

RELIGION, DEMOCRACY AND CIVIL SOCIETY: THE CASE OF ‘WITCHES’ IN GHANA

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INTRODUCTION

It is generally recognised that in African societies, religion and politics blend easily.¹ This is particularly evident in Ghana where traditional leadership of the various ethnic groups closely intertwine with religion.² The Constitution however, espouses secularity of the state in that all persons have the right to freedom to practice any religion and to manifest such practice. Consequently, there are myriads of religions and beliefs prevailing in the country. Approximately 69 percent of the population is Christian, 16 percent is Muslim, 8 percent adheres to indigenous religious beliefs, and 7 percent identifies as belonging to other religious groups, including those who profess no religious beliefs. Other religious groups include those adhering to the Baha’i Faith, Buddhism, Judaism, Hinduism, Shintoism, Eckankar, and Rastafarianism. As part of this diversity of religious beliefs, in many areas of the country, there is strong belief in witchcraft. When a calamity befalls an individual or a community, the question that readily comes to mind is not what caused it but rather who caused it? Scapegoats are looked for, women, particularly the aged and infirm and children are readily accused as ‘witches’ responsible for the said calamity. Those suspected of being witches (usually older women) have been beaten or lynched and banished to "witch camps," which are small villages particularly in the north of the country primarily populated by suspected witches. Ironically, this belief in witchcraft is actively encouraged by many of the pastors who preach in the nation’s many charismatic churches by their fixation on “prophecy” as a panacea for all the emotion, financial and spiritual challenges of the congregation. The aim of this presentation is to highlight the plight of these unfortunate women and the measures that can be taken to safeguard their fundamental human rights

¹ See H. Haselbarth, *Christian Ethics in the African context* (1976).

² See GK Nukunya, *Tradition and change in Ghana: An introduction to Sociology* (1992) and E. Dovlo, “Religion in the public sphere: Challenges and opportunities in Ghanaian lawmaking, 1989-2004” [2005] *Brigham Young University Law Review* 629 at 631-636.

WHO IS A WITCH?

Ideas of witchcraft permeate Ghanaian society and are inextricably woven into the social fabric of Ghanaian life. Belief in the power of sorcery and 'juju' are deeply embedded into the Ghanaian psyche through stories and myths, frequent newspaper reports of accusation and confessions, the lyrics of songs, films, plays, fear mongering commercials and the sermons of charismatic religious leaders.³

The yard stick for determining who is a witch is fluid and is not based on any objective criterion. Instead it is a very subjective and arbitrary determination which can neither be scientifically proven or accepted in a court of competent jurisdiction. The general mode takes the following course: an unexpected death of a child in the family, a soothsayer is consulted; an old woman in the family is pointed out as the culprit. After the accusation, the woman is 'tried'. This 'trial' consists of cutting the head off a chicken, the chicken is thrown up and if it lands face down or on its side, the woman is guilty. If it falls on its back, the woman is innocent. If guilty, she finds refuge in the 'witches' camp and the prospect of ever being integrated back into her community becomes remote. Sometimes she will not be that lucky for increasingly mob justice is visited on her culminating in her death.⁴ A recent ActionAid Ghana report states that 70% of the inmates of one of the 'witches' camps were accused of witchcraft after the death of their husbands, suggesting that witchcraft allegations were a means for the family of the deceased husband to take control of the widow's property.⁵ At some of the camps, they are forced to worship the shrine of the tutelary deity which is believed to protect the camp. The plight of these 'witches' have been recognised at the highest echelon of government. At a recent conference to find a solution to this problem, Hajia Boya Gariba, Deputy Minister for Women and Children's Affairs, was reported to have said, "The labelling of some of our kinsmen and women as witches and wizards and banishing them into camps where they live in inhuman and deplorable conditions is a violation of their fundamental human rights".⁶ It is therefore patently clear that a problem exist. The question agitating the mind of observers is why is nothing being done to uphold the rights of these women whose lives are ruined by these unfounded and spurious allegations?

