

---

## THE RIGHT TO WITCHCRAFT IN NIGERIA: A SPECIE OF HUMAN RIGHT UNDER INTERNATIONAL LAW

---

**\*Dr Lugard A. Emokpae**

---

Senior Lecturer College of Law Igbinedion University, Okada.

Article Received: 21 March 2026, Article Revised: 11 April 2026, Published on: 01 May 2026

**\*Corresponding Author: Dr Lugard A. Emokpae**

Senior Lecturer College of Law Igbinedion University, Okada.

DOI: <https://doi-doi.org/101555/ijarp.1998>

### ABSTRACT

In many African society, the belief in witchcraft is real, the craft is usually acquired through initiation by older members of the movement of witchcraft through supernatural means. Membership of this movements are said to be nefarious, and notorious for witch hunting and for other evil happenings, including death or other misfortunes. Practitioners or close allies believed that the practice of witchcrafts is for high wisdom, divinity and protection. It is pertinent to note that, the cases of suspected witchcraft activities are largely within the rural settings and among the poor. The elderly and weak persons are most vulnerable, and risk mob attacks and banishment from their communities, or sometimes they could be put to death. The aftermath of suspected witchcraft practices on victims cannot be overemphasized in many African societies, including Nigeria. Several Non-Governmental Organization (NGOs) and other human right organizations since 2017 have championed the campaign against stigmatization of witchcraft yet to no avail. This paper adopt the doctrinal method and it discovers that despite the criminization of the practice of witchcraft on section 210 of the Nigeria criminal code but it failed to defined the real meaning of witchcraft. It is the submission of this paper that the Nigerian criminal code, a colonial era document is bereft of proper understanding of witchcraft practices to which it proscribed. The paper further submit that witchcraft is a movement of divinity and wisdom with which an individual could be endowed, and protected. Resolution 47/8 of the human right council of July 12th 2021 hitherto bars the unfair accusation of witchcraft and harmful attack on victims. Conclusively, the practice and belief in witchcraft is human and it is a right for all Nigerians at home and diaspora to be initiated and enjoy the practice whereof. This is consistent with equity and

equality. It is also the recommendation of this work that witchcraft are to be legalized in the Nigerian constitution for a clearer meaning and demystification.

**KEYWORDS:** Human Rights, NGOs, United Nations, Witchcraft, Africa.

## 1. INTRODUCTION

Nigeria, and other African jurisdiction believed in the existence of witches and wizards, and are scared of their activities which they regards as evil and intolerable but the definition of witchcrafts has proven elusive as most literature on the subject refers to those with magical powers as witches or wizards, but could hardly demonstrate the perceived evils associating their beliefs. Nigeria at the centre of this dichotomy.

However, the fear of witchcraft cut across all levels of education, socio economic groups and ethnics divides in Nigeria, every sorcerer and magicians are referred to as either a witch or a evil being capable of causing harm and misfortune at will on the society, therefore they must be avoided. Witches are believed to be of any Sex, Age or Colour with the ability to appear and disappear within the spiritual realm, and could travel at will while their body remain in the state of rest. They could transform into any kind of animals or bird for any mission when all mortals are at sleep. Powerful ones could walk in the air in broad day light. Owls and Cats are often the preferred animals to metamorphosed into. They are referred to in Nigeria as ‘Ogiazen’, a more powerful witches which prefers to hurt others by taking their soul to a coven for torment and bad luck. It is believed that most elderly women in rural settings are notorious for this practices. And they are usually very poor or haggard to gaze at.

It is also the imagination of some persons in Nigeria that there exist judiciary system in the covens of witchcraft where issues are resolved on its merits. The practice which are believed to be universal comprising of the black and white witches, and a preference for any of these are optional to members. The belief that African witches could preferred to be either a black witch or depending on choice and purpose. It is in the hallucination of curiosity seekers that African witches are kind and humane contrast with the western and eastern world who practice the feast of blood on victims causing hemorrhage, incests and knowledge gap and the monopoly of science breakthroughs, while those from the developing nations wallows in ignorance, selfishness and division. The knowledge of witchcrafts transcends to great skills and knowledge through mysteries and revelation in celestial and telestial components for the general good of the society. A knowledge that cannot be found in western style of education or in any constitutional law rather than the practice of dedication, humility, kindness, equity

and research. A proper understanding of the movement cannot be located in occultism or poverty, but voluntarily domicile in Africanism and science. The concept of magic and poverty is alien to the right of witchcraft and its practices.

