

CHILD ABUSE IN THE UK: WITCHCRAFT AND POSSESSION

An argument for legislative reform linking the branding of children as witches and possessed and incitement to significant harm.

"It is essential that action is taken to protect children by shifting the point at which abuse occurs to the point of labeling or branding. Any form of abuse (whether at home or elsewhere) that does occur after that, is solely as a result of this initial branding or 'scapegoating'"-Debbie Ariyo, executive director of Africans Unite Against Child Abuse (AFRUCA).¹

Introduction

On Christmas day, 2010, Kristy Bamu was tortured to death by his sister Magalie Bamu and her partner Eric Bilkubi. Kristy was deprived of food and water for three days and three nights. He was struck with a heavy bar and hammer, knocking out his teeth. Ceramic floor tiles and bottles were smashed on his head and a pair of pliers used to twist his ear. According to Kristy's sister and her partner, Kristy was a "witch". His prolonged attack of "unspeakable savagery and brutality" was part of a deliverance (or exorcism) ceremony, necessary to free the child of alleged possession.²

Over recent years, accusations of witchcraft and possession have become a part of a growing pattern of child abuse in the UK.³ The first high profile case of child abuse linked to accusations of witchcraft and possession was that of eight-year-old Victoria Climbié in 2000, whose tragic death was largely responsible for the "Every Child Matters" initiative and the introduction of the Children Act 2004. Just one year later, in 2005, a case referred to as the "Child B" case was widely reported. Child B, also eight-years-old, was subjected to a horrifying catalogue of torture and was eventually discovered by a street

¹ Ariyo, *We need to prosecute those who brand children as witches*, Community Care, 02/03/2011 (online) <http://www.communitycare.co.uk/2011/02/25/we-need-to-prosecute-those-who-brand-children-witches/>

² Pettifor, *This was brutal savage torture': Evil pair murdered boy they accused of witchcraft*, The Daily Mirror, 01/03/2012 Available at: <http://www.mirror.co.uk/news/uk-news/this-was-brutal-savage-torture-evil-748820>

³ *Witchcraft-based child abuse: action plan launched*, BBC News UK, 14/08.12 Available at: <http://www.bbc.co.uk/news/education-19248144>

warden sitting outside an East London flat, shivering and covered in cuts and bruises. There have also been other, less publicised cases, including a pastor from Bradford who abused his two sons because he believed they were possessed.⁴

In August 2012, in response to Kristy Bamu's murder, the government launched an action plan to tackle child abuse linked to witchcraft and possession. The key aims of the action plan are to raise awareness and set out 'urgent practical steps to identify and protect children at risk'⁵

However, the government's recent efforts arguably do not go far enough. The action plan fails to address the fact that cases of child abuse linked to witchcraft and possession have their origin in the branding of vulnerable children as witches and possessed by evil spirits. Although the law criminalises the physical abuse that occurs once a child is branded as a witch and possessed by evil spirits, nowhere in UK law is the link between child-branding and incitement to harm made.

Therefore, this essay will propose that the law is reformed to include the criminal offence of inciting significant harm to a child. Such an offence may be akin to the offence of inciting racial hatred (Race Relations Act 1976, Public Order Act 1986 and Criminal Justice and Public Order Act 1994).

Definitions

Although there is no common language for the concepts in this paper the most acceptable terms across faith-based organisations, non-governmental organisations and the public sector include 'possession by evils spirits' and 'witchcraft'.

⁴ Bahunga, *Tackling child abuse linked to faith or abuse*, Every Child Journal, (online) p. 15 Available at: <http://www.afruca.org/wp-content/uploads/2013/07/ECJ-3-4-Faith-based-abuse.pdf>

⁵ *Press release: action plan to stop child abuse in the name of faith or belief*, 14/08/12 (online). Available at: <https://www.gov.uk/government/news/action-plan-to-stop-child-abuse-in-the-name-of-faith-or-belief>

The term possession can be defined as an evil force which has entered a child and is controlling him/her from within. The term 'witch' means a child who is able to use evil forces to harm others. Once a child has been branded as a witch and possessed the child may then undergo an exorcism.

The Collins English Dictionary defines exorcism as "the act of expelling or attempting to expel one or more evil spirits from a person or place believed to be possessed or haunted, by prayers, adjurations, and religious rites". The following passage is often relied upon to justify exorcisms in the Christian context:

Jesus gave his twelve disciples the power against unclean spirits, to cast them out, and to heal them all manner of sickness, and all manner of disease⁶

The range of behaviour associated with exorcism can include praying for a child while he/ she are present through to "beating the devil out of the child".

