

**The African Committee of Experts on the Rights and Welfare of the Child
(ACERWC)**

**Decision on Merit
Communication No: 0017/Com/001/2021
Decision on Merit No:001/2025**

**Child Rights and Rehabilitation Network, Institute for Human Rights and
Development in Africa and Centre for Human Rights (On Behalf of Children
Affected by Witchcraft Accusations in Nigeria)**

V

The Federal Republic of Nigeria

I. Submission of the Communication and Procedure

1. The Secretariat of the African Committee of Experts on the Rights and Welfare of the Child (the Committee/ACERWC) received a Communication dated 07 December 2021 pursuant to Article 44 of the African Charter on the Rights and Welfare of the Child (the Charter/ACRWC). The Communication is submitted by the Child Rights and Rehabilitation Network, Institute for Human Rights and Development in Africa and Centre for Human Rights (On behalf of Children Affected by Witchcraft Accusations in Nigeria) (the Complainants/the Applicants) against the Federal Republic of Nigeria (the Respondent State). Following receipt of the Communication, the Secretariat conducted a preliminary review and registered the submission as Communication No: 0017/Com/001/2021 pursuant to Section III of the Revised Guidelines for the Consideration of Communications and Monitoring Implementation of Decisions (Communications Guidelines). The Communication was duly transmitted to the Respondent State through a Note Verbal ACE/OL/10/307.21 dated 15 December 2021, requesting it to submit its arguments on the admissibility of the Communication within 60 days according to Section IX(2) of the Communications Guidelines. Up on the expiry of the 60 days, the Committee issued five reminders for the Respondent State to submit its arguments. Notwithstanding these reminders, the Respondent State failed to submit any response on the admissibility of the Communication.
2. In light of the foregoing, the Committee resolved to proceed with the consideration of the admissibility of the Communication in the absence of the Respondent State's submissions, taking into account the multiple reminders issued and the best interests of the children concerned. The Committee, after a careful consideration of the requirements for admissibility, ruled and declared the Communication admissible in May 2023 during its 41st Ordinary Session of the ACERWC.
3. Subsequently, the Respondent State submitted its response to the Communication through a Note Verbal ref no 587/12/2023 dated 04 December 2023 where it also requested for review of the Committee's Decision No 001/2023 where the Committee declared Communication No: 0017/Com/001/2021 admissible. The Respondent State's submission was duly transmitted to the Complainants, who thereafter submitted their observations.
4. Having carefully examined the submissions of both parties, the Committee dismissed the request for review during its 43rd Ordinary Session held from 15 to 25 April 2024 in Maseru, Lesotho.
5. Thereafter, the Committee proceeded to hear the parties during its 44th Ordinary Session held in Maseru, Lesotho where it considered the oral arguments of the Complainants and the Respondent State.
6. The Committee conducted a fact-finding mission in the Respondent State on 21-25 July 2025 where it held meetings with relevant Federal authorities and conducted a field visit to Akwa Ibom State.

7. On the basis of the submissions of both parties, the hearing conducted, and the findings of the Committee's fact-finding mission, the Committee hereby renders its decision on Communication No 017/Com/001/2021 during its 46th Ordinary Session held from 26 November to 06 December 2025 in Maseru, Lesotho.

II. Summary of alleged facts

8. The Complainants allege that a significant number of children between the ages of 3 and 14 years in Nigeria are affected by accusations of witchcraft practices. It is submitted that 81 per cent of children in street situations are affected by witchcraft accusations and subsequent abuses. The Complainants allege that the practice of witchcraft accusations is deeply rooted in the belief systems, cultures, and traditions of certain communities in Nigeria, and that cases have been documented in several States including Abia, Akwa Ibom, Bauchi, Cross River, Delta, Edo, Kaduna, Nasarawa and Taraba States. The Complainants further submit that affected children include children in street situations; children with disabilities, including children with albinism and children with autism; and children born as twins, prematurely, or in breech positions. Moreover, the Complainants submit that children who exhibit certain physical or behavioural characteristics, such as red eyes, avoiding eye contact, or unusual patterns of staring, are often accused of engaging in witchcraft practices.
9. The Complainants allege that perpetrators of the violence include family members, community members, and certain religious actors. They further submit that children accused of witchcraft are subjected to serious and multiple forms of violence, including severe physical assault leading, in some instances, to death; killings; burning by fire or acid; forced ingestion of poison; hazardous labour; and starvation. It is further alleged that children accused of witchcraft accusation are stigmatized, discriminated against, abandoned, tortured, in some cases buried alive, and are denied their basic rights such as education and health care.
10. The Complainants contend that the practice of child witchcraft accusation has increased notably in the Niger Delta Region where the practice is entrenched in certain religious beliefs. They submit that children accused of witchcraft continue to be persecuted and refer to concerns expressed by that the United Nations Committee on the Rights of the Child during its Consideration of the State Party's report of the Respondent State regarding violations of the rights of such children.
11. While acknowledging that the Constitution of Nigeria has provisions that safeguard the right to life, dignity, personal liberty, and freedom from discrimination, the Complainants allege that the Government of Nigeria has failed to effectively enforce these protections by failing to investigate and prosecute alleged perpetrators and failing to undertake measures to protect children who are affected by witchcraft accusation. The Complainants provide examples of reported cases where the police refused to investigate and prosecute the alleged perpetrators.
12. On the basis of the foregoing, the Complainants allege that the Respondent State violates the following provisions of the Charter:

- Article 3 on the right to non-discrimination and Article 13 on the rights of children with disabilities
- Article 5 on the right to life, survival, and development
- Article 11 on the right to education
- Article 16 on freedom from torture and inhumane treatment

III. Complainants' Submission on admissibility

13. The Complainants submit that the Committee is seized with jurisdiction to consider the present Communication pursuant to Article 44 of the Charter and Section II(1) of the Communications Guidelines. They submit that the Respondent State has ratified the Charter and that the allegations concern violations of the provisions thereof. Moreover, the Complainants argue that they have standing before the Committee in line with Section I(1) of the Communications Guidelines, as they are registered in a Member State of the African Union. Moreover, it is provided that, two of the Complainants, the Institute for Human Rights and Development in Africa and the Centre for Human Rights, have observer status before the Committee. The Complainants also submit that obtaining the consent of the victims was impracticable in light of the alleged systemic nature of the violations, relying on the Committee's jurisprudence in the *Nubian Children case*.
14. Regarding the Conditions of admissibility, the Complainants submit that they have fulfilled all the conditions of admissibility listed under Section IX(1) of the Communications Guidelines. In particular, the Complainants submit detailed arguments on the exhaustion of local remedies and emphasizing that the requirement is not without exceptions. They submit that the Respondent State has been duly notified about the ongoing violations, which constitutes one of the underlying rationales for exhaustion of local remedies requirement. The Complainants substantiate their arguments based on the jurisprudence of the Committee in the *Michelot Hansungule and others v Uganda* case as well as the jurisprudence of the African Commission on Human and Peoples' Rights (ACHPR) in the Communication of *SERAC v Nigeria*. The Complainants argue that the alleged violations are massive violations and affect a large number of children, thereby warranting exemption of the requirements of local remedies as recognised in the Committee's jurisprudence in the *Talibes Case*. The Complainants further submit that the available local remedies are contingent upon the action of the Respondent State, which has the primary duty to investigate and prosecute perpetrators and that it is not up to the victims to undertake investigation. In this regard, the Complainants refer to the jurisprudence of the ACHPR in the *Zimbabwe Human Rights NGO Forum v Zimbabwe* case where the ACHPR decided that in cases that require criminal action against perpetrators, victims cannot be required to exhaust local remedies.¹ Furthermore, the Complainants submit that the

¹ African Commission on Human and Peoples' Rights (ACHPR), Communication No. 245/2002, *Zimbabwe Human Rights NGO Forum V Zimbabwe* (2006) AHRLR 128 (ACHPR 2006) para 70.

Communication is submitted within a reasonable time as the violations are ongoing, and that there is no disparaging language in the Communication.

IV. The Committee's analysis of the admissibility of the Communication

15. The Committee examines the admissibility of this Communication pursuant to Article 44 of the Charter and the Communications Guidelines. In accordance with Article 44 and section I (1) of the Communications Guidelines, non-governmental organizations legally recognized by one or more of the Member States of the African Union or State Party to the Charter or the United Nations are entitled to submit Communications before the Committee. The Committee notes that the three Complainants- Child Rights and Rehabilitation Network (CRARN), the Centre for Human Rights (CHR) and the Institute for Human Rights and Development in Africa (IHRDA) are registered in Nigeria, South Africa, and The Gambia, respectively. Moreover, the Committee notes that the Communication is filed on behalf of children allegedly affected by violations of the rights guaranteed under the Charter and is directed against a State Party thereto. The Committee, therefore, accepts that the Complainants have standing and that it has the jurisdiction to consider the Communication.
16. Concerning the admissibility of the Communication, the Committee assesses if the conditions provided under Section IX (1) of the Communications Guidelines are fulfilled. In the absence submissions from the Respondent State, the Committee assesses whether the six admissibility conditions set forth under Section IX(1) are met on the basis of the information available before it.
17. The first condition provided under Section IX (1) (a) is that a Communication must be compatible with the Charter. The Committee, in its previous decisions has explained that a Communication is compatible with the Charter if it discloses a prima facie violation of the Charter.² The Current Communication alleges violations of Articles 3, 5, 11, 13, and 16 of the provisions of the Charter in relation to children accused of witchcraft in the Respondent State. Accordingly, the Committee finds that the Communication is compatible with the Charter, hence this condition is satisfied.
18. The second condition under Section IX (1) (b) of the Communications Guidelines requires that a Communication should not exclusively be based on media information as indicated. The Committee, indeed, notes the vital role media can play in reporting human rights violations; hence, media report is not disregarded in the proceeding of Communications. The same has been recognized by the African

² African Committee of Experts on the Rights and Welfare of the Child (ACERWC), Communication No 003/Com/001/2012, *The Centre for Human Rights (University of Pretoria) and another v Senegal*, para 18; ACERWC, Communication No 0016/Com/004/2020, *African Centre for Justice and Peace Studies (ACJPS) (on behalf of Ms Umjumah Osman Mohamed) v The Sudan*, Decision on Admissibility No: 002/2021, para 31.

Commission on Human and Peoples' Rights in the *Jawara case*.³ However, the Committee reiterates that such information must be corroborated by other evidence.⁴ In the present case, the Committee observes that the Communication relies not only on media reports but also on credible sources, including reports of United Nations agencies such as UNICEF, as well as studies, documentary evidence, and other data. The Committee, therefore, finds that the Communication is not solely based on media reports and that the condition under Section IX (1) (b) is fulfilled.

19. The third condition under Section IX (1) (c) of the Communications Guidelines, which requires that a Communication should not be pending before other mechanisms. As far as the Committee's investigation goes, and, in the absence of any response or objection from the Respondent State, no similar issue is pending before any other adjudication mechanisms. Hence, the Committee finds that the condition under Section IX (1) (c) of the Communications Guidelines is met.
20. The fourth condition under Section IX (1) (d) of the Communication Guidelines relates to the requirement that a Communication should be filed before the Committee after exhaustion of local remedies. the Committee notes the Complainants' submission that local remedies have not been exhausted but that an exception should apply. Substantiating their arguments, the Complainants submit that the Respondent State has been duly notified about the ongoing violations through various channels including the reports of UN Agencies and other NGOs, the concluding observations and recommendations of the UN Committee on the Rights of the Child, and other NGOs and yet failed to take action; that the violations are massive affecting large numbers of children; and that the remedies required entail criminal investigation and prosecution by the Respondent State.
21. The Committee has pronounced itself in the *Nubian Case* where it has extensively addressed the rationale for the requirement of exhaustion of local remedies. In the *Nubian Case* the Committee elaborated that the main purpose of the requirement of exhaustion of local remedies is to inform and afford the Respondent State an opportunity to redress the violations at the domestic level.⁵ While recognising the Complainants obligation to exhaust local remedies, the Committee reiterates, this requirement is not intended to create an impediment to accessing international redress mechanisms⁶. In the present case, the Complainants have demonstrated that the Respondent State has been notified about the ongoing violations against children accused of witchcraft both at domestic and transnational levels. While

³ ACHPR, Communications 147/95 and 149/96, *Sir Dawda K Jawara v The Gambia* (2000) AHRLR 107 (ACHPR 2000) para 25.

⁴ As above, Para 26.

⁵ ACERWC, Communication no 002/2009, *Institute for Human Rights and Development in Africa (IHRDA) and other (on behalf of children of Nubian Descents in Kenya) v Kenya*, Decision no 002/2011, para 26-27.

⁶ ACERWC, Communication no 012/Com/001/2019, *Center for Reproductive Rights and Legal and Human Rights Center (on behalf of Tanzanian girls) v Tanzania*, Decision no 0012/Com/001/2019, para 17;

such awareness in and by itself does not automatically dispense with the exhaustion requirement, the fact that States have been given ample notice indicates that the object and purpose of the principle of exhaustion of local remedies has been substantially fulfilled. Considering that the exemption of exhausting local remedies is assessed based on the facts of the case, the Committee proceeds to examine the elements of the present Communication.

22. The Complainants argue that they should not be required to exhaust local remedies as the nature of the violation is a massive violation that affects large numbers of children. Referring to its previous decision on the impractical aspect of exhausting local remedies in cases of massive violations⁷, the Committee finds it necessary to analyse when a violation is deemed massive to determine its applicability in the present case. The Committee draws inspiration from the African Commission on Human and Peoples' Rights, which held that a massive violation affects a large number of persons, either in a specific region or all over the territory of a State Party.⁸ Concerning the nature of the violation, the Commission further held that 'the violation must be the consequence of continual and pre-determined actions having an impact on a right or a group of rights under the African Charter'.⁹ Considering that a large number of children are affected by witchcraft accusations and that the nature of the violation they are facing is a result of pre-determined and continuous action, the Committee considers that the massive nature of the violations is established. However, the Committee notes that the main issue is how the massive nature of the violation relates to the exhaustion of local remedies.

