

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
UNIÓN AFRICANA		UMOJA WA AFRIKA
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES		

APPLICATION NO. 001/2024

INSTITUTE FOR HUMAN RIGHTS AND DEVELOPMENT IN AFRICA (IHRDA)

V.

THE REPUBLIC OF GHANA

CASE SUMMARY

I. THE PARTIES

1. The Application is filed jointly by Institute for Human Rights and Development in Africa (IHRDA), a pan-African NGO based in Banjul, The Gambia and Mr. Solomon Joojo Cobbannah, a journalist and human rights activist in Ghana, (hereinafter referred to as the “Applicants”) on behalf of women accused of practicing witchcraft who persecuted, discriminated against and confined to live in witch camps. The Applicants submit that they file this Application under the *actio popularis principle* which allows individuals and organisations to bring applications on behalf of the general public.
2. The Respondent State is the Republic of Ghana, a State Party to the African Charter on Human and Peoples’ Rights (hereinafter referred to as “the Respondent State”).

II. SUBJECT OF THE APPLICATION

A. FACTS OF THE MATTER

3. The case concerns the widespread and systematic persecution of women accused of witchcraft in Ghana. These women are often vulnerable, such as elderly women who lack family protection, single mothers, widows, poor and unmarried women. It is also alleged that children are also vulnerable to being branded as witches. Furthermore, relatives or members of the community often accuse women of witchcraft because they believe that they are guilty of circumstances such as death, sicknesses, sleep walking, poor relations with neighbours, inability to have children, or even appearing in someone’s dream. The women are subjected to physical violence, public humiliation, banishment, and in some cases, murder.
4. As a result, many accused women are forced to seek refuge in “witch camps” in Northern Ghana, where they live under deplorable conditions with little

access to food, water, healthcare, or legal protection. These camps, some over a century old, operate as informal prisons where women are subjected to purification rituals and forced to remain indefinitely.

5. It is alleged that despite international condemnation and recommendations from bodies such as the Committee on the Elimination of Discrimination against Women (CEDAW) and the UN Special Rapporteur on Violence against Women, the Government of Ghana has failed to take decisive action to abolish these camps, criminalize wrongful accusations, and reintegrate victims into society. The Applicants submits that the Respondent State has been passive towards the plight facing these women and children. Furthermore, that that it has failed to demystify the myths and beliefs around witchcraft and to criminalize acts causing harm to persons accused of witchcraft.
6. The Application was filed before this Court on 25 September 2023.

B. ALLEGED VIOLATIONS

7. The Applicants allege that the Respondent State has violated the following provisions:
 - i. Article 5 of the Charter (the right to dignity and freedom against torture, cruel and degrading treatment);
 - ii. Article 2 of the Charter (the enjoyment of the rights and freedoms recognised and guaranteed in the Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any other status);
 - iii. Article 18(3) of the Charter (elimination of discrimination against women and children);

- iv. Article 1 of the Charter (parties to the present Charter shall recognize the rights, duties and freedoms enshrined in the Charter and shall undertake to adopt legislative or other measures to give effect to them):
- v. Article 7 of the International Covenant on Civil and Political Rights (ICCPR):
- vi. Article 1 & 22 of the Universal Declaration on Human Rights;
- vii. Article 2 (2) & 3 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol);
- viii. Article 2(I) of the ICCPR; and
- ix. Article 2 (1) of the International Covenant on Economic Social and Cultural Rights (ICESCR)

III. PRAYERS OF THE APPLICANT

- 8. The Applicants pray the Court to make the following prayers:
 - i. A Declaration that the Respondent State is in violation of the right to dignity under Article 5 of the African Charter on Human and Peoples' Rights, Article 7 of the ICCPR, and Article 3 of the Maputo Protocol.
 - ii. A Declaration that the Respondent State is in violation of the right to freedom from discrimination under Articles 2 and 18(3) of the African Charter on Human and Peoples' Rights, Article 2(1) of the Maputo Protocol, Article 2 of CEDAW, Article 2(1) of the ICESCR, and Article 2(1) of the ICCPR.
 - iii. A Declaration that the Republic of Ghana has violated its general obligations under Article 1 of the African Charter on Human and Peoples' Rights.

- iv. An Order directing the Respondent State to adopt legislative, administrative, or other measures necessary to prohibit witchcraft accusations and punish those who make such allegations.
- v. An Order for the development and wide implementation of awareness, educational, and communication strategies to eradicate beliefs, practices, and stereotypes that legitimize and perpetuate violence against women, including witchcraft allegations.
- vi. An Order for the provision of support services for victims of witchcraft accusations, including rehabilitation, counseling, and safe reintegration into their families and communities.
- vii. An Order directing the Respondent State to conduct an independent, impartial, and effective investigation into acts of violence and ill-treatment against women accused of witchcraft and to prosecute those responsible.
- viii. Any Further Order(s) as the Court deems fit in the circumstances.