## 2. Evolution of Witchcraft

It is unclear exactly when witches came into historical scene, their activities have a link with the ancient world. Some researchers believed that the spirits behind witches pre-date, human existence, they were the fallen angels having rebel against God Almighty. Some researchers also traced the evolution to the biblical account of the witch at Endor<sup>1</sup>, at about 931 BC and 7231 BC. It tells of a story of a witch that King Saul consulted to summon the spirit of dead prophet Samuel in his bid to defeat the Philistines at a battle. The witch was able to track down dead Samuel at the order of King Saul. The witch was magnanimous to King Saul spiritually and physically. She even provided food to keep Saul and his servants during their visit. To Saul, she was a good witch and dedicated to duty, and discernment not only in the spirit but physical also.

The account of biblical belief in witchcraft was contain also in the book of Exodus “thou shall not suffer a witch to live”<sup>2</sup>. An appellation to a wicked person otherwise referred to as the Black witch, a symptom that travail in the mid 1400s in Europe which saw the execution of over 80,000 suspected witches, with Germany having the highest execution rate with Ireland as the lowest. The publication of Malleus Mateficarum of 1486 which labeled witchcraft as heresy and quickly became an authority for protestants and Catholics in trying to flush out witches living among them within the European soil as at that time. Belief in witchcraft was also traceable to magic and religion as well as supernatural beliefs within the pagan society, and they were very strict against harmful use of magical powers. The common belief was that witches are evil being and connected with power to inflict harms mercilessly on those that offended them<sup>3</sup>. Another biblical account on witchcraft referred to the damsel with the spirit of divinity in the act of the Apostles<sup>4</sup>. The damsel was so endowed with witchcraft that she could predict the future (these categories of the white witch were so useful in their days to helping humanity with these extra-ordinary talents).

---

<sup>1</sup> I Samuel 28:24-25

<sup>2</sup> Exodus 22:18

<sup>3</sup> Hutton, Ronald, the Witch: A history of fear from Ancient times to the present. Yale University Press (2017) p.9

<sup>4</sup> Act 16:16-17

The white witches are usually compassionate in nature with conflicting interest with the black counterparts who are saboteurs, heartless vampires and notorious for evil mechanism. The white witches are not gender based nor racial, the black witches are the nemesis of the white witches, with extraction from either the developed or the third world nations. However, these assertion are often disputed by some colonial powers who associated the black race with the activities of the black witches, believing that the witches have the propensity to do evil at all times in contrast to the white counterparts.

In modern evolution of witchcraft, 'Esu' the dark man in Africa and Oronmila his brother were referred to as witchcrafts because the imperialist said they lack the ability to organized themselves in a positive manner, that they were always happy and excited but not discipline and lacking in self-control, no foresight, proud and full of personal vanity<sup>5</sup>. This was what make them witches.

Lord Lugard, one of the past colonial administrators of Nigeria confirm that the black people are somewhat close to the animal world than that of the European or Asiatic exhibition, selfish and wicked to fellow black people by selling fellow brothers and close relations into slavery. The belief that wickedness is witchcraft domiciled in the heart of all the colonial administrators to Nigeria from Lord Lugard down to Sir James Robertson. That the conspicuous deficiency in the management and control of the affairs of men and business displays the failure of the back people to manage their witchcraft positively..

The fact remain contestable, whether race could be employ as instruments to determine the nature of witchcrafts in geographical zones. The concept of witchcraft has remained under historical bondage with no legal balance rather an illusion in the heart of many.

Striking a balance on this subject has remained in the corridor of knowledge for future determination.

### **3. The Right to Practice Witchcraft**

Though the right to practice witchcraft is not yet established in law, modern legislations tend to protect the right of those accused of practicing the craft rather than the craft itself. In most legislatures including Nigeria, the right to cultural and religious belief abounds. The freedom to religion and beliefs is a part of a cultural system that the law must protect at all times, but the right to practice witchcraft has remain banned in Nigeria.

The display here is that, the law backed the belief in social and anthropology of a people with the right to witchcraft by implication as human rights. If the law recognizes the tradition of a

---

<sup>5</sup> These were the assertions of Sir C. Eliot

people as a right to self-determination, then the right to religious belief is sacrosanct and the right to witchcraft by extension. The individual have the right to practice his religion and cultural belief Witchcraft, Divinity and Healings are part of religion in Nigeria.