23. The Committee reiterates, according to Section IX (1) (d) of the Communications Guidelines, that exceptions to the exhaustion of local remedies apply where such remedies are unavailable, ineffective, or unduly prolonged. Furthermore, the Committee reiterates that local remedies need not be exhausted if they are not available, ineffective, and insufficient.¹⁰ Therefore, the Committee further needs to assess how the massive nature of the violation relates to the unavailability, ineffectiveness, or insufficiency of the local remedies to grant the exemption to the Complainants. In this regard, the Committee refers to its decision in the *Michelo Hunsungule and Others (on behalf of children in Northern Uganda) v. Uganda* case, where it held that massive and large-scale violations render local remedies unavailable and impractical to be pursued.¹¹ Moreover, the Committee held that

⁷ ACERWC, Communication no 001/Com.001/2005, *Michelo Hunsungule and others (on behalf of children in northern Uganda) v. Uganda*, Decision No. No. 001/Com/001/2005, Para 24, 27 and 28; ACERWC, Communication no 003/Com/003/2012, *The Centre for Human Rights (University of Pretoria) and la Rencontre Africaine pour la défense des droits de l'homme (on behalf of Talibes children) v Senegal*, Decision No 003/ Com/001/2012, Para 15 and 21.

⁸ ACHPR, Communication No 318/06, *Open Society Justice Initiative v Cote D'ivoire*, (2006), para 46-49

⁹ As above.

¹⁰ ACERWC, Communication no 002/2009, *Institute for Human Rights and Development in Africa (IHRDA) and other (on behalf of children of Nubian Descents in Kenya) v Kenya*, Decision no 002/2011, para 28; ACHPR, Communications 147/95 and 149/96, *Sir Dawda K Jawara v The Gambia* (2000) AHRLR 107 (ACHPR 2000) para 31.

¹¹ ACERWC, Communication no 001/Com.001/2005, *Michelo Hunsungule and others (on behalf of children in northern Uganda) v. Uganda*, Decision No. No. 001/Com/001/2005, para. 27.

the massive nature of the violation leads to the presumption that the State is aware of the violation that is taking place.¹² The Committee concurs with the jurisprudence of the African Commission on Human and Peoples' Rights that the scale and the nature of the alleged human rights violations make local remedies unavailable as it becomes impractical or undesirable for the Complainants to exhaust local remedies.¹³

24. Moreover, the Complainants argue that the primary local remedy involves criminal investigation and prosecution, which is the responsibility of the Respondent State, and that the Complainants allege a lack of due diligences on the part of the later. In such circumstances, the Committee, as established in its jurisprudence in the *Talibes case*, finds that local remedies are ineffective and unavailable in practice.¹⁴ Furthermore, the African Commission on Human and Peoples' Rights has consistently ruled that "Whenever there is a crime that can be investigated and prosecuted by the State on its initiative, the State has the obligation to move the criminal process forward to its ultimate conclusion. In such cases, one cannot demand that the complainants or the victims or their family members assume the task of exhausting domestic remedies when it is up to the State to investigate the facts and bring the accused persons to court in accordance with both domestic and international fair trial standards. Instead, by failing to properly investigate a criminal matter of which it has been notified and to move the criminal process forward to its ultimate conclusion within a reasonable time, a State "forfeit[s] its prerogative to deal with the matter domestically."¹⁵
25. In the present Communication, the Committee notes that criminal proceedings against perpetrators are the main local remedy available and notes from the allegation of the Complainants that the Respondent State has not portrayed due diligence in the prosecution of perpetrators, which in effect renders local remedies ineffective to the concerned children. Considering the above reasonings, the Committee holds that the Complainants are exempted from the requirement to exhaust local remedies.
26. The fifth condition of admissibility spelt out under Section IX (1) (e) of the Communications Guidelines is that a Communication has to be submitted within a reasonable time after exhausting local remedies. The Committee notes that the Complainants rely on an exception to the exhaustion requirement. Moreover, the

¹² As above

¹³ ACHPR, Communication No. 279/03 – 296/05, *Sudan Human Rights Organization & Centre on Human Rights and Evictions (COHRE) v. Sudan*, (2003) paras. 94, 97, 100; ACHPR, Communication No. 25/89-47/90-56/91-100/93, *Free Legal Assistance Group, Lawyers' Committee for Human Rights, Union Interafricaine des Droits de l'Homme, Les Témoins de Jehovah v DRC*, (1995) para. 35-38; ACHPR, Communication No. 338/07, *Socio-Economic Rights and Accountability Project (SERAP) v the Federal Republic of Nigeria*, (2010) para. 67.

¹⁴ ACERWC, Communication no 003/Com/003/2012, *The Centre for Human Rights (University of Pretoria) and la Rencontre Africaine pour la défense des droits de l'homme (on behalf of Talibes children) v Senegal*, Decision No 003/ Com/001/2012, para 22-23

¹⁵ ACHPR, Communication No 275/2003, *Article 19 v Eritrea*, (2007) para 72; ACHPR, Communication no 386/10, *Dr Farouk Mohamed Ibrahim v Sudan*, (2013) para 48

Communication alleges ongoing violations which, allegedly, are still occurring and affecting children in the Respondent State. Therefore, the Committee finds that the Communication has been submitted in line with the requirement of 'reasonable time'.

27. The sixth and last condition for admissibility relates to the language used in the Communication as provided under Section IX (1) (f) of the Communications Guidelines, which stipulates that a Communication should not contain any disparaging or insulting language. The Committee observes that the Communication does not contain any disparaging or insulting language and is presented decently.
28. In light of the foregoing, the Committee concludes that the current Communication fulfils all the admissibility requirements set forth under Article 44 of the Charter and Section IX(1) of the Communications Guidelines. The Committee, therefore, declares the Communication admissible.

V. Submission on the Merit of the Communication

The Complainants' Submission on the Merit

29. The Complainants allege that children accused of witchcraft are subject to killings in the process of extracting confession or purportedly delivering from alleged spiritual possession. They cite examples of cases where children have been beheaded, buried alive, detained and beaten and where acids have been poured on them due to accusation of witchcraft which caused their unfortunate death. Particularly, the Complainants refer to the case of Master Efiong Lawson, who was allegedly beheaded by his stepfather, Mr Felix, and submit that, despite the presence of law enforcement at the scene and the initial arrest of the perpetrator, no effective investigation or prosecution was undertaken. The failure of the State to show due diligence in the investigation and prosecution of perpetrators of killings of children accused of witchcrafts, according to the Complainants, amounts to a violation of the right to life by the Respondent State. In support of this claim, the Complainants cite case law from the African Commission on Human and Peoples' Rights in the *Zimbabwe Human Rights Forum v Zimbabwe and Mouvement ivoirien des droits humains v Cote d'Ivoire* where the Commission held that negligence in protecting the rights and addressing violations results in violation of the Charter attributable to the State.
30. Moreover, the Complainants submit that the Respondent State has failed to fulfil its obligation to ensure, to the maximum extent possible, the right to survival, protection and development of children accused of witchcraft. They argue that survival includes the right to live and to have adequate standard of living; protection includes freedom from all forms of abuse and exploitation; and development includes the right to receive care during early childhood and social security. Accordingly, the failure of the Respondent State to prevent and punish witchcraft accusation is a violation of the obligation to ensure the survival, protection, and development of children.

31. With regards to freedom from abuse and torture, the Complainants submit that the Respondent State failed to protect children accused of witchcraft from violence caused by third party. Similarly, they argue that this failure of due diligence to protect or prosecute perpetrators amounts to violation of Article 16 of the Charter on freedom from torture.
32. Concerning alleged violation of Article 3 and 13 of the Charter, the Complainants submit that that children accused of witchcraft are subjected to discrimination manifested through abuse, abandonment, exclusion from education, and exposure to violence. They further submit that disability constitutes one of the grounds upon which children are accused of witchcraft.
33. The Complainants also argue that children accused of witchcraft are subject to hazardous labour and exploitation which hinders their access to education, and that the stigma associated with such accusations further prevents their integration into formal education systems.
34. On the basis of the foregoing, the Complainants request the Committee pronounce the Respondent State in Violation of Article 3, 13, 15, 11 & 16 of the African Children's Charter, and order the Respondent State to undertake effective investigation and prosecution of perpetrators, enact laws criminalising witchcraft accusation, enhance institutional capacity and awareness raising to curb witchcraft accusation and witch-hunting practices, and provide support to children affected by witchcraft accusation.

The Respondent State's Submission on the Merit

35. The Respondent State argues that it has fulfilled its legal obligations under the African Children's Charter and has effectively addressed the issue of children accused of witchcraft through various measures, primarily in Akwa Ibom State. It contends that the Complainants' claims are exaggerated, lack evidence, and that the domestic actions taken have already provided the remedies sought.
36. The Respondent State submits that following the incidents reported in 2010, Akwa Ibom State government immediately established a Commission of Inquiry to investigate the allegations. The Respondent State argues that the Commission found no evidence to support the claim that children were being killed and buried alive; but made recommendations for prosecution of perpetrators of abuse and stigmatization. Following the Commission's recommendation, eight individuals were named as perpetrators, however, they have not been traced and apprehended yet as they absconded. The Commission also recommended for the registration of faith-based organizations in the State of Akwa Ibom and moving children from some shelters to Government owned shelters.
37. In response to the recommendations, the Respondent State submits that it has taken measures including the establishment of Family Court, translation of the Child Rights Act to local language, establishment of sexual and gender-based violence response department within the Ministry of Justice of Akwa Ibom. The Respondent State further argues it has undertaken legislative measures such as through its Constitution, Child Rights Act, the Violence Against Persons Act, and

the Discrimination against Persons with Disabilities (Prohibition) Act, 2018 to address the alleged violations. Particularly, according to the Respondent State, the Criminal Code of Akwa Ibom clearly criminalizes accusation of children of witchcrafts.

38. The Respondent State submits that it has implemented policies for free universal basic education, free medical services, shelters, and skills acquisition centers for vulnerable children. These measures demonstrate a holistic commitment of the Respondent State to the physical, mental, and social development of all children, fulfilling its obligations. It further states that it has prosecuted three cases relating to witchcraft accusations, including one involving a child (The State v Eteyen Edet Ifang with charge number HEK/35C/2015). The Respondent State asserts that these actions demonstrate due diligence and contributed to a significant drop in such cases.
39. The Respondent State submits that it provides for free compulsory education for all children and highlights stories of children accused of witchcraft that have successfully completed their education through government support. By alluding to these facts, the Respondent State submits that it has complied with its obligation under the Charter to protect the rights of children accused of witchcraft accusation.

Observation of the Complainants on the Submission of the Respondent State

40. The Complainants allege that the Respondent State's submissions in its Argument on the Merits are insufficient and fail to address the continuous and widespread nature of violations against children accused of witchcraft. They contend that the Respondent's focus is limited to past measures in Akwa Ibom State, while the problem persists across numerous states in Nigeria. As evidence, the Complainants provide recent documented cases to demonstrate the continuing nature of the violations, they have also attached the evidence as annex to their submission. The Complainants further challenge the efficacy of measures reported by the Respondent State such as the establishment of the family courts, and translation of laws, arguing that such measures are generic and not tailored to address the specific harms associated with witchcraft accusations. Moreover, the Complainants submit that the Respondent State has not demonstrated how its generic policies on survival, development, and education protect children from the specific threats posed against them by witchcraft accusations. They argue that the sensitization campaigns cited by the Respondent State are without proof and ineffective considering the persistent nature of the violations.
41. The Complainants argue that the Respondent State has not fulfilled its positive obligations under the Charter. They cite established jurisprudence indicating that a State's duty extends beyond enacting laws to actively ensuring effective implementation through enforcement and prosecution. The Complainants also argue that legal provision cited by the Respondent State on the criminalization of the practice under Section 160 of the Akwa Ibom Criminal Code, is inadequate as it is not child-specific, does not cover violations like murder, and is geographically limited to Akwa Ibom State. Furthermore, the Complainants argue that the prosecuted cases mentioned in the Respondent's arguments are few, outdated,

and limited to one state. They further submit that such lack of prosecution is a demonstration of systemic delays in justice which shows systematic failure and lack of due diligence.

Amicus Curiae Briefing

42. The African Child Policy Forum (ACPF) submitted an amicus curiae brief to assist the Committee. The submission seeks to provide research-based evidence on the severe and systemic rights violations resulting from witchcraft accusations against children across Africa. It outlines the prevalent nature of this harmful practice, its devastating impact on children's rights to life, survival, development, and freedom from torture, and analyses the failure of States to adequately prevent, prohibit, and respond to these violations as required by international and regional human rights instruments. Drawing on comparative legal analysis and the recommendations of the Committee and the UN Committee on the Rights of the Child, ACPF urges the Committee to use this case to set a strong legal precedent that compels State Parties to explicitly criminalize the practice, strengthen child protection systems, and combat the underlying harmful beliefs.

Investigation mission

43. The Committee conducted an on-site fact-finding mission in the Respondent State to assess the situation of children facing accusations of witchcraft. The Committee's Delegation convened meetings and consultations particularly in Abuja and Akwa Ibom State with government officials and visited some Government Facilities such as shelters, model school, and model health centre in Akwa Ibom State. The Delegation also held meetings with stakeholders in Abuja. The Committee commends the Respondent State for authorising and facilitating the fact-finding mission of the Committee. The compiled report of the mission has been sent to the Respondent State through the diplomatic channels and annexed to this Decision.

VI. The Committee's Analysis on the merits

Alleged violation of Article 3 on non-discrimination and Article 13 on children with disabilities

44. The Complainants provide that children are subjected to witchcraft accusation on discriminatory grounds such as disability, orphanhood, physical illness, actual or perceived giftedness, 'abnormal' birth among other grounds. They further submit that children accused of witchcraft are discriminated against through abandonment, exclusion from formal education and deprivation of equal access to develop their full potential. In response, the Respondent State argues that it has adopted laws prohibiting discrimination through its constitution and the Discrimination against Persons with Disabilities (Prohibition) Act of 2018. It also submits that Akwa Ibom State provides inclusive education for children with disabilities and caters for children affected by witchcraft accusation. It further contends that measures such as inclusive education in Akwa Ibom State and

awareness-raising initiatives aimed at combating stigma and discrimination, including against children with disabilities, have been implemented.

