

United Nations Officer of the High Commissioner for Human Rights

NGO Stakeholder Submission
OHCHR Universal Periodic Review



South African Pagan Rights Alliance (SAPRA)

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George, Western Cape, South Africa

Witch-hunts in South Africa

1. South Africa neglects action to end witch-hunts

1. Witch-hunts still prevalent in South Africa

In South Africa over 40 people, including children, women and men of all ages, were accused of 'witchcraft' or became victims of 'witchcraft' accusation and brutal violence in 2010 and 2011. The following list of victims and accused was compiled by SAPRA from South African online news reports. These reports have and can be confirmed as representing actual news reports of actual attacks against children, women and men accused of witchcraft.

Andiswa Mabhida (9 months old). Burned to death. Victim of a witch hunt.
 Liyema Phulwana (2). Burned to death. Victim of a witch hunt.
 Ezile Nogemane (5). Hacked to death. Victim of a witch hunt.
 Olwami Mabhida (6). Burned to death. Victim of a witch hunt.
 Siphesihle Mabhida (7). Burned to death. Victim of a witch hunt.
 Vela Nogemane (9). Hacked to death. Victim of a witch hunt.
 Njabulo Mabhida (9). Burned to death. Victim of a witch hunt.
 Nonkoliseko Malolo (10). Stabbed to death. Victim of a witch hunt.
 Akhona Malolo (10). Stabbed to death. Victim of a witch hunt.
 Lwando Nogemane (10). Hacked to death. Victim of a witch hunt.
 Phumeza Ntakani (13). Stabbed to death. Victim of a witch hunt.
 Nelisiwe Khumalo (16). Burned to death. Victim of a witch hunt.
 Yalezwa Phulwana (22). Burned to death. Victim of a witch hunt.
 Sindi Mabhida (25). Burned to death. Victim of a witch hunt.
 Coshele Mabhida (45). Burned to death. Victim of a witch hunt.
 Tholakele Shoba (54). Murdered. Accused of witchcraft.
 Angelina Mabhida (58). Burned to death. Victim of a witch hunt.
 Shezi Shoba (60). Murdered. Accused of witchcraft.
 Matome Albert Shai (64). Murdered. Accused of witchcraft.
 Nokitani Tshemesi (65). Stabbed to death. Accused of witchcraft.
 Mbongeni Zungu (68). Beaten to death. Accused of witchcraft.
 Badabukile Ndlovu (81). Throat slit and stabbed 50 times. Accused of witchcraft.
 Masilengenge Bambusiba (85). Hacked to death. Accused of witchcraft.
 Mamakazi Mkhwanazi. Burned to death. Accused of witchcraft.
 Thobile Mbatha. Burned to death. Victim of a witch hunt.

Survived. Nonjengezinye Matwa. Hospitalised with severe burns. Accused of witchcraft.
 Survived. Unidentified girl (3). Shot. Victim of a witch hunt.
 Survived. Unidentified woman (38). Stabbed. Victim of a witch hunt.
 Survived. Unidentified woman (54). Shot. Accused of witchcraft.
 Survived. Unidentified woman (60). Stabbed. Victim of a witch hunt.
 Survived. Unidentified woman escaped burning house. Accused of witchcraft.

Unidentified woman (75). Stabbed to death. Accused of witchcraft.
 Unidentified woman (80). Stabbed to death. Accused of witchcraft.

In 2011... Cynthia Lemaho (26) and Mupala Motopela (81) were accused of Witchcraft and stoned to death.

Survived. Unnamed woman (62) beaten by 12 people aged between 18 and 46. Accused of witchcraft.

