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Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Ghana: State involvement in chieftaincy matters, such as blood rituals for deceased chiefs and their successors, including legislation; consequences of divulging a secret ritual to another member of the same ethnic group, including the Kotokoli in the Volta region; state protection available to individuals that do not comply with chieftaincy rules and traditions (2014-April 2017)

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chieftaincy rules and traditions (2014-April 2017), 2 May 2017, GHA105792.E, available at: <https://www.refworld.org/docid/59c8e0584.html> [accessed 2 October 2020]

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Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. State Involvement in Chieftaincy Related Blood Rituals

1.1 Blood Rituals

In correspondence with the Research Directorate, a professor emeritus of anthropology at Haverford College, who has recently authored a book on chieftaincies in Northern Ghana, stated that

although the press loves to report scandalous rumors of infant deaths related to supposed sorcery, and one cannot rule out the possibility, I am confident that no human sacrifice or "ritual killing" is part of any chief's burial or enskinment in modern times, i.e., since 1920. Once upon a time such deaths were part of certain southern rituals ... It is possible that people believe in deaths caused by "supernatural" means, but literal "ritual murder" does not happen. (Professor Emeritus 19 Apr. 2017)

Similarly, in correspondence with the Research Directorate, a professor of political science at the University of Ghana who has published several academic articles on chieftaincy in Ghana, stated that

such notions as blood sacrifices or human blood libation when a chief dies are more mythical than real. ... There has not been a single evidence of such rumours. (Professor of political science 15 Apr. 2017)

In contrast, in correspondence with the Research Directorate, a senior lecturer at the University of Ghana's Department of Sociology, whose research interests include chieftaincy and law, stated that

[i]n some traditional kingdoms and chiefdoms, particularly in southern Ghana, the burial of a traditional leader is accompanied by ritual killing. This is totally detested by the state and punishable by the state law as a criminal act. However, it is done in secrecy. (Senior Lecturer 14 Apr. 2017)

Information on instances of chieftaincy related blood rituals could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The US Department of State's *Country Reports on Human Rights Practices for 2014* for Ghana provides the following regarding ritual killing:

Ritual killings continued to occur. For example, in August [2014], police in Bolgatanga Municipality, Upper East Region, found a decapitated head, severed genitals, a chain padlock, the wing of a bird, and a pair of slippers buried in a building under construction. Police suspected the killing was committed for ritual purposes and arrested the owner of the building, but no charges had been pressed by year's end. (US 25 June 2015, 23)

The *Country Reports 2015* for Ghana states that "[r]itual killings continued to occur" (US 13 Apr. 2016, 20). According to *Country Reports 2016*, "[u]nlike in prior years, there were no reports of ritual killings" (US 3 Mar. 2017). However, an article published on Ghanaian online news source GhanaWeb states that in May 2016, a "fifteen year old girl ... was nearly abducted and killed for ritual purposes by unknown assailants" in the Western Region (GhanaWeb 14 May 2016). In January 2017, the *Ghanaian Times*, a government-owned daily newspaper, reported that a seventeen-year-old girl who was found dead in the Greater Accra Region was "believed to have been killed for ritual purposes, according to residents of the area" (*The Ghanaian Times* 24 Jan. 2017).

1.2 Legislation Related to Blood Rituals

In correspondence with the Research Directorate, a postdoctoral fellow at the University of Copenhagen, who wrote a PhD thesis on the role of traditional authority in Northern Ghana, stated that, according to the 1992 Constitution, "practices such as blood sacrifices that undermine [fundamental human rights] would be illegal, and ritual killings would be considered unlawful. However, I think voluntary bloodletting is permitted but is unusual" (Postdoctoral Fellow 20 Apr. 2017). Without providing further detail, the Professor of political science stated that "Ghanaian legislation frowns upon all forms of killing or shedding of blood whether for ritual purposes including libation in the context of the burial of a deceased chief in the South or the enskinment/enstoolment of a new chief in the northern part of the country" (Professor of political science 15 Apr. 2017). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.3 Effectiveness of State Protection Against Blood Sacrifices

The Postdoctoral Fellow stated regarding the legislative protection against blood sacrifices that "the interesting element is whether, and to what extent, the law around ritual killing/murder is enforced" (Postdoctoral Fellow 20 Apr. 2017). The same source explained that

stakeholders may ... frame an event explicitly as "traditional" or "ritual" to excuse it from investigation ... [M]atters of a "traditional" nature are a grey zone and sometimes a no-go area for law enforcers as well as public officials - simply because people are scared to be accused of interfering with another group's customs. In brief, I would say that the question of whether law is enforced or not is not always related to the seriousness of the crime ..., but is closely related to the incentives and disincentives of the different actors involved to either pursue or not pursue the case, and to the potential political sensitivities of the case. (Postdoctoral Fellow 20 Apr. 2017)

Without providing further detail, the Professor Emeritus indicated that the Ghanaian constitution "forbids the government from interfering in traditional affairs" but also "obliges the government to uphold human rights" (Professor Emeritus 19 Apr. 2017). According to the same source, "[t]here can be argument about how to draw the line between these two obligations" (Professor Emeritus 19 Apr. 2017). The Professor Emeritus further stated that "[a]nimal sacrifice is common, but the government does not tolerate human sacrifice" (Professor Emeritus 19 Apr. 2017). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. State Protection for Individuals Who do not Comply with Chieftaincy Rules and Traditions