45. Considering the submissions of both parties on the alleged violation of Articles 3 and 13 the Committee identifies the issues for determination as follows: (i) whether accusations of witchcraft against children are rooted in discriminatory grounds, including disability; (ii) whether discrimination on various grounds, including on the grounds of disability, leads children to be accused of witchcrafts; (iii) whether child witchcraft accusation is discriminatory, and (iv) whether the Respondent State has taken adequate measures to address the discrimination.
46. Article 3 of the Charter guarantees every child is entitled to enjoy the rights therein irrespective of the status of the child's or his/her parents' or legal guardians' race, ethnic group, colour, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status. The Committee recalls its jurisprudence where it elaborated that the right to non-discrimination under Article 3 has three components namely differential treatment, interference, and rights and freedoms within the Charter.¹⁶ The Committee further draws inspiration from the Human Rights Committee (HRC) which defines discrimination as 'any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms'.¹⁷ Moreover, the HRC, in guiding States on what information to include in their reports regarding the implementation of the right, explains that information on the types of discrimination faced by children as a result of the practice of public authorities, communities, and private actors should be incorporated in their reports.¹⁸
47. The Committee notes that there is no contestation from the Respondent State that witchcraft accusation of children constitutes a discriminatory practice. The Committee from the submissions, the hearing, and the fact-finding mission finds that children are subjected to witchcraft accusation on the basis of various prohibited grounds for differential treatment. The factors that subject to such accusation include poverty, death of parents, disability including albinism, and circumstances of. The Committee considers that such accusation on the basis of any of the grounds target children in situations of vulnerability and constitute differential treatment based on prohibited grounds, thereby amounting to discrimination per se.
48. The Committee further observes that children accused of witchcraft are subjected to grave consequences including killings, abuse and torture, abandonment, and exclusion from society and education services. Such treatment reinforces and exacerbates the discriminatory nature of the practice and results in the denial of

¹⁶ ACERWC, Communication no 012/Com/001/2019, *Center for Reproductive Rights and Legal and Human Rights Center (on behalf of Tanzanian girls) v Tanzania*, Decision no 0012/Com/001/2019, para 53.

¹⁷ Human Rights Committee (HRC), General Comment No 18 on Non-Discrimination, para 7.

¹⁸ As above, para 9.

multiple rights guaranteed under the Charter. Accordingly, the Committee finds that the treatment of children on the basis of witchcraft accusations constitutes a violation of the principle of non-discrimination.

49. The Committee proceeds to determine whether the Respondent State bears responsibility for these violations and whether it has complied with its obligations under the Charter. In this regard, it is important to understand what the obligation of the Respondent State is in relation to the discrimination of children as a result of the practice of witchcraft accusation. The Committee notes State Parties' obligation to protect children from discriminatory practices caused by third parties or non-state actors. The Committee recalls its decision on *Minority Rights Group International et al v Mauritania case* where it held that States have the duty to protect children from violence caused by third parties which comes in two folds i.e. their responsibility to take preventive measures and their obligation to ensure effective remedy in cases violations occur.¹⁹ In the same case the Committee found Mauritania to be in violation of its obligation under the Charter for failure to take measures to protect the victims from discriminatory practices caused by non-state actors as well as for lack of due diligence in the investigation and prosecution of the perpetrators.²⁰
50. The Committee notes that States have the duty to take legislative, administrative, budgetary, judicial, and other necessary measures to implement their duty to protect children from violations caused by anyone. The African Commission on Human and Peoples' Rights held the same position by providing that States have 'the responsibility to ensure the effective application of the edict and thus ensure the freedom of its citizens, to carry out inquiries and initiate judicial action against the perpetrators of violations of the national legislation.'²¹ Accordingly, the Respondent State has to demonstrate the measures undertaken to prevent and redress the discrimination of children accused of witchcraft. The Committee finds that the measures demonstrated have to be in line with Article 1 of the Charter which outlines the obligation of States in fulfilling the rights therein which includes legislative and other measures as well as discouraging customs, traditions and practices that hinder the realisation of the rights under the Charter.²² The Committee in its General Comment No 5 on Article 1 of the Charter explained that the obligation to discourage practices inconsistent with the rights in the Charter entails a mapping exercise to identify practices that are potentially contradictory with the Charter and undertaking proactive measures to sanction, prosecute, and raise awareness.²³ The General Comment further links the obligation to discourage such practices under Article 1(3) with Article 21 which prohibits harmful practices and elaborates that if a practice falls in the definition of harmful practices under

¹⁹ ACERWC, Communication No 007, *Minority Rights Group International and SOS-Esclaves on behalf of Said Ould Salem and Yarg Ould Salem V. The Republic of Mauritania*, para 62.

²⁰ As above, para 64.

²¹ ACHPR, *Malawi African Association and Others v Mauritania* (2000) AHRLR 149 (ACHPR 2000), para 134.

²² ACRWC, Article 1 (1) and (3).

²³ ACERWC, General Comment No 5 on Article 1 of the ACRWC on State Party Obligations and Systems Strengthening for Child Protection, p 52-53.

Article 21, the obligation is 'to eliminate' such practice'.²⁴ Article 21(1) provides that practices that affect the life and health of children or which are discriminatory based on sex or other grounds are harmful practices which States must take measure to eliminate. Accusation of witchcraft is a harmful practice against children as it results in their discrimination and endangers their life, development and health.²⁵ The Committee further draws inspiration from the Human Rights Council which, through Resolution 47/8 in 2021, urged States to undertake measures to eliminate harmful practices related to accusation of witchcraft and ritual killings.²⁶ Therefore, the obligation of the Respondent State in terms of addressing the discriminatory practice of witchcraft accusation is to undertake measures to eliminate the practice through its legislative, executive and judiciary machineries.

51. In the present case, the Committee notes that the Respondent State mentioned that it has undertaken sufficient measure to address the challenges of witchcraft accusation of children alluding to the laws that prohibit discrimination particularly discrimination against persons with disabilities and the awareness raising measures it has implemented. During the fact-finding mission, the Committee noted that the Respondent State has established shelters for neglected children including those affected by witchcraft accusation. The Committee was also informed by the Respondent State during the hearing and the fact-finding mission that the practice has been addressed and eliminated following the measures undertaken to implement to recommendations of the Commission of Inquiry on the incidents reported prior to 2010, and the practice has come to an end. However, the Committee observes that the Complainants have presented evidence indicating that such violations persist, including recent documented cases.
52. From the fact-finding mission and the evidence before it, the Committee observes that cases of witchcraft accusation remain widespread and ongoing including recent incidents reported on media as well as to the police. Moreover, during the fact-finding mission the Committee learned that the practice is not limited only to one state, it occurs in multiple States including in the Niger Delta region where incidents in recent years are recorded. Despite the claim by the Respondent State that the practice has been eliminated, during its visit the Committee observes that in Akwa Ibom State children accused of witchcraft continue to be brought to government shelters fleeing violation of their rights. This is further verified by children witnesses, media reports and other credible sources which the Committee heard from. Moreover, the European Union Country Guidance on Nigeria lists accusation of witchcraft as a ground for fear of persecution for asylum seeking purposes by underlining that children and persons with disabilities including albinism are highly vulnerable to witchcraft accusation in various parts of Nigeria.²⁷

²⁴ As above.

²⁵ The OHCHR also lists Accusation of Witchcraft among harmful practices. See at <https://www.ohchr.org/en/women/harmful-practices#:~:text=Harmful%20practices%20are%20a%20form,on%20harmful%20practices%20from%202019.>

²⁶ Resolution Adopted by the Human Rights Council, A/HRC/RES/47/8 of 2021.

²⁷ European Union Agency for Asylum, Country Guidance Nigeria, available at <https://euaa.europa.eu/country-guidance-nigeria-2021/29-individuals-accused->

The Report of the OHCHR on witchcraft accusation in 2023 notes the same about Nigeria where accusation of witchcraft is accepted as a ground for asylum seeking for Nigerians, highlighting decisions of domestic courts of host states recognising the practice as persecution.²⁸ The Committee and the UN Committee on the Rights of the Child have both called on the Respondent State to take measures to address the practice of witchcraft accusation in their concluding observations and recommendations.²⁹ The Complainants, claiming the ongoing and widespread nature of the practice, also substantiated their claims by submitting list of incidents of violence caused by witchcraft accusation in various states of the Respondent State. In this regard, the Committee concludes that the practice of witchcraft accusation remains widespread and ongoing in the Respondent State. The Committee, therefore, rejects the Respondent State's assertion that the practice has been eliminated.

53. The Committee further notes the absence of sufficient evidence demonstrating effective investigation and prosecution of perpetrators, with only one pending case cited by the Respondent State despite the scale and gravity of the violations alleged. Considering that the practice is widespread and ongoing in the Respondent State, the Committee also notes that no mapping of the practice to assess its status has been carried out by the Respondent State. Witchcraft accusation against children and associated discrimination and stigmatization of children accused is being committed with impunity in many cases.³⁰ The Committee therefore finds that the State Party should have undertaken measures to map the practice, duly investigate reported cases, and ensure the prosecution of perpetrators to discharge its duty to protect children from all forms of discrimination in line with its obligation under Article 1 and 3 of the Charter. The Committee finds that the assumption of the Respondent State that the practice has been eliminated in the presence of various reported incidents to its own shelters and other reports drawing its attention to the practice is a violation of its obligation to take appropriate measures to address the discriminatory practice. Accordingly, the Committee concludes that the Respondent State perpetuates discriminatory practices against children accused of witchcraft by failing to take appropriate measures to prevent, investigate, and prosecute acts arising from witchcraft accusations, contrary its obligations under Articles 1 and 3 of the Charter.

54. With regards to the violation of Article 13 on the rights of children with disabilities in relation to their freedom from discrimination, the Committee notes that the article obliges States to take special measures for children with disabilities to ensure their

[witchcraft#:~:text=Children%20accused%20of%20witchcraft%20may,%5BSecurity%20situation%202021%2C%202.34.](#)

²⁸ Human Rights Council, Study on the Situation of the Violations and Abuses of Human Rights Rooted in Harmful Practices Related to Accusations of Witchcraft and Ritual Attacks, as well as Stigmatization Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/52/47 of 2023, para 47.

²⁹ ACERWC Concluding Observation and Recommendation to the Federal Republic of Nigeria on its First Periodic Report para 40; UN CRC Concluding Observation and Recommendations on the Third and Fourth Periodic Report of the Federal Republic of Nigeria, 2010, para 67,68.

³⁰ Resolution Adopted by the Human Rights Council, A/HRC/RES/47/8 of 2021.

self-reliance and full participation in community.³¹ The report of the Commission of Inquiry in 2011 found that children with physical and intellectual disabilities are among the group of children who are prone to abuse along with other vulnerabilities.³² The Committee also received information that disability may be one of the grounds for accusation of witchcraft in the Respondent State. The discriminatory nature of the practice of witchcraft accusation based on various grounds including disability is a violation of Article 3 which the Committee has established above. The Committee notes that, while disability may constitute one of the grounds for witchcraft accusations, the Complainants have not sufficiently demonstrated that the Respondent State has failed to adopt specific measures required under Article 13 that directly resulted in the violations alleged. Considering that Article 13 is on special measures rather than discrimination, the Committee notes that the claim is more appropriately addressed under Article 3, insofar as it concerns discrimination on the basis of disability. For the Committee to find a violation on Article 13, sufficient evidence on lack of measures for children with disabilities needs to be established and alleged. However, the present case alleges discrimination of children with disabilities which the Committee adequately addressed under the alleged violation of Article 3.

55. For the forgoing reasons, the Committee finds that the Respondent State in violation of its obligation under Article 3 on non-discrimination failing to prevent and prosecute the discriminatory practice of witchcraft accusation against various groups of children, including those with disabilities.

Alleged violation of article to Article 5 (1) on the right to life

56. The Complainants argued that children are killed either by parents, community members, or by religious leaders in the process of extracting confessions of witchcraft or to 'drive out' alleged spirits. They further submit, children accused of witchcraft are subjected to degrading treatment including 'poisoning, burning and buried alive. The Complainants claim that the Respondent State has failed to protect children from death resulting from accusations of witchcraft and has failed to investigate and prosecute those responsible for the killings. The Respondent State argued that the State has sufficiently taken appropriate steps in protecting the lives of people within its jurisdiction. Furthermore, the Respondent State has argued that there is no evidence of children that were buried alive on the account of witchcraft allegations as alleged by the Complainants.

57. The issues for determination by the Committee regarding the alleged violation of Article 5(1) is whether, in the circumstances of the present Communication, the Respondent State has failed to take adequate protective measures in respect of the children accused of witchcraft to ensure the protection of their right to life.

58. The Committee recalls that under Article 1(1) of the Charter, States Parties undertake to recognize the rights, freedoms, and duties enshrined therein. By

³¹ ACRWC, Article 13(1).

