

# Women`s rights in Africa – Progress. Problems! Prospects?

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**Abstract.** This article examines the problem of protecting women's rights in Africa. The foundations and traditions of African society create a lot of obstacles to the socialization of women in a modern society. Many women are deprived of the most essential things - a decent education, access to all necessary health services, good treatment and social status, the ability to independently manage their lives, and participate in government. African states have adopted a number of acts that enshrine fundamental rights and freedoms for women at the legislative level, but their implementation in practice faces a strong tradition and a lack of resources. The situation was further complicated by the spread of the COVID-19 pandemic, disrupting economic and social ties in African society. The article provides recommendations for overcoming these obstacles and creating prerequisites for establishing gender equality in the region.

## Introduction

Despite the various breakthrough achievements of humankind, the problem of gender inequality remains relevant nowadays. With a few exceptions, the problem is most acute in developing regions such as Africa, parts of Asia and Latin America. This problem is an important part of the global agenda, since it is multi-component and affects other global problems of humankind, in particular, the problems of food shortages and health care.

In this article, we will consider the prospects for the development of women's rights on the African continent. We will note the results achieved, highlight the key challenges of our time and consider the ways to solve them that are suitable in our opinion, which, in turn, will give an impetus to an improvement in the picture in the region as a whole.

## 1. Progress

### 1.1. The notion of women`s right issue

As we mentioned in the introduction, the problem of protecting women's rights is multifaceted. In a 2014 publication by the Office of the United Nations High Commissioner for Human Rights, all components are detailed. Cases of violation of women's rights include discrimination based on gender or age, ethnic origin or citizenship, restricting women's access to education or health services, and creating artificial barriers to women from holding high positions in public and private structures. Sexual exploitation and domestic violence against women can also be classified as manifestations of gender inequality [1].

### 1.2 African legislative efforts to cope with gender inequality

At the legislative level, an active fight against discrimination in relation to women and girls has been going on over the past two decades. And the African region is no exception. If for the world community as a whole, the fundamental document in this area is the Beijing Declaration of 1995, which proclaimed the need to eradicate gender discrimination in all its manifestations, then for African countries such document is the Maputo Protocol to the African Charter on Human and People's Rights, signed in 2005.

According to this protocol, in all countries of the African Union, i.e. throughout the African region, it was proclaimed to end discrimination against women and grant them fundamental rights and freedoms. The importance of the Maputo Protocol is underlined by many experts and diplomats, in particular Vinnie Mwanjala, Charge d'Affaires of the Republic of Kenya. So, as part of her speech at MGIMO University, the Diplomat said that thanks to the ratification of the Protocol in her home country of Kenya, they approach the fight against discrimination against women very responsibly. In particular, there is a Foundation for the Development of Entrepreneurship among Women, which issues loans to women who want to open and develop business [2].

At the same time, despite some positive cases, we are forced to state that the efforts undertaken over the past 15 years and the enormous funds mobilized have not yielded the desired result, especially on the African continent. Here are some statistics: in sub-Saharan Africa, girls still face barriers to enrolment in primary and secondary school. In North Africa, women hold less than one in five paid non-farming jobs [3]; among developing regions, maternal mortality was highest in 2019 in sub-Saharan Africa, with 438 deaths per 100,000 live births. In sub-Saharan Africa, the region most affected by the HIV epidemic, only 28% of young

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women aged 15-24 have a complete and reliable understanding of HIV. Of course, all of the above indicators must be taken into account today, when the international community is working hard to recover from severe COVID-19 pandemic and reformulate strategic goals for 2021-2030. - Sustainable Development Goals (SDGs) [4].

**Table 1.** Basic indicators of equality in society.

	World Average	Africa	Western Europe
Maternal mortality per 1000 deaths	108	438	0.6
Educational level female-to-male (F/M) ratio	0.92	0.76	0.99
Financial inclusion (F/M ratio)	0.74	0.65	0.82

Source: McKinsey Global Institute analysis

The statistics presented in the table clearly show how much a woman is inferior to a man in terms of life opportunities. To understand the reasons for this phenomenon, let us consider the current situation in the region, relying on the key provisions of the Maputo Protocol, as a fundamental document in the field of women's rights protection.

## 2. The Problems in Africa

It is a commonly known fact, or perhaps a prejudice, that women's rights in African countries are violated till these days like nowhere else. Yet one cannot rely on gossip misleading facts and thus needs a fine research on the matter.

