

engages institutions and NGO's, notably Save the Children, in detecting accusations against children, raise awareness among families about reintegration of children and ensures that the rights of the child are not violated (Cimpric, 2010, p. 46).

An organization that is active in the whole of Africa is Africans Unite against Child Abuse (AFRUCA), a registered charity in the United Kingdom. The mission of the organization is centred on promoting the rights contained in the 1989 United Nations Convention on the Rights of the Child, in particular the rights and welfare of African children. In order to counteract witchcraft accusations, AFRUCA developed an approach based on four levels: working with parents; working with faith organizations; influencing policy and practice on safeguarding African children; and engaging policy makers and influencing practice.⁵ A further example is the activities undertaken by The International Humanist and Ethical Union (IHEU), an international NGO with Special Consultative Status with the UN. IHEU campaigns against the production of movies and books portraying children as witches and also advocates for greater investment in education to eradicate witchcraft accusations.⁶

Finally, there are also website information organizations that advocate against violence associated with witchcraft and accusations of witchcraft. For instance, the Witchcraft and Human Rights Information Network (WHRIN) was created to respond to the according to the organization widespread torture and killings of children, women and elderly around the world due to the belief in witchcraft.⁷ Here we can also mention the Witchcraft, Displacement and Human Rights Network that aims to provide information and documents on the issue of witchcraft in displacement settings from a human rights approach.⁸ Other NGOs deal with the subject on different levels of engagement. For example, Amnesty International, HelpAge, Save the Children and the International Catholic Child Bureau (BICE) raise concern about the situation of abandoned child witches, resulting in torture and murders in different parts of the world (Molina, 2005; Cimpric, 2010, p. 45).

1.3 Interventions and strategies for action

There is at present hardly any available evidence of the effects of field interventions that aim to prevent and suppress witchcraft allegations and its negative effects on the rights of the children concerned. NGO studies and reports generally aim to understand risk factors, geographical contexts of perpetration of the practices, their harmful consequences and the human rights violations involved through the exercise of these practices. However, documents produced by NGOs do not provide evidence based assessments of the efficacy of their interventions, policy and strategies to tackle child witchcraft allegations, nor data and estimations on the magnitude of the phenomenon per country.

Document that provide some information about interventions are NGO and government agency reports that address the practice of child witchcraft accusation throughout the migration process and in the African Diaspora. A 'rapid literature review' of the Childhood Wellbeing Research Centre, which is attached to the Institute of Education, Loughborough University and University of Kent, UK, for instance identifies a quantitative evaluation as result of case observations produced by governmental agencies in developed country such as Belgium, France, Canada, Norway and the United Kingdom. Only in these

abandonment to the police and the Children's Welfare Department of the Ministry of Women Affairs so immediate action can be taken against the parents and to save the life of the child; (v) embarking upon a strategy by the government to eradicate the belief in witchcraft before the year 2015; (vi) implementation of the Child's Right Act. For more information on the CRARN projects see: <http://crarn.tripod.com>

⁵ For more information see: www.afruca.org

⁶ For more information see: <http://www.iheu.org>

⁷ For more information see: <http://www.whrin.org.uk>

⁸ For more information see: <http://maheba.wordpress.com>

cases it is possible to identify some generic description and evaluation about the effectiveness of some intervention undertaken to tackle the phenomenon (Simon, Hauari, Hollingworth and Vorhaus, 2012; Molina, 2005).

Other reports provide an analysis of the phenomenon and its implications for children, and mostly end with a list of recommendations and suggestion for interventions which are not based on evidence about their efficacy, efficiency or legitimacy. Also, the disparity of the actions undertaken by a plurality of actors in the field does not allow identifying good practices for dealing with the phenomenon. The absence of measured outcomes of field interventions directly relates to the complexity of the phenomenon, as well as the various local realities in which child witchcraft accusations occur. This seems to confirm the findings of anthropologist de Boeck, who writes: "Often, also, the social and cultural realities under scrutiny are so complex that knowledge about them eludes simple conclusions and cannot be readily made into strategies for action" (de Boeck, 2009 p. 134).

The absence of measured impacts of interventions and strategies for action also raises the question of how the issue is to be framed, as this has a direct bearing on the way how intervention programmes are conceptualized. If child witchcraft is seen as a 'traditional harmful practice', interventions might aim at educating local people who, by their behaviour and presumed ignorance of human rights standards are seen to be responsible for violating children's fundamental rights. However, the term 'traditional' does not correspond to contemporaneous forms of witchcraft accusation. As explained above, contemporary forms of child witchcraft allegations – especially in the African urban context where the issue is a matter of serious concern – are a relatively recent phenomenon, caused by major societal and economic evolutions. Therefore, these practices cannot be interpreted solely in terms of 'African tradition' but are closely related to what Eric Hobsbawm (1983; 2006) phrases 'invented tradition' which he considers as "a process of formalization and reutilization, characterized by reference to the past, if only by imposing repetition". (Hobsbawm, 1983, p. 4). From this point of view, child witches and the related practice of accusation are an adaptation of old uses under new conditions for contemporary purposes (Hobsbawm, 1983 and 2006, pp. 2&5; Cimpric, 2010, p. 5), in order to provide an answer to changes and challenges imposed by the 'modernization process'. Furthermore, framing the problem as a 'harmful practice' might be seen as more adequate, but also risks to leave out possible neutral or even beneficial effects of being accused as or presenting oneself as a witch, as is the case for some street children in Kinshasa.

Given the lack of knowledge of the phenomenon and especially of the effects of intervention strategies, it seems appropriate to take as a starting point a more descriptive, empirical position. Children are accused of being witches; this practice seems to be increasing, and can have serious consequences for the rights of the children so accused. The focus of the interventions shifts towards the consequences of the practice, in particular the physical or psychological violence to which children accused of witchcraft risk being subjected. How can strategies for action be designed that take into account the complexity of the phenomenon, and that rely on local forces and insights into the practice? Inspiration for setting up such strategies for action could come from programmes that have been designed from the local level, and look for ways how to strengthen solidarity with victims of the consequences of the witch accusation practices. In a recently published study of a collective that was set up by children of sex workers from Kolkata's red-light district in India, Sucar and Dutta call for children's human rights interventions to be based on solidarity, rather than on compassion from the outside (Sircar and Dutta, 2011). They write:

"There's an urgent need for developing and emulating practices of research, representation and intervention that foreground the issue of child rights, not from a saviour-from-outside point of view, but one that shifts our observational frames to put in the centre of rights concerns the opinions of the children of sex workers, and regard them as powerful advocates of their rights – who know best about what will ensure them a more dignified life free of compassionate attempts to 'rescue' them, and

aestheticized methods of training and play that attempt to customize their lives according to the needs and visions of kindhearted outsiders that are at best temporary and at worst come at the cost of abrogating their rights"(Sircar and Dutta, 2011, p. 349).

These views how to frame actions in solidarity with children of sex workers provide a challenging framework for also engaging in an emancipatory manner with the layered existence of children accused of witchcraft within their local realities.

2. RELEVANT HUMAN RIGHTS NORMS AND POLICIES

This section analysis how international human rights norms relate to witchcraft, black magic or divination that has consequences for the human rights of children. Besides providing an overview of relevant international human rights norms, the section will also look at how the phenomenon has been addressed by the supervisory bodies and entities within the UN system, as well as how civil society actors have approached the issue.

