of practicing witchcraft. These preliminary proceedings sparked my interest in researching and exploring the plight of these alleged witches.

My formal education includes a Bachelor of Arts degree, majoring in World Religions and minoring in Sociology. I have been interested in the connection between religion and society for much of my academic career. The quote mentioned above by the scholar, teacher and activist, Silvia Federici, has also deeply inspired me to pursue this topic. I am a proud feminist and social justice advocate, and recognize the immense need for a feminist approach to the law. From an intersectional standpoint, we can recognize that, poor elderly women, who perhaps have a mental illness, are abused by their partner, or are widowed, and who live in a rural part of a less economically developed country, are extremely vulnerable to human rights abuses. Although *thousands* of alleged witches have been beaten or killed in several African

¹ Silvia Federici, "Witch-Hunting, Globalization, and Feminist Solidarity in Africa Today" (2008) 10:1 Journal of International Women's Studies 3 at 21, online: <<http://vc.bridgew.edu/cgi/viewcontent.cgi?article=1219&context=jiws>>.

countries over the past thirty years², my preliminary research confirmed what Federici mentions in “Witch-Hunting, Globalization, and Feminist Solidarity in Africa Today”³ – that there has been very little attention from social justice movements and feminist organizations devoted to these victims. The bulk of research on witchcraft across the African continent and around the world has been vastly anthropological, with research specifically on witchcraft accusations as anecdotal.⁴ I wish to bridge this gap in the literature by analyzing witchcraft allegations and the ensuing human rights violations that these alleged witches incur from an inter-disciplinary approach (anthropological and legal), using an intersectional feminist lens.

While this issue spans across Africa, I will be focusing specifically on the Republic of Ghana. Ghana is north of the Equator and on the west coast of Africa. Before it became an independent nation in 1957, the British colony was referred to as the Gold Coast. The reason why I chose to focus on Ghana is not because it is reported to have the highest incidents of witchcraft-related homicides (it is more frequent in India).⁵ However, anecdotal evidence does suggest that witchcraft accusations have been increasing in Ghana.⁶

Ghana is a very heterogeneous country, where close to fifty percent of the population are Akans living in rural areas.⁷ Sixty percent of its population identify as Christian, fifteen percent as Muslim, and the remainder identify with animism and ancestor

² UNICEF WCARO, “Children Accused of Witchcraft”, (April 2010) at 12-13, online: <https://www.unicef.org/wcaro/wcaro_children-accused-of-witchcraft-in-Africa.pdf>, citing G. Ter Haar, 2007, ed., *Imagining evil: witchcraft beliefs and accusations in contemporary Africa* (Trenton: Africa World Press, 2007) at 67-92.

³ Federici, *supra* note 1 at 21.

⁴ Mensah Adinkrah, “Witchcraft Accusations of Female Homicide Victimization in Contemporary Ghana” (2004) 10:4 *Violence Against Women* at 350 [Adinkrah, “Witchcraft Accusations”], online: <http://mcgill.worldcat.org/title/witchcraft-accusations-and-female-homicide-victimization-in-contemporary-ghana/oclc/437981661&referer=brief_results>.

⁵ *Ibid* at 327, citing F. Pickup, *Ending violence against women: A challenge for development and humanitarian work*. (Herdon: Oxdam, 2001).

⁶ *Ibid* at 350.

⁷ Mensah Adinkrah, “Child Witch Hunts in Contemporary Ghana” (2011) 35:9 *Child Abuse & Neglect* at 742 [Adinkrah, “Child Witch Hunts”], online: <<https://www.sciencedirect.com/science/article/pii/S0145213411001840>>.

reverence.⁸ Overall there is much respect for traditional beliefs, and the spiritual realm is seen as intermingling with the public sphere, permeating marriage, education, the economy and politics.⁹ Ghana is the only country in the world where “witch camps” can be found, housing those who have been accused.¹⁰ The vast majority of these alleged witches are elderly women, especially in northern Ghana.¹¹ This is a serious issue, and a curious one as well, as many would count Ghana among West Africa’s most developed countries.¹²

After analyzing the anthropological research conducted on alleged witches from an intersectional feminist lens, I argue that the most effective way to diminish witchcraft-related human rights violations occurring specifically in Ghana is to apply a community lawyering approach, rather than to simply criminalize witchcraft accusations and camps. A community lawyering approach views legal problems as symptoms of larger, societal failures, rather than arising from within an individual.¹³ To understand and remedy these structural failures, this approach claims it is necessary to collaborate with members of the community to develop local legal, as well as non-legal, strategies. Often, this takes the form of organizing, consciousness raising and community building, with broad goals of increasing individuals’ sense of personal and political power.¹⁴ The broad and holistic community lawyering approach that I am advocating for will

⁸ Adinkrah, “Witchcraft Accusations”, *supra* note 4 at 329-330, citing J. Azumah, “Too much meat does not spoil the soup”, (2000) and Information Services Department, *An Official handbook of Ghana*, (Accra: New Times, 1991).

⁹ *Ibid.*

¹⁰ Kati Whitaker, “Ghana witch camps: Widows’ lives in exile”, *BBC News* (1 September 2012), online: <<http://www.bbc.com/news/magazine-19437130>>.

¹¹ Adinkrah, “Witchcraft Accusations”, *supra* note 4.

¹² Action Aid UK, “Condemned without trial: women and witchcraft in Ghana”, (September 2012), online: <https://www.actionaid.org.uk/sites/default/files/doc_lib/ghana_report_single_pages.pdf>.

¹³ Shin Imai, “A Counter-Pedagogy for Social Justice: Core Skills for Community-Based Lawyering” (2002) 9:1 *Clinical Law Review* at 197, online: <http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1453&context=scholarly_works>.