³² The Government of Akwa Ibom State of Nigeria, Report of Commission of Inquiry on witchcraft accusation and child rights abuses, June 2011, page 46.

virtue of this provision, States Parties have a fundamental duty to respect, protect and fulfil the rights set forth in the Charter, including the civil and political rights expressly recognized by the Charter, such as the right to life. The right to life constitutes one of the most fundamental provisions of the Charter and is universally acknowledged as a foundational human right. The prohibition of arbitrary deprivation of the right to life is a *jus cogens* norm, reflecting its imperative and non-derogable character.³³

59. Furthermore, the right to life rests upon a set of core legal principles that shape both its scope and its implementation, including the inviolability of the human person, which affirms the inviolability of every individual's life and establishes that that no one has the right to violate or threaten the life of another. Closely linked to this is the prohibition of the use of violence which likewise affirms that any use of violence or threat thereof is deemed incompatible with the right to life and therefore constitutes a violation of the right to life. Therefore, State Parties are required to adopt legislative, administrative, judicial and other measures needed to safeguard the right to life of all children and to prevent foreseeable threats to the physical and psychological integrity of all children within their jurisdiction.
60. In the present case, the Respondent State argues that there is no evidence of children that were buried on the account of witchcraft allegations based on the findings of the Commission of Inquiry which noted that it did not find any credible evidence of 'shallow graves' of children killed of witchcraft accusation. However, the Committee notes that the Complainants have submitted several incidents of killings and maiming of children linked with accusations of witchcraft. Some of these cases are reported recently which fall beyond the temporal and geographical scope of the Commission's findings. Moreover, the Committee notes that the investigation and findings of the Commission of inquiry are limited to Akwa Ibom State, and do not cover other affected states. Notably, the report of the Commission of Inquiry contains several testimonies of cases of killings of children through poison or torture. Even if there is no evidence of shallow grave to prove that children are being massively buried alive, statements given to the Committee during its fact-finding mission, cases submitted by the Complainants, and the statements found in the report of the Commission of Inquiry provide evidence that there are killings of children on accounts of witchcraft accusation.
61. In further determining the alleged violation of the right to life, the Committee notes that the right to life encompasses the right to live with dignity and imposes positive obligations on States to protect life and avert reasonably foreseeable and real risks. Such risks include the deliberate pattern of violence and harm. Where a State knew or ought to have known of these threats and failed to take appropriate measures to prevent them, it is in breach of its obligation under the right to life.³⁴ This approach was affirmed by the Human Rights Committee (HRC) in its General Comment No. 36 in which it states that "The obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats and life-

³³ ACHPR, General Comment No. 3 on the African Charter on Human and Peoples' Rights: The Right to Life (Article 4), para 5, available at : <https://achpr.au.int/en/node/851>

³⁴ As above, para 38.

threatening situations that can result in loss of life. States parties may be in violation of Article 6 [the right to life] even if such threats and situations do not result in loss of life”³⁵ The duty to protect the right to life by law also includes an obligation for States parties to adopt any appropriate laws or other measures in order to protect life from all reasonably foreseeable threats, including from threats emanating from private persons and entities.³⁶ In the present case, the Committee was informed, during its investigation, that severe beating, starvation, detention, and torture is inflicted on children accused of witchcraft. Moreover, children accused of witchcraft are poisoned and forced to take traditional and religious oils or drinks prepared for delivery which have caused abuse and torture on children.³⁷ The Committee, therefore, finds that there is threat to life that comes with accusation of witchcraft of children.

62. The Committee also notes that Article 5(1) of the Charter must be read in conjunction with Article 1 which imposes due-diligence duties on States to protect children’s right to life. The Committee recalls the meaning and scope of “due diligence” in its General Comment No 05 which provides that “States’ due diligence is translated into the form of prevention of human rights violations, investigation of violations, prosecution of perpetrators and ensuring punishment of perpetrators.”³⁸ The Committee recalls that “due diligence” creates an obligation of result, meaning that the compliance of a State Party is assessed against the backdrop of the efficiency and adequacy of the implementation measures it has undertaken to enforce laws, administrative and other measures.³⁹
63. The Committee notes that the Respondent State provides shelter and other basic needs for children in vulnerable situations. While noting the measures undertaken by the Respondent State, the Committee observes that these measures are first, generic as they do not specifically address the issue of witchcraft accusation (such as the establishment of family court); second, the measures are limited to Akwa Ibom State while the allegation is made on several other states of the Respondent State; and third, only one case of prosecution of witchcraft related violence is provided as evidence of due diligence despite the prevalence of the issue.
64. In light of the foregoing, the Committee finds that the Respondent State has failed to prevent killings and life-threatening violence against children accused of witchcraft and has not demonstrated due diligence in investigating and prosecuting perpetrators. Accordingly, the Committee finds the Respondent State in violation of Article 5(1) of the African Charter on the Rights and Welfare of the Child.

³⁵ UN Human Rights Committee, General comment No. 36 para 7: <https://docs.un.org/en/ccpr/c/gc/36>

³⁶ As above, para 18.

³⁷ The Government of Akwa Ibom State of Nigeria, Report of Commission of Inquiry on witchcraft accusation and child rights abuses, June 2011, page 45.

³⁸ ACERWC General Comment No 5 on Article 1 of the ACRWC on State Party Obligations and Systems Strengthening for Child Protection, para 5.1.

³⁹ As above

Alleged violation of Article 5 (2) on the right to survival and development

65. The Complainants argue that the Respondent State has a duty to protect the right to survival, protection and development of Nigerian children by diligently preventing and punishing acts of witchcraft accusations that endanger their survival and development and make them vulnerable to harmful practices. The Complainants further contend that the Government of Nigeria has taken no concrete steps to stop the practice as the children continue to be subjected to all forms of torture, severe beatings and abandonment which amounts to a violation of Article 5(2) of the Charter. The Respondent State argued that the Nigerian Child's Rights Act protects this right by providing that "Every child has the right to survival and development"⁴⁰. It also submitted that the State has formulated policies and legislation to foster children's survival especially vulnerable children by providing shelters, free universal basic education, including establishing inclusive learning environments for those living with disabilities, specialized courts, free medical services, including for those who are victims of sexual and gender-based violence, and free immunization against diseases. The homes built for children are equipped with skills acquisition centres and recreation areas for a wholistic development of the children cared for.

66. In considering the alleged violation of Article 5(2), the Committee identifies that issues for determination is whether the Respondent State's measures ensure the right to survival and development of children accused of witchcraft as provided for under article 5 (2) of the African Children's Charter.

67. Article 5 (2) of the Charter provides that States Parties shall ensure, to the maximum extent possible, the survival, protection and development of the child. As established by the Committee's jurisprudence "the right to survival and development encompasses all aspects of the development of the child as the physical and psychological wellbeing of the child are interrelated".⁴¹ The right to survival and development can only be realized through the implementation of all of the rights under the Charter including the right to health, right to education, and protection from abuse, torture and child labour, among others.⁴² In this regard, the Committee shares the view of the UNCRC, as stated in its General Comment No 7 that the physical health and physiological wellbeing of the child that are critical for the child's development, "may be put at risk by adverse living conditions, neglect, insensitive or abusive treatment and restricted opportunities for realizing human potential."⁴³ Furthermore, the Committee recalls its jurisprudence where it affirms

Survival and development encapsulates the right to life and imposes an obligation on states to ensure an adequate standard of living for children including the right to life

⁴⁰ Laws of the Federation of Nigeria 2004 Chapter C, Child's Right Act, 2003, Section 4.

⁴¹ ACERWC, Communication No 003/Com/001/2012, *The Centre for Human Rights (University of Pretoria) and La Rencontre Africaine pour la Defense Des Droits de l'homme (Senegal) V. The Government of Senega*, 2015, para 71.

⁴² As above.

⁴³ UNCRC General Comment No 7 on Implementing Child Rights in Early Childhood, Para 11.

and their physical, mental, spiritual, moral, psychological and social development. The obligations of the State Party under this principle also encompass protection of children's rights to access healthcare and education services, access to clean water, the right to live in safe and clean environment, and protection from any form of abuse and degrading treatment, including child labour.⁴⁴

68. Pursuant to Article 1 of the Charter, States Parties have an obligation to prevent violations of children's rights. This preventive obligation requires the adoption of all appropriate legislative, administrative, judicial, and policy measures to ensure that children are protected from practices and conditions that pose a foreseeable risk to their lives or impede their full development. In this regard, the Committee draws inspiration from the jurisprudence of the Inter-American Court of Human Rights in *Velásquez-Rodríguez v. Honduras*, where the Court interpreted the duty to prevent as including "all those means of a legal, political, administrative and cultural nature that promote the protection of human rights and ensure that any violations are considered and treated as illegal acts, which, as such, may lead to the punishment of those responsible and the obligation to indemnify the victims for damages."⁴⁵
69. The Committee notes and recognizes the facilities and services available for children who are affected by any form of violence. However, the Respondent State has not taken concrete steps to stop the practice of children being accused of witchcraft as children continue to be subjected to all forms of torture, severe beatings and abandonment. The lack of targeted efforts to eliminate the discriminatory practice and lack of adequate prosecution of perpetrators by the Respondent State hinders access to services for children affected. The Respondent State's argument makes reference to 15 children who have received care in the shelter of Government facilities following the recommendation of the Commission of Inquiry. Moreover, during the fact-finding mission, the Committee was informed that no children currently are in shelters due to witchcraft accusation as the practice has ended. However, the Committee was provided evidence of ongoing violations and was informed that some children in the transitional shelter come due to abandonment as a result of witchcraft accusation. The Committee finds that the Respondent States' denial that the practice exists and is ongoing is an evidence to the lack of appropriate measures for prevention and redressing the violations that affect the survival and development of children.
70. Moreover, having established a violation of Article 5(1) of the Charter on the ground of failure to prevent killings and threats to life of children accused of witchcraft accusation, and having further determined that the situation of children accused of witchcraft amounts to a violation of their right to life, the Committee decides that its reasoning necessarily leads to a finding of a violation of Article 5(2).
71. The Committee therefore finds that the failure of the Respondent State to prevent killings and threats to life, as well as to undertake measures targeted towards

⁴⁴ ACERWC, Communication No 007/com/003/2015, *Minority Rights Group International and SOSEslaves v the Republic of Mauritania*, 2017, para 42.

⁴⁵ Inter-American Court of Human Rights, *Case of Velásquez-Rodríguez v. Honduras*, para 175. https://www.corteidh.or.cr/docs/casos/articulos/seriec_04_ing.pdf.

children accused of witchcraft accusation in a manner it addresses their vulnerabilities constitutes violation of Article 5 (2) of the Charter.

Alleged violation of Article 16 on freedom from abuse and torture

72. The Complainants submit that by not exercising due diligence to protect children from the violence, deprivation of liberty, and suffering resulting from accusation of witchcraft and by failing to prosecute the perpetrators of these violations, the Respondent State has violated Article 16 of the Charter. The Respondent State, however, contends that it has provided appropriate measures, which are adequate and efficacious enough to cater for the rights of children accused of witchcraft. The Respondent State provided one pending case on accusation of witchcraft against a child suggesting it has shown due diligence in investigation and prosecution. The Respondent State also claiming that there is significant drop of the cases of witchcraft accusation following the setup of the commission of inquiry in 2010.
73. In assessing the alleged violation of Article 16, the Committee notes the issue for determination is whether accusation of witchcraft causes abuse and torture against children and whether or not the measures undertaken by the Respondent State are in line with its obligation under Article 16.
74. Article 16 of the Charter prohibits 'all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of a parent, legal guardian or school authority or any other person who has the care of the child'. From the submission of the Complainants and its investigation, the Committee notes that children accused of Witchcraft are subject to killings, beating, detention, deprivation of food, abandonment and neglect by caregivers among others. Moreover, the Committee notes that in some instances children are subject to beating and physical abuse in the process of 'delivery' from the witchcraft spirit they are accused of by religious leaders. These incidents cause serious physical injuries and mental abuse on the children affected. It is, therefore, clear that the violence occurring against children accused of witchcraft falls under the definition of 'torture, inhuman ad degrading treatment' under Article 16.
75. The question at hand remains whether the Respondent State has undertaken measures in line with Article 16 of the Charter to protect the children from these violence and abuse. Article 16(2) provides more clarity on the steps that need to be undertaken by States to ensure the freedom of children from abuse and torture. It states that 'Protective measures under this Article shall include effective procedures for the establishment of special monitoring units to provide necessary support for the child and for those who have the care of the child, as well as other forms of prevention and for identification, reporting, referral, investigation, treatment, and follow-up of instances of child abuse and neglect.' State Parties assume the main responsibility to investigate alleged violations that have come to their attention in various channels to ensure that children are protected from abuse and torture.
76. In further elaborating the obligation of States to ensure freedom from torture and abuse, the Committee underlines that the prohibition of torture and abuse against

children is an absolute non-derogable right which has attained the status of customary international law.⁴⁶ The obligation of States in such cases is not limited to showing efforts but rather taking all the necessary measures to reinforce the prohibition of torture as well as ensuring that the measures are effective in preventing torture and abuse.⁴⁷ The Committee Against Torture clearly outlined that a State's failure to intervene against torture by stopping it, sanctioning the perpetrators, and providing remedies to victims enables non-state actors to act with impunity, which amounts to de facto permission making the State accountable.⁴⁸

77. In the present case, the Committee notes that there is ongoing violation of the absolute right of children to be free from torture and abuse. Several media reports have documented the ongoing violations due to witchcraft accusation and in various occasions the Respondent State has been informed of these events including but not limited to police reports, and treaty body recommendations. Moreover, the finding of the Commission of Inquiry in Akwa Ibom State in 2011 confirms that children accused of witchcraft accusation are subjected to long fasting and other physical methods of cleansing, ingestion of anointing oil and concoctions prepared for cleansing by some church leaders, instillation of substances into eyes of suspected children and other crude methods which are claimed to be revealed to the leaders spiritually.⁴⁹ The report shows that some Pentecostal Churches and the Nigerian Movie industry played a crucial role in to the then state of child witchcraft accusation, stigmatization, and child abuse.⁵⁰

78. Despite this, the Respondent State's submission and clarification during the fact-finding mission argues that sufficient measures have been taken by alluding to the measures undertaken only in Akwa Ibom State. Moreover, the measures are the setting up of the commission of inquiry due to the incidents reported in 2010, and the prosecution of three cases out of which only one concerns a child. Considering the ongoing and widespread nature of the alleged violation, the prosecution of only one case and the setting up of the commission of inquiry in 2010 do not sufficiently respond to the violence children are currently being subjected to due to witchcraft accusation. The efforts of the Respondent State have to be proportional to the violence that is taking place which is widespread in other States as well. The denial of the Respondent State about the current status of cases of violence despite several reports depicts failure to investigate by exercising due diligence. Moreover, it shows that the response of the Respondent States has not met the threshold of preventing torture as an obligation as accusation of witchcraft and torture as a result still persist. The Committee reiterates the obligation of States under the Charter is that of result i.e States are accountable even if they undertake

⁴⁶ UN Convention Against Torture (UNCAT), Article 2(2); International Criminal Tribunal for the Former Yugoslavia (ICTY), *Prosecutor v Furundžija* case (1998), para 155-157.

⁴⁷ UN Committee Against Torture, General Comment on Article 2 of UNCAT, para 2.

⁴⁸ As above, para 18.

⁴⁹ The Government of Akwa Ibom State of Nigeria, Report of Commission of Inquiry on witchcraft accusation and child rights abuses, June 2011, page 45, 51.

⁵⁰ As above, page 45-46.