The practice of witchcraft is a human right as guarantee by international law instruments and the practitioners must be protected against discrimination and victimization. The practice of witchcraft is not a criminal act based on its definitional ambiguity. The description of witchcraft in the Nigerian criminal code act lack the basis of sanctions against the practitioners owing to its non-justiciability in law.

The practice of witchcraft in Nigeria falls under fundamental rights in the constitution of 1999 as amended<sup>6</sup>. The constitution clearly define the freedom of thought, conscience and religion as consistent with the belief and practice of witchcraft. The right to witchcraft for all Nigerians is a right to local content and self-determination with the epoch of self-consciousness, witchcraft is the go-between the developed world and the underdeveloped in the choice of values, and a state of enlightenment, self-consciousness in the survival and revival of Africanism.

The culture of intelligence, religion and science is deeply located in a personal witchcraft, a pattern divorce from artificial actualization. The right to witchcraft is the right to accelerated development, ideas and morals to which the Nigerian constitution domiciled. The right to development under the constitution promote Social order, Economic development by providing basic necessities to the people. The African Charter on Human and People's Right (ACHPR)<sup>7</sup> also make provisions for the right to development as a human right. The domestication of the charter as part of Nigerian national statutes further enforces the right as Fundamental Rights (Enforcement procedure) Rules 2009 as human right. The right to development is an inalienable human right by virtue of which every human and all peoples are entitle to participate in, contribute to, and enjoy Economic, Social, Cultural and Political enhancement to the fundamental freedoms as guaranteed in the charter<sup>8</sup>.

It is the role of the governments in developing nations, Nigeria inclusive, to provide an enduring atmosphere where culture and traditional practices prevails and provide the necessary development for her people in whatever form and growth, for self-reliance and independence.

---

<sup>6</sup> Sec. 28(1).

<sup>7</sup> Article 22 (ACHPR)

<sup>8</sup> Ibid.

#### 4. The Law and the Practice of Witchcraft in Nigeria

The Nigerian laws specifically made no significant comments on the definition of witchcraft, or the right to witchcraft as a crime. There is no court in Nigeria that has successfully convicted a person suspected of witchcraft for lack of concrete evidence against the accused, but an accused can only be charge for an offence relating to the practice of witchcraft, but not witchcraft itself. The Nigerian constitution does not adjudicate on witchcraft. Not even a single page talked about it in the constitution, however, the Nigerian criminal code<sup>9</sup> provides for a convicted offender on witchcraft activities up to a period of 2 years in prisons.

Section 210 of the criminal code provide inter alia

- a) A person by his statements or action represent himself to be a witch or to have the power of witchcraft or
- b) Accused or threatens to accuse any person with being a witch or with having the power of witchcraft or make or sell or sues or assists or take part in making or selling or using or has in his possession or represent himself to be in possession of any juju, drug or charm which is intended to be used or reported to possessed the power to prevent or delay any person from doing an act which such person has a legal right to refrain from doing or which is alleged or reported to possess the power of causing any natural phenomenon or any disease or epidemic<sup>10</sup>.”

In analyzing the provision of section 210 of the Nigerian criminal code, the code made provision for the possession of witchcraft, juju and criminal charms.

1. Any person whose statement or action represents himself as a witch
2. Any person who accuses or threatens to accuse any person of being a witch or having the power of a witch.
3. Any person who sells, make or uses charms, juju or drug.
4. Any person who possesses or takes part in the worship of any juju prohibited by the law.
5. Any association with human sacrifice or other unlawful practices.

The above provisions centered on

- Branding someone as a witch.
- Practice of witchcraft or juju

---

<sup>9</sup> Section 210, The Nigerian Criminal Code Act.

<sup>10</sup> See generally section 210 of the Criminal Code.

- Self identification of having witchcraft and juju, and they are for two years in imprisonment because they are mere misdemeanor.

The Nigerian panel code made credence to section 404(a) of the Sharia Panel Code Law of Bauchi which provides for the offences relating to witchcraft and sorcery. The provision also relied on statements made by the accused on self identification. The Chief Judge of Bauchi high court Justices Rabi Taratu Umar, once said: “If you are not a witch, you cannot identify a witch”, The Nigerian legal system found difficult in identifying a witch, unless someone identifies himself as a witch. Therefore convictions are usually difficult on an alleged witch, and even at confession, it is still cumbersome to verify the authenticity of the said claims.