¹⁴ Orly Lobel, “The paradox of Extralegal Activism: Critical Legal Consciousness and Transformative Politics” (2007) 120:4 *Harvard Law Review* at 359, online: <http://www.jstor.org/stable/40041996?seq=1#page_scan_tab_contents>.

include a narrower legal empowerment approach. The legal empowerment of the poor (LEP) approach to social justice and the eradication of poverty, as stated by Professor Dan Banik, recognizes the link between legal and political empowerment.¹⁵ The claim is that “poverty persists partly because the poor do not enjoy legal rights or the power to exercise those rights”,¹⁶ and so in order to address this problem, the LEP approach suggests a twofold strategy of holding political and administrative leaders accountable for policy failures, all while creating new legal and political frameworks to specifically address the needs of the most poor and vulnerable groups.¹⁷ I hope to show that by employing both the broader community lawyering approach and the LEP approach, the human rights of alleged witches in Ghana may be strengthened.

I will begin by explaining which anthropological research I am relying on, and then how I will be using an intersectional feminist approach when analyzing this research. I will then delve into the outcomes of research regarding accusations of witchcraft in Africa and in Ghana. The next section of my paper will address the human rights at stake for alleged witches today, from an international, regional and sub-regional standpoint. Furthermore, I will be discussing which rights, if any, are at stake for those who are accusing others of witchcraft. Finally, in the last section of my paper, I will be comparing two possible “solutions”¹⁸ to the eradication of witchcraft-related violence. Despite the robust human rights protections that Ghanaians should enjoy, and despite local newspaper and radio coverage, there have been no cases brought before the courts against those who have abused alleged witches.¹⁹ The first solution I discuss is the criminalization of accusations of witchcraft, as well as the prohibition of witch

¹⁵ Dan Banik, “Legal Empowerment as a Conceptual and Operational Tool in Poverty Eradication” (2009) 1:1 Hague Journal on the Rule of Law at 131, online: <<https://www.cambridge.org.proxy3.library.mcgill.ca/core/journals/hague-journal-on-the-rule-of-law/article/legal-empowerment-as-a-conceptual-and-operational-tool-in-poverty-eradication/05C6B88915997F4B355E9135EDB125D3>>.

¹⁶ *Ibid* at 118.

¹⁷ *Ibid*.

¹⁸ Solutions is in scare quotes because I do not presume to be so ambitious! I am using the word in the loose sense, equating it with a state of improvement.

¹⁹ BBC World Service, “No Country for Old Women” (2 September 2010), online: <<http://www.bbc.co.uk/programmes/p00x8hm4>>.

camps. I reject this formalistic legal approach, and instead advocate for a community lawyering approach, which includes a legal empowerment approach.

Approaches

Anthropological Research Relied Upon

When researching scholarly work on witchcraft accusation in an African country, it is important to have a multicultural viewpoint. A unique challenge includes filtering through outdated and racist beliefs. The social anthropologist Khaukanani Mayhungu, explains how anthropological field work had been performed with such racist beliefs, especially in the nineteenth century, wherein Africa was treated as one homogenous unit, without any variations regarding the reality of witchcraft.²⁰ Mayhungu points to the trailblazing social anthropologist E. E. Evans-Pritchard, who in the twentieth century, insisted that witchcraft was not just a marker of superstition, but was a valid system of getting answers to ontological or epistemological questions which cannot be answered by science.²¹ This, in essence, led the way to accepting witchcraft as a legitimate belief system, in the same way that Christianity or Islam would be respected. Other informative anthropological sources, including Dirk Kohnert, agree that Evans-Pritchard emphasized that African systems of occult are “anything but irrational”.²² Relying on the viewpoint of Evans-Pritchard and Mayhungu, rather than relying on anthropological data which rests on colonialist thought, I have embraced Mayhungu’s argument that when reviewing any research on witchcraft in Africa, it is crucial to stay alert to the specific social context of the community under study.²³

²⁰ Khaukanani Mayhungu, *Witchcraft in post-colonial Africa: beliefs, techniques and containment strategies*, (Makon, Bamenda, Cameroon: Langaa, 2012) at 5, online: <<http://muse.jhu.edu.proxy3.library.mcgill.ca/book/21657>>.

²¹ *Ibid* at 12.

²² Dirk Kohnert, “Magic and witchcraft: Implications for democratization and poverty-alleviating aid in Africa” (1996) 24:8 World Development at 1353, online: <[HYPERLINK https://www.sciencedirect.com/science/article/pii/S0305750X96000459](https://www.sciencedirect.com/science/article/pii/S0305750X96000459)>.

²³ Mayhungu, *supra* note 20 at 5.

Intersectional Feminist Approach to Analyzing Research

The first identity-marker that this group is being discriminated against lies in the fact that it is largely women being targeted, as opposed to men.²⁴ Because there is a divide in the genders, it is important to recognize what factors might explain this; and this can be done using a feminist approach to analyzing research. Feminist scholar, critical race theorist and civil rights advocate, Kimberlé Crenshaw, coined the term “intersectionalism”; an approach that considers the historical, social and political context of a person, and recognizes how various intersecting factors create a unique experience for that individual.²⁵ When I was working pro-bono at the Center for Research on Race-Relations (CRARR) during my first two years of law school, I learned that the Ontario Human Rights Commission wrote that the intersectional approach to discrimination is being used increasingly in Canada.²⁶ This approach is crucial as the experiences of those accused are not simply about discrimination against women, but against *certain types* of women. As I will discuss more in depth in the next section of my paper, weight must be given to the fact that this issue pertains to discrimination against a variety of women experiencing similar and different lives.

Accusations of Witchcraft

What is Witchcraft?

In its study on contemporary practices in Africa, UNICEF provides various definitions of witchcraft.²⁷ Scholars Sally F. Moore and Todd Sanders, define witchcraft as “a set of discourses

²⁴ There was no research that I found which commented on any other genders or gender-non-conforming people.

²⁵ Kimberlé Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color” (1991) 43:6 Stanford Law Review, online:

<https://www.jstor.org/stable/1229039?seq=1#page_scan_tab_contents>.