- some measures to address violence unless the measures undertaken achieve the intended result of protection of rights⁵¹ or prevention of torture in this specific case.
79. With regards to efforts of redress through rehabilitation support, the Committee notes that the Respondent State has put in place various shelters which are established to cater for children who have been abused for various reasons. While acknowledging the system put in place in Akwa Ibom State, the Committee notes with concern that the lack of investigation of cases of witchcraft accusation denies access to rehabilitation and reintegration services of affected children.
80. The Committee further notes that the other measures of the adoption of the Child Act, the Disability Act and setting up of the Family Court are generic measures which are not directly aimed at addressing accusation of witchcraft against children or the torture resulting from the accusation. While the criminalization of witchcraft accusation is established in Akwa Ibom State criminal code, such legislative measures should be put in place in all States affected by the practice. Moreover, the two years' imprisonment in the law is not sufficient to respond to the seriousness of the abuse and torture children are facing on accounts of witchcraft accusation.
81. In this regard, the Committee finds that the Respondent State has not undertaken sufficient measures to pursue the reports, prosecute and investigate the violence against children accused of witchcraft with due diligence, which amount to failure to prevent and address torture and abuse against children. Therefore, the Committee finds the Respondent State to be in violation of Article 16 of the Charter.

Alleged violation of Article 11 on the right to Education

82. The Complainants allege that children accused of witchcraft have no access to education due to stigmatization and child labour. They allege that the hazardous work they are subjected to due to accusation of witchcraft denies them the right to access free and compulsory education. The Respondent State argues that it has adopted the Free Universal Basic Education Act, 2004 which provides for free, compulsory, and basic education. It also stipulates for the obligation of caregivers to ensure that children complete primary education the failure of which has sanction. The Respondent State also argued that 15 children who were affected by witchcraft accusation have received education up to tertiary level.
83. The issue for determination is whether witchcraft accusations hinder access to education and whether the State has taken adequate measures to address this.
84. Article 11(1) of the Charter states that 'Every child shall have the right to an education'. The Committee's General Comment on Article 11 clarifies that 'every child' is an inclusive phrase which requires States to ensure that all children access education irrespective of any status including disability.⁵² The General Comment states that Article 11(1) 'envisages an obligation on States to identify children who are out of school, assess the factors that lead to non-enrolment or dropout, and

⁵¹ ACERWC, Communication No 007/com/003/2015, *Minority Rights Group International and SOSEslaves v the Republic of Mauritania*, 2017.

⁵² ACERWC, General Comment No 9 on Article 11 of the ACRWC on the Right to Education, para 19.

adopt special measures to ensure that they access education.⁵³ Specific and targeted measures should be carried out to support children in vulnerable situations.⁵⁴ In addition to establishing education institutions or providing facilities for education, the right to free and compulsory primary education imposes a duty on States to ensure that care givers send their children to schools by taking measures to eliminate barriers that hinder access to basic education.⁵⁵ The Committee recalls its decision where it pounced that States bear the obligation to prevent and redress the exclusion of children from education even if caused by third parties.⁵⁶

85. A violation of the right to education does not only emanate from failure to provide access to education but also from failure to address factors that hinder access to education including harmful practices. The UNESCO Convention Against Discrimination in Education under Article 1 highlights that deprivation of education through exclusion amounts to discrimination in education. The Committee notes that children affected by witchcraft accusation are abandoned, detained by caregivers, killed and maimed, or subjected to hazardous works. As a result of discriminatory practices, their right to education and many other rights including parental care, and right to health are violated. In this regard, the Committee does not have sufficient evidence to find that there is specific discrimination in accessing education on the basis of witchcraft accusation which amounts to discrimination in education. Moreover, the Committee notes that children who are provided shelter by the Government or other NGOs are assisted with their right to access education. During its investigative mission, the Committee observed the various measures the Respondent State is putting in place to provide education including the provision of free education and establishing model schools in each district, particularly in Akwa Ibom State. While the Committee notes that the Respondent State has established free education systems and provides educational support in shelters, it finds that children accused of witchcraft are often excluded from education due to the broader pattern of abuse, neglect, and abandonment. Although there is no evidence of direct discrimination within the education system itself, the Committee finds that the State's failure to address the underlying harmful practice results in a consequential violation of the right to education. Children who are not in shelters remain particularly affected and lack access to support services. Therefore, the failure to address a discriminatory practice that excludes children from education and the failure to provide support and education to affected children who are not in Government shelters becomes a consequential violation of the right to education of those children who are not provided with support.
86. Therefore, without prejudice to the fact that there is no specific discrimination in education in the current communication against children accused of witchcraft accusation, the Committee finds a consequential violation of Article 11(1) of the Charter as a result of the violence against children accused of witchcraft

⁵³ As above.

⁵⁴ As above.

⁵⁵ As above, para 40.

⁵⁶ ACERWC, Communication No 007/com/003/2015, *Minority Rights Group International and SOSesclaves v the Republic of Mauritania*, 2017, para 74.

VII. Decision of the Committee

87. In light of the foregoing analysis, the Committee finds the Respondent State in violation of its obligations under Article 5(1) and (2) on the right to life survival and development of the child; Article 3 and 13 of the Charter on the right to non-discrimination including non-discrimination on the basis of disability, Article 11 on the right to education; and Article 16 on freedom from torture and abuse. The Committee, therefore, recommends for the Respondent State to:

- Undertake a comprehensive mapping of the status of witchcraft accusation to identify the areas it is prevalent and assess the vulnerabilities of children focusing on the in the States identified in this Communication;
- Ensure the explicit prohibition of the practice of accusation of witchcraft against children by law across all States of the Federation, and harmonize existing legal frameworks accordingly;
- Strengthen the capacity of law enforcement and members of the judiciary through targeted training on the impact of witchcraft accusation on children and the gravity of the violence caused on children's rights;
- Establish specialized monitoring and response units mandated to receive complaints, investigate cases, and support the prosecution of offences related to witchcraft accusations, and ensure that such units are adequately resourced;
- Undertake thorough investigation and prosecution of cases of abuse in relation to witchcraft accusation with sanctions appropriate to deter the practice and address impunity;
- Conduct extensive and continuous awareness raising efforts to address practice of witchcraft accusation and engage community, traditional and religious leaders in eliminating violence against children accused witchcraft;
- Provide comprehensive support services to affected children, including physical protection, medical care, and psychosocial support, and establish effective referral and reporting mechanisms to ensure access to such services, including access to education.

88. With a view to ensure implementation of these decisions, the Committee recommends that the Respondent State:

- Develops a time-bound national action plan to implement these recommendations;
- Disseminates this decision and the corresponding action plan to all concerned ministers, offices, and State authorities within the Federation;
- Designates a national coordination mechanism, including focal points or task force, to monitor implementation and report on progress to the Committee;

- Coordinates with various stakeholders such as the National Human Rights Commission, UN Agencies, CSOs, children, traditional and religious leaders and communities for mobilizing resource and coordinated implementation.

89. As per Section XXI (1) of the Communications Guidelines of the Committee, the Respondent State shall report to the Committee on all measures taken to implement the decision of the Committee within 180 days from the date of receipt of the Committee's decision.

**Adopted on 06 December 2025 during the 46th Ordinary Session of the
ACERWC**



**Honourable Sabrina Gahar
Chairperson**

African Committee of Experts on the Rights and Welfare of the Child

Annex

Report of the

Fact-finding

Mission



ACERWC
African Committee of Experts on
the Rights and Welfare of the Child

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**FACT-FINDING MISSION OF THE AFRICAN COMMITTEE OF EXPERTS ON THE
RIGHTS AND WELFARE OF THE CHILD CONCERNING A COMMUNICATION
ALLEGING VIOLATIONS OF THE AFRICAN CHARTER ON THE RIGHTS AND
WELFARE OF THE CHILD**

Communication No: 0017/Com/001/2021

**Child Rights and Rehabilitation Network, Institute for Human Rights and
Development in Africa and Centre for Human Rights (On Behalf of Children
Affected by Witchcraft Accusations in Nigeria)**

V

The Federal Republic of Nigeria

I. Background and justification of the fact-finding mission

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee), in line with its mandate under Article 42 of the African Charter on the Rights and Welfare of the Child (ACRWC/the Charter), conducts various activities to promote and protect the rights and welfare of the child across Africa. Article 45 of the Charter empowers the Committee to resort to any appropriate method to investigate matters falling within the ambit of the Charter, including requesting from the State Parties any information relevant to the implementation of the Charter and resorting to any appropriate method of investigating the measures the State Party has adopted to implement the Charter.
2. Additionally, Section XV of the Guidelines for the Consideration of Communications and Monitoring Implementation of Decisions (Revised Communication Guidelines) provides that the ACERWC may conduct on-site investigations before deciding on the merits of a Communication if deemed necessary or beneficial.
3. Accordingly, the Committee cites Communication No. 0017/Com/001/2021-Child Rights and Rehabilitation Network (CRARN), Institute for Human Rights and Development in Africa and Centre for Human Rights (On Behalf of Children Affected by Witchcraft Accusations in Nigeria) against the Federal Republic of Nigeria, bringing to the attention of the ACERWC an alleged violation of the rights of children accused of witchcraft practices.
4. The Committee expresses concern regarding allegations that many children between the ages of 3 and 14 years in Nigeria are affected by accusations of witchcraft practice, which is deeply rooted in the cultures and traditions of some communities in Nigeria, in areas including Abia, Akwa Ibom, Bauchi, Cross River, Delta, Edo, Kaduna, Nasarawa and Taraba States. The Communication alleges that affected children include children in street situations, children with disabilities, including children with albinism and children with autism, children born as twins, premature, or in breech positions, children who have red eyes, who allegedly stare at others or avoid looking at the eyes of others. The Communication brings to the attention of the Committee that children accused of witchcraft are subjected to severe beating that causes death, killings, burning by fire or acid, forced ingestion of poison, hazardous work and starvation. It is further alleged that children accused of witchcraft practices are stigmatised, discriminated against, abandoned, tortured, in some cases buried alive, and denied their basic rights such as education and health care. These violations are allegedly perpetrated by family members, community members, and religious groups. The allegations further include that there is a lack of due diligence to enforce the law by failing to investigate and prosecute cases of witchcraft accusations and to undertake other measures to protect children who are affected by witchcraft accusations.
5. The central focus of the Communication and the fact-finding mission revolves around the claim that the Government of Nigeria has not implemented or undertaken sufficient measures to protect children from accusations of witchcraft, nor provided adequate support to affected children. Concerns were raised regarding the lack of effective prosecution of perpetrators.
6. The ACERWC, during its 41st Ordinary Session held from 26 April-06 May 2023, declared the communication admissible, following which a hearing on merits

was conducted in the presence of both the Applicants and the Respondent State during the 44th Ordinary Session, held from 02-12 October 2024. After the hearing, the ACERWC decided to conduct an on-site investigation mission to make a well-informed decision regarding the merits of the alleged violations of the right to non-discrimination, right to life, survival, and development, right to education and the rights of children with disabilities.

7. The on-site investigation mission was conducted from 21 to 25 July 2025. The Committee expresses appreciation to the Federal Republic of Nigeria for authorising and ensuring the successful undertaking of the mission.

II. Objectives of the fact-finding mission

8. The main objectives of the fact-finding mission were to:
 - a. Investigate the nature and extent of the practice of witchcraft accusations against children and examine the risk factors that subject children to such practices.
 - b. Assess the accuracy of the allegations of the violations of children affected by witchcraft accusations.
 - c. Review the measures undertaken by the State to eradicate the practice in law and in practice and assess if it is sufficient to respond to the alleged violations.
 - d. Review procedures for investigating and prosecuting children's rights violations linked to witchcraft accusations.
 - e. Gather first-hand information from children and other stakeholders to assist the ACERWC to make informed decisions on the merits of alleged violations.

III. Composition of the ACERWC delegation

9. The Delegation of the ACERWC designated to undertake the fact-finding mission in the Federal Republic of Nigeria comprised of:
 - a. Hon. Robert Doya Nanima, Head of the Delegation and Country Rapporteur of Nigeria
 - b. Hon. Joseph Sunday Sinnah, Member of the ACERWC
 - c. Dr Ayalew Getachew Assefa, Ag. Executive Secretary of ACERWC Secretariat
 - d. Mr. Solomon Onsase, Senior Finance Officer
 - e. Ms. Adiam Zemenfes Tsighe, Senior Legal Researcher
 - f. Ms. Opal Masocha Sibanda, Legal Researcher

IV. Methodology

10. The ACERWC delegation conducted an on-site investigation to assess the situation of children facing accusations of witchcraft in Nigeria. The delegation convened meetings and consultations particularly in Abuja and Akwa Ibom State. Specifically, the delegation met with the following stakeholders:

- Representatives of Ministries (Ministry of Foreign Affairs; Ministry of Women Affairs and Social Development; Office of the Attorney General and Minister of

Justice; Ministry of Education; Ministry of Health and Social Welfare; Ministry of Humanitarian Affairs)

- National Human Rights Commission
- Department of State Services
- Deputy Governor of Akwa Ibom State
- Youth representatives
- Representative of traditional leaders
- Nigeria Police Force
- NGOs
- National Council of Women Societies
- Child Protection Network
- Children
- UNICEF
- International Organisations (Plan International and SOS Children's Villages)
- Legal Practitioners
- Representatives of CRARN

V. Engagements in Abuja

1.1. Courtesy visits

11. Courtesy visits were conducted with various Ministries and the Human Rights Commission in Abuja. The purpose was for the delegation to express gratitude to the government of Nigeria for hosting the mission and to explain the purpose of the mission, the modalities and its expected outcomes.

a) Ministry of Foreign Affairs

12. During the courtesy visit to the Ministry of Foreign Affairs, the Delegation of the ACERWC was received by Ambassador Dunoma Umar Ahmed, Permanent Secretary of the Ministry of Foreign Affairs. The Permanent Secretary expressed appreciation to the Committee for undertaking the fact-finding mission and reaffirmed that the Federal Republic of Nigeria remains committed to supporting the child rights discourse at both the national and continental levels. The Permanent Secretary emphasized that the Government of Nigeria attaches high priority to the promotion and protection of the rights of children. He noted that child protection is not only a national priority but also a continental imperative, to which Nigeria remains steadfastly committed.