In reality, witchcraft exists, but beyond the comprehension of the ordinary eyes or knowledge, the craft is esoteric and personal. “It takes a witch to know a witch”. The esoteric knowledge of witchcraft is beyond the comprehension of the Nigerian criminal laws and the Constitution. Criminalizing the act of witchcraft is cumbersome to law makers, and this will continue as a hurdle because the mere physical understanding of the movement is insufficient to create legal regime regulating the practice. The Nigerian constitution is also silent on the act of witchcraft. The constitution is bereft of the knowledge of the act but out of sheer busy body. The criminal code dabbles with the activities surrounding the act than the act itself.

It is the right of an individual to be at liberty to be a witch, this understanding is beyond the comprehension of the Nigerian’s constitution. The right to be a witch and profess it in the open is a right to dignity and self-worth. Criminalizing witchcraft for a mere confession to be a witch is a high disregards to the right to self-determination under the International Convention of Civil and Political Rights (ICCPR)<sup>11</sup> and the International Convention of Economic, Social and Cultural Rights (CESCR)<sup>12</sup> both of which were adopted in 1966 by the Nigerian state.

All peoples have the right of self-determination, by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development<sup>13</sup>.

Each state party to the present covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present covenant without distinction of any kind such as race, colour, sex, language, religion, political or other opinion national or social origin, property, birth or other status<sup>14</sup>.

---

<sup>11</sup> ICCPR 1966

<sup>12</sup> ICESCR 1966

<sup>13</sup> ICCPR. Article (1).

<sup>14</sup> Sec. 2(1) of ICCPR.

These international instruments of human rights has approved that individuals have the inalienable right to choice and to determine which course of life best suitable to him. These rights are supported in the Universal Declaration of Human Right (UDHR) of the United Nations General Assembly of 1948.

The UDHR declaration specifically highlighted the doctrine of non-discrimination, to cut across all International Human Right laws as domesticated in the 1999 constitution in Nigeria.

The chapter 4 of the Nigerian Constitution clearly states the following;

Right to life<sup>15</sup>

Right to dignity of the human persons<sup>16</sup>

Right to personal liberty<sup>17</sup>

Right to fair hearing<sup>18</sup>

Right to private and family life<sup>19</sup>

Right to freedom of thought conscience and religion<sup>20</sup>

Right to freedom of expression and press<sup>21</sup>

Right to peaceful assembly and association<sup>22</sup>

Right to freedom of movement<sup>23</sup>

Right to freedom from discrimination<sup>24</sup>

The inclusion of the right to witchcraft would adequately interpret section 38 of the Nigeria constitution which grants the freedom of thought and religion to all Nigerians. Witchcraft practices is a right to religion and freedom as enunciated in the various sections of the constitution in Nigeria. The practice of witchcraft coincide with most of the above provisions. Section 34, 38, 41 and 4 are sine quanon for innovating the science of the act of witchcraft. It is a paradox for the Nigerian criminal code Act over its ambiguous definition of sanctions relating to witchcraft practices.

---

<sup>15</sup> Section 33 of the 1999 Constitution

<sup>16</sup> Section 34 of the 1999 Constitution

<sup>17</sup> Section 35 of the 1999 Constitution

<sup>18</sup> Section 36 of the 1999 Constitution

<sup>19</sup> Section 37 of the 1999 Constitution

<sup>20</sup> Section 38 of the 1999 Constitution

<sup>21</sup> Section 39 of the 1999 Constitution

<sup>22</sup> Section 40 of the 1999 Constitution

<sup>23</sup> Section 41 of the 1999 Constitution

<sup>24</sup> Section 42 of the 1999 Constitution

## 5. The Protection of Witchcraft under International Law

International law is an advocate of social justices and advocacy, it advocates for the rights of individual as well as for the states. The right to freedom and dignity of a person within the international arena is the benchmark of the objects of International law. It is the hope of the members of the International community irrespective of jurisdiction to ensure that every human being is safe in his self-determination with respect to the following human rights' surveillance.

- (a) Universal Declaration of Human Right<sup>25</sup> UDHR
- (b) Human right committee: International covenant on civil and political rights<sup>26</sup> and its optional protocols (ICCPR).
- (c) Committee on Economic, social and cultural rights<sup>27</sup>: International covenant on economic, social and cultural rights and its optional protocols (ICESCR).
- (d) Committee for the elimination of racial discrimination of 1966<sup>28</sup>: International convention on the elimination of all forms of racial discrimination.
- (e) Committee Against Torture of 1984<sup>29</sup>: Convention against torture and other cruel, inhuman or degrading treatment and its optional protocols (CAT).