²⁶ Ontario Human Rights Commission, “An intersectional approach to discrimination: Addressing multiple grounds in human rights claims”, Discussion Paper, (2001) at 2, online :

<http://www.ohrc.on.ca/sites/default/files/attachments/An_intersectional_approach_to_discrimination%3A_Addressing_multiple_grounds_in_human_rights_claims.pdf>; see Quebec (*Commission des droits de la personne et des droits de la jeunesse*) v. *Boisbriand* (City), [2000] 1 S.C.R. 665.

²⁷ UNICEF, *supra* note 2.

on morality, sociality and humanity. Far from being a set of irrational beliefs, they are a form of historical consciousness, a sort of social diagnostic".²⁸ This definition is compatible with the anthropological approach put forward by Evans-Pritchard. Although some believe witchcraft can be used for good or for evil, I will focus solely on the latter.

Who and How is an Alleged Witch Accused of Witchcraft?

Alleged witches are often the most poor and vulnerable in the community – women²⁹, specifically elderly women, disabled women and girls. Roughly ninety percent of Ghanaians possess some type of belief in witchcraft.³⁰ Suspicions are so common (at least in rural areas), that almost everyone knows an elderly woman in their community who has been suspected of being a witch.³¹ The belief is so rampant that an alleged witch may herself believe that she is a witch, although she does not practice consciously. At Kukuo witch camp, some alleged witches who were interviewed for the documentary *Witches in Exile*, admitted to believing in witchcraft, while others denied its existence.³²

Those who target alleged witches are often gangs (borne from rumours spread by one or two persons), witch doctors or traditional healers, parents and family members.³³ Alleged witches are first subject to gossip. Individuals may consult an oracle or a witch doctor to confirm their suspicions or reveal the identity of a witch through divination.³⁴ If an alleged witch is confronted with exorcism, she may confess, reveal the source of her power, and surrender a witchcraft substance which will be destroyed by the exorcist.³⁵ At times, women are subjected to witch hunts, often resulting in violent abuse, torture and death.

²⁸ UNICEF, *supra* note 2 at 20.

²⁹ I will be using the pronoun "she" when describing alleged witches

³⁰ Adinkrah, "Child Witch Hunts", *supra* note 7 at 743, citing D. King, "Assignment Africa: Dana King reports from Ghana" CBS, (10 July 2009).

³¹ Adinkrah, "Witchcraft Accusations", *supra* note 4 at 336.

³² Kanopy, "Witches in Exile" (2005), online: <<http://mcgill.kanopystreaming.com/video/witches-exile>>.

³³ International Humanist and Ethical Union, "Witch Hunts and Human Rights Abuses in Africa" (2009), [IHEU], online: <<http://iheu.org/witch-hunts-and-human-rights-abuses-africa/>>.

³⁴ Adinkrah, "Child Witch Hunts", *supra* note 7 at 744, citing G. Bannerman-Richter, *The Practice of Witchcraft in Ghana* (Elk Grove: Gabari, 1982).

³⁵ *Ibid.*

These occurrences have been reported in many African countries, such as Angola, Cameroon, Liberia, Tanzania, Uganda and Zimbabwe.³⁶

The Democratic Republic of Congo is home to thousands of homeless children who are suspected witches. In Nigeria, many suspected witch children have been bathed in acid or lynched by their own parents, family or community members.³⁷ About one year ago, I remember seeing an AJ+ video online which showed the devastating consequences of one of these Nigerian children.³⁸ The extremely thin 2-year-old is filmed wandering around Uyo, completely naked, and looking for scraps of food. Aid worker Anja Ringgren Lovén is seen offering the child water and food. She took him in and inspired people to donate over one million USD to her organization, which is dedicated to helping children accused of being witches in Nigeria.

Interestingly, there are organizations and research dedicated specifically to helping *children* accused of witchcraft, however, literature is lacking when it comes to helping the elderly accused in Ghana. In Ghana, witches are predominantly perceived as elderly and female, however, children living with maternal grandmothers in rural areas, or children who are favoured by elderly women, are seen as being especially at risk of receiving witchcraft.³⁹ There are varying beliefs on how witchcraft can be transferred (whether the witch must be related to the person or not). Some of these beliefs include transference from the mother while the child is in utero or a newborn, through food, drink or gifts such as bracelets or waist beads.⁴⁰

Witch Camps

ActionAid is an international development organization dedicated to empowering people to fight the poverty and injustice they face. It is unique in its dedication to improving the lives of

³⁶ IHEU, *supra* note 33.

³⁷ *Ibid.*

³⁸ AJ+, "Aid Worker Saves Nigerian Boy Accused of Being a Witch" (February 17, 2016), online: <<https://www.youtube.com/watch?v=hit-5AftoT0>>.

³⁹ Adinkrah, "Child Witch Hunts", *supra* note 7 at 744 citing G. Bannerman-Richter, *The Practice of Witchcraft in Ghana* (Elk Grove: Gabari, 1982).

⁴⁰ *Ibid*, citing H.W. Debrunner, *Witchcraft in Ghana: A study on the belief in destructive witches and its effect on the Akan tribes*, (Accra: Waterville, 1978).

elderly, exiled women accused of practicing witchcraft in Ghana. In the report, "Condemned without trial: women and witchcraft in Ghana",⁴¹ there is very useful information about the six known witch camps in the northern region of Ghana: Gambaga, Kukuo, Gnani, Bonyase, Nbuli and Kpatinga. Between eight hundred and one thousand residents at the camp are women who have been accused of witchcraft. Some remain in the camps for up to forty years. They find their way to these camps alone by fleeing their own communities, or sometimes they are accompanied by a concerned family member. Other residents of the camps include attendants, who are usually the granddaughters of the accused. These girls do not attend school, and are tainted themselves by the word "witch". There are about five hundred such children living at these camps.