2.1 International human rights norms

The belief in spirits, mediums or witches refers to a magical world which seems difficult to apprehend for many European observers today. However, beliefs such as these form part of the fundamental freedoms that are protected under the European Convention for Human Rights as part of the rights to freedom of thought, conscience and religion under article 9 ECHR. The manifestation of a belief can be restricted only in a limited way, in particular to protect the rights and freedoms of others. In certain instances, children who have been accused of witchcraft do risk being victim of physical or psychological maltreatment, in some cases even leading to life threatening abuses. Not the belief in child witches by itself, but the possible consequences for the integrity of children of that belief can be problematic.

Even if there is no international instrument that includes specific reference to the practices of witchcraft, black magic or divination, these beliefs and practices form part, in general terms, of the right to freedom of thought, conscience and religion which is protected by Article 18 of the Universal Declaration of Human Rights (UDHR)⁹ and Article 18 of the International Covenant on Civil and Political Rights (ICPR).¹⁰ These texts have served as the basis for the recognition of the right of freedom of thought, conscience and religion of children not only in the regional human rights instruments, but also in Article 14 of the Convention on the Rights of the Child (CRC).¹¹ The protected rights concern the right to hold a belief or religion, to change religion or beliefs, as well as the right to manifest one's religion or belief in worship, observance, practice and teaching. The freedom to manifest one's religion or beliefs can be limited only if prescribed by law and in case such limitations are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. From a human rights perspective, what is problematic is not the belief in witchcraft per se, but the possible negative impact on the fundamental rights and freedoms of those prosecuted or accused of being a witch, that risk hampering their right not to be subjected to torture or cruel, inhuman or degrading treatment, to be protected against violence or even the right to life.

⁹ Universal Declaration of Human Rights proclaimed by the United Nations General Assembly on 10 December 1948 (General Assembly resolution 217 A (III))

¹⁰ International Covenant on Civil and Political Rights adopted by General Assembly Resolution 2200A (XXI) of 16 December 1966, entered into force on 23 March 1976.

¹¹ United Nations Convention on the Rights of the Child adopted by UN General Assembly Resolution 44/25 of 20 November 1989.

The international instrument that stands out for the protection of the rights of the child is the United Nations Convention on the Rights of the Child (CRC) which was adopted by the UN General Assembly in 1989 and is now almost universally ratified.¹² The CRC has been ratified by all EU Member States. Even if the Convention has not been ratified by the EU itself, the European Commission recently issued a policy statements indicating that the "standards and principles of the CRC must continue to guide EU policies and actions that have an impact on the rights of the child" (European Commission, 2011a, p.3) and also the Court of Justice of the European Union has expressly recognised the need to respect children's rights, and requires EU law to take due account of the CRC.¹³ The CRC provides a comprehensive framework for the protection of children's economic, social, cultural and civil rights, and contains provisions that reaffirm general human rights norms for children (for instance the right to freedom of expression or the prohibition of torture), reinforce existing standards (for instance additional procedural safeguards in the case of criminal law procedures) and establishes new rights that deal with the particular situation of children (for instance rights related to international adoption). The Committee on the Rights of the Child, the supervisory body that monitors the implementation of the CRC, has identified four general principles that cross-cut the interpretation of the Convention, in particular non-discrimination (Article 2), the best interests of the child (Article 3), the right to life, survival and development (Article 6) and the right to be heard (Article 12).

A series of provisions are relevant for analyzing children's fundamental rights when confronted with witchcraft allegations against children and their consequences. Rights that are relevant for victims of witchcraft accusations concern, inter alia: Non-discrimination (Article 2); Right to life (Article 6); Freedom of expression, thought, conscience and religion (Articles 13 and 14) ; Protection from abuse and neglect (Article 19); Right to out-of-home care (Article 20); Right to the enjoyment of the highest attainable standard of health (Article 24) ; Right to education (Article 28); Torture and exploitation (Articles 36 and 37).

These as well as other CRC provisions can provide a legal protection framework against possible human rights violations, such as against discrimination as a consequence of stigmatization for being accused of witchcraft; against physical and psychological abuse that frequently occurs during exorcism practices undertaken by church leaders and parents; against the omission of action from the part of the duty bearers, in particular the state and the parents, legal guardians or any other person who has the care of the child and so on. In practice, only a very limited number of cases have been filled against perpetrators of harmful witchcraft practices so there is little information about how the CRC could be used in individual cases concerning the protection of child victims of witchcraft (Bussien et al., 2011, p.17-18).

Other universal human rights instruments that are relevant for children involved in witchcraft allegation cases are the Convention on the Elimination of All Forms of Discrimination Against Women, the two

¹² Only three countries did not to date ratify the CRC, namely the United States, Somalia and South-Sudan. Three Optional Protocols to the CRC have also been adopted, namely: the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted by General Assembly resolution A/RES/54/263 of 25 May 2000 and entered into force 12 February 2002; Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by General Assembly resolution A/RES/54/263 of 25 May 2000 and entered into force on 18 January 2002; Optional Protocol to the Convention on the rights of the child on a communications procedure, adopted by General Assembly resolution A/RES/66/138 of 27 January 2012 and it shall enter into force three months after the deposit of the tenth instrument of ratification or accession. On 12th June 2013 six countries ratified this third Optional protocol: Albania, Bolivia, Gabon, Germany, Spain and Thailand.

¹³ E.g. Case C-540/03, *European Parliament v Council of the European Union* [2006] ECR 5769, para. 37.

International Covenants¹⁴, and the Convention on the Rights of Persons with Disabilities, all of which have been ratified by all EU Member States and the latter also by the European Union. Relevant human rights instruments at the European regional level include the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); the revised European Social Charter (Council of Europe, 1996), the Council of Europe Convention on Action against Trafficking in Human Beings (Council of Europe, 2005), the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Council of Europe, 2007) and various conventions regarding family life, in particular relating to adoption and custody of children that aim at guaranteeing children's well-being (Council of Europe, 1975, 1980 and 2008). For the African States, also the African Charter on the Rights and Welfare of the Child (ACRWC), contains provisions that could be used to address child witchcraft allegations, the protection of children and the role of duty bearers to both guarantee the rights of children as well as protect them in case their rights have been violated (African Commission on Human and People's Rights, 1990).¹⁵

2.2 Witchcraft accusations within the UN system

A review of documents that address witchcraft accusations, making use of the Universal Human Rights Index,¹⁶ reveals that the subject has received relatively little attention within the UN System, and that most situations relate to countries on the African continent. The number of documents retrieved using several search terms via the search engine using the terms 'witchcraft' and 'sorcellerie' disclosed 42 documents, whereas 27 documents were found with the term 'witchcraft allegations' and 22 documents contained the more specific term 'child witchcraft allegations'. Documents found were issued by treaty monitoring bodies, of which the Concluding Observations by the Committee on the Rights of the Child pertaining to periodic reports of Angola, the Democratic Republic of Congo and Nigeria are particularly relevant. Reports drafted under the Special Procedures that contain one or more of the search terms are the Report of the Special Rapporteur on violence against women about a mission to Ghana, the Report of the Special Rapporteur on extrajudicial, summary or arbitrary execution on missions to the Democratic Republic of the Congo; the Report of the Special Rapporteur on freedom of religion or belief on the mission to Angola, and the Report of the Independent Expert on the Situation of Human rights in Haiti. The issue has also been addressed in the framework of the Universal Periodic Review (UPR) process in the Report of the Working Group on the UPR of a series of countries including Gabon, the Democratic Republic of Congo, Malawi and the Islamic Republic of Iran.

