

Witchcraft and Sorcery Related Killings in Melanesia: Culture, Law and Human Rights Perspectives

Submission for *Human Rights Agenda*

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19 June 2013

ABSTRACT / SYNOPSIS:

The following is a summary of some of the key human rights related issues emerging from conference on Sorcery and Witchcraft Related Killings: Culture, Law and Human Rights Perspectives that was held at the Australian National University in June 2013.

KEYWORDS:

Papua New Guinea, Vanuatu, Solomon Islands, human rights, sorcery, witchcraft, gender relations, death penalty,

TEXT:

A three day multi-disciplinary conference was held at the Australian National University in June 2013 to focus on ways of managing the negative social consequences of belief in sorcery and witchcraft in Melanesia.¹ The speakers were from varied academic backgrounds including law, anthropology, gender and human rights, as well as policy-makers, legal officers, human rights activists, members of church organisations and non-governmental organisations from the Pacific Islands region. Approximately half the presenters were from PNG, Vanuatu and Solomon Islands and the other half were from Australia, New Zealand and Europe.

The conference covered a wide range of issues linked to sorcery and witchcraft beliefs in Melanesia. These included the brutal attacks and even killings of alleged practitioners, civil unrest and warfare, criminal activity, the fostering of a pervasive culture of insecurity, disincentive for economic development as a result of fear of

¹ See

http://regnet.anu.edu.au/sites/default/files/files/Conference%20booklet%20%5BReduced%5D_fin_al.pdf for the conference booklet with the conference timetable, abstracts and speakers' biographies.

being subjected to an attack of sorcery through envy or jealousy, and such beliefs as an obstacle to public health service delivery. Speakers also detailed the particular form the beliefs take in different parts of the region, demonstrating their extreme diversity. They also challenged certain common suppositions by outsiders, for example by showing that men as well as women are accused of sorcery and witchcraft, and that the beliefs are not dying out as a result of engagement either with Christianity or globalisation.

One of the main issues of debate throughout the conference was best to deal with the apparently growing problem of women and men being accused of witchcraft or sorcery and then being publicly tortured, for women often in highly sexualised ways, and then killed or severely injured in PNG. The report of such incidents, especially in relation to women, has been widely publicised in both national and international media and widely condemned, particularly by international human rights groups.² The conference heard from a number of Human Rights Defenders who are working at the community level in PNG to provide support for such victims, intervening where possible and providing other crucial support such as helping with obtaining medical treatment, providing counselling and seeking funds to assist with final relocation. However, currently most of this work is being done through the generosity, courage and commitment of such women in the absence of much real structured support. Other presentations discussed more preventative approaches, such as interventions by pastors at events such as funerals where allegations of sorcery and witchcraft often begin. Attention was also drawn to the characteristics of the perpetrators of the violence, who are often disenfranchised young men who are associated with drugs, alcohol, small arms, frustration, and an inability to find a meaningful role for themselves in their communities. Many speakers suggested that strategies targeted towards working with such men, and confronting the troubled forms of post-colonial masculinity, are necessary in dealing with sorcery and witchcraft practices today.

The response by the PNG government to the publicity around the issue has been to announce that it would repeal the Sorcery Act 1971 and also revive the death penalty for such murders. The Sorcery Act attempts to deal with the problems caused by beliefs in sorcery in PNG, without countenancing the existence of the practice. However, it is argued that it is perceived by the population at large as being state legitimisation of the belief in sorcery, although there is no evidence to support this argument. In reality, the Act has not really been used, either for the limited defence of provocation it provides, or to convict those who engage in acts of forbidden sorcery. Repealing the Act does, however, raise important questions about what it will be replaced with, and in particular whether the state should continue to criminalise certain behaviour associated with sorcery and witchcraft (such as threatening to harm through sorcery, or holding oneself out to be a sorcerer), and if

² See for example <http://www.theglobalmail.org/feature/its-2013-and-theyre-burning-witches/558/>

so what forum would be the most appropriate.³ The revival of the death penalty (which has been part of the Penal Code since Independence but has not been enforced since 1954) is also a problematic response for many reasons, but for reasons of space I will just state two. First, it does not address the problem that the laws which currently exist are not being properly implemented. In many of the recent accounts of witchcraft related violence there is explicit mention that the police stood by and watched it happen, either because they were complicit or because they lacked the power to stop it. The death penalty is not going to change this fundamental problem. Second, there is no evidence that the death penalty will have a deterrent effect. Court sentences for witchcraft related killings have been getting harsher and harsher for the past 10 years, but this has not stopped the escalation of violence.

The issue of how to treat behaviour caused by belief in sorcery and witchcraft in Melanesia raises a host of important philosophical and jurisprudential questions about the relationship between cultural beliefs and legal regimes, the extent to which specific cultural beliefs should be taken into account when implementing international human rights, and how to translate human rights into the local context. While no clear “solutions” to these questions appeared at the conference, the papers presented made it clear that a highly nuanced approach is needed, one that values and respects local culture and traditions, but also works to ensure that these do not lead to violence and other sorts of abuse. The importance of adopting a multi-stakeholder approach, and the benefits of collaborations and networks with local and international academics, law reform bodies, and NGOs was also made apparent. A more detailed summary of the main themes of the conference is available at <http://pacificinstitute.anu.edu.au/outrigger/2013/06/18/summary-sorcery-witchcraft-related-killings-in-melanesia-5-7-june-2013/>.

³ For a further discussion of these issues (in the context of Vanuatu, not PNG), see FORSYTH, M. “Sorcery and the Criminal Law in Vanuatu” in *LAWASIA*, 2006, pp.1-27