LATEST NEWS REPORT: Two people were killed and four others injured when a mob swooped on two homes in Slovo Park where they believed witchcraft was being practised. A 67-year-old woman sustained severe burns and died when the group set her flat alight in the first incident. Her 16-year-old grandson was stabbed but survived the attack while a 6-year-old girl escaped unhurt. A shack belonging to the woman's 26-year-old son was also set alight. He was not there at the time. About 30 minutes later, the home of a 62-year-old woman was set alight. She was stabbed and sustained burns and was in a critical condition in hospital. Her 35-year-old son was hacked to death and another son and daughter, aged 25 and 30, were in hospital. One had sustained stab wounds and the other burns. Five grandchildren escaped unhurt. Their ages were not immediately known. 05/07/2011

SOURCE: <http://www.news24.com/SouthAfrica/News/Mob-leaves-2-dead-in-witchcraft-attacks-20110705>

1.2. South African government fails to implement measures to curb witch-hunts

In 1998 the South African Commission for Gender Equality (CGE) convened a 'National Conference on Witchcraft Violence' in Thohoyandou, Venda. In response to the findings of the Conference the CGE launched its 'Action Plan for the Eradication of Witchcraft Violence' by committing itself to monitoring the progress of "legislative reform, victim support, the reintegration of victims into communities, and reconciliation and public education programmes" aimed at eradicating 'witchcraft violence'.

Since 1998 however, no action has been taken by CGE, or any other organ of state, or any Chapter nine institution established in terms of Chapter 9 of the South African Constitution to promote and protect the Bill of Rights and constitution of the Republic, to prevent further incidences of witchcraft accusations and violent attacks against accused persons.

No victim support strategy was ever implemented by CGE, the Department of Justice, or the South African Police Services. Current victims of witchcraft accusation and attack are not reintegrated into their communities but rather removed from their homes, families and communities into police custody, and no reconciliation programmes have been established by this government to challenge the motivations for witchcraft accusations, nor promote the eradication of violence against those accused of witchcraft.

SAPRA was informed by Advocate Kamraj Anirudhra, the Parliamentary Officer for the CGE in April 2010 that said institution has destroyed all documentation relating to the 'National Conference on Witchcraft Violence', and that CGE is not pursuing any current or past programme related to the then promoted 'Action Plan for the Eradication of Witchcraft Violence' as promoted by CGE in 1998.

2. South African authorities dismiss stakeholder's repeated call for timeous intervention and remedy

2.1. SAPRA appeals for government intervention and remedy (2007 to 2011) ignored

Between 2007 and 2011, the South African Pagan Rights Alliance (SAPRA), a non governmental organization which represents actual citizens who identify themselves as real Witches, has annually submitted motivated appeals for urgent intervention and remedy against ongoing witchcraft accusations and brutally violent witch-hunts, to various South African government departments and Chapter nine institutions, including:

The South African Police Services
 The Department of Police
 The Department of Justice & Constitutional Development

The Department of Cooperative Governance & Traditional Affairs
 The Department of Women, Children and People with Disabilities

The South African Human Rights Commission
 The Commission for Gender Equality
 The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

The South African National Assembly – Parliament
 The South African Council of Provinces

None of the above departments or institutions, with the sole exception of the Commission for Gender Equality, and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, have responded at all to any of SAPRA's annual appeals for action to end ongoing witch-hunts against South African citizens accused of being witches by their neighbours and family members.

2.2. SAPRA launches annual '30 Days of Advocacy against Witch-hunts' (29 March to 27 April) but the South African government refuses to support it

Since 1997, SAPRA has called on the South African government and Chapter Nine institutions annually, during its **'30 days of advocacy against witch-hunts'** campaign (**29 March to 27 April**) to:

- a) halt the persecution of suspected or accused witches,
- b) uphold and strengthen a culture of human rights for all Africans equally,
- c) respond appropriately and humanely to incidences of witchcraft-related violence and accusations of witchcraft,
- d) make the eradication of violence against suspected witches a national priority,
- e) train local police to manage witchcraft-related violence in a way that affirms the dignity and humanity of those accused of practicing witchcraft,
- f) create victim support units to facilitate reintegration and conciliation of those accused,
- g) adopt comprehensive public education and awareness programmes aimed at eradicating the real causes of witchcraft accusations, and
- h) reform legislation that currently seeks to suppress witchcraft or criminalize accused witches, namely, the Witchcraft Suppression Act of 1957.

No other South African NGO is currently focused on any campaign to bring an end to witchcraft accusations and witch-hunts in South Africa.

Despite annual appeals from SAPRA to all South African government departments, Chapter Nine institutions, and Parliament, to support this annual campaign in order to advocate against witchcraft accusations and witch-hunts, all government Departments, Ministers, Parliamentarians, and Chapter Nine institution (with the exception of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities) have either failed, refused, or declined their active participation or support.