The Committee on the Rights of the Child is one of the most active entities within the UN system with regard to human rights violations of children accused of witchcraft. In its Concluding Observations regarding Angola of 2004, the Committee discusses the topic under the subcategory torture and other cruel, inhuman or degrading treatment or punishment of the section 'Civil rights and freedoms', and "expresses its deep concern at the re-emergence of the persecution of children accused of witchcraft and the very negative consequences of such accusations, including cruel, inhuman and degrading treatment, and even murder" (Committee on the Rights, 2004, par. 30-31). In the Concluding Observations regarding the same country six years later, the Committee discusses witchcraft accusations under the heading 'harmful traditional practices' under the section related to 'basic health

¹⁴ Namely: International Covenant on Economic, Social and Cultural Rights adopted by General Assembly Resolution 2200A (XXI) of 16 December 1966, entered into force on 3 January 1976; International Covenant on Civil and Political Rights adopted by General Assembly Resolution 2200A (XXI) of 16 December 1966, entered into force on 23 March 1976.

¹⁵ For more details on the use of the ACRWC see J. Aguilar Molina, *The Invention of Child Witches in the Democratic Republic of Congo: Social cleansing, religious commerce and the difficulties of being a parent in an urban culture*, Save the Children, 2006.

¹⁶ Universal Human Rights Index accessible at: <http://uhri.ohchr.org/search/documents>

and health care'. The Committee expresses its concern about "the ongoing practice of accusing children of witchcraft, which has resulted in abuse and abandonment of such children", and urges the country "to effectively eliminate the practice of witchcraft accusations in collaboration with civil society organizations and traditional or community leaders and to prosecute those responsible for such accusations" (Committee on the Rights, 2010b, par.53-54).

Also in 2010, the Committee addresses witchcraft accusations in the case of Nigeria under the section related to 'basic health and health care', but now adds a specific subcategory which is distinct from the 'harmful traditional practices' subcategory. The Committee first notes with appreciation "the measures taken by the State party to address the phenomenon of children accused of witchcraft, including the passing of state legislation prohibiting such practice in Akwa Ibom State, the arrest and prosecution of offenders, ongoing awareness-raising and rehabilitation programmes, and successful family reunification projects", but remains extremely concerned "at the reportedly widespread practice of the witchcraft stigmatization of children in the State party and reports that these children are tortured, abused, abandoned and even killed as a result of such stigma and persecution". The Committee is particularly concerned "at the reported roles of certain churches and the film industry in promoting the belief in child witchcraft and that already vulnerable children, including children from poor families and children with disabilities, are at greater risk of witchcraft stigmatization" and also expresses utmost concern "at reports of arbitrary killings of children during the course of activities designed to extract a confession of witchcraft or resulting from exorcism ceremonies". As a remedy, the Committee "urges the State party to strengthen efforts to combat the belief in and accusation of children of witchcraft" and urges the State party "to criminalize making accusations against children of witchcraft and related abuse at national and state level and ensure that authors of crimes on the basis of witchcraft are prosecuted" as well as to ensure training, sensitization and awareness-raising programmes to address the belief in child witchcraft" and also to "regulate those religious institutions found to engage in such practices and request them to adopt child protection policies". Finally, the Committee also ask Nigeria to "undertake a comprehensive research study on the causes and effects of the phenomenon" (Committee on the Rights, 2010a, par. 67-68).

The Committee also addresses the issue in its Concluding Observations regarding the Democratic Republic of Congo in 2009. Here, children accused of witchcraft are addressed as a specific subcategory under the section related to 'Special protection measures'(Committee on the Rights, 2009, par. 28-29 and 78-79). It is principally concerned "that a large number of children are labelled as witches and consequently suffer serious stigmatization" as well as "that violence against children accused of witchcraft is increasing, and that children are being kept as prisoners in religious buildings where they are exposed to torture and ill-treatment or even killed under the pretext of exorcism". The Committee urges the DRC "to take effective measures to prevent children from being accused of witchcraft, including through continuing and strengthening public awareness-raising activities, particularly directed at parents and religious leaders and by addressing the root causes, inter alia, poverty. The Committee further urges the State party to implement legislative and other measures to criminalize making accusations against children of witchcraft and bring to justice persons responsible for violence and ill-treatment of children accused of witchcraft. Finally, the Committee recommends that the State party provide recovery and reintegration measures for children who have been victims of such practices".

The Committee on the Rights of the Child has also addressed the issue of witchcraft accusations in its General Comment no. 13 dedicated to the right of the child to freedom from all forms of violence, which was adopted in 2011 (Committee on the Rights, 2011, par. 17-18 e 29). Here, the Committee includes "accusations of 'witchcraft' and related harmful practices such as 'exorcism'" in a non-

exhaustive list of 'harmful practices' that include corporal punishment and other cruel or degrading forms of punishment, female genital mutilation, violent and degrading initiation rites, forced marriage and early marriage.

The UPR process has raised issues about the fight against traditional practices in Gabon in 2009, including sorcery and infanticide and so-called 'witch children' (Bussien et al., 2011, p. 16). The UPR process has also made the international community attentive to the risk of social exclusion of child victims of witchcraft allegation. Social exclusion has particular consequences for children, as it can lead to a lack of access to education or health services and, in the particular case of the DRC in 2010 (Universal Periodic Review, 2010a), recommendations urged the reintegration of children abandoned in the street as consequence of witchcraft allegations. Also addressed, in the case of Malawi in 2011 (Universal Periodic Review, 2011), and of the Islamic Republic of Iran in 2010 (Universal Periodic Review, 2010b), was the request to revise national legislation in order to more effectively tackle the issue.

In its report of 2009, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions attached special attention to the practice of witchcraft allegations around the world, making it the most elaborated UN document dedicated to the human rights consequences of witchcraft accusations. The report considers the persecution and killing of individuals, mainly women and children, accused of practising so-called "witchcraft" a significant phenomenon, even if it has not featured "prominently on the radar screen of human rights monitors". It denounces the practice of singling out victims for arbitrary private acts of violence or for government-sponsored or government-tolerated acts of violence. The Report furthermore underlines that there is little systematic information available on the numbers of persons so accused, persecuted or killed, nor is there any detailed analysis of the dynamics and patterns of such killings, or of how the killings can be prevented (Alston, 2009, p.13). In addressing the subject, the Special Rapporteur makes an attempt to shed some light on the witchcraft phenomenon which has many different practices or beliefs at different times and in diverse cultures. In some cultures, belief in witchcraft is rare; in others, people see it as "everyday and ordinary, forming as it does an integral part of their daily lives" (Moore and Sanders, 2002). The Report also refers to contemporaneous studies in the social sciences, especially in religious studies, anthropology and ethnology, that investigate a wide range of contemporary beliefs and practices around the world termed "witchcraft" or "sorcery". By providing a list of the contexts in which attention has been brought to the human rights consequences of the phenomenon in recent years, the Report aims at providing insights into the nature of the human rights challenges that need to be addressed (Alston, 2009, p.15). The Rapporteur also raises discussion over the possible forms of intervention, but limits his suggestions to his mandate and underlines that "the most important point is to ensure that all killings of alleged witches are treated as murder and investigated, prosecuted and punished accordingly". Finally, in support of the work of the UNHCR, the Rapporteur invites the relevant legal authorities in the concerned States "to examine carefully, and with an open mind, claims by asylum-seekers and others to be actual or potential victims of witchcraft-related practices and of community responses thereto" (Alston, 2009, p. 20-21).