In the BBC's documentary, *No Country for Old Women*,⁴² daily life at Kukuo witch camp is shown. Assistants and alleged witches must walk 4.8 kilometers to fetch water every day. In order to eat, some women pick up leftover scraps in neighbouring farms, while others earn money by selling small bags of peanuts and collecting firewood. Another resident of the camps are the *tindanas* (male leaders or priests). They determine whether a woman is guilty or innocent, by observing the dying position of a sacrificed chicken. If the chicken lies on its back, this means that the individual is in fact a witch, and must undergo further ritual cleansing. The prevailing line of thought is that the camps themselves neutralize the powers of the witches, and that *tindanas* have inherited the power to counteract witches as well.

Why Allegations of Witchcraft Occur

Fear

Prior to my research, one of my biggest questions was why in Ghana, despite being a majority of Christians, was there an insistence of witchcraft belief and accusations? Hans Werner Debrunner mentions this paradox in his book, *Witchcraft in Ghana, a study on the belief in destructive witches and its effects on the Akan tribes*, claiming that although the Christian faith teaches against a fear of evil spirits and immortality (since Christ

⁴¹ ActionAid UK, *supra* note 12.

⁴² BBC World Service, *supra* note 19.

sacrificed himself to conquer evil), “the simple truth is that superstition and fear of evil spirits is as strong as ever today among Christians, literates and illiterates alike.”⁴³ Debrunner claims that what unites virtually all Akans in the belief in the power of witchcraft, “is the fear it inspires”.⁴⁴ Khaukanani Mayhungu, who published his anthropological findings of witchcraft accusations in Cameroon and South Africa, agrees with Debrunner’s position on the importance of fear. Mayhungu writes that, “In Venda, participation in this witchcraft struggle was not shaped by party-political identification, poverty, wealth, gender or age, but was influenced by fear – the fear of becoming the next victim of witchcraft and the fear of being labelled a witch.”⁴⁵ He analyzes three accusations which reveal that feelings of envy, jealousy and hatred, along with mismanaged fear, lay the ground for believers to harm and murder people accused of being witches, despite any facts or circumstances surrounding the accusations.⁴⁶

Scapegoat for Misfortune

I think there is a lot of truth to what Mayhungu claims, however, my research on accusations in Ghana has led me to conclude that it is exactly because of circumstances (what some may refer to as coincidences) surrounding an accusation that many community members find themselves being accused. Something as simple as dreaming about someone could lead to an accusation. This is what happened to a woman living in a witch camp: her sister-in-law got sick the day after she had had a dream about her.⁴⁷ Even though the sickness only proved to be a common cold, the damage of the accusation was done, and the woman was sent away.

In these unfortunate situations, the alleged witch acts as a scapegoat; someone who can be blamed for various misfortunes which cannot be easily explained. For example, Akans believe that witches can be blamed for snake bites, infertility, untimely

⁴³ Hans Werner Debrunner, *Witchcraft in Ghana, a study on the belief in destructive witches and its effects on the Akan tribes* (Accra: Presbyterian Book Depot, 1961) at 69.

⁴⁴ *Ibid* at 47.

⁴⁵ Mayhungu, *supra* note 20 at 82.

⁴⁶ *Ibid* at 107.

⁴⁷ BBC World Service, *supra* note 19.

deaths, business or relationship failures and troubles with parenting.⁴⁸ Individuals who are blamed for such misfortunes are usually among the most vulnerable in terms of social, economic and physical power, which means they cannot offer effective resistance.⁴⁹ Although these scapegoating strategies may seem foreign to Canadian or American jurists, I see a connection between alleged witches blamed for misfortunes, and defendants in certain North American criminal cases. After viewing a series of documentaries on Netflix, notably, *The Confession Tapes*,⁵⁰ I can understand how vulnerable individuals in Canada and the United States, such as young men with learning disabilities from working class families, would be easier to coerce into a false confession.

Health

Mental health problems, as well as certain physical health problems, have been cited as especially determining of who is practicing witchcraft in Ghana. For example, one alleged child witch was confined to a room for eight years.⁵¹ At the age six she showed symptoms of epilepsy, and after her seizures continued despite medical treatment and the unexpected death of her father, she was assumed to be a witch and therefore a danger to the community. If attention is turned toward the accused, research shows that alleged witches have been accused of using their magic to cause alcoholism or health problems such as hemorrhoids, in other people.⁵²

Dr. Awkesi Osei, chief psychiatrist at the Ghana Health Service, has stated that many women who are sent to witch camps show symptoms of dementia, schizophrenia and depression. I think it would be interesting to compare the mental health of an individual before and after being sent to a witch camp, however, I have not found any research on the matter. However, there has

⁴⁸ Adinkrah, "Witchcraft Accusations", *supra* note 4 at 336-337, citing G. Bannerman-Richter, *The Practice of Witchcraft in Ghana* (Elk Grove: Gabari, 1982).

⁴⁹ Adinkrah, "Child Witch Hunts", *supra* note 7 at 750, citing G. Jensen, *The path of the devil: Early modern witch hunts*, (New York: Rowman and Littlefield Publishers: 2007).

⁵⁰ Netflix, "The Confession Tapes" (September 8, 2017).

⁵¹ Adinkrah, "Child Witch Hunts", *supra* note 7 at 748, citing F. Gbolu, "Bewitching Ghana's Children", (2006) *Daily Graphic* at 2.

⁵² Adinkrah, "Witchcraft Accusations" *supra* note 4 at 336-337.

been a lot of research which confirms that women who display “eccentric” behaviour, such as muttering to themselves or being particularly inquisitive or meddlesome, are especially vulnerable to being accused of practicing witchcraft in Ghana.⁵³ Others who are perceived as having “deformities” or “abnormalities” such as yellowish or reddish eyes, being toothless, having a shriveled stomach or wrinkled facial skin, or having bad posture or sagging breasts, are also especially vulnerable.⁵⁴ I find these supposedly suspicious physical markers quite interesting, because they describe the virtually inevitable features of a rural, elderly man or woman.