In correspondence with the Research Directorate, a former extraordinary professor of anthropology at the University of Wrocław whose research included chieftaincy in Northern Ghana, stated that

it is maintained in Ghana that traditional matters, unless involving criminal acts as defined by law, are to be resolved by traditional authorities such as Traditional Councils, Houses of Chiefs, etc. The state intervenes only when public order is threatened or breached by chieftaincy conflicts. (former Extraordinary Professor 13 Apr. 2017)

Regarding state protection for individuals who do not comply with chieftaincy rules and traditions, the Professor of political science explained that "[e]very traditional area or community has its rules ... Those in the community are expected to abide by such rules and traditions. However, such rules must not be an affront to the constitution of the country" (Professor of political science 15 Apr. 2017). Without providing further detail, the same source further stated that the state will "offer protection in situations where the fundamental rights of the person are flagrantly abused by the chief" (Professor of political science 15 Apr. 2017).

In correspondence with the Research Directorate, a social anthropologist at the University of Ghana whose research includes chieftaincy in Ghana, stated that the "traditional state" has its by-rules and regulations "which all those living within the chieftain area should abide by" (Social anthropologist 17 Apr. 2017). Without providing further detail, the same source indicated that the rulings of the traditional court "can however be appealed" (Social anthropologist 17 Apr. 2017). According to the same source, in practice, the protection of the individual guaranteed by the constitution of Ghana "is not always effective," adding that this protection

depends on the individual who feels aggrieved and what he is willing and able to do to defend his or her rights. If he or she does not take the matter to the courts, the constitution cannot come into play. Fear of reprisals or the intervention of family and relatives may prevent a person from seeking redress in the courts. (Social anthropologist 17 Apr. 2017)

The Postdoctoral fellow stated the following regarding state protection for individuals who do not comply with chieftaincy rules:

I am quite sure there is no such protection available and the lack of protection points to a massive discrepancy between what the law intends to do and what actually happens in practice. Statute in recent years has actually strengthened the powers of chiefs, which was the case of the 2008 Chieftaincy Act. Interestingly, this made it illegal for anyone to refuse an order given by a chief: The Act states that a person who "deliberately refuses to honour a call from a chief to attend to an issue commits an offence and is liable on summary conviction to a fine of not more than two hundred penalty units or to a term of imprisonment of not more than three months or both." This section was later struck out by the Supreme Court that found it undermines basic liberties and freedom of movement. Still, it exemplifies the strength of chieftaincy in the country and the will of governments to increase the everyday powers of chiefs. It obviously depends on the situation, but an individual who seriously falls out with a chief or gets involved with a chiefly affair may have to move or face expulsion from an area. (Postdoctoral Fellow 20 Apr. 2017)

2.1 State Protection for Individuals Who Refuse a Chieftaincy Position

The Professor of political science stated that, to his knowledge, "one is free to accept or refuse a chieftaincy position in any part of Ghana" and that state protection is therefore not needed in this field (Professor of political science 15 Apr. 2017). Similarly, according to the social anthropologist, the "recalcitrant individual may be persuaded to accept the office but no one to my knowledge can be compelled to accept the office" (Social anthropologist 17 Apr. 2017). The Professor Emeritus similarly stated that "[n]obody would be penalized for not wanting the job" (Professor Emeritus 19 Apr. 2017).

The Senior Lecturer stated that "[t]here is no physical punishment for refusing a traditional position" but that

[t]radition hardly allows an unwilling chieftaincy candidate to have his way simply because the candidate's refusal to accept a chieftaincy position is a denial of a whole family, or section of it (ruling/royal gate) of such an opportunity and subsequently, denies such a family or a section of it the opportunity to present candidates for the particular chieftaincy position. (Senior Lecturer 14 Apr. 2017)

Concerning state protection for individuals who refuse a chieftaincy position, the Postdoctoral Fellow stated that, to his knowledge, "there are no protection systems in place" (Postdoctoral Fellow 20 Apr. 2017). Concerning consequences for refusing a chieftaincy position, such as ostracism or social chastisement, the Professor Emeritus stated the following:

There might be. In Ghana generally, in daily life, public order depends more on collective action than on policing ... So, for example, individuals (usually older women) may be identified as witches and abused accordingly. (Professor Emeritus 19 Apr. 2017)

3. Consequences of Divulging a Secret Ritual to Another Member of the Same Ethnic Group

Without providing further detail, the former Extraordinary Professor stated that "divulging secrets might call forth some ritual sanction, wrath of gods, etc." (former Extraordinary Professor 13 Apr. 2017). However, according to the same source, "the traditional institutions have no right to impose physical sanctions, this is the prerogative of the state of Ghana because criminal offences are [an] exclusive domain for the state (former Extraordinary Professor 13 Apr. 2017).

According to the Postdoctoral Fellow, the consequences of divulging a secret ritual to another member of the same ethnic group "could easily range from 'absolutely none' to 'life endangering.' It would depend very much on the context. For example, who divulged what, to whom, for what purpose, how was it used, who is accusing whom, and why etc." (Postdoctoral Fellow 20 Apr. 2017).

According to the Professor Emeritus,

[s]omeone who divulged a ritual secret to unauthorized persons, or who did not "comply with chieftaincy rules," or was at least accused of so doing, might well be subject to a local lynching, but so might anyone in the right circumstances; a suspected thief, for example. Government might or might not be willing or able to intervene in such situations, although in theory it defends human rights. (Professor Emeritus 19 Apr. 2017)

Information on divulging a secret ritual among the Kotokoli in the Volta region could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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