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# Child Witchcraft Accusations in Southern Malawi

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## **Abstract**

Child witchcraft accusations have been on the rise in various parts of Africa, resulting in untold suffering inflicted upon thousands of children including being subjected to painful and harmful exorcism rituals, abandonment, violence and murder. While child witchcraft accusations appear to be relatively new in Malawi, research undertaken in Southern Malawi reveals how deeply-rooted witchcraft beliefs are and how this translates into violations of children's rights. It appears that traditional cultural beliefs and contemporary Pentecostal evangelical influences in Nigerian religious movies are important contributing factors. Besides children, the physically impaired, the mentally disabled, and the elderly are also regularly subjected to witchcraft accusations. To attribute all these social evils to cultural factors would be a far too superficial approach, as they also represent the projection of frustration in society. Beneath the surface, an important role is played by socioeconomic factors such as rampant poverty due to low commodity prices on the world market, trade barriers, unequal distribution of wealth, corruption, and the enormous impact of the HIV/AIDS pandemic which is straining the capacity of the extended family to cope with high numbers of orphans. The vulnerable in society become the scapegoats upon whom all frustration is projected. The archaic Witchcraft Act does not protect the most vulnerable in society and is also often misapplied to secure convictions. Interventions may include legislative reforms, awareness creation, human rights education and the regulation of religious practitioners. Further research is also necessary to gain better insight into this growing phenomenon in Malawi and other parts of Africa.

## **Introduction**

The issue of child witchcraft accusations in Sub-Saharan Africa has been highlighted in the media ever since *Stepping Stones Nigeria* released their compelling documentary "Saving Africa's Witch Children" in 2008.<sup>1</sup> This documentary focused on child witchcraft

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<sup>1</sup> Gary Foxcroft, "Saving Africa's Witch Children," *Dispatches - Channel 4*, 12 November 2008.

beliefs and accusations made by Charismatic and Pentecostal pastors and prophets in Akwa Ibom state in Nigeria. Reports by UNICEF and UNHCR also confirmed that witchcraft beliefs in Sub-Saharan Africa have led to untold suffering.<sup>2</sup> Earlier in 2006, the organisations *Save the Children* and *Human Rights Watch* had reported on child witchcraft accusations and the resulting abuse and abandonment of children in the Democratic Republic of Congo.<sup>3</sup> Similar reports have also come from Angola,<sup>4</sup> other African countries,<sup>5</sup> and even from among African migrants in the United Kingdom.<sup>6</sup> Child witchcraft accusations appear to be more widespread throughout Africa than previously thought, including in South-East Africa. This article is based on field research undertaken by the author in Southern Malawi into the nature and prevalence of child witchcraft beliefs.

### **Methodology**

This report is predominantly based on semi-structured interviews with 88 people and 35 unstructured in-depth interviews with influential key-persons in the community. In addition, two focus group discussions were undertaken with groups of children who had been victims of witchcraft accusations. All research was performed in Southern Malawi, namely, the Thyolo, Blantyre, Zomba and Balaka districts. Respondents, however, came from throughout the Southern region, with a small

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<sup>2</sup> Nathalie Bussien et al. *Breaking the spell: Responding to witchcraft accusations against children*, New Issues in Refugee Research, Research Paper 197, January 2011 (Geneva, Switzerland: UNHCR, 2011); Aleksandra Cimpric, *Children accused of witchcraft: An anthropological study of contemporary practices in Africa*, April 2010 (Dakar, Senegal: UNICEF, 2010).

<sup>3</sup> Human Rights Watch, "What Future? Street Children in the Democratic Republic of Congo," *Human Rights Watch Report* 18:2(A) (April 2006) (New York: HRW, 2006); Javier Aguilar Molina, *The Invention of Child Witches in the Democratic Republic of Congo: Social cleansing, religious commerce and the difficulties of being a parent in an urban culture* (London: Save the Children, 2006).

<sup>4</sup> Independent Catholic News, "Angola: Papal envoy calls for end to witch child accusations," *Independent Catholic News*, 28 July 2009, 1; Sharon LaFraniere, "African Children Falsely Accused of Witchcraft: African Crucible: Cast as Witches, Then Cast Out," *New York Times*, 15 November 2007, <http://www.nytimes.com/2007/11/15/world/africa/15witches.html>

<sup>5</sup> Jill Schnoebelen, *Witchcraft allegations, refugee protection and human rights: A review of the evidence* (Geneva: UNHCR, 2009).