Ageism and Sexism

Sjaak van der Geest, author of the article “From Wisdom to Witchcraft: Ambivalence towards Old Age in Rural Ghana”,⁵⁵ carried out seven months of anthropological fieldwork during the late 1990s – 2000 among the elderly Akan people in the rural town of Kwahu Tafo in Eastern Ghana. He observed that the elderly are believed to give blessings as well as curses.⁵⁶ Van der Geest points to ageism as a root cause of witchcraft accusations. He observed that the young resent the elderly because they live for a long time, whereas some young members of their families die prematurely.⁵⁷ This indicates a “reversal the natural order”.⁵⁸

Mensah Adinkrah confirms this finding, claiming that “patriarchal attitudes, misogynistic beliefs and ageist values mediate witch beliefs in Akan society”.⁵⁹ Adinkrah analyzed thirteen incidents of homicide committed against women accused of witchcraft from 1995 – 2001. She indicates that a gender-based analysis and an understanding of the status of women in Ghanaian society is crucial when studying witchcraft accusations.

⁵³ Adinkrah, “Witchcraft Accusations”, *supra* note 4 at 336-337, citing G. Bannerman-Richter, *The Practice of Witchcraft in Ghana* (Elk Grove: Gabari, 1982).

⁵⁴ *Ibid.*

⁵⁵ Sjaak van der Geest, “From Wisdom to Witchcraft: Ambivalence towards Old Age in Rural Ghana” (2002) 72:3 *Africa: Journal of the International African Institute*, online:

<http://www.jstor.org/stable/3556727?seq=1#page_scan_tab_contents>.

⁵⁶ *Ibid* at 460.

⁵⁷ *Ibid* at 458.

⁵⁸ *Ibid* at 460.

⁵⁹ Adinkrah, “Witchcraft Accusations”, *supra* note 4 at 335.

In Ghana, as in many other countries (including Canada), women and men undergo strict gender-role socialization from birth, or even prior, if the sex is known.⁶⁰ Adinkrah has found that this socialization process yields negative consequences. It means that women who manage to be financially successful are suspected to be witches, since they are the supposedly weaker sex.⁶¹ It also means that when women are no longer desirable as sexual partners, and no longer provide childcare, they are seen as being useless to their community. If the woman is a widow, and happens to be living on a profitable property, then beyond being useless, she is a drain on society.⁶² In the documentary *Witches in Exile*, a woman called Wumbei, who had been accused of being a witch and was living at Kukuo witch camp, claimed that elderly women in the north such as herself, are targeted because they are of no use, and community members did not like them.⁶³ ActionAid UK reported in 2008 that more than seventy percent of residents in Kukuo witch camp in northern Ghana were accused and banished after their husbands died, and that almost one third of the women had not been engaged in any sort of economic activity beforehand either.⁶⁴ This indicates to me that elderly women who try to contribute to the local economy are branded as a witch, and those who do not are also branded as a witch.

Poverty and Illiteracy

In 2007, twenty-nine percent of Ghana's population was determined to be below the established poverty line.⁶⁵ In the rural, northern regions of the country, three-quarters of adults are illiterate, compared to forty-three percent nationally.⁶⁶ Low socioeconomic status and a lack of formal education indicate that witchcraft accusations may be more likely to occur, since individuals who live in the city and are formally educated witness less phenomenon which cannot be explained. People living in rural areas are more likely to appeal to superstition than science,

⁶⁰ Adinkrah, "Witchcraft Accusations", *supra* note 4 at 331.

⁶¹ *Ibid* at 336.

⁶² BBC World Service, *supra* note 19.

⁶³ Kanopy, *supra* note 32.

⁶⁴ ActionAid UK, *supra* note 12.

⁶⁵ Adinkrah, "Child Witch Hunts", *supra* note 7 at 742, citing The World Factbook, Washington DC: Government Printing Office, 2008.

⁶⁶ ActionAid UK, *supra* note 12 at 7.

as these norms and values embedded in their culture are particularly strong.⁶⁷

Modernization and Colonialism

In his article, Kohnert explains that far from thinking the belief in witchcraft should subside as modernization takes way, many scholars agree that the increase in witchcraft accusations may be a “reaction to an increasing ‘conflict-producing potential’ caused by processes of social differentiation in the context of the evolution of a market economy and ‘modernization’ of the economy and society”.⁶⁸ I think Federici explains this phenomenon quite well. She points to instances where, for example, an alleged witch is an elderly, widowed woman. By examining how the role of women has been debased, especially since colonization, and by observing how capitalist thought has infiltrated African communities, the motive to appropriate the widow’s property by forcing her off the land becomes apparent.⁶⁹ Where there was once African solidarity, the economic strain which colonialism has contributed to causes people to be more desperate for wealth and forego these traditional communal values.

Human Rights at Stake

Rights of Alleged Witches

Individuals in Ghana are protected by many international, regional and sub-regional laws. However, there is still the sense that an accusation of witchcraft is like “passing a death sentence”, and that these individuals become automatically “unqualified for human rights protection”.⁷⁰ Alleged witches often suffer physical violence and exile, as well as defamation of character, loss of reputation, emotional trauma and mental distress. Many are killed by way of cutting, stoning, beatings or firearms as punishment for their alleged behaviour. Others are killed because of a purification ritual they were forced to undergo during a trial by ordeal, which may have consisted of torture, or ironically,

⁶⁷ Adinkrah, “Witchcraft Accusations”, *supra* note 4 at 349.

⁶⁸ Kohnert, *supra* note 22 at 1348, citing Susan Drucker-Brown, “Mamprusi witchcraft, subversion and changing gender relations” (1993) 64:4 *Africa*.

⁶⁹ Federici, *supra* note 1 at 29.

⁷⁰ IHEU, *supra* note 33.

drinking a poisonous concoction.⁷¹ How can such violations of human rights go by largely undetected by the international community, and persist in a country which has agreed to be bound to so many human rights laws? Before addressing this question, we must review which protections may be applicable to alleged witches.