For the purposes of this essay a child is considered to be a young person under the age of 18 years old as defined by the Children Act 1989.⁷

Background: Legal Developments in the Practice of Witchcraft and Possession in the UK

Witchcraft and possession have a long history in English law. The first English statute criminalising the practice of witchcraft was introduced by Henry VII in 1542, followed by new, stricter, legislation by Elizabeth I in 1563 and James I in 1604⁸. James I took a particularly keen interest in witchcraft. Considering himself somewhat of an expert on the subject, he published a book entitled 'Demonology' (1597)- a handbook on how to recognise and destroy witches.⁹

⁶ Matt 10:1

⁷ Stobbart, Child abuse linked to accusations of "possession" and "witchcraft", 2006 (online) p. 5. Available at: <http://217.35.77.12/CB/england/research/pdfs/2006/RR750.pdf>

⁸ Levack, *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*, p. 470

⁹ Kors and Peters, *Witchcraft in Europe, 400-1700: A Documentary History*, p. 394

In 1735, a further Witchcraft Act was introduced which repealed the 1604 Act. This marked a complete reversal in attitudes. Penalties for the practice of witchcraft as traditionally constituted were replaced by penalties for the pretence of witchcraft. For example, a person who claimed to possess the ability to foretell the future was to be punished as a vagrant and a con artist, subject to fines and imprisonment.¹⁰

The last person convicted under the Witchcraft Act 1735 was Jane Rebecca Yorke of Forest Gate in East London. In 1944, Yorke was convicted on seven counts of "pretending...to cause the spirits of deceased persons to be present" and bound over¹¹. In 1951, the Witchcraft Act 1735 was repealed by the Fraudulent Mediums Act 1951, which in turn was repealed in 2008.¹²

In 2013, witchcraft is no longer generally viewed as baring the same threat to society as it once did. This is reflected in Article 9 of the European Convention on Human Rights (also section 9 of the Human Rights Act 1998) which provides the right to freedom of thought, conscience and religion. This includes: the freedom to change religion or belief; to exercise religion or belief publicly or privately, alone or with others; to exercise religion or belief in worship, teaching, practice and observance; and the right to have no religion (e.g. to be atheist or agnostic) or to have non-religious beliefs protected (e.g. philosophical beliefs such as pacifism or veganism).

Article 9 is a qualified right and as such the freedom to manifest a religion or belief can be limited, so long as the limitation: is prescribed by law; is necessary and proportionate; and pursues a legitimate aim, namely: the interests of public safety; the protection of public order, health or morals; or the protection of the rights and freedoms of others.

Child-Branding Linked to Accusations of Witchcraft and Possession: The Case for Reform

¹⁰ Gibson, *Witchcraft and Society in England and America, 1550-1750*, p. 7

¹¹ Chambers, *The Witchcraft Act wasn't about women on brooms*, 24/01/07 (online). Available at <http://www.theguardian.com/commentisfree/2007/jan/24/comment.comment3>

¹² *Living heritage: religion and belief*, (online). Available at <http://www.parliament.uk/about/living-heritage/transformatingsociety/private-lives/religion/overview/witchcraft/>

Witchcraft and possession are phenomenon's largely nurtured within a Christian context. In the UK, witchcraft and possession is frequently linked to Congolese (and increasingly also Angolan) diasporas. Often these diasporas are connected to Pentecostal communities or other types of churches associated with Christian fundamentalism.¹³

In many instances, accusations of witchcraft are made and/or verified by African churches in the UK¹⁴. Often within these churches, there is a strong focus on success. Success is measured in wealth and material possession and considered as a mark of God's favour. Those who do not succeed believe that they have been prevented from doing so by witchcraft and possession. This places migrant and non-migrant experiencing difficulties (for example, unemployment, divorce, illness etc.) at particular risk.¹⁵

Often at the centre of these churches are religious entrepreneurs or "rogue pastors" willing to take advantage of migrants and non-migrants experiencing such difficulties. Those who are diagnosed as witches by so-called "rogue pastors" are usually the most vulnerable members of our society. This includes: children with disability (i.e. autism, epilepsy, Down syndrome and dyslexia), children living away from home in private fostering situations, living with a step parent or with one natural parent absent or dead, children whose parents have been diagnosed as witches and children with challenging behaviour.¹⁶