<sup>6</sup> Timon Woodward, "Relatives Accused in Witchcraft Killing," *ABC News (USA)*, 9 January 2012, <http://gma.yahoo.com/relatives-accused-killing-teen-thought-witch-080508832--abc-news.html> (accessed 20 May 2012).

number originating from the Central and Northern regions. The key-persons interviewed included two children's right activists, two police officers, twenty clergy, ten teachers, three village headmen, two medical doctors, two lawyers and one magistrate. Focus group discussions took place with two groups of youths who had been victims of witch hunts in Malawi. In addition, a literature review was done of over a dozen newspaper reports and articles on the issue of children and witchcraft which appeared in Malawi newspapers over the previous five years. The data collection by means of interviews was undertaken over a period of 90 days in the last quarter of 2011, but the collection of media articles as well as general information spans a period of over three years from 2009.

The author of this article has been involved in a nationwide campaign opposing the stigmatisation of children as witches in Malawi, together with human rights activist Emmie Chanika and the late children's rights activist Frank Phiri. This campaign, among other things, has included over 40 consultations with religious leaders from many different backgrounds throughout Southern Malawi. The author was also involved in the establishment of two safe houses for children accused of witchcraft in Blantyre, Malawi.<sup>7</sup> Many of the insights and observations gathered throughout this campaign are also reflected in this report.

## **Findings**

At this point it is necessary to point out that we do not consider the findings of our research to be representative of the whole nation: for this additional research is necessary, preferably on a national scale. Nevertheless, the findings of our limited research are sufficient cause for concern, with more than 65 out of 88 respondents (74 per cent) in the semi-structured interviews indicating their belief that children can be witches and most of them believing that such children must be subjected to traditional cleansing ceremonies, exorcisms, arrest, imprisonment and beatings, with some suggesting execution. Similar sentiments were found among the specialists interviewed, with one special needs teacher explicitly stating that all children suspected of witchcraft should be burned to death. Elderly men and women who are suspected of having taught witchcraft to children also face little mercy, with 60 per cent of respondents calling for them to be beaten and chased away from the

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<sup>7</sup> Howard Mlozi, "A ray of hope for traumatised girls," *The Daily Times*, 24 April 2012, 35.

community, imprisoned or executed. The general consensus was that the testimony of children is sufficient for someone to be identified as a witch and/or confirmation by a traditional healer or charismatic prophet. Out of the 88 respondents, 76 indicated that they first heard about children being witches in the late 1990s or later. At the same time, 71 out of 88 have observed children being accused and punished in their communities as witches. This suggests that, on the one hand, the concept of children being witches is a relatively new phenomenon in Malawi, but on the other hand already widely spread. It is also interesting to note that 20 per cent of the respondents (18 out of 88) no longer believed in the existence of witchcraft at all. Those who rejected the concept of witchcraft did so mainly due to higher levels of education attainment. Of this group, eight went through the experience of being falsely accused of witchcraft and as a result started to reflect critically on the issue. This group also insisted on a more thorough investigation and great caution in entertaining accusations against someone, as it is common for parents to influence their children into making allegations.

It was also suggested by some respondents that some children are influenced by the many witchcraft stories circulating in the community, combined with the witchcraft themes in Nigerian movies which are often featured in informal cinemas. Psychological factors have also been mentioned, such as the sense of power one has when accusing someone of witchcraft, or even when asserting to possess some witchcraft-related 'magical powers'. Most of the respondents believed that false accusations occur frequently out of jealousy, conflict or power struggles within families or between families or within the community. Many respondents believe that counselling is the best way forward to deal with children who are suspected to be witches (41 out of 88) while nine believe that nothing should be done at all as they contend that witchcraft does not exist. The respondents included people from various tribal and religious backgrounds, but no significant differences in witchcraft beliefs could be discerned on the basis of tribal background or religious affiliation.