At the international level, there are human rights guaranteed by the Universal Declaration of Human Rights, which protects the right of all human beings to have life, liberty and security of person;⁷² to not be subjected to torture or to cruel, inhuman or degrading treatment or punishment;⁷³ to not be subjected to arbitrary arrest, detention or exile,⁷⁴ to a fair and public hearing by an independent and impartial tribunal;⁷⁵ to not be subjected to arbitrary interference with his or her privacy, family, home or correspondence, nor to attacks upon his or her honour and reputation;⁷⁶ to own property alone as well as in association with others, and to not be arbitrarily deprived of this property;⁷⁷ to freedom of thought, conscience and religion;⁷⁸ and all of these protections without any distinction of any kind, including sex, religion and property.⁷⁹ Ghana has ratified the regional human rights instrument known as the African Charter on Human and Peoples' Rights, which reaffirms the rights put forward by the U.N. At the sub-regional level, Ghana offers many of these same protections in its Constitution, under Chapter Five: Fundamental Human Rights and Freedoms.

Although there is no legislation pertaining to witchcraft specifically, there are robust international protections specifically provided for women, as seen in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and its Optional Protocol, both of which have been ratified by Ghana. CEDAW reiterates the right of women to not be discriminated

⁷¹ Adinkrah, "Witchcraft Accusations", *supra* note 4 at 341.

⁷² Article 3.

⁷³ Article 5.

⁷⁴ Article 9.

⁷⁵ Article 10.

⁷⁶ Article 12.

⁷⁷ Article 17.

⁷⁸ Article 18.

⁷⁹ Article 2.

against, heading special attention to rural women.⁸⁰ Ghana has also ratified the United Nation's Convention on the Rights of Persons with Disabilities (CRPD) and its Protocol.

In the BBC documentary, *No Country for Old Women*, many alleged witches at Kukuo witch camp express experiencing severe depression, since they had to leave everything and everyone they knew, without any possessions or money, to a place where there is limited access to basic needs such as clean water.⁸¹ The indignity that they have suffered makes them feel as if they have no future, and death is often on their minds. This should not be so. According to Article 25 (1) of the Universal Declaration of Human Rights:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.⁸²

There are also unique and binding protections offered at the regional level, relevant to exiles living in witch camps. According to Article 24 of the African Charter:

All peoples shall have the right to a general satisfactory environment favourable to their development.⁸³

Although the U.N. has Guiding Principles on Internal Displacement, the African Union has taken these norms and converted them into binding state obligations with its own Convention for the Protection and Assistance of Internally Displaced Persons in Africa.⁸⁴

⁸⁰ Article 14.

⁸¹ BBC World Service, *supra* note 19.

⁸² Article 25.

⁸³ Article 24.

⁸⁴ Frans Viljoen, "Human rights in Africa: normative, institutional and functional complementarity and distinctiveness" (2011) 18:2 South African Journal of International Affairs at 195, online: <<http://www.tandfonline.com.proxy3.library.mcgill.ca/doi/pdf/10.1080/10220461.2011.588827?needAccess=true>>.

Rights of Community Members Who Accuse Others of Practicing Witchcraft

While this paper is dedicated to the human rights abuses that alleged witches suffer, I think it is important to recognize that while there are many anthropological reasons which can explain why allegations are made, many community members believe that their allegations are justified, and individuals have the right to their own beliefs. Witches are believed to pose a danger to the entire community. Witches can transform themselves into animals, and kill all the crops.⁸⁵ They can cause diseases or medical problems, a community-wide epidemic, and death.⁸⁶ On a spiritual level, they are believed to have the power to tamper or consume their victims' soul.⁸⁷ Considering this threat, it is understandable that community members feel the need to protect themselves. We might even say that looking at things from the point of view of the community, if witches are continually causing illness or death, then the government has failed in its obligation to protect the human rights of the witches' victims. From the point of view of the community, confiscating a witch's property is not an arbitrary act, and nor is exiling them. The problem with this argument, though, is that individuals are entitled to their own beliefs, *only until* those beliefs take away the human rights of another individual.

During my IHRDA internship, my supervisor said something I thought was very insightful at a capacity-building conference about harmful practices against women and girls. He said that while female genital mutilation (FGM) may have been a part of African or Gambian culture a long time ago, it is not part of the culture any longer. Harmful practices against women and girls are not African culture. The idea is that culture is dynamic, and that many cultures overlap.

I think this idea about the dynamic feature of cultures is applicable to the harmful practices that alleged witches suffer in Ghana. In 2010, UNICEF published the article, "Children Accused of Witchcraft: An anthropological study of contemporary

⁸⁵ Films on Demand, "Healers of Ghana" (1993), online: http://fod.infobase.com.proxy3.library.mcgill.ca/p_ViewVideo.aspx?xtid=6135.

⁸⁶ Adinkrah, "Child Witch Hunts", *supra* note 7 at 746.

⁸⁷ Kanopy, *supra* note 32.

practices in Africa”.⁸⁸ It described the very notion of witchcraft as being so flexible and integrated into all areas of life that contemporary witchcraft can no longer be explained in terms of “African tradition”; rather it is an “invented” or “reinvented” tradition.⁸⁹ This idea confirms that where human rights violations are concerned, whether it be harmful practices against women such as FGM or violence related to a witchcraft accusation, not only must we reevaluate what our cultures are, we must also ensure that culture does not take precedence.

Comparing Two Possible Solutions

Criminalization of Witch Camps and Accusations of Witchcraft

The most effective way to diminish human rights violations attributed to witchcraft allegations is not to prohibit witch camps altogether. Although, as I have previously indicated, the conditions of the six witch camps in northern Ghana deny its residents many of their rights, I believe that forcing women to leave witch camps would ultimately cause them further harm.

