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GENDER BASED VIOLENCE & HUMAN RIGHTS VIOLATION IN SUB-SAHARAN AFRICA: AN INSIGHT

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Abstract

It is well argued that Violence against women is not a new phenomenon, nor is its consequences to women's physical, mental and reproductive health. But what is new is the growing recognition that acts of violence against women are not isolated events but rather form a pattern of behaviour that violates the rights of women and girls, limits their participation in social framework and damages their health, reputation and well-being. In contemporary era, in sub-Saharan Africa (SSA), women are facing human rights abuses which are unparalleled if compared to anywhere in the world. Violence against women is a common form of human & natural rights violation, and intimate partner violence (IPV) appears to be the most significant component of violence. Intimate partner violence is associated with a wide array of negative outcomes for the women who are abused, including pregnancy loss and sexually transmitted infections. Nevertheless, African women even today are facing challenges including economic, social, and cultural, particularly regarding healthcare, economic position and basic education. The paper details and highlights the effects of violence on women's physical, sexual and reproductive, and mental health. It also highlights some of gender equality initiatives on the continent, these include an increase in access to girls education, increase the number of professionals and women in leadership positions, and the observation that women are now participating in roles that traditionally were reserved for men. The study shows that violence against women is generalized worldwide. The findings send a powerful message around the world that violence against women is not a small problem that only happens in some pockets of society, but it is a global public health problem of epidemic proportions, which require urgent action of all the stake holders.

Key Words: natural rights violation, cultural challenges, gender equality, mental health.

1. Introduction

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 in private life."ⁱ Since last three decades, significant progress has been made at the regional and national levels towards advancing the human rights of women and ensuring gender equality on the continent of Africa. The African Union Commission and its human rights mechanisms have adopted "binding agreements, numerous measures and produced recommendations and reports addressing the human rights of women."ⁱⁱ This includes, "the African Charter on Human and Peoples Rights; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; the Convention Governing the Specific Aspects of Refugee Problems in Africa; the African Charter on the Rights and Welfare of the Child; and the Protocol on the Statute of the African Court of Justice and Human Rights".ⁱⁱⁱ The preamble of the Declaration of Human Rights says "*We are all born equal irrespective of sex, race, religion and creed*".^{iv}

Art. 2 of The African Charter on Human and Peoples' Rights in reads, "*prohibits discrimination, including on the basis of sex, and obliges State parties in art. 18 (3), to eliminate all forms of discrimination against women and to ensure the protection of the rights of women*". In addition, art. 60 of the Charter "*mandate the African Commission on Human and Peoples' Rights to draw inspiration from international law in its promotion and protection of human rights*".^v It "recognizes that women's rights are not a mere act of charity but a principle which is one of humanity and a precursor to inclusiveness and prosperity." This principle is further reaffirmed in the several provisions of *African Charter on Human and People's Rights*, "consecrated in the Protocol to the Charter on Human and People's Rights in Africa on the Rights of Women and by prior continental and global conventions and policies on human and women's rights and actualized by the AU theme of 2016"^{vi} that is "*human rights with a particular focus on the rights of women*".^{vii}

2. Intimate Partner Violence (IPV) & Gender Based Violence (GBV) : Certain facts

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.^{viii} Intimate partner violence refers to "*behaviour by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviours*". Intimate partner violence in pregnancy also increases the likelihood of miscarriage, stillbirth, pre-term delivery and low birth weight babies. The same 2013 study showed that "women who experienced intimate partner violence were 16% more likely to suffer a miscarriage and 41% more likely to have a pre-term birth."^{ix} The term "violence against women" encompasses many forms of violence, including violence by an intimate partner (intimate partner violence) and rape/sexual assault and other forms of sexual violence perpetrated by someone other than a partner (non-partner sexual violence), as well as female genital mutilation, honour killings and the trafficking of women. According to the United Nations (UN), gender based violence (GBV) is defined 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 in private life*".^x GBV occurs and is classified in various ways. It can be defined "depending on the relationship between the perpetrator and victim (intimate partner violence (IPV) and non-IPV), or by type of the act of GBV, such as sexual, physical or emotional violence."^{xi} GBV against women is a pertinent health challenge in SSA countries. GBV that includes IPV and non-IPV are prevalent in SSA. More than two-fifths (44%) of women aged 15–49 years of age in SSA countries experienced some form of IPV and almost a fifth (14%) experienced non-IPV.^{xii}