The protection of human rights as well as the protection of the right to witchcraft, plays significant role in international law, the above covenants are testimonial to the fact and extent to which humanity can be guided. It is fundamental to invoke the protection of these covenants for self-determination of all Nigerians. The entire international community must be sustained and protected to achieve comfort and progress through international law<sup>30</sup>.

The protection of human rights and affiliations in different regime is a collective exercise of all state parties for peace in the world. International law have provided an undeniable right against torture, cruel inhuman and degrading treatments or punishments over religion or cultural practices in the acquisition of spiritual powers. An individual within the sphere of international law can apply for the power of witchcraft and to also activate such powers for use. Every witch has the right of practicing the act with maturity and discipline. The universality, inalienability, indivisibility, nor discrimination and equity clause in International

---

<sup>25</sup> See generally UDHR 1948

<sup>26</sup> See ICCPR 1966

<sup>27</sup> See ICESCR 1966

<sup>28</sup> See ICERD 1966.

<sup>29</sup> See CAT 1984.

<sup>30</sup> Shegun A. The reception of international law in Nigeria Foundation for New Approach (Benin Journal of Public Law 2004).

human right protection is the very vouch for human survival. A witch is a human being with the right to be protected, for being human. The state of supernatural enlightenment only operates through planets, with contributions emmersely to societal growth, and these are critical in the activities of the witchcraft movement.

Prior to the World War II not much was recognized on International law on individual protection. It was solely concern with the affairs of nations, but the experience of the war, positioned the individuals as subject of International law's protection. Ever since, the individuals have been a major players in international law, the object theory in the law makes man, a subject of legal regulation<sup>31</sup>, to enjoy all right and priviledges like a state. The Nuremburg and Tokyo trials of war crimes were good examples in which human sufferings were redressed.

Article 18 of the International covenant of civil and political rights of human right state inter alia Everyone has the right to freedom of thought, conscience and religion<sup>32</sup> or belief and freedom either alone or in community with others in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

This is the right to hold unto ones beliefs, which is a personal conviction and commitment to any religion by choice. This include the belief in tradition and culture as a right to self-opinion. The freedom to manifest the religion and belief to social and culture are inner conviction on the basis of peace.

The manifestation of one's religion and belief holds his willingness of being a witch or not. It also gives preference to either the black or white witchcraft for his moral or spiritual wellbeing.

The convention against torture and other form of cruel, inhuman and degrading treatment highly forbid the practice of subjecting a person to disdainful treatments occasion by suspicion of being a witch or at confession. Any cruel treatment or torture whether being a witch or not is antithetical to the human race. Some animals though possess supernatural powers such as witchcraft, but are excluded from protection of the law of humans because they are animals.

To torture a witch is tantamount to erosion of human rights and justices. The ratification of this convention by members' states predisposes that the protection of customary and traditional practice is secured. The convention against all forms of torture ratified must step

---

<sup>31</sup> Shaw MW International law. Cambridge University Press 2005 5th ed. P.232.

<sup>32</sup> Article 18 of ICCPR

up actions to the recognition of the act of witchcraft as human right as a right that every Nigerians must enjoy. The practice of witchcraft in Nigeria, must be overt, and with no fear of intimidation. The prohibition of torture is a peremptory norm in Public International law since 1987 in Nigeria, but the reality exists that the use of maximum force still applies on daily basis.

The fear of intimidation, cruel treatment and stigmatization still prevails across Nigerian society. The practice of witchcraft remained fully banned, for lack of understanding between the law enforcers and the practitioners.

The introductory part of the conventions against torture (CAT) states that:

For the purpose of this convention the word torture means any act by which severe pains or suffering whether physical or mental is internationally inflicted on a person for such purpose as obtaining from him or a third party has committed or is suspected of having committed, or intimidating or coercing him or a third party or for any reason based on discrimination of any kind when such pains or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

The same convention further states that there is no exceptional circumstances by which a state can use torture on its citizens without breaking its treaty obligation. The use of torture whether physical or mental, against religions' belief or the practice of witchcraft is tantamount to breaking the rules on the convention against torture of persons.