In 2011, the Ghanaian government, through the Ministry of Women and Children’s Affairs, announced that witch camps should be closed by 2012. As a response to this, with the help of ActionAid, which has been providing basic services such as water, food, shelter and education in camps since 2005, residents took to the streets in Tamale, the capital of the northern region.⁹⁰ The women did not wish to return home; they would only suffer more persecution. While some alleged witches were “purified” by *tindanas* at the camps, an ActionAid survey in 2008 found that forty percent of the women who attempted reintegration were simply re-accused of practicing witchcraft and returned to the camps within one year.⁹¹ This indicates that the problem is much larger, and cannot be solved by simply shutting down the camps. It shows me that a strictly legal approach would not be effective. Instead, we must understand *why* the alleged witches are not welcomed in their communities, even after being “purified”. This is exactly what the women at the camps were fighting for when

⁸⁸ UNICEF, *supra* note 2 at 1.

⁸⁹ *Ibid.*

⁹⁰ ActionAid UK, *supra* note 12 at 3 and 13.

⁹¹ *Ibid* at 11.

they bravely marched in the streets. Their signs read: “why are the alleged witches always old women”, “banishing of women into camps is unjust”, and “the government must act to restore the human rights of the alleged witches”.⁹²

Since then, the government has recognized that the camps need to close gradually. Hawawu Boya Garbia, Deputy Minister of Women and Children’s Affairs, told ActionAid that while the ultimate goal would be to close down the camps, they know that they cannot force the women to leave, as the camps are safe havens for them.⁹³

Just as the outright prohibition of witch camps is not the most effective way to diminish human rights violations attributed to witchcraft allegations, so is the criminalization of the witchcraft allegations themselves. Just as the witch camps themselves are not the problem, neither are the allegations. As I have previously mentioned, belief in witchcraft is a religious belief that anyone is entitled to hold. The allegations are not the problem; it is the violence which accompanies them. This violence is already prohibited by international, regional and sub-regional laws. The fact that alleged witches continue to face discriminatory violence in a country which has a duty to protect them, indicates to me once again that strictly legal solutions are not the answer.

An example of one outcome of the criminalization of witchcraft is given by Mayhungu, commenting on the Apartheid state in South Africa. In Venda, after legislation against witchcraft beliefs and practices were passed, community structures which traditionally contained witchcraft were incapacitated, “thereby occasioning a proliferation of witchcraft-related violence, especially with the advent of a democratic South Africa”.⁹⁴ This example shows the importance of acknowledging the beliefs, culture and context of a specific population. It also shows the knowledge limitations of a top-down approach.

Another reason why criminalizing witchcraft allegations might actually increase human rights abuses would be if community members chose to see the criminalization as an act of

⁹² ActonAid UK, *supra* note 12 at 13.

⁹³ *Ibid.*

⁹⁴ Mayhungu, *supra* note 20 at 5.

witchcraft itself. Professor Peter Geschiere, whose book, *The Modernity of Witchcraft: Politics and the Occult in Postcolonial Africa*, has been widely cited by the anthropological community, addresses this exact outcome. He explains that when such a large population believes in witchcraft and its seriously harmful impacts on the community, prosecutors “cannot elude the population’s pressing demand that witches be pursued.”⁹⁵ And so, the state must tread lightly when considering the prosecution of perpetrators of witchcraft allegations and their related crimes. While the state must rise above the public, it must also be weary of confirming the idea that the courts are inclined to defend alleged witches, because prosecutors themselves may be accused of being witches as well, which would put themselves in danger, and be of no help to anyone.⁹⁶ A similar story was given at IHRDA’s harmful practices conference that I previously mentioned. We discovered that even though the Gambia has laws prohibiting FGM, as well as laws demanding that all known procedures FGMs be reported, a police officer/prosecutor at the conference admitted that he did not feel safe enough to investigate a case which was brought to him, because he feared reprisal from the community. Before insisting on stricter prosecution methods, it is therefore important to consider sustainability, and the safety of all those involved in the judicial system as well.

One more thing to consider about emphasizing the role of the courts in this situation is access to the law in the first place. As Lamnatu Adam from the women’s rights organization Songtaba explains, “It is extremely difficult for a woman to report a crime to the police. There are so many questions: what structures are there for an uneducated woman to report (a crime)? Do we have policing in every community? What does it take for a woman to leave her community to lodge a complaint? What effort is government making to ensure the police are there for everyone?”⁹⁷ These are questions which must be addressed and

⁹⁵ Peter Geschiere, *The modernity of witchcraft: politics and the occult in postcolonial Africa* (Charlottesville: University Press of Virginia, 1997) at 185 and 196-197.

⁹⁶ Ibid.

⁹⁷ ActionAid UK, *supra* note 12 at 9.

point to the work which must be done before focus can be solely put on legal remedies.

Community Lawyering and Legal Empowerment of the Poor Approach

If the government of Ghana had employed a community lawyering approach to investigating witch camps and strategizing on how to best protect the rights of alleged women, then I think it would have been obvious to them from the beginning that shutting down witch camps would not benefit the women living there. The community lawyering approach encourages lawyers to collaborate with community members and victims to employ local legal and non-legal solutions.⁹⁸ Community lawyering requires lawyers to listen to their clients. It also acknowledges that an intersectional lens is needed, since factors such as income, disability, and gender affect “both the definition of the problem and the possibilities for resolution”.⁹⁹ The section of my essay which outlines the reasons why certain individuals are accused of practicing witchcraft confirms this idea: rural, elderly women who display any sort of “abnormality” or who own coveted property are usually targeted. Knowing this, the importance of developing strategies to prevent this root problem of status becomes apparent. I therefore like to think of the community lawyering approach as addressing the root of the problem, while a strictly legal approach in this context would only provide a “band-aid” solution, at best.

Employing a legal empowerment of the poor approach (within the broader community lawyering approach) is very relevant to the issue of human rights abuses attributed to witchcraft allegations. If the victims (and the perpetrators) are mainly rural and poor, then it makes sense to employ a method which is sensitive to this. The LEP approach is unique because it is bottom-up and pro-poor, in its design and in its implementation.¹⁰⁰ This means that solutions which address human rights abuses should also encourage the development and agency of the victim.