### **Evaluation**

The findings of our research suggest that beliefs concerning child witches in Malawi are similar to those found in Akwa Ibom state in Nigeria, Angola and the Democratic Republic of Congo, but with less hatred being expressed towards the children who are believed to be witches. Many see the children at least partly as victims who have been

misled by some of the elderly who taught them witchcraft. Until recently the elderly have been bearing the brunt of the witch hunts in Malawi,<sup>8</sup> but research has shown that violence against children accused of witchcraft is on the increase in the country. Over the past five years there have been several reports in the newspapers concerning the murders of children accused of being witches.<sup>9</sup> The incidents that made the national news are likely to be just a fraction of the real number. Several respondents mentioned during informal discussions that they had heard of several murders of children accused of witchcraft that were disguised as accidents or suicides, but could not provide further details.

It is also sobering to reflect on the fact that the situation in Nigeria, Angola and the Democratic Republic of Congo, where children accused of witchcraft are subject to extreme violence, was in the past similar to that found in Malawi today. In these countries, socioeconomic problems, rapid urbanisation, the impact of the HIV/AIDS pandemic and the influence of some Nigerian religious movies are some of the factors that caused child witchcraft accusations, torture and murders to reach epidemic proportions, as highlighted in the UNICEF report.<sup>10</sup> In Malawi the phenomenon of child witchcraft accusations is growing, but has not yet reached the level of an epidemic. However, in our discussions with various local human rights and child care organisations, social welfare officers, traditional leaders, churches and several victims, we estimate that there are several hundred children each year who are subjected to violence and abandonment on the basis of witchcraft accusations. In the whole of Malawi there may be even a few thousand victims. Many children living on the street have been chased away from their homes due to witchcraft accusations and also several of the teenage prostitutes we interviewed were forced into the trade after they had been accused of witchcraft and chased away from their homes. It was also observed that 12 of the 15 ‘witch children’ placed in safe houses in Blantyre, Malawi had lost one or both parents. This suggests a

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<sup>8</sup> Gregory Gondwe, “Witchcraft Strife Storms Malawi,” *Ground Report*, 3 February 2008, 1; Caroline Kandiero, “72-year-old jailed for witchcraft,” *The Daily Times*, 29 August 2007, 15; Caroline Kandiero, “Man gets 5 yrs for magical transportation,” *The Daily Times*, 4 January 2008, 4.

<sup>9</sup> Malawi News Agency, “Three arrested for torching 12-year-old to death,” *The Nation*, 2 February 2009, 3; Emmanuel Muwamba, “Ndirande Fire Last Victim Dies,” *The Nation*, 6 September 2010, 3; Caroline\_Somanje, “3 beat boy, 12, to death, accuse him of witchcraft,” *The Nation*, 27 January 2011, 1-2.

<sup>10</sup> Cimpric, *Children accused of witchcraft*.

link between the high number of orphans resulting from the HIV/AIDS pandemic and child witchcraft accusations. Several respondents mentioned in the interviews that people accuse children of witchcraft because they are orphans and their upkeep is too much of a burden to the host family. Culturally it would be unacceptable for someone to refuse to take care of a needy family member. However, if the orphaned child can be labelled as a witch and the community can be convinced that he or she is a witch it becomes socially acceptable to mistreat and abandon the child. One respondent related seeing how a 5-year old boy was severely beaten by relatives after the witch doctor had identified him as the witch responsible for the death of his parents who had succumbed to AIDS. The child became so traumatised that he is now behaving as if mentally disturbed, and as he is neglected by the same relatives his survival chances are small. A 16-year old boy in our safe house related how from the age of four he was subjected to beatings, starvation, painful exorcism rituals by traditional healers, ridicule, and rejection by his relatives. Instead of receiving love, care and sympathy he was severely abused as an orphan and continuously accused of having caused the death of his relatives. The boy has now come to believe that he may be a witch and spends much time agonising about it and suffers from nightmares. The research done by UNICEF in several other African countries has shown that many of the children accused of witchcraft there are also orphans.<sup>11</sup> The well-known African theologian John Mbiti considers the fear of witchcraft as one of the most disturbing elements in African religion and life.<sup>12</sup> Nevertheless, we need to recognise that, aside from deep-seated beliefs, witchcraft accusations are also an effective way to scapegoat those who are perceived as a burden or threat to a community's existence.<sup>13</sup>

Some respondents mentioned that they had witnessed children who were accused by the community of witchcraft being arrested and taken to court. However, we did not come across any evidence that any minor has ever been convicted of witchcraft by any magistrate. The cases of arrest may refer to cases where children were taken into protective

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<sup>11</sup> Cimpric, *Children accused of witchcraft*.