### **Liability of Witchcraft in Nigeria**

A good number of Nigerians are witches and they practice it in the 'veil of venus' for fear of public scrutiny and harm. There is the fear of open admission of the act of witchcraft of any colouration to avoid soft target by the enemies. A major challenge facing the craft! The belief that witchcraft are evil and capable of witch-hunting their enemies when every mortals are asleep is another nightmares in Nigeria.

On the contrary, witchcraft are useful in national development, they contribute to national growth in the esoteric world. The framework of tradition and culture create the avenue to monitor the pattern of national growth and the general wellbeing of the citizenry. The ever enduring health care growth and spiritual solutions that defiles orthodox inventions – are all practices of witchcraft and spiritism. The various ineptitudes in the health sectors in Nigeria can be managed through institutional introduction of witchcraft to the system, however polarized.

The pattern of national growth in most developing nations, including Nigeria cannot be best tested in calculus, rather by the brandishing of a people's indigenous beliefs and spiritual affiliation for error free evaluation for expected results. Nepotism and greed have an overriding interest in the conscience of most political leaders in Nigeria. The application of witchcraft will be necessary to checkmating politicians in office and in carrying out official duties.

The practice of witchcraft is also very reliable for espionage the strategic moves and tactics of knowledge gathering that could enhance a nation's dare needs. Espionage being a critical aspect in the practice of witchcraft, explores scientific exploits and enlightenment which is pivotal to indigenous and inner style of development, this dove-tails into traditional religion, a contemporary to Wicca, and communicating paganism.

It is worth mentioning that the obscurity of African spiritual principalities over the years is a liability to self-independence and reliance within the scale of global architecture. The full recognition of the act of witchcraft illuminates the threshold to power, authority and dependence on self and will power. The Nigerian legislations are bereft of the real understanding of the movement by erroneously equating the ideology behind unlawful materials, such as voodooism and juju to witchcraft. The position of witchcraft is of a privilege and prestigious one in the dissemination of justices for the underprivileged humanity in the society, witchcraft is a right to leadership and equilibrium. The domicile of witchcraft is neither in rhetoric's nor forensics, it is in the inner consciousness and enlightenment of a very few individuals who sees themselves lucky to be in the circle (the inner cycle of knowledge and science).

It is the belief in practice that the fraternity of witchcraft incorporates discipline and hygienes of the soul in a manner of freedom and justices for all. It is unsafe for practitioners to be in complicity in offences of criminality and injustices against the society which they are meant to protect.

The unfortunate misinterpretation and misconception of the brotherhood in various legislations in Nigerian criminal code, interferes with the conscience and nature of the discipline. The total failure to its definition is an affront which undervalue the knowledge of the fraternity. Once again, the Nigerian constitution does not believe in witchcraft nor the court seriously attending to cases relating to witchcraft, it only criminalizes activities said to be connecting to witchcraft. Until the constitution recognized the need to inculcate witchcraft practices into law, the real meaning of the act will continue to be elusive. All the relevant sections of the code had made serious references to accusations of witchcraft being an

offence punishable with a term of imprisonment if guilty as charged. For mere possession of human remains for juju and also the possession of charms, the section went further to outlaw any chiefs from facilitating unlawful trial through juju worship the failure to report any of such activities to an administrative officer could also be punished upto a 3 years term in prisons. Section 212 of the criminal code permits the destruction of places where unlawful trials and juju worship is found. Section 213 bans the use of charms and talisman, as a protective power or for the obstruction of justices, yet the Nigerian laws, of course is ignorant of the ideology of the brotherhood of witchcraft, thereby relegating African laws in favour of the received English laws in Nigeria which was a body of the British laws that were adopted during the colonial era forming a substantial part of the Nigerian legal system till date. The common law of England comprises of the doctrine of equity and statutes of general application in force in England as at January 1st 1900, and at post independent Nigeria, the foundation of the English laws had already shaped the Nigerian constitution as direct link to England, a burden Nigeria has not recuperated from, till date.

It is the belief at this junction that mere possession of items, such as human remains, charms, talisman and other ornaments of similar value are no qualification to the fraternity. There is a far contrast between witchcraft and voodooism or magic. Weird practices in some culture is quite alien to the gospel of witchcraft practices, there is no nexus between Human remains, Human sacrifices and other crafty practices and evil nature as enumerated in the criminal code with the basic functions and existence of the fraternity of witchcraft.

Witchcraft is a natural endowment of wisdom, intelligence and science, the initiation into which is natural and voluntary, and sometimes can be acquire right in the mothers' womb or initiated by older members of the movement by dint of fate. The fact that the realm of operation cannot be located in poverty or in filthy environment where basic necessity of life are lacking different the movement from all others.