⁹⁸ Lobel, *supra* note 14 at 359.

⁹⁹ Imai, *supra* note 13 at 207.

¹⁰⁰ Banik, *supra* note 15 at 120.

Examples of Community Lawyering and Legal Empowerment of the Poor

One example of community lawyering and LEP being employed for the benefit of alleged witches consists of educating the women, as well as the public. For example, ActionAid has been dedicated to educating women about their rights, while at the same time encouraging them to be empowered enough to organize themselves and to campaign for improved services and access to social benefits.¹⁰¹ Education can also be done for the public. A recent film by Rungano Nyoni has been highly praised at various international film festivals, and it is exposing the reality of women and girls' experiences in Ghana's witch camps.¹⁰²

Another example of a community lawyering and LEP approach to human rights violations attached to witchcraft allegations is an expressed focus on building community. For example, in June 2009, ActionAid and Songtaba brought together residents from all six witch camps in Ghana.¹⁰³ This network, known as Ti-gbubtana ("let's support each other", in the local Gabani dialect), empowered the victims to offer one strong and collective voice in front of local government representatives. This united community also registered the camp residents on the National Health Insurance Scheme, and obtained food aid, all because they found strength in numbers.

One last example of a community lawyering and LEP approach to helping alleged witches is the practice of mediation. Once again, thanks to a partnership involving ActionAid, Songtaba, as well as the National Commission on Civil Education, mediation sessions have been facilitated between the alleged witches and the communities which expelled them. By facilitating dialogue and listening to the groups, the perpetrators of violence were willing and able to consider the discrimination and trauma that the alleged witch had suffered.

¹⁰¹ ActionAid UK, *supra* note 12 at 4.

¹⁰² Huw Thomas, "Witch camp film is Wales Africa Film Festival highlight", BBC News (27 October 2017), online: <<http://www.bbc.com/news/uk-wales-41763759>>.

¹⁰³ ActionAid UK, *supra* note at 4.

Conclusion

I would like to finish this paper by advocating for three specific ways that a community lawyering and LEP approach can effectively diminish violence toward alleged witches, and thereby the human rights violations that they suffer. These three strategies respond to three goals which need to be met: holding governments and organizations implicated in the perpetration of these human rights abuses (either through silence or proactively) accountable; addressing the root problems for why individuals are targeted as witches in the first place; and protecting alleged witches in witch camps. The three specific strategies include (1) performing more research on witchcraft accusations and their consequences in Ghana, (2) encouraging formal education, health education and legal education, and (3) supporting the advocacy organizations which are already dedicated to helping alleged witches access social services and easily reintegrate.

(1) Research and Accountability

In order to effectively communicate the situation of the women being accused of practicing witchcraft, more human rights-oriented research must be done in Ghana. Once there is more accurate information about these human rights violations, then campaigning sub-regional, regional and international bodies will be more effective. The International Humanist and Ethical Union has already called the African Commission on Human and People's Rights to condemn witch hunts and witchcraft related human rights abuses, the same can be done with the government of Ghana, and the U.N.¹⁰⁴

Federici also suggests putting on trial the agencies that have created the material and social conditions that have made the human rights violations possible, and I think this is an interesting suggestion.¹⁰⁵ Besides the U.N. and African governments which have not intervened, she calls out the World Bank and the International Monetary Fund, whose economic policies, she claims, have destroyed local economies and fueled wars.

¹⁰⁴ IHEU, *supra* note 33.

¹⁰⁵ Federici, *supra* note 1 at 22.

(2) Education and Root Causes

If efforts to improve education were prioritized, then the root causes behind the violence related to witchcraft accusations might finally be addressed. Formal education must be encouraged and made accessible, since it is believed that in Ghana, as in many societies, illiteracy contributes to witchcraft beliefs and the violence attached to the accusations.¹⁰⁶ A deteriorating economy and rise in unemployment promotes frustrations which can lead to aggression, and disproportionally affect elderly women.¹⁰⁷ Formal schooling can be a way of stimulating the economy.

A lack of knowledge of medical symptoms and the etiology of various health disorders will make it more likely for someone to blame an illness on witchcraft. I agree with Adinkrah's suggestion that the ministry of health should mount an extensive public service campaign, educating people about increasingly prevalent disorders and illnesses in Ghana, such as cancer and asthma, as well as increasing public health actions, such as improving water quality and offering immunizations to help prevent these health problems too.¹⁰⁸

Finally, communities need to recognize the value of women and their human rights. Accessible legal education, taught in simple terms, is crucial, especially since, according to a 2008 ActionAid survey, more than ninety percent of people in villages surrounding witch camps in the north claimed they were unaware that women had rights.¹⁰⁹ Educating village leaders is of paramount importance as they ActonAid UK, *supra* note 12 at the rest of the community.

(3) Advocacy Organizations and Witch Camps

There is an immediate need for the advocacy organizations which are already on the ground to be well supported, and for access to social services to be made available for victims. I have already mentioned the important work that ActionAid does in Ghana, as well as Songtaba, which is a coalition of fifteen civil society organizations, public institutions

¹⁰⁶ Adinkrah, "Witchcraft Accusations", *supra* note 4 at 350.

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid* at 351.

¹⁰⁹ ActionAid UK, *supra* note 12 at 12.

and agencies committed to women's rights. Both organizations tend to the physical needs of the women in camps, as well as emotional needs, as they are empowered to share their stories. In its report, ActionAid mentions bodies which operate locally in Ghana, such as the Commission on Human Rights and Administrative Justice, The Domestic Violence and Victim Support Unit and the National Commission for Civic Education, yet lack technical expertise, capacity and logistical support.¹¹⁰ This shows that even when there are protections for human rights, and institutions in place to ensure these protections and remedies are truly available, non-legal, practical, financial support is needed. A holistic, community lawyering approach is needed.

¹¹⁰ ActonAid UK, *supra* note 12 at 9.

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