³ See J. Wan, "Exorcising witchcraft in Ghana" www.thinkafrika.com accessed 27 August 2012.

⁴ In 2010, at Tema, the main port of the country, a 72 year old woman was allegedly doused with kerosene and set alight by six people including a Pentecostal minister on the ground that she was a witch.

⁵ See *Condemned without trial: Women and witchcraft in Ghana* (2012).

⁶ See "Towards Banning witches" at www.wwrn.org accessed 27 August 2012. The conference was held on 21 September 2011.

Before an answer is found to the question, an overview of the fundamental rights provisions of the constitution will be made.

FUNDAMENTAL RIGHTS UNDER THE CONSTITUTION

The 1992 Ghana Constitution guarantees religious freedom.⁷ There is no government body that regulates religious affairs,⁸ as all religious bodies are independent institutions; however, religious institutions must register with the Office of the Registrar General within the Ministry of Justice/Attorney General's Office to receive formal government recognition. The registration requirement for religious bodies at the Office of the Registrar General is the same for non-governmental organizations. Formally registered religious groups are exempt from paying taxes on ecclesiastical, charitable, and educational activities that do not generate income; however, religious organisations are required to pay progressive taxes, on a pay-as-you-earn basis, on business activities that generate income.

The practice of accusing and banishing of suspected witches violates various Articles under Chapter 5 of the 1992 Ghana Constitution. The said Chapter 5 protects human rights and outlaws, for example, cultural practices which “dehumanise or are injurious to the physical and mental well-being of a person.”⁹ Thus in 1998, in apparent pursuance to this Article, Parliament enacted the Criminal Code (Amendment) Act, 1998. It was widely believed that the legislation was targeted at the traditional religious practice of *Trokosi* under which young girls were sent to religious shrines for a period of time (up to 3 years) to atone for crimes committed by their male relatives.¹⁰ The banning of the practice was championed by civil society despite opposition from adherents of traditional religion.¹¹ However, notwithstanding the existence of the law, there does not seem to be any concerted effort on the part of the law enforcement agencies to enforce its provisions. If anything there are signs that far from eradicating the practice it has pushed the practice underground.¹² Furthermore, the law has outlawed the practice of female genital mutilation. These few laudable attempts to improve

⁷ See Art. 21 (1) (c) 1992 Constitution.

⁸ The former statute, Religious Bodies (Registration) Law 1989 (PNDC LAW 221), which sought to regulate religious bodies has since the inception of the 1992 Constitution been abrogated. See M. Oquaye “Human rights and the transition to democracy under the PNDC in Ghana” (1995) 17 *Human Rights Quarterly* 556-573.

⁹ See Art. 26 (2) 1992 Constitution.

¹⁰ See E.K. Quarshigah, “Legislating Religious Liberty: The Ghanaian Experience” (1999) *Brigman Young University Law Review* 589.

¹¹ See Dovlo *supra*, note 2 at 647, 649-650.

¹² See the Afrikania Mission's petition to the Ministry of Interior “Committee on Trokosi Shrines, Fact Finding Mission to genuine Trokosi Shrine Report (1998)

the human rights lot of women are to be commended but the efficacy of these laws is a subject for debate. However, since the inception of the 1992 Constitution, the overall human rights culture of the country has been substantially improved but the plight of 'witches' has been glaringly ignored. Why that is the case is difficult to fathom.

CHALLENGES INHIBITING THE ENFORCEMENT OF RIGHTS OF 'WITCHES'

Past attempts of outlawing practises that are embedded in various ethnic groups in Ghana have not turned out well. One of the most significant challenges is the enforcement of the law. This is because of the perception that the law does not accord with the societal norms of the society particularly affected by it. The perennial debate of "universalism versus relativism" comes into focus because the law is viewed as an imposition of "western" values without taking into account the cultural/religious sensitivities of the society within which the law is to operate. It has therefore been suggested that lawmakers should employ a cross-cultural universal approach in educating the people to accept such laws.¹³ This approach will be particularly difficult in trying to eliminate the scourge of these 'witch' accusations because of the superstitious nature of Ghanaian society. This notwithstanding, sustained education and awareness campaign to sensitise people of the undesirability of the practice will go some way to ameliorate the consequences of the practice. There are six witches' camps in the Northern Region of Ghana where some 1000 innocent women and 700 children are detained and subjected to dehumanising conditions on account of them being falsely accused of witchcraft. The legal basis of their establishment is obscure but the reality is that they exist and means must be found to deal with its existences and the plight of the inmates.¹⁴