Violence against women, particularly intimate partner violence and sexual violence is a major public health problem and a violation of women's human rights. Global estimates published by WHO indicate that “about 1 in 3 (35%) of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime. Most of this violence is intimate partner violence.”^{xiii} “Worldwide, almost one third (30%) of women who have been in a relationship report that they have experienced some form of physical and/or sexual violence by their intimate partner in their lifetime. Globally, as many as 38% of murders of women are committed by a male intimate partner”.^{xiv} “All types of IPV (physical, sexual and emotional violence) are common experiences among women in SSA countries, with emotional violence being the most prevalent. Women living in Eastern and Western African regions experience the highest levels of GBV.”^{xv}

3. Rights of Women in Africa & Lack of Equality and Basic Rights

Several institutions including *The African Union* in association with the Office of the United Nations diplomat for Human Rights (OHCHR) and United Nations launched the inaugural report of a planned series highlighting and concerning the human rights of girls in Africa. The report indicates that “while women’s participation in politics has increased, women’s rights and equality are severely lacking in a very number of other arenas”.^{xvi} African women, “still endure harmful practices like child marriage, female genital mutilation, and made sterilization of these living with HIV”.^{xvii} The report says that “women’s lack of access to adequate reproductive health resources, the difficulties faced by women with albinism, the prevalence of sexual and gender-based violence, and also the situation of ladies in prisons. Additionally, the report explains the regional human rights legal framework applicable to women’s rights with particular emphasis on the role of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of girls in Africa.”^{xviii}

So, as to maneuver toward the total realization of women’s rights, it's suggested to accelerate provisions of the Maputo Protocol and for the restructuring and strengthening of institutions that support and empower women and girls child and also the repealing of discriminatory laws and practices, and further adoption of targets to confirm and initiate movement toward gender equality and justice.^{xix} Furthermore, it's found through several studies and research that much progress has been made toward the advancement of women’s rights and feminine political participation in the governance at both the national and regional or grassroot levels. “The continental human rights system have adopted several legal instruments, like the *Maputo Protocol*; and declarations, like the *African Union Solemn Declaration on Gender Equality in Africa*; and resolutions designed to make sure regarding adoption and adaption of women’s rights and created several monitoring bodies to regulate and enforce them.. To add further, several African nations report high levels of female participation in politics and governance with Rwanda ranking ideal globally for female membership in its legislature nearly 64 percent and 24 African countries outranking the US.”^{xx} Sub-Saharan Africa saw the “latest level of HIV infection throughout the world and contributed 71 percent of the world's HIV-positive population, which disproportionately affected women in the region.”^{xxi} HIV prevalence is caused by stigma, violence, and relationships between young women and older men, which are related to low condom use.^{xxii} Women are at a greater risk than HIV-infected men, the report said, and in some countries, HIV-positive women underwent sterilization procedures without their free and approval.

4. Human and Peoples' Rights Movement: Monitoring and Enforcement

The marriage of children remains prevailing through Africa. Children's marriage can be a practice based on old cultural beliefs and mainly affects girls in rural and poor areas.^{xxiii} “Practice is linked to sexual violence, sexually transmitted infections and early pregnancy and sometimes deprives girls from their right to receive education. While child marriages have decreased among the rich, they need to persist at high levels among the poor. African women are particularly prone to sexual and gender violence and, through discriminatory laws and access to services, are often more likely to be detained where they face additional challenges. Gaps in legislation In addition, gaps in monitoring and enforcement of the law create both deeper and de facto discrimination against women across the region.”^{xxiv}

This is often “partially due to the absence of many women to the delegation and disproportionate targeting of girls for offenses such as adultery and violations of the Code. Imprisoned women tend to lack access to adequate rehabilitation, counseling and health care services.”^{xxv} Female genital mutilation, the report indicates, could be a kind of gender-based violence in many parts of the continent. In recent years, its criminalization has contributed to a decline in its use in some countries.

5. Challenges ahead & Gender indexes

The African Charter on Human Rights and Peoples, which has been ratified by each State Party of each African Union (AU), in addition to the most recent member of the AU, Morocco prohibits discrimination, including on the Sex idea and obliges states parties to get rid of all kinds. discrimination against women and to ensure their rights.^{xxvi} “The Maputo protocol has been designed to expand the legal protections of the ladies and imposes on the States a positive obligation to manage gender inequality and protect the rights of women with personal and political autonomy, access to education and employment, and therefore the right to be free of harmful practices. among others.”^{xxvii} Thirty-seven African states ratified Maputo's protocol, but the variety of them did with reservations, which means that they need some provisions. It should be noted that “challenges for the full implementation of the Maputo protocol include several important factors of them are unaware of human rights instruments; rarity of reports in accordance with Maputo Protocol; and also the continued use of faith and culture to justify discriminatory, harmful and violent practices.”^{xxviii}