Also two UN entities have recently engaged in activities related to witchcraft accusations, namely UNHCR and UNICEF. The United Nations High Commissioner for Refugees (UNHCR) has produced two research papers on the subject. A first document was published in 2009 and deals with witchcraft allegation refugee protection, and a second which was published in 2011 deals with witchcraft accusations against children.¹⁷ UNHCR's activities related to the phenomenon also include the

¹⁷ Referring to the Office of the United Nations High Commissioner for Refugees, see also the communication of 10 October 2008 to the Sudan in A/HRC/11/2/Add.1; the communication of 23 September 2008 to the Sudan in A/HRC/11/2/Add.1 and the Guidelines on Religion-Based Refugee Claims (HCR/GIP/04/06)

organisation of child protection training seminars in various towns in Angola in 2005 for the police, political leaders, church officials and civil society groups.¹⁸ Furthermore, UNHCR together with the Tanzanian government conducted evaluations in order to develop best-practice policies on the use of children with albinism in witchcraft practices (Bussien et al., 2011, p. 19-20). Confronted with the report of numerous witchcraft allegations in refugee camps in Chad, UNHCR has also organized several meetings in order to address the issue with the aim of increasing community cohesion and raising awareness of the danger of accusing people of witchcraft without evidence (Bussien et al., 2011, p. 19-20). UNICEF started to work on the issue of children accused of witchcraft in 2008, by drafting a study on the impact of witchcraft accusation in Angola. The organization has also commissioned an anthropological research on African children victims of traditional beliefs in 2010 (Cimpric, 2010). In Nigeria, UNICEF has established collaboration with the Child Rights and Rehabilitation Network (CRARN) and other concerned actors in the field of allegations of witchcraft made against children and has developed with its partners a strategy of social mobilization for building a consensus on the negative impact of the stigmatization of children accused of witchcraft with the aim of eradicating the phenomenon.

2.3 Addressing children's human rights

As documented above, human rights approaches to child witchcraft accusations have been framed in various ways. They have been related to children's civil rights and freedoms, in particular as forms of torture and other cruel, inhuman or degrading treatment or punishment, to forms of social exclusion, to health related issues in the form of harmful traditional practices as well as to special protection measures. The many different frameworks under which witchcraft accusations and their consequences have been addressed give an indication of the numerous human rights issues involved. But the instability of the way how the problematic of witchcraft accusations has been framed is probably also an illustration of the lack of knowledge not only how to deal with these practices, but also how to conceptualize them from a children's and human rights point of view. Social science research on the practice of human rights has shown that human rights are an open field where different worldviews interact. Human rights actors, including both scholars and advocates, do not necessarily agree on the merits or demerits of the human rights framework and can be considered as belonging to a particular school of thought in human rights (Dembour, 2006). In a similar vein, the children's rights field has been investigated by people holding different views on childhood image, children's capacities and fundamental rights, which allows making an analytical distinction between different schools of thought in children's rights (Hanson, 2012).

From an emancipatory perspective on children's human rights, critique has been voiced about the way how dominant interpretations of international children's rights easily assume that children and young persons are unable, per definition, to exercise agency. The challenge for human rights responses in the case of children accused of witchcraft is then to find ways how to tie the children's rights framework more closely to the complex realities of children's own experiences. This is important, because, as de Berry reminds us, "It is at the local level of community, family and children themselves that these social relations will be talked about and lived through, and thus knowledge of them can best start by taking on board people's own perspectives and subjective experiences..." (de Berry, 2001, pp. 102-103). The findings from the emerging anthropological literature into the local understandings of possession and witchcraft, in particular those studies that refute the 'victim only' approach, have hardly found their way to human rights realms. However, acknowledging children's agency does form part of the human and children's rights framework. The challenge, then, is to find ways to respond and do justice to both the

¹⁸ UNHCR (2005). Angola Annual Protection Report.

serious consequences for children who are victims of witchcraft accusations, as well as to the agency that these children are exercising, for the better or the worse, of the local processes that they co-produce.

The legitimacy of human rights interventions should be evaluated in light of their capacity to sustain the emancipatory thrust of human rights and human rights struggles: What are the merits and practical relevance of human rights based approaches from the perspective of the victims of human rights violations? The importance to address as a central concern the question in how far human rights interventions are relevant for concrete social actors in particular local settings builds upon empirical insights from social science research on human rights in the fields of international relations, sociology, socio-legal studies and anthropology (Baxi, 2002; De Feyter, Parmentier, Timmerman, & Ulrich, 2011; Dembour, & Kelly, 2007; de Sousa Santos, & Rodríguez-Garavito, 2005; Liebel, with Hanson, Saadi, & Vandenhoele, 2012; Goodale, 2006, pp. 1-8; Goodale, 2009; Goodale & Merry, 2007; Hanson & Nieuwenhuys, 2012; Merry, 2006; Mutua, 2002; Wilson, 2006, pp. 7-83.). A common thread in this work that has been undertaken increasingly during the last decade is the ambition to address human rights no longer solely as a top down process, but to also include bottom up understandings of human rights in order to attend to 'human rights from below'. In other words, if strategies for actions designed in the field of child witchcraft allegations are to be found legitimate by children, their families and the local communities in which these practices are taking place, they should take particularly serious also local interpretations of human rights.

3. EU INTERVENTIONS AND POLICY

EU actions related to children's rights have a direct impact not only on the law and policies that affect children in the Member States but also on the EU relationships with the rest of the world. After situating the competency on children's rights of the EU, this section addresses the place of children's rights in EU external actions and indicates a number of challenges for developing EU policies and courses of action to deal with child witchcraft allegations and human rights.

3.1 EU competency on children's rights

Attention for children's rights in the EU has evolved from an economic integration approach towards a concept of a shared area of freedom, security and justice. Indeed, following the 1992 Maastricht Treaty, Article F.2 of the TEU introduced the obligation for the Union to respect fundamental rights in its policies and actions. Since then, the EU has developed various tools on the protection of children based on the TEU, the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the provisions of the CRC and the Charter of Fundamental Rights independently of its legal status before the entry into force of the Lisbon Treaty (European Commission, 2006a). Article 6 of the (Lisbon) Treaty also regulates access of the EU to the ECHR;¹⁹ as an outcome of its accession to this

¹⁹ In July 2010 the official negotiation on the accession agreement started. On 5 April 2013, the negotiators of the 47 Council of Europe member states and the European Union have finalised the draft accession agreement of the European Union to the European Convention on Human Rights. The EU Court of Justice in Luxembourg will now be asked to give its opinion on the text. The accession of the EU and its Member States to the ECHR will only enter into force with the ratification of the agreement by all State Parties of the ECHR and the EU itself. More information on the EU accession to the European Convention on Human Rights is available at <http://www.coe.int/lportal/web/coe-portal/what-we-do/human-rights/eu-accession-to-the-convention>, (15 April 2013); European Parliament Resolution of 19 May 2010 on the Institutional Aspects of the Accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms, 2009/2241(INI).

