

## Trokosi As a Gender-Based Socio-Cultural Practices and Discrimination Against Girls (Women) in Ghana

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### 1. Introduction

Envision that in the year 2021, you are a slave; yes, in this 21<sup>st</sup> century where everything is free and movement is equally easily accessible across borders and even your vicinity and you are a slave held in bondage, with your movement restricted while decisions are made on your behalf because you are a girl. Imagine on your 6<sup>th</sup> or 8<sup>th</sup> birthday as a young, vibrant, beautiful girl; you do not get to celebrate it with your parents but rather taken to the shrine to serve; to serve as a slave, a wife to a god, where your name and pride is taken from you forever: is that what you get for your birthday? Such cruelty. Imagine growing up with a total stranger with no love at all like that of a mother or a father just because you are a girl and you are the best to pay for the sins caused by a family member (male). Just imagine.... just imagine your childhood stolen from you to be a slave in 2021.

Women and children are usually the most vulnerable in societies about culture, values, wars, and beliefs. In the Volta region of Ghana, the Southern Ewes has adopted a practice called “trokosi”; not only is it slavery or ritual servitude but with this kind of practice, the most vulnerable are girls (women). Usually, a virgin girl as young as six years is taken to the shrine of a male fetish priest to serve as a slave for the atonement of sins caused by a male family member. This practice violates women’s right, as no male child is ever chosen for the atonement, leaving the young virgin girlchild the only victim. To the World Health Organization (WHO, 2002), vulnerability refers to how vulnerable a population or person is to external factors that could threaten their ability to meet basic needs. Trokosi practices are no exception from this degree of vulnerability as described by the WHO. Usually, inside the shrine, the girl child is not just serving for the atonement of her family’s sins but also serving the priest as a slave, working on his farm (labor with no earns), becoming his wife, and even bearing him children through rapes.

### 2. History of Trokosi

The practices are one of the ancient cultural ways in some parts of West Africa, such as Ghana, Togo, Benin, and Nigeria (Hess, 2014). Trokosi means “slaves of the gods”. Trokosi is focused on religious beliefs. It is patriarchal against women and children (Gadzekpo, 1993),

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which violates religious human rights values (UN, 1995). The main thrust of the situation is that women and children are the most disadvantaged, as fore mentioned. Those affected are the young girls called trokosi and the general public, who have condemned it. Therefore in 1998, Ghana's parliament abolished all types of forced labor and rituals. Trokosi is very old. However, its history, service, and prominence are matters of study.

### *3. What Is Trokosi*

Trokosi is a traditional religion of the Ewe-speaking coastal and riverine peoples that considers the unexplained and uncontrolled phenomena beyond the realm of human influence or control as supernatural. Priests operate as mediators between a deity and the larger public and supervise those who had been dedicated to the service of their god. The initiates were all known by a single term, which varied within the region: fiasidi (plural fiasidiwó), trokosi (plural trokosiwo), and troklu.

The Ewes are people from Ghana, Togo and Benin and are an African ethnic group Ewe people's largest population has a population of (3.3 m) in Ghana and the second-largest population of Togo has (2 m) inhabitants. They speak the language Ewe (Ewe: Eʋegbe), which belongs to the Niger-Congo Gbe language family.

The trokosi system is a well-defined institution. Shrine owners, elders, and priests are among its officers. Traxavi is an institution that creates or facilitates trokosi practice. The practice involves sending an innocent Virgin to a shrine for the expiation of a family member's crime (Ameh 2001). It should be noted that: the general or main purpose of the practice of trokosi is to serve as a crime control measure (which was in a positive direction) as a deterrent to future offenders. But instead, this has turned into something where the young girls' rights are being violated and the practitioners raping them without their full consent.

However, this mechanic that was laid down has taken the method of life custody of an innocent girlchild who has not committed the crime for which she is imprisoned. At the same time, the offender may be held accountable for their actions or crime. These guiltless young girls detained for another's offense should have the full right over their lives without being dictated to, or their rights are taken away from them for a lifetime because of another's crime.

Inside the shrine, their rights are violated, and different kinds of violence levelled against them: they are raped by the priests, forced to hard labour, restricted to move around, not given access to education and health as well.

### *4. Culture and Human Right*

The demand for preservation in the name of culture and religious freedom of the Trokosi practices violates the fundamental human rights of the girls (woman), which is stipulated in the Constitution of Ghana and some other international Charters and treaties such as the African Charter, Cedaw, African protocol for women, African charter for children and universal laws and conventions on human rights that the Ghanaian government is a signatory to.