13. In his remarks, the Permanent Secretary acknowledged the important work of the Committee and assured that Nigeria will continue to cooperate with and support the mandate of the Committee. He outlined the progress made by the Government in strengthening the rights of children in general, including legislative reforms, capacity-building initiatives, and wide-ranging awareness-raising programs. He also highlighted the implementation of various child empowerment programs designed to promote the holistic development of children. While acknowledging these positive developments, the Permanent Secretary recognised the challenges that remain, particularly in relation to resource allocation and enforcement of legal frameworks. He concluded by

highlighting that the Government remains determined to address these gaps and is undertaking concerted efforts to bridge them.

b) Ministry of Women Affairs and Social Development

14. The Delegation of the ACERWC was received by the Honourable Minister of Women Affairs, Mrs. Imaan Sulaiman-Ibrahim ^{FSI}, together with the Permanent Secretary of the Federal Ministry of Women Affairs, Dr Maryam Ismaila Keshinro. The Ministry emphasized the centrality of children to its mandate, alongside women and families, and reaffirmed the Government's commitment to child protection. The Honourable Minister highlighted progress made regarding children's rights in general, through the adoption of regulations and the establishment of implementing structures, with further reviews of policies envisaged to enhance implementation and reporting, including to the ACERWC. She drew attention to key national frameworks, such as the National Action Plan on ending child marriage and the Strategy on ending violence against children. The Ministry also noted its leadership in hosting the Global Pathfinding initiative, reflecting Nigeria's continental role in advancing child rights.
15. Three major areas of concern were outlined that is, ensuring the protection, development and advancement of the African child through a comprehensive strategy; addressing resource constraints and developing appropriate financial structures, including engaging private sector actors; and strengthening regular and timely reporting on child rights measures beyond periodic State Party reports.
16. Regarding children accused of witchcraft, the Ministry underscored that this remains a work in progress, with the Government committed to investigating and addressing such cases through the National Action Plan on ending violence against children. The Ministry emphasized ongoing collaboration with relevant stakeholders to ensure that affected children are protected and rehabilitated.
17. The delegation, while commending these efforts, encouraged the Government to expedite the submission of its second periodic report under the Charter, and further invited Nigeria to consider hosting a future session of the Committee.

c) Office of the Attorney General and Ministry of Justice

18. The Delegation of the ACERWC was received by the Honourable Attorney General of the Federation and Minister of Justice, Mr. Lateef Olasunkanmi Fagbemi ^{SAN}, together with the Solicitor-General of the Federation and Permanent Secretary of the Federal Ministry of Justice, Mrs. Beatrice Ejodamen Jedy-Agba.
19. The Hon. Attorney General reaffirmed that Nigeria is a signatory to both international and regional treaties on child rights, while also noting the complexity of implementation in a federal system comprised of diverse states, cultures, and local governments. The Hon. Attorney General emphasized the importance of grounding interventions in factual evidence, highlighting the need to document and present the specific numbers of children affected by violence, including those accused of witchcraft.
20. Regarding witchcraft accusations against children, it was acknowledged that while it would not be accurate to claim the phenomenon does not exist, the

scale and extent of its occurrence are limited. Nonetheless, it was stressed that there are laws that criminalize such harmful practices and that the Government is committed to ensuring they are not condoned. The Delegation of the ACERWC was informed that, beyond the legal frameworks, other measures taken to curb the practice and protect affected children extend to advocacy initiatives and social engagements.

d) National Human Rights Commission

21. The Delegation of the ACERWC held a courtesy meeting with the National Human Rights Commission (NHRC), during which it was received by Dr Anthony Okechukwu Ojukwu SAN, Executive Secretary and Chief Executive Officer of the Commission, together with Directors of various departments. The Executive Secretary highlighted that the NHRC has dedicated departments on children's rights and vulnerable groups, stressing that the care of children remains a priority. He noted that while many states have enacted child rights laws and some have established family courts, effective implementation continues to face challenges. The delegation was informed that the Commission receives cases of violence against children, which are either resolved directly or referred to the Attorney General or the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) for prosecution. The Commission has developed a child safeguarding policy, conducted audits in seven regions with civil society partners, and operates 46 sexual assault referral centres, many of which include child-friendly facilities. It also manages a nationwide toll-free line for reporting child abuse.
22. The Executive Secretary further noted that nearly 40 per cent of cases handled by the Commission involve women and children. He underscored the work of the special panel on Sexual and Gender-Based Violence, highlighted the provision of diversion measures for children in conflict with the law, and reaffirmed the Commission's role in advising the Government and other agencies on children's issues.
23. On the issue of witchcraft allegations, the Commission acknowledged that such harmful cultural practices persist but emphasized that continuous education and awareness-raising efforts are contributing to a reduction in such cases. The Executive Secretary confirmed that while a case concerning witchcraft was received by the Commission's panel, it related to an adult rather than a child.

1.2. Technical meeting with government representatives

A technical meeting was conducted with representatives of government ministries in Abuja. The information received from the said representatives is detailed below.

Legal Provisions Addressing Witchcraft Accusations

24. The Delegation of the ACERWC was informed that there is currently no legislation in Nigeria that directly addresses the practice of witchcraft, as such allegations cannot be proven in a court of law. However, various legal instruments exist to prohibit violence, abuse, and inhumane or degrading treatment against children, which extend protection to those accused of witchcraft.

25. It was highlighted that the Constitution of the Federal Republic of Nigeria expressly prohibits the maltreatment of children. In addition, the Child Rights Act prohibits violence against children in all forms and has been domesticated in all 36 states of the Federation, with an ongoing review process to further strengthen its provisions. The Violence Against Persons (Prohibition) Act also contains specific provisions prohibiting violence against children, even though it does not explicitly reference witchcraft.
26. The delegation was further informed that Nigeria's constitutional framework provides for a division of legislative powers between the federal and state governments. Matters on the exclusive legislative list are the sole responsibility of the federal government; those on the concurrent list may be legislated by both the federal and state governments, while residual matters fall to the jurisdiction of local governments. In the event of conflict between federal and state law, federal law prevails. This structure has implications for the enforcement of child protection laws across the country.

Legal Reforms and Directives

27. The Delegation was informed that, while there is no single national law explicitly criminalizing witchcraft accusations, various legislative and policy measures have been adopted across the country to protect affected children. Owing to the peculiarity of the issue in some regions, certain states have enacted specific laws and policy measures to address the problem directly.
28. It was highlighted that the present Communication before the Committee has prompted further reforms, particularly in Akwa Ibom State, where measures such as the establishment of family homes and rescue centres for children have been introduced. The Government has also set up a specialized department on Sexual and Gender-Based Violence within the Ministry of Justice, and family courts have been created to deal specifically with matters concerning children. In addition, the Committee was informed that efforts have been made to ensure wider accessibility of legislation by translating key child protection laws into three major national languages.
29. The delegation was informed of several policy and programmatic measures adopted by the Government to strengthen child protection. A costed National Action Plan on ending violence against children has been developed, alongside a policy on alternative care to support victims in need of protection and rehabilitation. The Government has also launched a national campaign to end female genital mutilation and initiated a policy dialogue on ending violence against children, reaffirming its commitment at the Bogota Ministerial Conference to take concrete measures in this regard.
30. The delegation was further informed that, while earlier legal and policy frameworks were primarily focused on the rights of girls, recent efforts also emphasize the protection of the boy child, ensuring that child protection measures are inclusive of all children.
31. The delegation was further informed that coordination mechanisms have been established to strengthen implementation. These include the Federal Justice Sector Reform Committee, which brings together key actors across the justice chain, such as the police, courts, and correctional services, to monitor and support the enforcement of child protection laws nationwide. The Child Protection Network also plays a role in responding to offences against children.

In addition, the NAPTIP was highlighted for its role in hosting victims of abuse and exercising prosecutorial powers in certain cases.

Status of Cases and Prosecutions

32. The Delegation of the ACERWC was informed that in 2010, a Judicial Commission of Inquiry was established in response to widespread reports of witchcraft-related abuse against children. The Commission carried out investigations, identified several individuals implicated in the abuse, and recommended their arrest and prosecution. It was reported that some victims were rehabilitated and placed in centres for care and protection. The Prosecutor General of Akwa Ibom State was engaged to follow up on the matter.
33. In relation to the eight individuals specifically named by the Commission who subsequently fled their communities, the Committee was informed that a court order was issued to exhume graves as part of the investigations, though no evidence was reportedly found. Concerns were raised regarding the limited progress in pursuing prosecutions, despite the Commission's findings and recommendations.
34. The delegation was informed that in earlier years, particularly in Akwa Ibom State, children working as domestic workers were among those frequently accused of witchcraft. This trend has since declined, with empowerment initiatives helping to change harmful mindsets. Reforms such as free primary and secondary education and government coverage of fees for the West African Examinations Council (WAEC) were also highlighted as measures aimed at supporting children and reducing vulnerabilities.

Collaboration Between Ministries and Stakeholders

35. The delegation was informed that the President has mandated collaboration among all ministries to strengthen child protection. The Ministry of Women Affairs and Social Development coordinates closely with other ministries and has established a dedicated department for orphans and children with special needs, who are not formally referred to as 'vulnerable children.' It was noted that while policies are initiated at the federal level, they are cascaded to the state level through the State Ministries of Women Affairs.
36. The National Council of Women Societies was identified as the highest decision-making body in this area, bringing together federal and state authorities to make joint decisions on the development of policies and laws. Once adopted, such measures are further disseminated to traditional leadership structures to ensure local ownership and implementation.
37. The delegation was further informed that on 14–15 November 2022, a petition was submitted to the Ministry of Women's Affairs requesting an investigation into witchcraft allegations against children. A meeting was held, which identified poverty, false prophecies by pastors and traditional leaders, HIV and AIDS, and parental separation as contributing factors to such accusations. Ten children were listed in this investigation, six of whom were met at the Divine Children's Home. At the time, the youngest was 16 years old. Some of the children were later placed in schools or reunited with their families, while two were reported to have married.

38. It was noted that civil society organizations continue to provide support, with some of the children having since become emancipated. However, stakeholders reported that there are no new cases currently being recorded.

Children with Disabilities

39. The delegation was informed that in some communities, children with disabilities are still regarded as bad omens, a perception which deprives them of education and exposes them to discrimination. To address this, awareness-raising initiatives have been introduced to show that children with disabilities have abilities and should be included in society. Inclusive education has become a central pillar of education policy, and what occurred in 2010 has helped to raise awareness and transform public attitudes.
40. The Government has also adopted a policy on children with disabilities and established a department for children with special needs, including those with conditions such as cerebral palsy. Special schools have been set up across the country to provide targeted support and ensure that all children, regardless of ability, can access education.

Children Hosted in Care Homes

41. The delegation was informed that children accused of witchcraft and other vulnerable children are hosted in government-supported centres, which serve as temporary rather than permanent homes. These centres provide shelter until families can be traced and the children reintegrated, either with their parents or with close relatives. It was highlighted that rehabilitation is prioritized to address the mental health needs of the children, followed by access to education. Policies have been developed to support educational re-entry, including guidelines for children who have never attended school, those who have dropped out, and those residing in internally displaced persons' centres.
42. The Committee also received information on specialized sections established within some centres for adolescents who have experienced abuse. These facilities provide one-on-one sessions with psychologists and counsellors to support recovery and reintegration.

1.3. Engagement with UNICEF

43. The Delegation of the ACERWC had a meeting with the UNICEF country office in Abuja. The Committee was informed that allegations of witchcraft against children remain prevalent in several parts of Nigeria, particularly in Akwa Ibom and Cross River States, which have recorded the highest number of reported cases. The Committee was informed that these accusations are not new but are deeply rooted in longstanding traditional beliefs. However, the issue has evolved into a significant contemporary concern affecting child protection systems. It was also shared that the problem extends beyond these two states and has been observed in other regions, such as Delta State.
44. The delegation was informed that, as of 2025, over 200 children have been received into CRARN rehabilitation centres in the Niger Delta region, and 178 are currently under the care of State Ministries of Women Affairs. Despite this, it was shared that there is a level of state denial concerning the scale of the

issue, largely due to the influence of powerful religious actors who enjoy political protection.

45. It was shared that children as young as two years old have been accused of witchcraft. The delegation was informed that accused children suffer extreme violations of their rights, including torture, beatings during deliverance rituals, and other forms of physical and psychological abuse. These children are often stigmatized, excluded from their families, schools, and communities, and denied access to justice, healthcare, education, and psychosocial support. Some have been left to die or subjected to attempted killings. A particularly grave case involved a child who was reportedly nailed in an attempt to kill him but was ultimately rescued.
46. It was also shared that these children are frequently abandoned by their parents, sometimes after families experience hardship, job loss, or illness and are left on the streets with no access to care. The delegation was informed that reintegration into alternative care remains a significant challenge. While some children have found placement in care homes, particularly in Cross River State, many remain without support. The delegation was further informed that, beyond the acts of violence themselves, these children face long-term developmental harm due to educational deprivation and lack of access to critical services. Many are unable to return to school, and some communities and institutions continue to treat them with suspicion and rejection.
47. It was shared that the root causes of this phenomenon include entrenched traditional beliefs, widespread poverty, ignorance, weak enforcement of child protection laws, and the increasing commercialization of religion. The Committee was informed that certain Pentecostal churches have played a role in perpetuating these harmful practices under the guise of spiritual deliverance, thereby exploiting vulnerable families for financial or social gain. It was emphasized that addressing this issue requires a multi-sectoral approach. The delegation was informed of the need to strengthen law enforcement, build capacity among duty bearers, including teachers, police, and community-based service providers and to develop comprehensive community sensitization campaigns. It was also shared that engaging both religious and traditional leaders is essential, given their influence over local belief systems.
48. In addition, the delegation was informed of the need of the government to invest in skills acquisition and rehabilitation programs for affected children and to closely monitor and regulate spiritual homes and religious institutions implicated in abuse. It was also shared that other harmful traditional practices, such as burying children alongside mothers who die during childbirth, persist in some areas and are similarly tied to poverty and harmful beliefs. It was concluded that these abuses amount to serious violations of children's rights and require immediate, coordinated, and sustained action from government agencies, civil society, traditional and faith-based leaders, and community actors.