Council of Europe instrument, the EU will be obliged to apply all ECHR provisions in its internal and external actions.²⁰

The Commission Communication of 4 July 2006 'Towards an EU Strategy on the Rights of the Child', marked a turning point in the EU policy regarding the promotion and safeguard of children's rights in EU internal and external actions, and also provided support for EU Member States' efforts in addressing children's rights issues (European Commission, 2006a). The Communication found its legal basis in the obligation to respect children's rights under international treaties and in Article 24 of the European Charter of Fundamental Rights (Canetta, Meurens, McDonough, and Ruggiero 2012, pp. 13-18; European Commission, 2006b). Another important step for the protection of the rights of the child was the adoption and entry into force of the Lisbon Treaty. The Treaty expressly recognizes child protection as one of the leading objectives of the EU both internally and in its actions outside the EU Member States. Children's rights obtained a statutory recognition throughout the wording of Article 3 of the Treaty on the European Union (TEU), which contains the obligation for the EU to endorse the protection of the rights of the child. Moreover, referring to the EU relations with the rest of the world, the Article explicitly states that the Union must contribute to the protection of fundamental rights, in particular the rights of the child, also 'in its relations with the wider world'.²¹ With the entry into force of the Lisbon Treaty on the 1st of December 2009, the Charter of Fundamental Rights of the European Union became directly binding on all EU Institutions and Member States. Article 24 of the Charter explicitly deals with the rights of the child and states:

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his/her parents, unless that is contrary to his or her interests.

The Lisbon Treaty positioned the human rights of the child at the forefront of the EU agenda, even if neither the Treaty nor the Charter confers a competence on children's rights to the EU as a general policy area. However, the new existing legal provisions introduced by the entry into force of the Lisbon Treaty create an obligation for the EU to take internal and external measures targeted at the fulfilment of children's rights (Canetta, Meurens, McDonough, and Ruggiero 2012 pp-27-28; Haldorsson, 2011, p.12). The EU is the largest donor of development aid in the world and contributes extensively to humanitarian aid; it is an active player in peace-building efforts in conflict-affected countries and intervenes in international policy debates in areas such as climate change, energy, terrorism, migration, development and trade, which have significant impacts on children. Both the scale and the intensity of the EU's involvement in international policy and development provides the EU great leverage for enhancing the human rights of children both within the EU Member States as well as on a global level.

²⁰ Among the other those that could be applied to the violation related to the witchcraft accusations are: right to life (Article 2); prohibition of torture (Article 3); prohibition of slavery and forced labour (Article 4); and the right to liberty and security (Article 5); right to a fair trial (Article 6).

²¹ Other notable provisions are: Article 21 TEU which establishes human rights and fundamental freedoms as guiding principles of EU action on the international scene, creating the obligation for the EU to consolidate and support human rights in its policies; Article 6 TEU which requires the EU to accede to the ECHR as previously mentioned; Article 79 TFEU which provides that the European Parliament and the Council shall adopt measures combating trafficking in persons, in particular women and children; Article 83 TFEU which offers the possibility for the European Parliament and the Council to legislate on various crimes.

3.2 EU external actions

Children's rights have been the focus of EU external actions even before the entering into force of the Lisbon Treaty (Council, 2003, 2007, 2008; European Commission, 2006a, 2008) Since 2003, the EU moved from an initial focus on children and armed conflict to a more comprehensive approach to children's rights in general (Vandenhole, 2011, p. 478).

The EU Guidelines on children and armed conflict, adopted in December 2003, is the first document on children's rights in EU external action. The aim of this document was to influence non-EU countries and NGOs to implement human rights and humanitarian standards as well as to develop a comprehensive approach to the consequences of armed conflict on children in the short, medium and long term (Council, 2003, para 6). The Guidelines ask for regular monitoring, reporting and assessment in order to be able to identify situations in which EU action is required. The EU tools for intervention in relation to non-EU countries are political dialogue, multilateral cooperation, crisis management operations and training. The Council Working Group on Human Rights (COHOM) was charged with the follow-up and implementation of this document. In 2007, the Guidelines were updated and additional EU actions were added to the existent list of intervention tools, in particular the imposition of targeted measures during the renewing process of EU agreements with non-EU countries (Council, 2007a).

The 2006 Commission Communication 'Towards an EU Strategy on the Rights of the Child' that initiated a more comprehensive approach to the human rights of children, considers the almost universal ratification of the CRC as "a particular robust basis for engagement between the European Commission and non-EU countries" (European Commission 2006a, p. 3). Next to identifying seven objectives for an EU strategy on children's right in EU actions (European Commission 2006a, pp. 7-10), the 2006 Communication also contains a preliminary inventory of EU actions affecting children's rights and identifies instruments to promote children rights in EU external relations (European Commission, 2006b, p. 3). The instruments identified are similar to those listed in relation to children in armed conflicts and consist of political dialogue, demarches, trade and development and humanitarian assistance, whereby issues such as the recruitment and use of children in armed conflict, child labour and child trafficking are specified as thematic priorities (Vandenhole, 2011, p. 480).

In 2007, the Commission endorsed the 'EU Guidelines for the Promotion and Protection of the Rights of the Child', a document entirely dedicated to EU external policies, which complemented the 2003 EU Guidelines on children in armed conflict. These Guidelines on children's rights mainly focus on the identification of "operational tools for EU action in relations with non-EU countries" to strengthen children's rights, basically referring to priority areas of intervention identified by the COHOM. The first priority area of intervention which has been identified was the theme 'All Forms of Violence against Children' (Council 2007).

The European Commission adopted as a next step in February 2008 the Communication 'A Special Place for Children in EU External Action'. The aim of this Communication and the accompanying Action Plan on Children's Rights in External Action and the Staff Working Paper on Children in Situations of Emergency and Crisis "is to establish a framework for a comprehensive EU approach towards the protection and promotion of children's rights in non-EU countries. Such an approach must be based on a holistic and universally applicable view of children's rights and be part of broader development and poverty reduction strategies" (European Commission, 2008a). The 2008 Commission Communication aims to ensure that the different policy tools and financial instruments of the EU as well as the European Development Fund act in a genuine complementary way. On the basis of the wording of the Communication, EU coordination will be maximised through six main interventions:

1. Children and adolescents in development cooperation: the EU should make full use of development cooperation and poverty eradication measures designed to address the root causes of poverty;
2. Children and adolescents in trade policy: EU trade policy is formulated recognising fully the need to ensure that it is consistent with the protection and promotion of children's rights, and that the issue of children's rights is covered by labour standards in bilateral agreements;
3. Children and adolescents in the political dialogue: in political dialogues with partner countries, systematic consideration should be given to the implementation of commitments under the CRC;
4. Regional and global actions: actions at country-level need to be supplemented by appropriate actions at regional and global levels to address issues that have a supra-national character;
5. Empowerment of children and adolescents: The EU should address the lack of capacity to meet obligations with regard to children's rights by empowering children and adolescents to play an active role in those matters that affect them directly;
6. Children and adolescents in humanitarian aid: In countries on the verge of conflict, actually in conflict or emerging from conflict and in crises resulting from natural disasters, humanitarian aid should address, inter alia, three crucial issues related to children: (a) separated and unaccompanied children, (b) children associated with armed forces or armed groups, and (c) children's education in emergencies.