### 5. *The Fight Against Trokosi Practices*

Many has argued and fought for the abolition of the practice including the International Needs Ghana demanding the practice violates the rights of the young girls (women); but the African Renaissance Mission (popularly known as Afrikania Mission) have, on the contrary, vehemently opposed this view of trokosi. They argue that Trokosi practice, in accordance with the Ghana Constitution, is part of African Traditional Religion (ATR) and culture. Each attack on Trokosi is an attack on freedom of religion and unconstitutional. Article 21(c) states that everyone has "the freedom to practice and demonstrate any religion." It should also be noted that the fight against the abolition of trokosi practices did not start today but even during the colonial period.

The practice of trokosi continues to thrive in rural Ghana (the Southern ewes), although in 1998, the Ghanaian Criminal Code was amended to protect ritual slavery victims. But no priest has been sentenced to prison since then.

### 6. *Trokosi As a Violent Practice Against Women*

The United Nations defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life." Trokosi practice is no exception. Young girls are forced into bed by the priests when they reach puberty. When one resists such advances, she is beaten until she gives in. Fetish priests are seen on TV and radio denying such acts, but these ladies whose movements are restricted have four to five kids even at 18years old. Then the question is who impregnates these ladies, the priests or the gods? And this kind of force is what we call sexual violence. The WHO term Sexual violence as "any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape, defined as the physically forced or otherwise coerced penetration of the vulva or anus with a penis, other body part or object".

Trokosis victims who face gender violence can have a lifetime psychological problem that they may never recover from. Trokosi was traditionally understood to control crime in the traditional communities, but practice has been identified in recent times as dehumanizing that violates the basic human rights of victims.

### 7. *Laws That Trokosi Violates*

There are several relevant ratifications and international instruments that prohibit violence against women. Some of these include the International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of all of Discrimination Against Women (CEDAW), Convention Against Torture (CAT), the Convention on the Rights of the Child (CRC), etc. Women's rights are a predominant area of conflict between religious law and human rights. "Religious law may incorporate elements hostile to various human rights, infringing upon those rights to differing degrees." Article 25(1) of Ghana's Constitution states that... "All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realization of that right". Article 17 with

the title “17 EQUALITY AND FREEDOM FROM DISCRIMINATION” clause (2)(3) yet victims of trokosis are deprived of this right as they are not allowed to go to school as practitioners fear they come back in fight of their rightful place upon knowledge gained. Convention on the Right of the Child (CRC) also speaks about the child's right to education. It recognizes education as a legal right on equal opportunities for all children. Article 28 guarantees free primary compulsory education for all; progressive free secondary education which should be accessible to all in all circumstances and accessible for all; and capacity-based higher education. It stipulates the State's obligation to take measures regarding attendance and discipline. It encourages international education cooperation, eliminates ignorance and analphabetism and facilitates access to science and technology. Article 29 defines education objectives. Education objectives. Also, it recognizes parents' liberty to choose the kind of education they want to give to their children and the liberty to establish and direct educational institutions in conformity with minimum standards laid down.

Secondly, the right to dignity. The practice violates the dignity of the girl child. Article 15 of the Constitution describes all persons' dignity as inviolable, and individuals are not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. It also provides that no person shall be restricted in "a condition that detracts or is likely to detract from her dignity and worth as a human being." UDHR also speaks for the right of the individual as stated in Article 1... “All human beings are born free and equal in dignity and rights.” They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. The EU Charter of Fundamental Rights Article one on Dignity also speaks in line with Article 15 of the Ghana constitution. Article 1 of the Charter states that...“Human dignity is inviolable. It must be respected and protected”. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment also speaks about human dignity.

Furthermore, the practice violates the right to freedom of expression. Priests tend to make decisions and choices for these young girls without their concern. During my fieldwork when interviewing these girls, they are unable to speak out because, (1) the priest presence is felt, therefore there is the fear to speak out, and (2) the fact that it is seen as a parochial system and they are used to the system where the men (priest and chiefs) speak on their behalf. Article 21(1)(a)(b) states that...

“(a) freedom of speech and expression, which shall include freedom of the press and other media;

(b) freedom of thought, conscience, and belief, which shall include academic freedom.”