It is often within a pastor's interest to diagnose a child with a condition that only they can cure. Material rewards gained by pastors can range from charging £500 for an oil that is going to 'cure' a child of evil spirits¹⁷, to the more profitable such as the performance of an exorcism performed by the

¹³ De Boeck, *At risk, as risk: abandonment and care in a world of spiritual insecurity. The Devils Children. From spirit possession to witchcraft: new allegations that affect children.* La Fontaine, p.133

¹⁴ Bahunga, *Tackling child abuse linked to faith or abuse*, (online) p. 13 Available at: <http://www.afruca.org/wp-content/uploads/2013/07/ECJ-3-4-Faith-based-abuse.pdf>

¹⁵ La Fontaine *Child witches in London: tradition and change in religious practice and belief. The Devils Children. From spirit possession to witchcraft: new allegations that affect children.* La Fontaine, p.124

¹⁶ Stobbart, *Child abuse linked to accusations of "possession" and "witchcraft"*, 2006 (online) p. 21. Available at: <http://217.35.77.12/CB/england/research/pdfs/2006/RR750.pdf>

¹⁷ Topping, *Accusations of witchcraft are part of a growing pattern of child abuse in the UK* The Guardian, 01/03/2012 (online). Available at: <http://www.theguardian.com/uk/2012/mar/01/accusations-witchcraft-pattern-child-abuse>

pastor of the church. The prestige of large congregations as a result of successful exorcism ceremonies is also no doubt an attractive feature.

Once a pastor has diagnosed a child the pastor's diagnosis is not questioned further by members of the community. This is due to the belief that the pastor's word is the will of God. This is particular point of concern when one considers the actions which follow a diagnosis.

In 2012, MP Chuka Umunna stated that witch branding in the African context is tantamount to violence.¹⁸ The actions following the branding of a child as a witch and possessed, often encompass neglect, physical, emotional and sexual abuse.

In cases of child abuse linked to witchcraft and possession it is important to highlight that much of the physical abuse suffered by the child is not carried out by the pastor themselves. Most violent exorcisms are primarily carried out by non-parent carers¹⁹. However, a pastor's diagnosis makes it possible for others to violently abuse children diagnosed by the pastor as witches and possessed. Without the pastor's diagnosis there cannot effectively be any grounds for violence.

This does not mean however, that the pastor's role is one merely of diagnosis. Pastors play a somewhat less dramatic role in the abuse that follows diagnosis. This may include: long prayers, thus depriving a child of sleep and traumatising a child with threats of hell if they do not repent for their evil deed(s) or witchcraft etc.²⁰

It is clear from the evidence cited above that trusted members of the community are abusing their power, often for financial gain and at the expense of the most vulnerable members of our society. However, regardless of this fact, 'rogue pastors' remain outside the reach of the law. To date, no pastor in the UK has been prosecuted for their role in the abuse suffered as a direct consequence of

¹⁸ London MP hold summit on 'witch' branding, Lapidomedia, 18/04/12 (online) Available at: <http://www.lapidomedia.com/node/960>

¹⁹ Stobart, *Child abuse linked to accusations of 'possession' and witchcraft, The Devils Children. From spirit possession to witchcraft: new allegations that affect children*. La Fontaine, p.151

²⁰ Bahunga, *Tackling child abuse linked to faith or abuse*, Every Child Journal, (online) p. 13 Available at: <http://www.afruca.org/wp-content/uploads/2013/07/ECJ-3-4-Faith-based-abuse.pdf>

their diagnosis of children such as Victoria Climbié, Child B and Kristy Bamu. This issue will be addressed in the subsequent section of this essay.

Proposals for Reform: Inciting Significant Harm to a Child

In 2003, Lord Laming issued a report of inquiry into the death of Victoria Climbié. The report stated that cultural differences should never again be a factor in inadequate child protection.²¹ However, over the last decade, Scotland Yard has conducted 83 investigations into child abuse linked to accusations of witchcraft and possession.²² An effective solution is clearly yet to be found.

This paper will argue therefore, that a legislative layer of protection is the only solution in ensuring that indeed, cultural differences are never a factor for inadequate child protection. Without this much needed protective layer the issue of child abuse linked to accusations of witchcraft and possession will continue to persist.