### **Witchcraft Practices in Selected Countries**

Many African countries are familiar with the practice of witchcraft, but recognizing the practice as human right has remained a complex issue, their preference for witchcraft is to protect those who have been accused from violence attack of mob. Notable countries with witchcraft related persecutions include: Ghana, Tanzania, Democratic Republic of Congo, South Africa and Malawi, Benin Republic, Nigeria inclusive etc.

## Ghana

There are witches camps in Ghana, provided primarily in the northern part of the country where those accused of witchcraft, especially women are kept away from violence and lynch, often widows or the over aged are usually scapegoated and accused of causing misfortunes and ill-luck to members of same community, the camps are to the knowledge of the Ghanaian government, where inmates lived a very wretched life. The camp lack basic amenities for human survival, the camps are usually run by community leaders called Tindanas, they provide a safe haven sort of for the purification of the accused ones. The camps locates in places like Ganbaga, Kuku, Gnani and Kpantiga etc. The inmates in the camps live on the support of various Non-governmental bodies for survival.

In Ghana, parliament have yet to recognized the role of witchcraft in nation building, but it has passed on anti-witchcraft bill in 2023 which include criminalizing accusations and providing support for victims. Furthermore, the Ghanaian authorities has also failed woefully in the protection of human right for those accused of witchcraft<sup>33</sup> and has failed in ensuring full and enjoyable life for those perceived by the society as practicing witchcraft.

## Tanzania

The law in Tanzania goes against accusation of witchcraft but does not encourage the practice. The law only grant the district commissioners the power to order suspected practitioners of witchcraft to reside in certain area in the society to avoid societal mob attack and violence. The government has taken step to crack down on those who accused people of witchcraft. Ridiculously, Tanzanian believed that Albinism<sup>34</sup> are symbol of witchcraft. Seeing the colour of those with Albinism as a carrier of witchcraft further highlights their ignorance of the fraternity, and also worsen the position of human rights in the country.

The law regulating witchcraft activities in Tanzania is the old colonial Witchcraft Act of 1928 which recommended those guilty of activities of witchcraft to beg 5-7 years imprisonment. The act prohibits representation of oneself as having witchcraft powers, possessing or supplying instrument of witchcraft or threatening to use the power of witchcraft, the act however failed to distinguished between the traditional healers and the witch doctors. There are similarity in their perception of witchcraft to that of Nigeria Criminal Code Act.

It is also important to note that the legal system in the country is a mixture of common law, customary law and Islamic law, however, the country also have the Witchcraft Act

---

<sup>33</sup> Amnesty International. April 2024.

<sup>34</sup> Kipobota C, Louw S, Tanzanian human right report 2008, Human rights and legal case, 2008. P.18.

promulgated in 2002 which is a revised edition of the colonial legislation of 1928. The Act criminalized accusation of witchcraft unless those accusation are made to the appropriate authorities. The pit fall of the said act is in its inability to define the exact meaning of witchcraft in its legislation. Proper redress for victims of accusation and related violence and murder associated with the accusation are inadequate in the country's law.

### **South Africa**

The belief in witchcraft in South Africa is held across different socio-economic groups at both urban and rural areas, the most vulnerable are usually the elderly women and the poor ones, violence usually erupt based on the accusation of being a witch. South Africa adopt the Roman-Dutch Civil Law and English Common Law, all hierarchy of court from the Supreme, Appeal and High courts adjudicate issues that revolve around constitutional matters while separate community courts have recently been established to focus on restorative justice with alternative sentences to the formal courts. These community<sup>35</sup> courts are usually headed by an African headman with the skill of revising indigenous laws and customs in dealing with witchcraft matter and other related matters.

In South Africa, the witchcraft suppression Act of 1845 criminalizes the use of charms professing knowledge of witchcraft pretending to practice witchcraft etc. The act also criminalizes accusations of witchcraft and also the employment of witch-finders to identify a witch. Killing of witches or suspected witch could face murder charges, however, the act failed in giving a comprehensive definition and the legal meaning of witchcraft. The act also failed to prevent accusations of witchcraft and protect those accused of the act or other related violence nor address or quell witchcraft-related killings<sup>36</sup>.