The practice also violates the right to movement of the girl child. These ladies are kept in the shrine for the rest of their lives. They are never allowed to move around or be seen by others. They are not even allowed to play with other kids except the other virgin in the shrine. Therefore, violates Article 21(1)(g) of the Ghana constitution as, ladies are subjected to forced labor. They are made to work on the priest's farms for longer hours without earning any income or even eating from the fruit of their labor. As they are not the priest's responsibilities, whatever they eat is left in the family's hands.

Article 24(1) of the Ghana constitution states that...” Every person has the right to work under satisfactory, safe and healthy conditions, and shall receive equal pay for equal work without distinction of any kind.” But victims of trokosi do not enjoy this right as the environment they are subjected to work in is not satisfactory and enjoyable. They go to the farm barefooted, which hinders their health conditions, and they do not receive any salary for their work.

Article 24(2) states that “Every worker shall be assured of rest, leisure and reasonable limitation of working hours and periods of holidays with pay, as well as remuneration for public holidays.” Young girls at the age of eight are made to work on farms without earnings and more extended hours that are not expected of a child. They are given no leisure or resting time. Article 16 (2) also speaks against forced labor... “No person shall be required to perform forced labor.” Ghana is a signatory to the 1930 and 1957 ILO convention number 29 and number 105, respectively, and the trokosi cultural practices undermine all these conventions based on the rights of the woman it violates in connection to forced labor.

The practice also violates the girl's right to health as guaranteed under the International Convention on Economic, Social, and Cultural Rights (ICESCR). They are raped by the priest, usually when they reach puberty. They are exposed to sexually transmitted diseases such as Chlamydia, Gonorrhoea, Pelvic Inflammatory Disease (PID), Genital Herpes (HSV-1, HSV-2), Syphilis, etc. They get impregnated at a young age, and they are left with so much trauma and psychological issues. Most cannot get treatments inside the shrine, especially rape, even when liberated, which is unlikely.

Article 13(1) of Ghana's Constitution states that “No person shall be deprived of his life intentionally except in the exercise of the execution of a sentence of a court in respect of a criminal offence under the laws of Ghana of which he has been convicted.”

Article 13(2) also states “a person shall not be held to have deprived another person of his life in contravention of clause (1). These ladies are mostly made to bear children in the shrine while assisted by the elderly without access to a health care facility (hospital). This is likely to increase the infant mortality rate.

Article 26(2) states that “all customary practices which dehumanize or are injurious to the physical and mental wellbeing of a person are prohibited,” which trokosi is of no exception. Yet, the practice is still ongoing and violating the right of women.

It also violates Article 28(4) “Any other person shall deprive no child of medical treatment, education or any other social or economic benefit by reason only of religious or other beliefs.”

In the name of cultural relativism and freedom of religion, the demand for preserving the trokosi practice violates the victims' basic human rights. This has been exemplified within the Constitution of Ghana, the African Charter, the protocol on women's rights, the African Charter on children, universal recognition of human rights and conventions ratified by States Parties, including Ghana.

Essentially, it is in this context that it is argued that although the demand for cultural pluralism and the need to celebrate and respect cultural diversity sound legitimate, these claims should not override the minimum human rights package ratified by state parties.

Human rights enshrined in international treaties and conventions should apply in all countries under the universal framework for human rights.

#### 8. *How To Combat Trokosi, Conclusion and Recommendation*

The best way to combat the practice is to agree with the practitioners and chiefs of the land at a round table to slate down an agreement to eradicate the practice and free the young girls without attacking their culture. It can also be stopped by replacing the girls with money or an animal instead of a human being to help preserve their culture: which is a way of deterring the people of the land from committing crimes.

All women bodies across the globe, inside and outside Ghana, should all come on board in fighting these practices until there is no single girl kept in bondage. I agree with (Paul Koku Dogba, 2001) that there should be A committee of religious bodies, NGOs and government agencies such as the Social Welfare Department to find a lasting solution to the threat. The other organizations should include the National House of Chiefs, the 31st December Movement for women, the National Council for Women and Development, the Legislative Committee for Parliamentary Select, the Security Forces, and the Ghana National Council on Children (GNCC). For the integrated approach to succeed, similar committees need to be established in the districts. The members should include the shrine priests and assembly members. Notwithstanding the participation of the dominated Christian NGOs in an inclusive approach, the issue of Trokosi should be approached from a secular and legal rather than a religious point of view.

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