It is remarkable that this European Commission Communication does not explicitly make reference to the term 'rights' of children in the title and only uses the children's rights language sporadically in the text. It states that humanitarian aid must be provided solely on the basis of equal needs of those affected and that "satisfying children's rights and adolescents' basic needs is essential for the realisation of their rights" (European Commission, 2008, p.6 – Vandenhoele, 2011, pp. 480-481). In spite of this, the document also for the first time suggests, amongst the solutions to compensate the lack of capacity to meet obligations with regard to children's rights, to rely on the empowerment of children in order to have them playing an active role in matters that affect them directly.

The here briefly presented non-binding Guidelines and Communications serve as a basis for EU commitments relating to children in the framework of EU relations with non-EU countries and international and regional organisations.²² They have, together with the previously discussed Articles 24, 14 and 32 of the Charter of Fundamental Rights and Articles 3 and 21 of the Lisbon Treaty a legal ground which requires the EU to promote the protection of the rights of the child and to mainstream children's rights into all legislation, policies and programmes internally and externally performed by the EU in fulfilling its mandate.

The EU Action Plan on Children's Rights in External Action for the period 2007-2013 further builds upon this framework, and identifies priorities of action at national, regional and global levels. These priorities include political and policy dialogues; mainstreaming children rights; and the identification of priority

²² The promotion and protection of fundamental rights is also an important element of the pre-accession assistance and the European Neighbourhood Policy Actions Plans. See Council of the European Union Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance; European Commission (2011), Joint Communication by the High Representative of The Union For Foreign Affairs And Security Policy and the European Commission: A New Response to a Changing Neighbourhood A review of European Neighbourhood Policy, COM(2011) 30. On the basis of EU guidelines, the Union engages in human rights dialogues with about 30 countries, including neighbourhood and accession countries. EU guidelines on human rights dialogues with third countries (2009), initially adopted by the Council in 2001 and its update adopted on 12 May 2013, available at: http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/r10115_en.htm.

actions at regional and global levels. Moreover, the children's rights-based approach in external relations must be supported by appropriate feedback and monitoring activities, to be undertaken jointly by the EU and the beneficiary government. To support the integrated and coordinated action, the Plan stipulated that by 2013 focal points for children had to be appointed in DG DEV, DG RELEX, DG AIDCO, DG ECHO and DG ELARG²³ and where possible in EC Delegations. Also, the EU should promote the participation of children, families and caregivers in the identification, implementation and evaluation of the programmes supported in the focal sectors, and develop a 'Children's Rights Toolkit'. This toolkit, which is developed in partnership with UNICEF, included guidelines, materials, awareness-raising and training activities in the areas of political and policy dialogue, programming and mainstreaming, impact assessment, monitoring and indicators and child participation. The final aim of the Children's Rights Toolkit is to demonstrate how EU development cooperation can effectively contribute to the fulfilment of children's rights. The main idea behind the Toolkit is that sector restructuring and development initiatives in areas such as infrastructure, governance or budget reforms all have a strong impact on child well-being and rights, but are too often considered merely as an afterthought or even not taken into consideration at all. The Toolkit has therefore been developed with the aim to avoid overlooking children's rights, interests, opinions and capacities in EU development programming (European Commission, 2008b).²⁴

Finally, the setting up of the High Representative of the Union for Foreign Affairs and Security Policy, and the creation of the EU's diplomatic department, the European External Action Service (EEAS),²⁵ has important consequences not only for enhancing the coherence and efficiency of the EU external action in general, but also has the potential to increase EU's influence worldwide including in relation to human rights and children's rights. The EEAS works in cooperation with the diplomatic services of the Member States and comprises officials from the relevant departments of the General Secretariat of the Council of the European Union and of the European Commission. The EEAS is functionally autonomous from other EU bodies – but has a legal responsibility to ensure its policies are consistent with other EU policies. To ensure this coherency the High Representative is also a Vice-President of the European Commission, and President of the Foreign Affairs Council. It was formally launched on 1 December 2010 and serves as a foreign ministry and diplomatic corps for the EU, implementing the EU's Common Foreign and Security Policy and other areas of the EU's external representation.²⁶ The network of EU delegations, which is composed of 141 EU Delegations and Offices, is part of the EEAS structure through which the EU intervenes around the world on matters such as peace building, development Aid, human rights, building security, crisis response and humanitarian aid, climate change and trade.²⁷

²³ With the entry into force of the Lisbon Treaty several institutional changes were introduced. The most relevant are the creation of the position of the High Representative of the Union for Foreign Affairs and Security Policy, the creation of the European External Action Service (EEAS) and the fusion and reorganization of some EU Directorate Generals, in particular those related to DGs DEV, AIDCO and RELEX. The DGs DEV and AIDCO were merged into the new DG for Development and EuropeAid (DG DEVCO), which was established on 3 January 2011 and is now responsible for defining EU development policy as well as for ensuring the effective programming and implementation of EU aid. The DG RELEX, which was responsible for the external policy of the European Commission, was merged into the European External Action Service following the Lisbon Treaty in 2010. The competences of DG RELEX related to international climate change negotiations were transferred to the new DG Climate Action, whereas the newly established DG Foreign Policy Instruments Service preserves the competencies which have remained at the Commission.

²⁴ An experts meeting for the finalization of the 'Child Rights Toolkit. Integrating Child Rights in EU Development Cooperation' was convened in Brussels on 22 and 23 April 2013.

²⁵ Council Decision of 26 July 2010, establishing the organisation and functioning of the European External Action Service, (2010/427/EU), published on Official Journal of the European Union, L 201/30 of 03.08.2010.

²⁶ For more information see the EU external action website: http://www.eeas.europa.eu/index_en.htm

²⁷ The EU delegations for external actions works in 15 world regions organised as follows: Africa; African, Caribbean and Pacific Group of States (ACP); Asia; Candidate and potential candidate countries; Central Asia; Gulf countries, Iran, Iraq and

Recently, EU's children's rights external policies have addressed a wide variety of children's rights themes such as violence, worst forms of child labour, under-nutrition, children affected by armed conflict, emergency education and birth registration. These policies have been conducted via support of civil society programmes (often in collaboration with UNICEF), the holding of conferences as well as through political dialogues and multilateral cooperation at the UN level.