One solution in addressing the issue of child abuse linked to accusations of witchcraft and possession maybe to take an approach similar to that taken by the Democratic Republic of the Congo (DRC) where child witch branding is a criminal offence under Child Protection Law 2009.²³

However, in the European context, such an approach may stand little ground against Article 9 of the ECHR as it targets the belief in witchcraft itself. To state that it is a criminal offence to accuses, allege or threaten to accuse a child of being a witch or wizard²⁴, may be seen as a revert back to the old English witchcraft laws enacted by Henry VII, Elizabeth I and James I in the 1500-1600's.

²¹ Shelley, 'Beating children is wrong, isn't it? Resolving conflicts in the encounter between religious worldviews and child protection' (2013), *Ecclesiastical Law Journal*, p.1

²² *Witchcraft-based child abuse: action plan launched*, BBC News UK, 14/08/12 Available at: <http://www.bbc.co.uk/news/education-19248144>

²³ *A girl accused of witchcraft find support in the Democratic Republic of the Congo*, UNICEF, 29/07/13 (online). Available at: http://www.unicef.org/infobycountry/drcongo_69736.html

²⁴ AFRUCA, *AFRUCA proposal to amend the Children and Young Persons Act 1933*, AFRUCA 01/06/13 (online). Available at: <http://www.afruca.org/position-paper/afruca-proposal-to-amend-the-children-and-young-persons-act-1933/>

Under Article 9 of the ECHR it is quite acceptable for an individual or group of individuals to believe in the existence of witches and possession and further, to believe that children could embody these beliefs. After all, in law, there is nothing wrong with the belief in itself.

In an attempt to address UK child abuse linked to accusations of witchcraft and possession, non-governmental organisation AFRUCA has proposed that the Children and Young Persons Act 1933 is reformed to enhance the protection of children against accusations of witchcraft or possession. AFRUCA have suggested that the meaning of “ill-treats” under section 1(2)(c) includes the:

Communication by word or by action, a belief that the child is possessed by evil spirits or has supernatural harmful powers²⁵

However, AFRUCA’s suggestion, again, targets the belief in witchcraft and possession itself. In order to avoid Article 9 criticism a more flexible approach must be employed.

Therefore, this paper suggests that the law is reformed to include the criminal offence of *inciting significant harm to a child*.²⁶ This may be akin to inciting racial hatred under the Race Relations Act 1976, Public Order Act 1986 and Criminal Justice and Public Order Act 1994, which prohibit the use of threatening, abusive or insulting words or behaviour, or displaying any written material which is threatening, abusive or insulting with the intention of stirring up racial hatred or where racial hatred is likely to be stirred up. No person would need to be the object of the incitement. It would be sufficient that those who carry out the abuse were simply encouraged to do so²⁷. In the context of child abuse linked to witchcraft and possession such legislative reform would finally target ‘rogue’ pastors whose diagnose is fundamental to the abuse which follows.

²⁵ AFRUCA, *AFRUCA proposal to amend the Children and Young Persons Act 1933* , AFRUCA 01/06/13 (online). Available at: <http://www.afruca.org/position-paper/afruca-proposal-to-amend-the-children-and-young-persons-act-1933/>

²⁶ This suggestion has also been made, rather casually in a blog, by Child protection expert Chris Mills : Available at: www.chrismillsblog.blogspot.co.uk/2012/08/child-abuse-and-witchcraft.html

²⁷ Smith and Hogan, *Criminal law*, p.1110-1116

However, in order for the full effect of such proposed legislative reform to be felt it must be coupled with the four key areas of work (i.e. engaging communities, empowering practitioners, victim support and communicating key messages) as suggested by the government national action plan for tackling child abuse linked to faith or belief. In addition, stricter regulations of the churches where those inciting harm upon children can be found are also required. Currently anyone can establish a church without an obligation to have child protection project policies in place.²⁸

Conclusion

It is clear to see from the evidence outlined in this paper that an additional legislative protective layer is needed in order to properly address the issue of child abuse linked to witchcraft and possession. Such legislation would shift the point of abuse to the earlier stage of branding, which would consequently act as a protective mechanism for those most at risk. It is only when such commitment is made by the law that the abuse suffered by as Victoria Climbié , Child B and Kristy Bamu is likely to be a thing of the past and not the future.

Word count: 2,956

²⁸ Bahunga, *Tackling child abuse linked to faith or abuse*, Every Child Journal, (online) p. 17 Available at: <http://www.afruca.org/wp-content/uploads/2013/07/EJC-3-4-Faith-based-abuse.pdf>

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