Adopted in 1979, the CEDAW — Convention for the Elimination of Discrimination against Women — was the main international instrument on the rights of women. Although it recognized several rights, it remained focused on non-discrimination. This Convention was an inspiration for many others, such as the Maputo Protocol.

On July 11, 2003 the world has done a considerably solid step in protecting women rights in Africa. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa was signed among member countries of African Union. Later it will be widely known as Maputo Protocol due to the place where the adoption took place [5].

The protocol contains 25 articles and sets standards vis-à-vis women's rights that ought to be respected and preserved by all its contracting parties. But much as progressive the Protocol's clauses would seem, it is utmost important to find out if these clauses are indeed respected in contemporary world (viz in 2021).

A number of countries have made reservations certain Articles in the Protocol upon ratification of the Maputo Protocol on the ground that certain Articles are incompatible with their national law, traditions, religion or culture. These include Cameroon, Namibia, South Africa, and Uganda. None of these four countries have made reservations to the CEDAW. The States that have signed the Protocol but have yet to ratify are: Algeria, Burundi, Central African Republic, Chad, Eritrea, Ethiopia, Madagascar, Mauritius, Niger, Sahrawi Arab Democratic Republic, Sao Tome and Principe, Somalia, South Sudan and Sudan. Botswana, Egypt and Tunisia.

To date, forty-six African countries have reported to United Nations Committee on the Elimination of Discrimination against Women. Unfortunately, only four countries have submitted reports to the African Commission on Human and Peoples' Rights under the Maputo Protocol.

### 2.1. The right that left her to survive

The goals of the provisions of Article II of the Maputo Protocol, which fixes a crucial for the region anti-discrimination rule, might be among others the hardest to achieve. The Maputo Protocol prohibits practices that can perpetuate women's inequality. Nevertheless, according to the recent OECD Research "Gender Inequality in West African Social Institutions" that was published in 2018, the discrimination issue in Africa is far to be resolved, if not even touched [6]. For instance, in over ten African countries the discrimination is still present not only in social frame, but even in a legal framework. After the research pointed out three levels of discrimination — low, medium and high — it had no choice but to conclude that none of the countries in West African region shows a low discrimination level. Rather, the research raises an alarm that absolute majority hits to their limits: in 12 countries — Burkina Faso, Chad, Côte d'Ivoire, Gambia, Ghana, Liberia, Mali, Mauritania, Niger, Nigeria, Sierra Leone and Senegal — the discrimination level is from high to very high [7].



**Figure 1.** Level of discrimination in Western Africa

The discrimination strings all spheres, and even familyhood is not a safe place for a young lady in Africa. A woman in Africa has three choices: to marry a man in her puberty, in her adolescent or in her youth, the latter is considered to be the rarest case. Not to mention, this choice usually belongs to her father. This modern version of a pater familias that was quite common in Ancient Rome does not make any kind of sense if the one remembers that our society is indeed in the XXI century. Despite these alarming facts, however, there has been some progress that should be noted: 20 African Union Member States have launched the campaign nationally while in Burkina Faso, Cape Verde, Djibouti, Equatorial Guinea, Mali and Swaziland the standard age of marriage has been set at 18 years [9].

Another issue is that a family is the place where the first danger for a young African woman comes from — and that is a sexual violence. Nowhere to hide in the first place — that is what a life for a woman born in Africa.

## 2.2. A dream just to be a pupil



**Figure 2.** On a long way to school

In 2019, history was made with the adoption by the UNESCO General Conference of the Global Convention on the Recognition of Qualifications concerning Higher Education, making it the first legally binding UN treaty on this issue. The year also witnessed the launches of new major UNESCO initiatives: *Her education, our future*, a new drive to accelerate action for girls and women's education [10].

The research managed by UNESCO shows that 52 million girls are not in school in Africa, while 4 million will never step into a classroom compared to 2 million boys.

Africa also has the highest rate of out of schoolchildren and adolescents globally. Unfortunately, girls remain more likely to be permanently excluded from education and at a higher risk of being left behind. This reality calls for redoubling efforts to ensure education is both of good quality and equitable.

United Nations and African Union launch report entitled "Women's rights in Africa" points out that the educational system in Africa barely exists, in most cases leaving an uneducated girl to nothing but early

pregnancy [11]. Yet where the girl manages to finally take her seat and ready to be a pupil, things do not get better as only a small portion will reach and far fewer will complete secondary school. The reasons why reflect the problems that have already been mentioned in the research: poverty, violence, early pregnancy or a mere absence of a school in a given region [12].