3.3 Challenges

EU external actions can be considered as entry points in all regions affected by the phenomenon of witchcraft accusations against children. To illustrate how these actions are currently conducted, we take as an example the case of Africa, where child witchcraft allegations have been most frequently documented. For instance, the political frameworks and financial instruments in Africa are composed by the Joint Africa-EU Strategy (JAES).²⁸ In 2010 the 2nd Action Plan for 2011 to 2013 was adopted at the Africa-EU Summit which took place in November 2010 in Libya. This second Action Plan is based on the outcomes of the 1st Action Plan for 2008 to 2010.²⁹ The latter included the promotion and protection of children's rights and emphasised collaboration with governmental and non-governmental actors at the local level as well as the political dialogue.³⁰ In November 2011, the AU-EU Human Rights Dialogue yielded a joint statement against the use of child soldiers, following-up on the AU-EU agreement to strengthen efforts to protect children from the effects of war at the occasion of the International Day against the Use of Child Soldiers (12 February 2011). Always in Africa, the EU holds particular political dialogues that are developed at ministerial level. Partners of these political dialogues are Nigeria, Cap-Verde, South Africa and regions such as the Economic Community of West African States (ECOWAS), East and Southern Africa and the Indian Ocean, Central Africa and the Southern African Development Community (SADC).

Yemen; Latin America and the Caribbean; Mediterranean & Middle East; North America; Other European countries; Overseas Countries and Territories (OCTs); Pacific; South Caucasus; Western Balkans and Western Europe. The EEAS is unique and independent from other EU institutions, formed by merger of the external relation departments of the Council and the European Commission, sitting outside those institutions and it also has its own independent budget.

²⁸ The four main objectives of this long-term strategic partnership are: (1) To reinforce and elevate the Africa-EU political partnership to address issues of common concern, such as strengthening of institutional ties and addressing common challenges, in particular peace and security, migration and development, and a clean environment; (2) To strengthen and promote peace, security, democratic governance and human rights, fundamental freedoms, gender equality, sustainable economic development; (3) To jointly promote and sustain a system of effective multilateralism, with strong, representative and legitimate institutions, and to address global challenges and common concerns such as for example: human rights, including children's rights and gender equality, fair trade, migration, HIV/AIDS and other pandemics, climate change, energy security and sustainability, terrorism, and so on; (4) To facilitate and promote a broad-based and wide-ranging people-centred partnership, Africa and the EU will empower non-state actors and create conditions to enable them to play an active role in development, democracy building, conflict prevention and post-conflict reconstruction processes. Ongoing dialogue with civil society, the private sector and local stakeholders on issues covered by this Joint Strategy will be a key component to ensure its implementation. The Africa-Eu Strategic Partnership. A Joint Africa-Eu Strategy, 2007, Retrieved on 12 May 2013 from http://www.africa-eu-partnership.org/sites/default/files/eas2007_joint_strategy_en.pdf

²⁹ For more information please see the Joint Africa EU Strategy Action Plan 2011-2013 Introductory Part, retrieved on 12 May 2013 on http://www.africa-eu-partnership.org/sites/default/files/doc_jaes_action_plan_2011_13_en.pdf and First Action Plan (2008-2010) for the Implementation of the Africa-Eu Strategic Partnership, retrieved on 12 May 2013 from http://www.africa-eu-partnership.org/sites/default/files/eas2007_action_plan_2008_2010_en_6.pdf

³⁰ The EU also maintains sub-regional and bilateral relations with African countries, that are regulated by different legal frameworks. For example: all North African countries are part of the European Neighbourhood Policy (ENP) and benefit from its financial instrument, the ENPI framework which also the political dialogue with North African partners takes place.

Relations with Sub-Saharan African countries take place under the legal framework of the Partnership Agreement with the African, Caribbean and Pacific States (ACP), the so-called Cotonou Agreement, as revised in 2010 for the second time. This latter covers both political dialogue and financial cooperation at the national and sub-regional level and it is financially covered by the European Development Fund (EDF) - except for South Africa which is covered by the Development Cooperation Instrument (DCI).

The overall EU policy framework pertaining to both general and theme-specific children's rights in EU external actions mainly adopts a protection approach in emphasizing what can and should be done by the EU in encouraging non-EU countries to observe children's rights. However, this framework tends to neglect the European Unions' own obligations to respect, protect and fulfil the human rights of children in non-EU countries. An analysis of the current EU approach to children's rights has implications in at least three distinct ways. First, children's rights tend to be instrumentalised for pursuing other goals or policies, such as promoting human security, social stability, social cohesion and development. Because of the almost universal recognition of these rights, they provide a particularly strong basis for commitment between the EU Commission and non-EU countries regarding external actions. In other words, children's rights are considered a strategic entry point for pushing other policies or goals. Second, the framework is based on a 'needs' rather than on a 'rights' approach; EU documents on external policy have the tendency to focus primarily on the vulnerability of children and the associated need for protection (Vandenhole, 2011, pp. 484-486).

This approach is explicit in the 2008 Commission Communication on a special place for children in EU external action, which states that children must be placed at the centre of the EU's external relations, development and humanitarian aid policies because of their vulnerability (Commission, 2008a p. 3). Similarly, the Commission's action plan on children's rights in external action underscores themes related to protective intervention as main priority areas, namely child labour, child trafficking, violence against children including sexual exploitation, and children affected by armed conflicts. Also the 2012 EU annual Report on Human Rights and Democracy, issued by the Council of the European Union in May 2013, addresses children's rights from an overall 'protectionist approach'. The Report and its addendum dedicated to the Country reports essentially aim at protecting children as victims, and see the promotion of children's rights as interventions to be undertaken in a number of priority areas such as child labour, children involved in armed conflict, juvenile justice, violence against children, birth registration, under-nutrition, access to school and healthcare facilities (Council of the European Union, 2013a and 2013b pp. 81-84). It is noteworthy that the report also mentions witchcraft practices in two countries but not related to children, in particular Tanzania (in relation to the killing of elderly women), and the Central African Republic (as a general human rights issue raised during the political dialogue meetings) (Council of the European Union, 2013a, pp. 93 & 154). The same approach is adopted in the EU Strategic Framework on Human Rights and Democracy of 25 June 2012 where the EU for the first time sets out its global human rights policy in the years ahead and outlines a list of actions that the EU should implement in order to promote these goals in practice.³¹ The particular actions to be undertaken in the field of the promotion and protection of children's rights relate to violence against children, the implementation of the EU Guidelines on children in armed conflict, the eradication of child labour and prevention activities of early and forced marriages affecting children (Council of the European Union, 2012).

As a consequence, even if children's protection rights are indeed important, aspects related to the agency of children and their resilience are hardly recognised (Vandenhole, 2011: p. 487). Third, the EU imposes respect for children's rights upon non-EU countries as a requirement for benefitting from EU development cooperation or trade preferences. An example of such a conditional use of children's rights by the EU can be found in the 2007 EU Guidelines for the Promotion and Protection of the Rights

³¹ The Strategic Framework is complemented by an Action Plan of 97 actions that the EU is determined to implement by 31 December 2014 (Council of the European Union, 2013b pp. 9-10). The EU Action Plan on Human Rights and Democracy refers to the goal of integrating human rights in the EU external policy and thereby identifies the promotion and protection of children's rights as specific outcomes.

of the Child (Vandenhole, 2011, p. 487) and in the 2011 Communication 'The Future Approach to EU Budget Support to Third Countries (European Commission, 2011b).