3. South African government obligated to consider legitimate interests of religious minorities in developing national policies and programmes

The international community defines discrimination as *“any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, language, religion, national or social origin, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms”*.

Article 27 of the ‘International Covenant on Civil and Political Rights’ states *“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language”*.

Article 5 of the ‘Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities’ obliges all governments to consider the legitimate interests of minorities in developing national policies and programmes. These minority rights are not subject to official recognition of a minority by a government.

According to both international and South African law the African National Congress, as the governing party of the republic, is legally obligated to consider the legitimate interests of South African Witches in developing national policies and programmes to correct inequalities to which Witches are currently subjected. In this instance, with special regard to ensuring that Witches in this country are able to benefit equally from every other right enshrined in the Bill of Rights, including the right to safety and security.

A refusal to engage with or speak to representatives of a religious minority constitutes a crime under international convention and law. Dismissing the legitimate concerns of Witches in a country prone to sporadic witch-hunts constitutes criminal negligence in the pursuance of the protection of the rights of an already visible and recognized religious minority.

No previous commission or conference on Witchcraft has identified the need to investigate if and in what manner, negatively stereotyping and institutionalized prejudice against witchcraft and witches in general, has resulted in unfair discrimination against real and actual Witches. The assumption that it hasn’t unfairly prejudiced real Witches because they have not been the victims of Witchcraft violence in this country yet, an assumption often directed at Witches campaigning for religious equality in South Africa, does not take cognizance of the full effects of institutionalized prejudice inflicted upon members of this religious community.

SAPRA cannot assume that its own members, who identify themselves as Witches, and who identify Witchcraft as their religion, will not also become victims of witchcraft accusation and resulting violence by witch-hunters unless the South African government acts to prevent further prejudice, discrimination and violence against suspected 'witches'.

In 1990 the Canadian Supreme Court described the harm that might result from institutionalized prejudice by examining the effects of the advocacy of hatred. *“Although the words ‘advocacy of hatred’ are capable of a narrow construction, the focus is likely to be placed on the second element: ‘incitement to cause harm’.* In *R. v Keegstra [1990] 3 SCR 697*, the Canadian Supreme Court described the ‘harm’ that may result from hate speech. *The Court stated that emotional damage caused by words may have grave psychological and social consequences. A response of humiliation and degradation from the individual targeted by hate propaganda is to be expected. A person’s sense of human dignity and belonging to a community at large is closely linked to the concern and respect accorded the groups to which he or she belongs. The derision, hostility and abuse encouraged by hate propaganda therefore have a severely negative impact on an individual’s sense of self-worth and acceptance.”*

Institutional bias against Witchcraft in South Africa, experienced by SAPRA, prejudices interactions between real Witches and both state and private institutions established to protect or promote equality, and between Witches and political organizations, simply because such institutions and organizations are composed of people with both religious and cultural biases against Witchcraft.

The ongoing prevalence of Witchcraft related violence against non-Witches as the result of defamatory accusation in virtually every province raises legitimate concerns regarding the present and future safety and security of Witches who choose to make their religious affiliation public knowledge. How can citizens feel safe when they are afraid to tell others that they are Witches for fear of being scapegoated?

In accordance with Article 5 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, Article 27 of the International Covenant on Civil and Political Rights, and Section 31 (1) of Chapter Two of the Constitution of South Africa, the South African government, in conjunction with institutions such as the Human Rights Commission, the Commission for Gender Equality, and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, must promote respect for and further the protection of the rights of Witches by initiating information and education programmes to promote public understanding of Witchcraft in a non-discriminatory and non-prejudicial manner. These programmes must acknowledge the legitimate concerns of Witches in developing national policies to correct inequalities to which real Witches, and those falsely accused as 'witches', are subjected.

SAPRA appeals to the United Nations Officer of the High Commissioner for Human Rights to assist in finding a just and equitable remedy to the failure of the South African government to act responsibly, and in accordance with its international human rights obligations to protect its citizens from unfair discrimination and hate crimes, in bringing an end to escalating incidences of violence against South African citizens.

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