## 2.3. Her health nobody seems to care

High rates of maternal mortality and morbidity on the continent can be attributed to proximal determinants such as haemorrhage, sepsis and unsafe abortion, as well as more distal determinants related to gender inequality.

This includes a lack of autonomy of women to make informed decisions about whether to become pregnant in the first place or to seek medical care, a lack of access to contraception [13], as well as a lack of education including access to comprehensive sexuality education. It is also related to broader issues such as inadequate infrastructure to ensure women's enjoyment of health rights in reality, such as insufficient roads and transportation systems for reaching health clinics, as well as a lack of access to water and sanitation, which is critical for maintaining good health, including during pregnancy. Once women access health facilities, they may still face problems and undue delays related to weak health systems, and gaps in quality of care, such as drug stock outs or inadequate human resources amongst health professionals which contribute to these high rates of maternal mortality and morbidity.

According to the World Health Organization, developing regions account for approximately 99% of all maternal deaths. In 2015, roughly 66% of all maternal deaths occurred in sub-Saharan Africa. In Rwanda, the maternal mortality ratio has dropped drastically since 1990 where there were 1030 deaths per 100,000 live births and by 2015 had declined to 390 deaths [14].

The most at-risk group of dying in pregnancy and childbirth is adolescent girls – the proportion of births taking place during adolescence in Sub-Saharan Africa is over 50 per cent, and a link can be made to a lack of access to accurate information on sexuality to prevent pregnancy and STIs. The higher death and life debilitating injuries faced by adolescent girls are related to biological factors, but also directly linked to other problems such as a lack of access to comprehensive sexuality education and information, a lack of access to sexual and reproductive health services, and harmful practices such as child and forced marriages.

Some traditional practices (female genital mutilation, early and / or forced marriage, etc.) are recognized by an increasing number of African states as violations of the international rights of girls and women. This practice violates the human rights to health, safety and security of the person, the right to freedom from torture and cruel, inhuman or degrading treatment or punishment, as well as the right to life when these operations result in death. Every year on February 6, the International Day of Intolerance towards Female Genital Mutilation is celebrated. UN Secretary General Ban Ki-moon,

speaking on 6 February 2015, called for an end to the practice of female genital mutilation. He noted, "the important role of doctors in efforts to eradicate this procedure harmful to women's health and called for ensuring that all girls grow up free from violence and discrimination, with full respect for human dignity, human rights and equality." In his speech, he especially emphasized, "If all women, men and young people are mobilized, it will be possible, in the lifetime of this generation, to end practices that currently affect about 130 million girls and women in 29 countries ... citizens [15].

The first steps towards the complete eradication of the practice of female genital mutilation must be a rejection of the silence and the debunking of the myths associated with this practice. This determines the relevance of conducting a comprehensive international legal analysis of the functioning of legal mechanisms for the protection of women's rights in Africa, taking into account all the recent changes in the organizational, structural and regulatory nature.

#### *2.4 COVID-19 disaster*

The pandemic of COVID-19 has considerably worsened the situation that was already catastrophic. According to UN research, one of the major factors that reflects gender inequality in Africa is still a labour market. Even though in the past few before the worldwide quarantine the problem of discrimination within labour market was improving, the crisis has eliminated any progress that took place in the region.

An upsurge in sexual violence, domestic violence, child marriage and Female Genital Mutilation (FGM) has been recorded in various countries across Africa while other African governments have failed to cushion women from the socio-economic shocks that emerge as a result of such crises.

While there were still vacant places for the women who wanted to be employed and help people during the Pandemic, in the most cases the only possible labour places for women — market and schools — endured the most damage of Pandemic consequences.

In response to the current dire situation in the region, a UN team of experts has prepared a plan of measures designed to alleviate the plight of women affected by the pandemic. For each category of response to the pandemic, the publication outlines possible steps and identifies the human rights standards that the response aims to comply with. For example, the recommendations indicate that 74 percent of women in Africa are employed in the informal economy and, according to the latest data; the economic consequences of the COVID-19 pandemic will be the most severe for them. The 7 proposed measures were aimed at providing women with access to economic and social benefits, the opportunity to satisfy their physiological needs, and to receive all the necessary health services. The latest recommendations advised giving women the opportunity to participate in the political life of states.

We have no doubts that this package of measures accurately reflects the spectrum of rights and freedoms that African women need. However, the recommendatory nature of the document significantly weakens its impact on the situation in the field of women's rights protection in the region [16].

### **3. Prospects for change**

Thus, the situation in the field of the protection of the rights of African women remains far from the desired result. Nevertheless, the prospects for building a truly equitable African community still remain.