MEASURES TO SAFEGUARD 'WITCHES' FUNDAMENTAL RIGHTS

There has been overwhelming condemnation by government officials, human rights groups and non-governmental organisations (NGOs) of the spurious accusations of witchcraft against vulnerable women and children and the general consensus is that it is a flagrant infringement of the fundamental human rights of the victims of such accusations. In a recent conference titled "Towards banning 'witches' in Ghana" many participants voiced their misgivings about the state of affairs of these 'witches'. Parliament was called upon to enact an appropriate law

¹³ See R.K. Ameh "Trokosi (Child Slavery) in Ghana: A policy approach" (1998) 1 *Ghana Studies* 36.

¹⁴ See D.G. Nangpaak, *The Gambaga 'witches' colony: Its artistic and cultural life* (2007). Unpublished MA Thesis, Faculty of Fine Art, Kwame Nkrumah University of Science and Technology, Kumasi, Ghana.

for the disbandment of the ‘witches’ camp and to resettle the victims.¹⁵ Such a law should criminalise the creation of any “witches or wizards camps” and the branding and banishment of people as witches and wizards.¹⁶ Intensive consultation with the communities involved in this practice must be carried out to ensure that when the law eventually reaches the statute books its efficacy will be guaranteed. In the meantime, measures should be taken by the District Assemblies (Local Administrative Authorities) in whose areas these ‘witches’ camps are located to improve the social and health amenities existing in these camps. Integrating these unfortunate women back into the communities from which they were banished may take some time because of the deep-rotted belief that they still pose a danger to their communities if they return.¹⁷ In this regard the Centre for Civic Education should embark on a sustained educational campaign to sensitise the communities in which this belief prevails. This should supplement other educational programmes that have been initiated by Non-governmental Organisations (NGOs) and Community-based Organisations (CBOs).¹⁸

CONCLUSION

Despite Ghana’s acclaimed democracy and adherence to a human rights culture, the prevalence of traditional belief in witchcraft and its attendant consequences of treating the weak and vulnerable in the society as ‘witches’ remains a sore wound on the collective conscience of society. This can only be healed if the political will is found to tackle this anomaly on the human rights landscape of Ghana head on. The treatment meted out to ‘witches’ and the circumstances of their existence makes nonsense the perceived ‘addiction’ to religion evidenced by the myriads of faiths prevalent in the country. As one of these ‘witches’ who was being returned home after six years sojourn in one of the camps was reported to have said; “once a witch now a human being”,¹⁹ it’s high time concrete steps were taken to enable these ‘witches’ to enjoy fully the fundamental human rights guaranteed under the constitution to all and sundry.

¹⁵ Government has indicated its intention to close the camps by the end of 2012 but some NGOs, for example ActionAid, think that will be too sudden as the communities into which the inmates will be returned will need more time to sensitised into accepting them.

¹⁶ See I. Yire “Abolishing witches camp in Ghana: The Executive and the legislature must pave the way” at www.azibopress.com accessed 30 August 2012

¹⁷ See for example, the “Go Home Project” alluded to by Nangpaak *supra*. at p.108. The

¹⁸ See for example, the “Anti-Witchcraft Allegation Campaign” lunched by some NGOs and CBOs in 2007. See also Nangpaak *supra* p. 92 and the ActionAid Ghana Report “Condemned without trial: Women and witchcraft in Ghana” (2012)

¹⁹ Kati Whitaker’s British Broadcasting Corporation (BBC) radio documentary “No country for old women” broadcast on the BBC World Service on 1 September 2012.