1.4. Technical Meeting with CSOs

49. The Delegation of the ACERWC held a technical engagement with civil society organizations and international partners to gain deeper insight into the situation of children accused of witchcraft and other child protection concerns. The session provided an opportunity to hear from a broad range of actors working

directly with affected children at the grassroots level, as well as from organizations engaged in policy, advocacy, and service delivery. Children were also represented during the engagement, ensuring that their voices informed the Committee's assessment.

Historical context of witchcraft allegations against children

50. The delegation was informed that accusations of witchcraft against children drew significant public attention between 2000 and 2007, a period during which the practice was at its peak. Evangelical ministers and certain churches were reported to have conducted so-called deliverance sessions for children accused of witchcraft. The release of the film *End of the Wicked* further amplified the issue, while international media coverage led to global outcry and condemnation. In response, the Government enacted the Child Rights Law in Akwa Ibom State in 2008, championed by the current Senate President. While this legal instrument initially helped reduce the prevalence of cases, civil society representatives reported that harmful beliefs and practices continue to persist, particularly in rural areas and slums.
51. It was further observed that in some communities, hardship or misfortune is attributed to witchcraft, with blame often directed at children or other vulnerable household members. Stepmothers were reported to sometimes accuse children of witchcraft, especially in cases where they experienced difficulties conceiving. Ignorance, superstition, illiteracy, and poverty were identified as the root causes of these accusations, underscoring the urgent need for common solutions and community-level awareness raising to address and eradicate such harmful practices.

Documented cases

52. The delegation heard accounts from different states reflecting the persistence and seriousness of the problem. In River State, following the death of a mother, her children were divided among relatives. One relative accused the children of killing their mother, reportedly linked to property inheritance disputes and with the involvement of a pastor. Under pressure and denial of food by an aunt, the children admitted to the accusations and were remanded in custody until later interventions secured their release. In another case, in a secondary school, children accused a fellow student of witchcraft and physically assaulted him. The school was cautioned, and the perpetrators were suspended, with emphasis that no child should be beaten or abused based on witchcraft allegations.
53. The delegation was further informed of incidents in Nasarawa State. About two to three years ago, several children were accused of being witches and wizards and taken to a pastor who starved them in his church. One child reportedly died as a result, and the pastor was arrested and remains on trial. In another case, a father accused his son of cult membership, took him to a village, killed him, and buried him. The father was subsequently arrested and remains in detention, though it was reported that the warrant for his execution has not yet been signed.
54. In Enugu State, a 12-year-old girl employed as a domestic worker was accused of witchcraft by her employer, who claimed that her business collapsed after

the girl's arrival. The child was subjected to starvation and repeated beatings before fleeing in search of her parents. She was later taken to the police, who arrested the foster mother, and has since been placed in a safe space for protection. Reports also indicated that in Akwa Ibom, children born as twins are still accused of witchcraft, and in extreme cases, killed because of these beliefs. Civil society representatives added that allegations of witchcraft in Akwa Ibom remain prevalent and are reported daily, with many cases occurring in rural communities where complaints must first be presented to village heads before reaching the police. As a result, cases are often resolved at the community or police station level, rather than progressing through the courts. The Committee was informed of one such case currently being addressed by a traditional leader, with efforts focused on reintegrating the child into the community.

55. Other testimonies underscored the scale of abandonment, with reference made to an 81-year-old woman in Oron who currently shelters 22 children accused of witchcraft. These cases illustrate the continued vulnerability of children in rural areas and urban slums, where access to justice and protective services is limited.

Children with disabilities

56. The delegation also received information on children with disabilities, particularly deaf children, who face heightened vulnerability to accusations of witchcraft. Harmful beliefs persist, including the perception that deafness is caused by evil spirits, with reports that pregnant women sometimes run away upon seeing a deaf child. Such misconceptions contribute to severe discrimination, abandonment, and abuse. In some cases, parents leave their deaf children in schools or public spaces. Civil society representatives pleaded for the inclusion of deaf communities in awareness-raising initiatives, stressing that deaf children are often unaware of ongoing issues and disproportionately affected by witchcraft accusations.

Child protection initiatives by the government

57. In relation to government responses, the delegation was informed that while the Child Rights Law provides for the establishment of centres to support children in conflict with the law, children requiring shelter, and children needing rehabilitation, such facilities remain inadequate. Implementation is further hampered by poor interpretation of child protection laws by law enforcement, which discourages effective reporting and prosecution. A Shadow Report in 2018 highlighted these gaps, and while a Technical Working Group on ending violence against children has been established by the Ministry of Women Affairs, and National Child Rights Implementation Committees have been put in place, challenges of resource allocation, awareness, and enforcement continue to hinder progress.

VI. Engagements in Akwa Ibom State

58. During the fact-finding mission in Nigeria, the ACERWC had the opportunity to travel to Akwa Ibom, one of the States named in the Communication under investigation, where witchcraft accusation of children is allegedly prevalent. The

ACERWC had various meetings with the State Government in Akwa Ibom on 22-23 July 2025. The meetings and summary of the discussions are as follows:

a. Meeting with the Deputy Governor

59. On 22 July 2025, the ACERWC held its first meeting with the Deputy Governor of Akwa Ibom State, Senator (Dr) Akon Eyakenyi. During the meeting, the Delegation of ACERWC explained the objective of the mission and commended the State for receiving the ACERWC's Delegation, in areas of health and education, which is commendable.
60. The Deputy Governor welcomed the Delegation of the ACERWC and informed the Delegation that Akwa Ibom is among the fastest-growing states in Nigeria. She highlighted that decentralization is at its peak, and every local government has improved road network connecting to the other, as an initiative of the Governor. It was highlighted that the State is compassionate about youth and children, with a focus on education and health services. The Deputy Governor also informed that special skills acquisition centres with starter kits are put in place to assist youth to start their livelihoods, which has yielded results in the past two years. Moreover, entrepreneurship training is provided for children on the street.
61. In relation to children accused of witchcraft, the Deputy Governor highlighted that they are provided with all services, and measures have been undertaken to avert the scourge. Legislative measures are undertaken by adopting the Child Rights Law in 2008 and the Violence Against Persons Prohibition Law in 2011, among others. It was informed that the State has also taken measures to address the issue of widowhood practices, which affect women and their children. In addition, it was highlighted that, due to high incidents of violence against children accused of witchcraft being reported in 2010, the State launched an investigation into the matter and established children's homes as well as family courts. Furthermore, there is free medical treatment for any kind of violence and homes for survivors are established. It was provided that separate homes are established for gender-based violence survivors, trafficking victims, vulnerable and abandoned children, and children in street situations.
62. The Deputy Governor further informed that there is free and compulsory education for children. Model schools are established in each local government and have all the facilities for children with disabilities. The Model Schools also provide facilities such as uniforms, books, and other services, and the State intends to recruit more teachers. The Deputy Governor highlighted that all 31 local governments have at least one model school. Moreover, it was highlighted that facilities for education and health centres are the same in all areas as per the model school standards. The discussion also informed that there is a sexual and gender-based violence department in the Ministry of Justice in the State, which was later duplicated at the federal and other state levels. It was also underlined that there is a free line for reporting cases of violation. The Deputy Governor stressed the commitment of the State for the protection and promotion of children and mentioned that continuous sensitization is required at churches, schools, other places, to educate parents, villages, leaders, etc.

b. Technical Meeting with Representatives of the State Government

63. Technical deliberations were held on the issues under investigation with various officials, including the Attorney General, Solicitor General, Commissioner for Women Affairs, and Commissioner for Humanitarian Affairs of Akwa Ibom State, among others.
64. The Government of Akwa Ibom State, in elaborating on the prevalence of witchcraft accusations, provided that the practice does not exist anymore, and no recent allegations have been received. It was highlighted that the practices used to exist due to traditional and some church practices; however, they ended long ago. The State highlighted that it follows an institutional approach to stopping the practice, whereby laws and institutions are set in place to prevent all kinds of violence against children. Information was provided that the practice was more prevalent before 2010, where various cases were reported and hardly known beyond 2010. It was provided that a Commission of Inquiry was set up following the increased reports of cases in 2010, and the Commission of Inquiry provided recommendations on how to redress the issues. However, it was informed that the case reported in 2010 does not reflect the reality, as the documentary was orchestrated by some actors pushed by money.
65. Highlighting some of the progress, the ACERWC Delegation was informed that the adoption and domestication of the Child Rights Act of 2008 clearly outlawed practices of this nature. The Child Rights Act criminalizes the abandonment of children and imprisons parents if children are on the street during school hours. The Criminal Code also provides for stringent punishment of imprisonment and a fine of 500,000 to 5 million Nigerian Naira for the accusation of witchcraft. Any sexual intercourse with a child is sexual violence. It was also highlighted that even before the Act came into force, the judiciary was applying the repugnancy test to evaluate the legitimacy of traditional practice. The State representatives informed that currently, the Child Rights Act is domesticated by all States in Nigeria. Moreover, the State has translated the Act into local dialects.
66. The State representatives underlined that the witchcraft accusation is a cultural issue and can be dealt with gradually. Poverty is raised to be the main factor leading to witchcraft accusations, and economically disadvantaged children are more affected. The State representatives provided that education plays a key role in redressing the practice. It was highlighted that in 2025, there was a court decision convicting a perpetrator of a murder in relation to a witchcraft accusation, which was a case hanging for a long time. The State also pointed out that children's homes are established and operationalized for vulnerable children. Particularly, Divine Children's Home is established to cater for children affected by witchcraft accusations and other vulnerabilities, while other homes also exist for children with disabilities, children affected by gender-based violence, and trafficking. In total, there are five Homes managed by Akwa Ibom State under the Ministry of Women Affairs and Social Welfare and are uniquely tailored to meet the different needs of the children. Children attend up to higher education at Divine Home, and some children have graduated. The discussion highlighted that there is a national youth service for all graduates; hence, upon graduating, the children can join the national service.
67. The State outlined that sensitization of communities is taking place, including campaigns in churches to raise awareness on the matter. The State also informed that it works with CSOs in its campaigns and advocacy work, which has been successful. CSOs support by bringing vulnerable children to the

attention of the Government for action. The Representatives of the State alluded to the fact that there is a Child Protection Network and Coalition on Violence Against Children in Akwa Ibom, which is composed of all stakeholders. The discussion highlighted that the State implements traditional remedies, which are not against the law, to ensure that traditional leaders own the process and the advocacy. Paralegals are working with traditional rulers and are involved in the advocacy and reporting. There are gender-based violence and child protection officers we meet quarterly to address issues of violations. A state referral mechanism is also implemented to ensure full service for survivors.

68. The State also outlined the existence of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), which oversees averting the trafficking of children for any reason and provides support for victims.
69. The Representatives of the State assured that no child is denied education based on a witchcraft accusation and that all children are accepted by schools. It was also informed that there are children's special schools for children with disabilities; however, inclusive education is now being implemented. The bill on persons with disabilities has currently passed and is in the final stages.
70. Regarding issues of prosecution of perpetrators, the State informed that following the 2010 incident, some of the perpetrators were named by the Commission of Inquiry. However, by the time the list of perpetrators was available, they had run away from their villages and some of them have not returned until now.
71. The State informed that the issue was addressed in 2010, and currently, the practice does not exist. It also reassured that currently there is no trafficking of children due to witchcraft accusations. Finally, the State indicated that the discussion had illuminated some issues that may have been overlooked in addressing the scourge in 2010, as the focus at that time was mainly on rehabilitation.
72. The Committee was also briefed about the State's ARISE Agenda, which stands for 5 pillars, namely agriculture renovation, rural development, infrastructure development, security management, and education expansion. It was indicated that through the ARISE Agenda, vulnerable children are meant to benefit and be provided with education.

c. ACERWC's visit to Government Facilities and Children's Homes

73. During its visit to Akwa Ibom, the Delegation of the ACERWC visited a model school and a model health centre. In addition, the Delegation visited various children's homes established by the State.

- ***Visit to the model school and health centre***

74. During the visit to the model school, the Delegation visited a primary school facility which is established to serve as a model for all the schools in the State. The Committee was informed that at least one school like the model school is established in each local district of the State. The model school has ECD centres, a sick bay, well-equipped classrooms, playgrounds, an ICT Unit and other school facilities. The school provides free education for all children. Similarly, the model health centre the Committee visited serves as a model to be replicated elsewhere. Each local district has at least one health centre like

the model health centre. There are 500 children in the school in 19 classes. However, there is no school feeding program.

75. The Committee, during its visit to the model health centre, was informed that pregnant mothers and children under the age of 5 years receive free health care, including free caesarean, in the model health centre through the State insurance scheme. There is an emergency and ambulance system launched so that whoever is in need can make the call and receive free treatment for the first 48 hours. The model health centre also has a family planning service and a laboratory. Moreover, the model health centre serves as a teaching facility where nurses and midwives receive training.

- ***Visit to Divine Children's Home and Stakeholders' Consultation***

76. The Delegation of the ACERWC had the opportunity to visit Divine Children's Home, where children from the home, community leaders, police, Child Protection Network and the National Human Rights Institution were in attendance. The State informed that the Home was established in 2011 through the then first lady of Akwa Ibom and began operation by relocating nine (9) children from Child's Rights and Rehabilitation Network (CRARN) following its shutdown by the Government. It was established following the many incidents around 2010 as a response to the Government. Initially, the children were in the security village until the Home was finished in 2015. Since its establishment, every First Lady of the State has made it a flagship project. It was mentioned that it is a permanent home for the children and they receive education, health care, shelter and love. The Delegation was informed that the home currently is not only for those affected by witchcraft accusations but also for other children who have been affected by other violence, such as abandonment and neglect.
77. During the visit, the Officials of the State informed that currently sixty (60) children are pursuing their higher education, in addition to six (6) children who already graduated and joined the National Youth Service Corps. Moreover, there are ten (10) children in secondary school, eighteen (18) are in primary and special school, and ten (10) are attending vocational training. It was highlighted that a total of one hundred thirty-two (132) children are in the Divine Home currently.
78. During the visit, the Delegation of the ACERWC requested information on whether any of the children are in the Home due to witchcraft accusations, mentioning some of the recent cases mentioned by the Applicants in their submissions to the ACERWC. It also requested whether the Police or the National Human Rights Commission's office in the region has received a report on violations against children due to witchcraft accusations.
79. Regarding the issue of the reasons children come to the Home, the State explained that currently no child is at the Divine Home due to witchcraft accusations, as the practice has ended. The State informed that the allegations are on social media; however, we cannot verify the allegations. The State received a request from the Federal Government to provide information on the matter, and it was indicated that the State reached out to the chiefs in the community, who verified that no such cases of accusation of witchcraft exist.
80. On the issue of the recent cases raised by the Applicants, the State raised concern about whether the Applicants reported the incidents to the Police or the Ministry of Justice. It was reaffirmed by the representative of the Police that

there has been no report brought to the attention of the police on witchcraft accusation issues. Hence, the State could not address those cases unless reported. However, the State outlined that enough sensitization has been carried out. And in instances where the Government is aware, action is taken. The State mentioned that there is a recent conviction in June 2025 against a perpetrator of murder of his own brother on grounds of a witchcraft accusation.