<sup>12</sup> David Westerlund, *African Religion in African Scholarship: A Preliminary Study of the Religious and Political Background* (Stockholm: Almqvist & Wiksell, 1985), 36-37.

<sup>13</sup> Political Research Associates, "Dehumanization and Scapegoating," 2010, <http://www.publiceye.org/tooclose/scapegoating-01.html> (accessed 26 May 2012).

custody. Some of the children in the safe houses had been taken to the police by the relatives who accused them of witchcraft, but the children had not been arrested. A 16-year old female victim of witchcraft-related abuse explained how she was rescued by the police from being beaten to death, and taken to hospital. The police failed to arrest the step-brother who had allegedly assaulted her for allegedly being a witch. Nevertheless, the police officers and magistrates we interviewed expressed their frustration at not knowing how to handle witchcraft accusations, as well as an unwillingness to enforce the Witchcraft Act<sup>14</sup> under which witchcraft accusations are in fact illegal. To complicate matters, some magistrates have actually entertained witchcraft accusations against adults accused of witchcraft while admitting evidence from children who allegedly had been taught witchcraft by the accused.<sup>15</sup> Apart from the problems associated with accepting testimonies from impressionable minors, the evidence presented is of a supernatural nature and at the same time the whole procedure of entertaining witchcraft accusations, let alone conviction and sentencing, is unlawful under the Witchcraft Act.

The author of this article, some of his colleagues, family members and accused children he has worked with have witnessed first-hand how some pastors, prophets and other religious leaders from a Charismatic or Pentecostal background are involved in accusing children of being witches, exposing them to public shame, humiliation and stigmatisation and, as a result of the accusations, putting them at serious risk of reprisals in the community. The horrendous child witch murder cases in Mwanza and Bangwe in 2008 and 2009 all had a Pentecostal exorcism dimension, as was also the case in the Ndirande incident in 2010.<sup>16</sup> The majority of Pentecostal leaders would condemn such practices, but there appears to be a growing minority of unscrupulous or misguided Pentecostal leaders in Malawi who indulge in such practices. It will be difficult to establish the influence that Nigerian Pentecostal movies have had on such leaders and in the community as a whole, but religious

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<sup>14</sup> Laws of Malawi: Chapter 7:02: Witchcraft Act

<sup>15</sup> BBC, "Malawi plea to free convicted 'witches,'" *BBC News Africa*, 13 October 2010, <http://www.bbc.co.uk/news/world-africa-11535155> (acc. 1 February 2011).

<sup>16</sup> Erwin van der Meer, "The Problem of Witchcraft in Malawi," *Evangelical Missions Quarterly* 47:1 (2011): 78-85; Vynn Phiri, "Bangwe women 'murderers' were devout Christians, says Church," *The Daily Times*, 11 April 2008, 2; Malawi News Agency, "Three arrested for torching 12-year-old to death," 3; Muwamba, "Ndirande Fire Last Victim Dies," 3.

leaders throughout Southern Malawi have confirmed that these movies are immensely popular.

## Discussion

The issue of child witchcraft accusations appears to be a growing phenomenon in Southern Malawi, with child witchcraft beliefs being adopted by the majority of the people. It appears that these beliefs are partially a foreign import, with Nigerian Pentecostal movies and the rise of African Pentecostalism being contributing factors. It appears that these beliefs have found fertile soil in Malawi due to pre-existing witchcraft beliefs found in Malawian society,<sup>17</sup> including the belief that children can be taught witchcraft by elderly witches.<sup>18</sup> There appears to be a link between witchcraft accusations against the elderly and children. It was suggested by several respondents that, since these segments of society are the least infected with HIV/AIDS, they are looked upon with suspicion by those who belong to the age groups most infected. With more than half of the respondents still believing that most disease and death is caused by witchcraft, it is likely that, without intervention, witchcraft accusations against children, the elderly and other vulnerable groups will continue to increase.