### **Malawi**

The Malawi society believed in the existence of witchcraft. The police in Malawi have dealt with hundreds of cases relating to witchcrafts and its accusation<sup>37</sup>. In 2009, hospital staffs threatened to embark on strike unless action was taken to tackle the problem of children who were daily initiated into the craft right in the hospital bed<sup>38</sup>. The legal system of Malawi is based on the English legal system based on English legal principles, traditional courts were abolished in 1994, the country legislative approach to witchcraft offences is the Witchcraft

---

<sup>35</sup> See generally, Help age international, 2011. [www.helpage.org](http://www.helpage.org)

<sup>36</sup> Commission on Gender Equality, Conference Report, P.15 <http://www.cge.org.za/index.php?option=com-docman&task=doc>.

<sup>37</sup> Condwe, 'Witchcraft Strife storms Malwai' Ground report 3rd Febr. 2008

<sup>38</sup> Witchcraft terrorizes Balaka Hospital'. Nation reporter 6th May 2009.

Act of 1911 which criminalized the practice of witchcraft; claims of being a witch or to be a witch finder, directly or assisted at a trial by ordeal, or the use of any charm with a view to committing an unlawful act.

Violence related to witchcraft accusations can be prosecuted under offences in the criminal code such as murder, assault etc. yet, the act failed to give a legal definition of witchcraft.

### **United Nations Landmark Resolution Condemning Witchcraft Accusation**

The UN has adopted a landmark resolution, being first of its kind in addressing witch related human right abuse, these were made possible through various parties and advocacy groups across the globe by civil societies organizations. Prominent was the Witchcraft and Human Right Information Network (WHRIN)<sup>39</sup> which in 2017 organised a United Nation expert workshop on the issue.

In 2020 the humanists international joined the call for a resolution on witchcraft related human right violation<sup>40</sup>. According to Leo Igwe,

“A United Nation Resolution unequivocally condemns human right abuses linked to accusation of witchcraft and ritual attack as a welcome development. It is encourage to know that, after years of lobbying, the global body has rallied against this dark and destructive phenomenon, the United Nation has taken a definitive stand against this social menace. I hope this resolution prods and pressure affected states and governments to take urgent legal administrative measures against these violations and other superstition based abuse<sup>41</sup>.

Though the language of the resolution forbids Discrimination, Maltreatment and abuses with those accused of witchcraft, but the mysteries surrounding witchcraft itself remain an illusion to many.

### **CONCLUSION**

Witchcraft is believed to be a movement beyond the comprehension of physical understanding. It transcends Academia, Religion, Economy and Commerce, the knowledge in witchcraft dovetail unto metaphysics which is an essential ingredients for civilization and ecstasy. It is also a religion to which many have subscribed.

In many African society, witchcraft is a part of a people religion, and culture, for which they have ties with their ancestors. It becomes extremely worrisome that the old, poor and

---

<sup>39</sup> Leo Igwe, Advocacy for alleged witches AFAN  
<http://humanistinternational2021,UNadoptaresolutioncondemningwitchcraft>

<sup>40</sup> Resolution 47/8 elimination of harmful practice relating to accusation of witchcraft and ritual attack.

<sup>41</sup> Leo Igwe, Board Member and humanist international and founder Advocacy for Alleged Witches (AFAN).

vulnerable in the society are usually accused with the practice of witchcraft and furthermore accused of causing harm, ill-luck and misfortunes on perceived victims. The definition obstacles of the act in Nigeria and other jurisdiction is a major challenge rendering all accusations on the subject nebulous with series of legislative benefit bereft of definitional exactitude. In the witch camp in Ghana one inmates once narrated:

“My neighbor said he dreamt that I was trying to kill him. He does not want me in the community that its why he accused me of witchcraft<sup>42</sup>.”

Another inmate narrated:

‘I refuse the village chief to marry any of my daughters, one day a child got sick in the community and the chief accused me<sup>43</sup>.’

African society must see the activities of witchcraft beyond petty levels of accusations and counter-accusation which results in suspicion and malice. The understanding of the act as a fraternity must go beyond evil, but Invention, Innovation and Proactiveness. Within a people sociologically connected in faith and culture. The assimilation with other culture and system, is a counter-balance to the glory of self-renaissance, self-reliance, and resilience. A surviving feat in Africa. It is the conclusion at this junction, that unless the practice of witchcraft is legalized in Nigeria, the esoteric nature of the movement would remain perpetually obscured from the reality.

---

<sup>42</sup> Fawza, once lament in the witch camp in Ghana.

<sup>43</sup> Fatima, another in inmate in the camp lamented.