Based on the opinion of the expert community, we can offer the following recommendations for creating a favorable climate for establishing equality: ensuring women's access to full development; improving conditions for the economic activity of women; combating the remnants of tradition with the help of innovative technologies; consolidation of the status of a woman as a full member of society; creation of a powerful legislative mechanism to promote the above-mentioned initiatives at the national and regional levels.

#### *3.1. Ensuring women's access to full development*

Human capital is one of the driving forces of economic development. Considering the fact that the share of African women in the world of work is very high, investment in their skills development will directly contribute to the economic development of states, and, therefore, create conditions for further human rights initiatives [16]. Moreover, properly educated women will be able to withstand fair competition in the labor market, which will allow them to be equal to men, not only on paper, but also in reality.

#### *3.2. Creating economic and social opportunities for the development of women*

This recommendation serves as an important addition to the first point. The states of the region should make every effort to ensure the possibility of formal employment for women, including in high positions. The problem of the "glass ceiling" for the career development of women is still relevant. Its solution will enable African states to become leaders in the field of women's rights protection. Supporting women entrepreneurs at the initial stage will allow them to enter the circle of small, medium and large businesses.

In addition to establishing equal employment opportunities, it is necessary to take care of the development of public and domestic infrastructure that does not limit women's opportunities for full development and socialization. In the case of Africa, this implies massive health reforms aimed primarily at reducing female deaths during childbirth.

### 3.3 Digitizing consciousness

Traditions deeply rooted in the minds of the inhabitants of the African region remain a serious obstacle to the implementation of the regime of equal rights and opportunities. In such conditions, states should adopt the latest achievements of science and technology, in particular, digital technologies. Providing women with access to the Internet will allow them to expand their consciousness, gain new knowledge and information, which will also help narrow the gap in opportunities between genders.

### 3.4. Consolidating the new status of women

All of the above measures, one way or another, are aimed at ensuring that a woman goes from an isolated to a full member of society. However, scattered initiatives will not lead to the desired result. States in the region need to pursue a common strategy to come up with a much needed "shift" in public consciousness. This task is monumental, but quite feasible. Africa has already been able to rebuild itself after the colonial past - it will also be able to overcome gender inequality.

### 3.5. Creating a powerful legislative and executive mechanisms

Practice shows that, despite the many initiatives proclaimed in the African region, states are able to fully implement only a few of them. The analysis of the implementation of the Maputo Protocol, given in the second paragraph, serves as another confirmation of this thesis. The existing formats of interstate interaction either have lost their influence and importance or are competing with each other for influence. African states need a new formation or a radical transformation of old organizations, which will allow the regional control over the fulfilment of obligations by states, in particular, to protect the rights of women.

This practice was successfully applied by the countries of Latin America, which created the Contadora Group in the mid-1980s to maintain an atmosphere of peace and cooperation. Perhaps the creation of a "New Contador" in Africa, among the most developed African countries, is the key to ensuring a favourable climate for the establishment of gender equality in the region.

## Conclusions

The issue of protecting the women's rights in Africa remains one of the key challenges to regional well-being and global sustainable development. The reasons for this are largely rooted in the region's past: economic weakness as a consequence of the colonial past, adherence to traditions that slow down social development, and the difficult access of women to the necessary material and social benefits.

Countries in the region have attempted to eliminate discrimination against women on any grounds. Their highest achievement is the Maputo Protocol to the

African Charter of Rights and Peoples, which enshrines the principles of equality and non-discrimination at the constitutional level, however, does not provide for specific steps to implement these principles in reality. Until now, in many African states, there is a high mortality rate during childbirth, the inaccessibility of termination of pregnancy, the popularity of female genital mutilation, the low involvement of women in education, skilled labour, and the political life of countries. A number of developed African states are struggling with these problems on an individual basis, while regional interaction mechanisms remain passive.

New challenges and threats have also had a negative impact on the problem of protecting women's rights. African women, mostly in the informal economy and at the core of the medical and social sectors, were found to be the most sensitive to the restrictive measures imposed by the COVID-19 pandemic. The international community reacted to this situation by issuing 7-Action Plan, which, unfortunately, does not bear any legal force.

Despite the continuing difficult situation, we believe that the prospects for enhancing the protection of women's rights are feasible provided that states comply with certain conditions, namely, the implementation of national and regional initiatives aimed at creating economic, political and socio-cultural prerequisites for changing the status of women in African society. This titanic task will require clear planning, huge resources, and therefore the support of the international community. And this time, the world must not deny support to Africa.

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