In terms of legislation it has become increasingly clear that existing legislation dealing with witchcraft allegations has often been misinterpreted and misapplied to convict people of witchcraft and jail them.<sup>19</sup> Other magistrates have resorted to convicting those charged with practicing witchcraft, not of witchcraft, but of “conduct likely to cause breach of peace,” and sentencing the accused to jail.<sup>20</sup> There is certainly a gender aspect to witchcraft accusations, with a disproportionate number of those convicted being women.<sup>21</sup> At the same

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<sup>17</sup> Herbert Chandilanga, “A Witchcraft Infested Society,” *Weekend Nation*, 15-16 March 2008, 4-5.

<sup>18</sup> BBC, “Malawi plea to free convicted ‘witches’; Carrie Byrne, “Hunting the vulnerable: Witchcraft and the law in Malawi,” *Consultancy Africa Intelligence*, 16 June 2011. <http://www.consultancyafrica.com> (accessed 5 December 2011).

<sup>19</sup> BBC, “Malawi plea to free convicted ‘witches’; Francis Thayanja-Phiri, “Three to serve 42 months jail for witchcraft,” *The Daily Times*, 5 July 2007, 10.

<sup>20</sup> Byrne, “Hunting the vulnerable: Witchcraft and the law in Malawi.”

<sup>21</sup> IRIN Africa 2011. “Malawi: Suspected witches jailed.” *Humanitarian News and Analysis*, 6 April 2011. <http://www.irinnews.org/Report/92396/MALAWI-Suspected-witches-jailed>; Pilirani Semu-Banda, “Witchcraft and Mob Justice in

time there has been a cry from the general public in Malawi for the government to further criminalise witchcraft and revise the Witchcraft Act so it can be used effectively to convict people of witchcraft.<sup>22</sup> It can be argued that this outcry to criminalise witchcraft reflects a mixture of traditional and contemporary witchcraft beliefs, which may be partially inspired by Nigerian Pentecostal movies as happened, for example, in Ghana.<sup>23</sup> Nevertheless, studies of witchcraft around the world have demonstrated that witchcraft accusations usually reflect deeper tensions and frustrations in society arising from socioeconomic, ecological and political issues, such as the effects of the HIV/AIDS pandemic, unequal distribution of wealth, crop failure, changing weather patterns, corruption and selective application of the law, to name just a few.<sup>24</sup>

Witchcraft fears, witchcraft accusations and witch hunts may well represent a general feeling of insecurity, unhappiness and helplessness in society.<sup>25</sup> While witchcraft fears appear to have been part of the various African cultures in Malawi for many centuries, their recent revival and media attention likely has various underlying sociological causes. An in-depth study of witchcraft beliefs in Southern Africa falls outside the scope of this report, but we may concur with the observations of other scholars that witchcraft beliefs are not the primary focus of the pre-Christian African religions.<sup>26</sup> However, witchcraft beliefs are the most enduring elements of these and seem to constitute a pseudo-religion.<sup>27</sup> Whenever witchcraft accusations arise, human

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Malawi,” *The Women’s International Perspective*, 21 May 2008. [http://www.thewip.net/contributors/2008/05/mob\\_justice\\_in\\_malawi\\_accused.html](http://www.thewip.net/contributors/2008/05/mob_justice_in_malawi_accused.html).

<sup>22</sup> Byrne, “Hunting the vulnerable: Witchcraft and the law in Malawi”; Gregory Gondwe, “Witchcraft Strife Storms Malawi,” 1.

<sup>23</sup> Opoku Onyinah, “Deliverance as a way of confronting witchcraft in Modern Africa: Ghana as a case history,” *Asian Journal of Pentecostal Studies* 5:1 (2002): 107-134.

<sup>24</sup> Chi Mgbako, “Witchcraft Legal Aid in Africa,” *New York Times*, 17 February 2011. [http://www.nytimes.com/2011/02/18/opinion/18iht-edmgbako18.html?\\_r=1](http://www.nytimes.com/2011/02/18/opinion/18iht-edmgbako18.html?_r=1).

<sup>25</sup> Lenie Lagerwerf, *Witchcraft, Sorcery and Spirit Possession – Pastoral Responses in Africa* (Gweru: Mambo, 1987), 33.