The EU could avoid these pitfalls of instrumentalisation and conditionality of children's rights by more firmly committing itself, and not only other countries, to international human and children's rights obligations. In this respect, "if human rights are to serve as correctives to state and market failures", Vandenhole suggests that in a "... globalising world, with a variety of powerful actors that take over to various degrees powers that used to belonging to the state, attribution of human rights responsibility needs to be revised." (Vandenhole, 2011, p. 493). Article 4 of the CRC and its interpretation by the Committee on the Rights of the Child in its General Comment no. 5 of 2003 provides an interesting starting point for such a commitment. The Committee refers to the responsibility of developed States for the global implementation of the CRC through international cooperation. Donor countries and actors hold the corresponding obligation to respect, protect and fulfil the economic social and cultural rights of children also in their relation with third countries (Vandenhole, 2011, pp. 494-495).

Since the entry into force of the Lisbon Treaty, the EU is submitted to such a transnational obligation on the basis of article 3 (5) of the Treaty and of the article 6 (1) TEU which provided constitutional status to the EU Charter on Fundamental Rights, in particular to the article 24 which is specifically dedicated to children's rights. This obligation has already been recognised by the EU in relation to a shared responsibility for children's rights in interventions in non-EU Countries, for instance in the European Commission staff working document on combating child labour of 2010 and in the Communication on a special place for children in EU external action of 2008. However, this recognition still remains marginal and theme-specific, as it is not fully translated in the practice of EU actions in general. EU external actions should hence be undertaken not only to urge non-EU Countries to respect international human rights and children's rights standards, but also, and most importantly, to enhance the EU's own obligation to observe children's rights standards in EU policies and actions which may affect the human rights of children, also in relation to child witchcraft allegations.

4. CONCLUSION

Over the last several years, accusations of witchcraft against children have become the focus of increased international attention, in particular due to the fact that they cause direct violations of children's rights. Cases of children being harmed abused or killed following accusations of being a witch or for the purpose of witchcraft have been documented mainly in countries in Africa (Alston, 2009, par.49). Beliefs related to witchcraft are not necessarily problematic in themselves, but become challenging when they involve accusations leading to acts of persecution, including psychological, emotional and physical abuse, which can eventually even lead to the death of the accused child. It has been difficult for duty bearers to formulate adequate responses to these abuses implying violations of children's human rights.

An important finding of our investigation is that child witchcraft allegations have received relatively little attention within human rights discourse from the UN, academia or civil society (Secker, 2012, p.22). Further empirical research is needed into the prevalence of child witchcraft allegations, its causes and effects in selected countries and local settings, in particular regarding violations of children's rights, and into the interventions that are currently undertaken as well as into the effects of these interventions. The many different human rights frameworks that have been used to frame child witchcraft accusations and their consequences further illustrate the lack of knowledge not only how to deal with these practices, but also how to conceptualize them from a children's and human rights point of view. In this paper, we have argued that human rights responses in the case of children accused of witchcraft must find ways to link the children's rights framework more closely to the complex realities of children's own

experiences. Strategies of actions must seek to take into account the serious consequences for children who are victims of witchcraft accusations, the agency that these children are exercising, as well as to the interpretations of human rights by the children, their families and the local communities in which these practices occur.

It is on these implications of witchcraft allegations that the need for external interventions of the European Union and the European Parliament can be identified, in particular in compliance with the European Union's commitment to fulfil the requirements of the UN Convention on the Rights of the Child (CRC). The CRC aims to promote and to protect the rights and well-being of children and adolescents, and is particularly relevant in situations that put at risk the mental and physical development of children such as those caused by witchcraft allegations. Furthermore, the CRC provides a comprehensive legal framework for mainstreaming international co-operation efforts in the field of children's rights. Out of these insights, suggestions for courses of action for the European Union and, in particular, for the European Parliament can be identified which can serve as a basis for further debate. The suggestions made are based on a combined and nuanced understanding of the local contexts in which child witchcraft allegations occur and their bearing for intervention programmes, the relevant human rights law framework and the distinct legal and political context in which the European Union operates.

Proposed strategies of action:

- In order to overcome a charity and protection approach, integrate the recognition of children as active agents and bearers of rights in the framework of the EU external actions, whereby children and adolescents should be empowered to play a more active role in matters that affect them directly. Also local and community actors should be involved more systematically in order to support and develop alternative family support systems as well as community dispute resolution mechanisms. This requires a stronger emphasis on children's participation rights, in particular when exchanging with national actors that are dealing with the practice of child witchcraft allegations.
- The European Parliament and the European Commission should apply, together with the Council of the EU and in joint commitment with the European External Action Service, the principle of transnational obligation for the respect, promotion and protection of children's rights. In this respect, the European Parliament should request the Commission an annual comprehensive report on the state of children's rights in EU external policies and actions subjected to a public debate with the involvement of external experts.
- The European Parliament and the European Commission should strengthen co-operation with other relevant actors, and in particular pay attention to forming new partnerships with potential national allies, such as public-private partnership, academic institutions, local and communities leaders and civil society organizations operating at the local level, including for the identification, implementation and evaluation of projects operated in non-EU Countries.
- The European Parliament should support the Commission and the European External Action Service to mainstream children's rights in all EU external actions, informed by the principles of the CRC. Therefore, broaden the current thematic focus by developing a comprehensive EU approach to children's rights and ensure that each DG disposes of a focal point on children's rights that could coordinate an overall EU children's rights policy. In order to monitor the development of an EU policy on children's rights, the European Parliament should investigate how the EU could become a party to the CRC, in a similar way as the EU has become a party to the UN Convention

- on the Rights of Persons with Disabilities, and would be committed to submitting periodic reports to the CRC Committee.
- Enhance children’s rights expertise within the EU institutions and within entities operating in non-EU Countries, in particular via financing and participating in interdisciplinary children’s rights research and academic training programmes such as those offered by members of the European Network of Masters in Children’s Rights (ENMCR) and the Children’s Rights Erasmus Academic Network (CREAN).
 - The European Parliament should support the integration of the objectives regarding the promotion and protection of the rights of the child as an integral part of EU’s external human rights policy, in the development and peace and security context, development cooperation and humanitarian assistance. These can be the main entry points for developing interventions that deal with child witchcraft allegations. In the countries concerned, a main objective should be to develop a political dialogue and social activities in order to activate the debate about the harmful consequences of witchcraft practices.
 - The European Parliament and the EU Council should include children’s rights as objectives to be pursued in all relevant EU external financing instruments and policies. These instruments and policies should be country-driven in order to cover the human and economic resources needed to deal with child witchcraft allegations in the affected Countries. The European Parliament should include a specific financial instrument or earmark a particular amount to further investigate and address such practices in the affected Countries, as well as to assess existing projects and intervention schemes.
 - The EU instruments that are of particular importance for improving attention to children in the country and thematic context are the thematic and geographical programmes ‘Investing in People’ and the ‘European Instrument for Democracy and Human Rights’. Child witchcraft allegations should become a specific thematic objective of these programmes supported with a specific financial allocation.
 - After identifying a list of countries that are affected by child witchcraft accusations, a specific Country Strategy should be elaborated which outlines concrete proposals how to address the phenomenon. Without duplicating existent procedures, this specific strategy could be an aspect among those contained in the general country assessment and in the general Human Rights Country Strategies leading the EU external interventions in a specific non-EU Country on the basis of what is prescribed by the 2008 EU Guidelines for the Promotion and Protection of the Rights of the Child.

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