81. The Traditional Council Leader who was in the meeting during the visit to Divine Home mentioned that witchcraft accusation of children is used to ostracize children and underlined that the Government has taken action.
82. A representative of the Child Protection Network in attendance at the meeting highlighted that any case of violence is reported to the police by the Network, which further investigates the case. The cases are handled by the Family Court, which may decide on placement of the children in Government Homes. However, the Representative informed that the Network has not received any report on a violence that occurred due to a witchcraft accusation, and if it happened, the same process would apply.
83. The speaker of the Children's Parliament of Akwa Ibom also informed the Delegation of the ACERWC that the Parliament has not heard of the issue of witchcraft accusation. The Speaker mentioned that the Government encourages child participation and inclusion. The ACERWC Delegation heard the testimony of a Child from the Children's Home who graduated from university and now works at the Ministry of Justice about the support received in the Children's Home.

- ***Visit to the Gender Based Violence (GBV) Centre***

84. The Delegation of the ACERWC visited the GBV Centre, which was established in 2022 for survivors of GBV. It was mentioned that children who come to the centre stay there for a short period and are provided with rehabilitation support, including health care and vocational training, to promote self-reliance. The State mentioned that since its establishment, one hundred ten (110) cases have been reported to the centre. It was also informed that from the cases at the Centre, one (1) case was reported to be a violence as a result of a witchcraft accusation, where a girl was tied by her father for three years due to a witchcraft allegation. The case was reported by the neighbours, and the child was then taken to Divine Home.

- ***Visit to the Home for children with disabilities and health issues***

85. The Delegation paid a visit to a Home established for children with disabilities and health challenges whose parents could not cater for them. In the Home, health and other professionals care for the children to help them grow and thrive. The Delegation was informed that a total number of fifty-five (55) children are in the Home, out of which five (5) are in secondary school, and one (1) has taken the national examination and is awaiting to go to higher education.

- ***Visit to the special Children's Home***

86. The Delegation of the ACERWC was informed that the Special Home is established for children without parental care where the Governor become their

parent and caters for their needs. The State informed that the Home currently accommodates one hundred forty-five children. Twelve (12) children from the Home are undergoing higher education, twenty-four (24) are in secondary schools, and thirty-six (36) are in primary schools.

- ***Visit to the Transit Camp***

87. The Delegation of the ACERWC was informed that the Transit Shelter was established to protect children in vulnerable situations, mainly internal displacement, abandonment, and trafficking. It is a temporary shelter for children until children are reunified with their respective families. Currently, there are twenty-seven (27) children in the Transit Camp, out of which ten (10) are in secondary school and six (6) are in primary school. The Delegation was informed that among the reasons that result in the children being abandoned is witchcraft accusation. Sometimes, the children are redirected to the Camp by the National Agency for the Prohibition of Trafficking in Persons (NAPTIP).
88. In addition to the Homes visited by the ACERWC Delegation, the State informed that it also runs a Correctional Home which offers a second chance to children who may have conflicted with the law. It provides for a supportive environment for behavioral change through guidance, counselling, education and empathy. The Delegation was informed that the total number of children in the Correctional Home is thirty-seven (37), with twenty-nine (29) boys and eight (8) girls who are undertaking vocational training in shoemaking and sewing.
89. During its Visit to Akwa Ibom, the ACERWC Delegation wanted to hold a meeting with one of the Applicants in the Communication at hand, namely CRARN. Despite its efforts, the Delegation could not hold the intended meeting due to a lack of facilitation to travel to the location of CRARN, which is in Eket district in Akwa Ibom State, located one hour away from the Capital, Uyo. The State also informed that CRARN is no longer registered with Akwa Ibom and that it was shut down long ago. Later, the ACERWC held a virtual meeting with the Applicants to ensure that all parties are heard and equally engaged in the process.

VII. Virtual meeting with the Applicants

90. The ACERWC held a virtual meeting with representatives from the Child Rights and Rehabilitation Network (CRARN), one of the Applicants in the Communication under investigation, on 18 August 2025. The meeting was attended by Mr. Sam Itauma, Founder of CRARN, the Coordinators of CRARN and some children who stay in CRARN.

- ***Registration and Operation of CRARN***

91. During the meeting, CRARN informed that it is not registered with the Akwa Ibom State Government but is registered with the Corporate Affairs Commission (CAC), the national body for registering organizations in Nigeria. It also submits annual reports to CAC to maintain its registration, as failure to report may result in the revocation of registration. The Representatives of CRARN emphasized that CAC registration takes precedence over registration at the regional level, which is more of a recognition. Hence, they underlined that their registration

with CAC allows them to operate anywhere in the country. Moreover, CRARN mentioned that it submits a monthly report to the Department of State Services (DSS).

92. CRARN expressed that the registration process at the State is exceedingly difficult and stated they were previously requested to hand over the organization to the Governor's wife, a proposal their trustee board rejected. As a result, the State refused to grant them registration. Representatives of CRARN further clarified that state registration is primarily required to access government support and funding. Despite not having registered in the State, CRARN noted that it is monitored by their local government (Eket Local Government) and has received support from past State Governors, including the Governors from 2006, 2009, and 2022.
93. The ACERWC delegation was informed that the CRRN centre currently accommodates 155 children, of whom about 150 (99 per cent) are affected by witchcraft allegations. Since its establishment, the organization has supported more than 8,000 children in Akwa Ibom State, with approximately 7,000 cases linked to such accusations. The children are mainly those stigmatized and abandoned by families, often due to accusations made by pastors or step-parents. Many were found on the streets, in market squares, in uncompleted buildings, or on roadsides.
94. CRRN representatives explained that documentation of each child's story is carried out upon admission to establish the reasons for abuse or abandonment. Cases are reported to the police and the DSS. Where injuries are sustained, children are first taken to the hospital for treatment. Efforts are then made to reconcile them with their families. Where reconciliation is not possible, the centre provides shelter, education, and support for reintegration into society.

- ***Historical Context of witchcraft accusations***

95. The Committee was informed that in Akwa Ibom and Cross River States, street children were not common before the year 2000. However, following the release of the film *End of the Wicked* (1998–1999), communities began to believe that witchcraft existed and affected elders, and children increasingly became the focus of such accusations. Children from families affected by divorce, dysfunction, or the death of parents were often accused of witchcraft, taken to churches for 'diagnosis,' beaten, and sometimes forced to ingest poison known as *esere*. The Committee was informed of widespread killings linked to these beliefs. In total, more than 2,000 people were alleged to have been killed in Akwa Ibom during 2000–2001. CRARN asserted that such abusive practices and even secret killings continue to happen up to now, as new cases are reported each year.

- ***Impact of witchcraft accusations on children's education***

96. Regarding the education challenges faced by children accused of witchcraft, the Committee was informed that because many of them live on the streets, they are unable to attend school. It was reported that children faced discrimination in schools. In one case, a child was beaten by a teacher, and the matter was reported to the police. In response, CRARN Academy was

established to meet their education needs, although now some children are being accepted in public schools. The Committee was informed that despite these efforts, stigmatized children continue to face exclusion, as communities and schools are often reluctant to accept them. It was reported that many children living on the streets do not go to school, while some from CRARN are rejected by educational institutions.

- ***Reporting and prosecution of perpetrators***

97. The Committee was informed that CRARN reports cases of children accused of witchcraft to both the Nigeria Police Force and the DSS, to whom they submit monthly reports. More than half of the cases are reported to the police, while all cases are reported to the DSS. In many instances, the police themselves bring children directly to the centre, including a case where the child of a police officer was beaten and later handed over. Police documentation (police extracts) is provided when children are referred to the centre. The Committee was further informed that the Child Protection Network also brings children to CRARN.

98. The Applicants shared that where children sustain injuries, cases are reported to the police. If no injuries are involved, cases are usually reported to the DSS, as the phenomenon is widespread. Children with mental health conditions found on the streets are sometimes referred to the Ministry of Women's Affairs; in one such case, the child later died, while another was brought by the police for assistance.

99. It was further reported that some perpetrators have been arrested, with a few cases prosecuted through CRARN's intervention. For example, one child who was set ablaze survived and later became a coordinator at a centre in Anambra State. Another case involved a father who paid 20,000 naira to have his child killed; the matter was brought before the court. However, the Applicants noted that cases rarely progress to prosecution.

100. The Applicants highlighted several challenges in the reporting and prosecution process:

a. **Financial barriers**-CRARN alleged that police request 'mobilization money,' an illegal fee to file cases and process investigations. No receipts are issued, and if such fees are not paid, arrests are not made.

b. **Lack of prosecution**-CRARN indicated that even when cases are reported, they are rarely prosecuted effectively. For instance, a specific case reported in 2022 saw no progress. CRARN attributed this to a lack of political will and corruption.

c. **Intimidation and influence**-Perpetrators, including pastors, are sometimes arrested but are often released due to pressure from 'prominent persons.' These individuals then return to threaten and attack CRARN staff, affecting reporting. In one instance, a man attempted to poison children at the centre to prevent a case against him from proceeding. Reports of attempted kidnappings and intimidation underscore the risks faced by CRARN officials.

101. Verification of cases is carried out when children arrive at the centre, often with visible injuries or scars. From their testimonies, CRARN determines that the children have been accused of witchcraft.

- ***Victims' testimonies***

102. The Committee heard testimonies from three victims affected by witchcraft accusations. The first witness was Daniel, a 13-year-old boy. Although the boy could not proceed with giving his testimony, the Applicants informed the Committee that in 2022, his mother reportedly took him to the forest under the pretext of fetching firewood. It is alleged that she instructed him to turn around, then attacked him with a machete to the head and neck. He was left in that state for three days until someone in the area heard his cries, rescued him, and brought him to the hospital. The child had been stigmatized, beaten, and tortured before the incident. The case was reported to the police, but no further action was taken. The Applicants noted that the boy's mother fled to Ibeno, where she reportedly continues to visit the village in secret. CRARN indicated that they are monitoring the case.
103. The second witness was Faith, a 19-year-old female from Eket, currently enrolled at Heritage Polytechnic. She resides at CRARN, where she has lived since 2021, after leaving the home of her aunt due to witchcraft accusations. She reported that following the death of her mother, she was unable to trace her father. Economic hardship and family difficulties led to accusations of witchcraft. She recalled that one day, when a goat died, she was blamed and accused of killing it through witchcraft. As a result, she was forced to leave her aunt's house, at times staying in the toilet or the bush, and later begging for food at a market in Iko. It was there that a woman referred her to CRARN. She narrated that while living with her aunt, she was maltreated and instructed to stop attending school. After arriving at CRARN, the matter of witchcraft accusations was reported to the police and the DSS in 2021. However, the case did not progress to court, with concerns that the police failed to take action.
104. The third witness, Emilia, was a 20-year-old currently schooling at Heritage Polytechnic, where she began her studies in 2024. She has been living at CRARN since 2014. She reported that after losing both parents, she and her brother were taken in by their uncle. Within a few months, he began accusing them of killing their parents and causing misfortunes in the family. She recalled being taken to a church where they were declared responsible for the family's problems. This led to maltreatment in the village. As a result, she and her brother went to the streets and begged for food. She was later rescued and referred to CRARN, where she has since remained, but is unaware of the status of any police case regarding her situation. She added generally that many children accused of witchcraft are abandoned by step-parents and even their own parents, and that CRARN continues to provide care and support for such children.

- ***Children hosted in government homes***

105. The Committee was informed of two government-run homes known to officials, accommodating about 200 children. It was noted that 90 per cent of the children in these homes were forcefully taken in by the government from CRARN. It was shared that one of the facilities, the Divine Children's Home, hosts children who were stigmatized and transferred from CRARN. The Committee was further informed that the home faces challenges, including a lack of food, inadequate care, and difficulties in accessing education. Although

recently renovated, many children dropped out of school due to unpaid fees. It was further submitted that some students have been unable to obtain certificates necessary to continue their studies, particularly for the Higher National Diploma.

106. The Applicants indicated that the children are unhappy, with some expressing frustration publicly through social media posts. It is alleged that at least five children reportedly died in the centre, including one who suffered from epilepsy. Others have run away due to poor conditions. Concerns were raised regarding inadequate monitoring and a lack of effective supervision. Seven students were reported to have dropped out of Uyo University, while about thirteen at the polytechnic level have no certificates. It was noted that while an earlier administration provided more support to the children, the current government has not extended the same level of care. Instances of where CRARN supported school fees for children from Government Homes were mentioned during the meeting. CRARN also stated that there have been instances where they referred children to government homes, but the children were refused admission.

- ***Request for Documentation***

107. Finally, it was agreed that CRARN submits the following documents to the ACERWC:

- Reports submitted to the Corporate Affairs Commission (CAC) annually, and proof of updated registration.
- Reports submitted to the DSS, particularly those that contain reports of witchcraft accusations.
- Police extracts of reported cases.
- Police extracts of cases of witchcraft accusation brought to CRARN by the Police

VIII. Conclusion

108. In conclusion, this mission was undertaken to conduct an on-site investigation regarding Communication No. 0017/Com/001/2021, concerning alleged violations under the African Charter on the Rights and Welfare of the Child, particularly the rights to non-discrimination; life, survival and development; education; and the rights of children with disabilities. The Committee will consider the findings gathered during the mission in Abuja and Akwa Ibom State, together with the submissions already received, in reaching its final decision on the merits of the Communication. Following its consideration, the Committee will issue a decision and formulate recommendations to the Federal Republic of Nigeria.