<sup>26</sup> Westerlund, “*African Religion*,” 37.

<sup>27</sup> Elizabeth Isichei, “African Neo-Traditional Religions,” in *New Religions: A Guide: New Religious Movements, Sects and Alternative Spiritualities*, ed. C. Partridge (New York: Oxford, 2004), 281; Martin Ott and J. W. M. Van Breugel, *Chewa Traditional Religion* (Blantyre, Malawi: CLAIM, 2001), 271-272.

relations are at stake and people often get badly hurt.<sup>28</sup> In recent years, witch hunts in Africa were not so much led by conservative adherents of the old religions but by westernised Africans, and resulted in the punishment and even execution of people who were innocent of the witchcraft charges against them.<sup>29</sup>

It is the author's opinion that to portray the revival of witchcraft beliefs in Malawi as simply a matter of religious syncretism would be a far too superficial approach which avoids looking at the underlying socioeconomic issues and other contributing factors. Among these there are the still felt effects of past colonialism, present neo-colonialism in the form of trade barriers, and a global economic system that favours rich countries. Other factors include the rapid modernisation of Malawian society, increasing consumerism, trade deficits, incurred national debt and various other socioeconomic and political problems. The HIV/AIDS pandemic, adverse climatic conditions, and natural disasters in the form of floods and droughts, have also contributed to high levels of frustration in society.

As people cannot take out their frustration on the national and international policy makers whose policies adversely affect their local lives, their frustration can find an outlet in the scapegoating of orphans, widows, the elderly, foreigners and other outsiders who are literally demonised as witches, sorcerers and Satanists.<sup>30</sup> One only needs to consider the scapegoating of the Jews, who were singled out as the cause of Germany's socioeconomic and political woes in the Nazi era, to know that such mechanisms are not unique to Africa. Nevertheless, while any form of scapegoating—whether in the form of xenophobia or in other forms of discrimination—may give temporary psychological relief, it represents a counter-productive way of resolving social tensions as it fails to address root causes and may also lead to new tensions. In the case of witchcraft accusations, these also encourage the fear of witchcraft as well as the fear of being accused of witchcraft oneself,

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<sup>28</sup> Michael Bourdillon, *Religion and Society: A Text for Africa* (Gweru: Mambo Press, 1990), 12.

<sup>29</sup> Stephen T. W. Hayes, "Christian responses to witchcraft and sorcery," *Missionalia* 23:3 (1995): 339; Isichei, "African Neo-Traditional Religions," 285.

<sup>30</sup> Political Research Associates, "Dehumanization and Scapegoating"; Thomas J. Schoeneman, "The witch hunt as a culture change phenomenon," *Ethos* 3 (1975): 529-531.

thereby perpetuating fear and giving rise to further frustration and so on in a vicious cycle.<sup>31</sup> From such a perspective the criminalisation of witchcraft in Malawi would be tantamount to legitimising the victimisation of vulnerable groups, further exposing them to unjust accusations and punishment as they become the scapegoats for frustration and tensions in society.<sup>32</sup>

It is also important to recognise that witchcraft accusations, while having underlying sociological causes, are in essence spiritual and religious matters. In any secular country, where religion and state are separate entities, no court is competent to pass ruling on matters of faith and belief. Freedom of belief is a human right, and this includes belief in witchcraft or belief that someone or oneself is a witch. Freedom of religion is also enshrined in the constitution of Malawi and belief in witchcraft itself should not be criminalised. The courts should deal with tangible crimes using factual evidence and not deal with matters of a metaphysical nature. Crimes that are committed, whether in the name of a belief or ideology or not, should be objectively dealt with by the law and on the basis of factual evidence, regardless of the beliefs held by either the accusers or the accused. The courts must limit themselves to matters covered by the law and deal with physical evidence in the natural realm. Under no circumstances should the courts admit supernatural evidence from religious experts, or entertain testimonies from children about supernatural experiences as is often related in the media.<sup>33</sup> The courts should not even entertain self-incriminating confessions on the part of people who claim to have supernaturally hurt or killed other people, let alone convict them.<sup>34</sup> Such confessions are religious in nature and reflect a belief-system not actual fact. Self-incriminating confessions can be made for a number of reasons, such as social pressure and coercion, but also because of religious indoctrination, delusions and various other physiological and psychological causes. Some have pointed to the presence of charms, amulets and traditional medicines in someone's possession. However, having such possessions does not constitute evidence of a crime, they

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<sup>31</sup> Bourdillon, *Religion and Society*, 203-204; 212.

<sup>32</sup> Schoeneman, "The witch hunt as a culture change phenomenon," 532-533.

<sup>33</sup> Deogratias Mmane, "Chilling Witchcraft Revelations: 10 children shock Bishop," *Malawi News* 45, 28 January 2007, 1 3.

<sup>34</sup> Samuel Chibaya, "Mwase and his magic world," *The Nation*, 15 November 2007, 15-16; Kandiero, "Man gets 5 yrs for magical transportation," 4.

are simply religious artefacts and positive or negative meaning is attributed to them by those who believe in their efficacy. Many people in Africa have such artefacts in their possession in order to protect themselves against 'evil supernatural forces' or to obtain good luck. However, even if someone harbours such artefacts with evil supernatural intentions, this in itself does not constitute a crime as again efficacy is a matter of belief. The courts must deal only with crime based on tangible evidence in the physical realm and stay out of the realm of religion. Particular beliefs should not be the subject of legislation, no matter how unacceptable, intimidating or irrational they may appear. Only unlawful actions, which may result from the various beliefs people hold, can and should be regulated. In particular, the extrajudicial punishments meted out to people accused of witchcraft must be dealt with strongly, as it is a serious threat to the whole of society when people start taking the law into their own hands.<sup>35</sup>

The issue of witchcraft accusations against children, the elderly, the disabled, refugees and other vulnerable groups in society needs more than just legislative reform: it needs a concerted effort by government, especially those departments dealing with gender, disabilities, child welfare and social welfare in general. In this we should involve the churches, the academy, international NGOs, civil society, human rights activists, the media and other stakeholders in Malawian society to create public awareness and promote behavioural change, but also a change in the underlying worldview and beliefs which contribute to the trampling of the rights of vulnerable groups in society. With the help of *Stepping Stones Nigeria* and the Bar Human Rights Association of the United Kingdom, a contribution was submitted to the Malawi Law society for the committee responsible for reviewing the Witchcraft Act.<sup>36</sup> Nevertheless, much more needs to be done in terms of awareness creation and intervention on a national scale and even at a regional level in Southern Africa. There is also the need for the various government ministries, NGOs and Faith Based Organizations to be pro-active in ensuring that the right of the child to freedom from all forms of violence, including physical and psychological violence, as stated in the United Nations Convention on the Rights of the Child, is respected,

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<sup>35</sup> Theresa Kasawala, "2-Killed over witchcraft," *The Daily Times*, 26 Jan. 2009, 1 3.

<sup>36</sup> Bar Human Rights Committee of England and Wales, *Observations of the Bar Human Rights Committee on the relevant international legal standards* (London: Bar Human rights Committee of England and Wales, June 2006).

including in the case of children accused of witchcraft.<sup>37</sup> In the same way we must ensure that the rights of the elderly, the physically impaired and the mentally disabled, and anyone else accused of witchcraft, are not violated. Last but not least, there is need for the various UN agencies and other multilateral organisations, as well as international NGOs, to provide assistance to government and civil society in countries such as Malawi to effectively address the traditional and contemporary beliefs and practices that lead to human rights violations. Equally important is the campaign for global justice in the form of a more just economic world order,<sup>38</sup> whereby poor countries such as Malawi face no trade barriers, receive fair prices for their produce, and are assisted with grants rather than loans, as the latter have plunged many developing countries into further despair. It is the author's hope that this report will spur further reflection on the issue of child witchcraft accusations in Malawi and encourage legal reform and other forms of intervention on behalf of the vulnerable in Malawi and beyond.

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<sup>37</sup> United Nations. Convention on the Rights of the Child. <http://www2.ohchr.org/english/law/pdf/crc.pdf> (accessed 11 January 2012).

<sup>38</sup> Thomas Pogge. *World Poverty and Human Rights* (Cambridge: Polity Press, 2002): 50-56.

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