2019 Global report by Equal Measures 2030,^{xxix} has highlighted that “frail states across Africa, includes Chad, Republic of Sierra Leone, Liberia, Mali, Mauritania, Central African Republic, Somalia, Niger, Congo and also the Democratic Republic of Congo (DRC) who have the worst gender indexes. Throughout 2018, HRW reported that DRC’s governance and security forces applied widespread repression and high human rights violations.”^{xxx} *The planet Report 2019* further documents that “government officials and security forces administered widespread repression and heavy human rights violations. In central and eastern DRC as an example, things reached alarming levels as an estimated 4.5 million were displaced from their homes, which quite 130,000 refugees fled to neighboring countries”^{xxxi} *The Global Gender Gap Report 2020* concludes that this can be a sign that an enormous majority of ladies are in poorly paying jobs within the informal sector. For instance, within the DRC about 62 percent of ladies and 67 percent of men participate within the labour force.^{xxxii} However, only about 25 percent of ladies are employed in professional and technical work. Similarly, only 23 percent of ladies in Cote d’Ivor’s labour force are professionals. The numbers are similar in Mali and Togo, coming in at 21 percent and 20 percent respectively.^{xxxiii}

6. Sexual, Reproductive Health & Maternal mortality in Sub-Saharan Africa

High rates of maternal mortality and morbidity on the continent is attributed to proximal determinants like hemorrhage, sepsis and unsafe abortion, still as more distal determinants associated with gender inequality. This includes a “scarcity of autonomy of ladies to form informed decisions about whether to become pregnant within the first place or to hunt treatment, a scarcity of access to contraception, additionally as an absence of education including access to comprehensive sexuality education.”^{xxxiv} It's also associated with broader issues like inadequate infrastructure to make “sure women’s enjoyment of health rights really, like insufficient roads and transportation systems for reaching health clinics, furthermore as a scarcity of access to water and sanitation, which is ‘critical for maintaining physiological condition, including during pregnancy.’^{xxxv} As soon as women access health facilities, they will still face problems and undue delays related to weak health systems, and gaps in the quality of care, such as drug stock or inadequate human resources among health professionals who contribute to mortality high mother morbidity. Certain groups face certain stigma that prevent them from accessing the goods and services of sexual and reproductive health, such as adolescents, unmarried women, and women who are looking for abortion, because of the social norms that are in depth that does not approve the sex outside inside Pregnancy in pregnancy and childbirth is a teenage girl - the proportion of births that occur during adolescence in the geographical area of more than 50 percent, and the link will be carried out in the absence of access to accurate information about pregnancy to prevent pregnancy to prevent pregnancy.^{xxxvi}

There are three over-arching social determinants of maternal mortality within Sub-Saharan Africa that shape things as somebody's rights issue: gender, education and literacy, and economic factors.^{xxxvii} “Gender remains a critical social determinant of maternal mortality in geographical region. The striking number of ladies who have prematurely died during pregnancy in Black Africa is basically thanks to gender biases within the distribution of health services and marginalization of ladies in these societies.”^{xxxviii} Live births- and gender inequalities, since it relates to the accessibility of health services has been found in Angola, Botswana, Malawi, Mozambique, Republic of South Africa, Zambia and Zimbabwe.^{xxxix} Scholars have investigated the systemic gender inequalities embedded within the material of the many Sub-Saharan African countries, including Nigeria, Tanzania, and Kenya, where male-dominated social ideals and systemic mores still silence and marginalize African women.^{xl} This gender inequality results in societal vulnerability, where women are subjected to sexual violence and infectious diseases, like HIV, that may result in unwarranted pregnancies and further complicate such pregnancies, ultimately yielding higher rates of maternal mortality in this part of world. “Education and literacy is another important social determinant of maternal mortality in geographical region. Studies have found an inverse correlation between a populace’s level of education, particularly women’s education, and therefore the country’s MMR. for instance, in one analysis Mauritius demonstrated relatively high levels of education among women and thus a comparatively lower MMR.”^{xli}

“Economic factors functions at significant determinants of maternal mortality in geographic area. Researchers within the field posit a highly significant correlation between Sub-Saharan African countries Gross National Products (GNP) per capita and health status as indicated by the incidence of maternal morbidity and mortality.”^{xlii} Education unquestionably contributes to economic process and poverty reduction. ‘It develops cognitive and life skills, including literacy, numeracy, and demanding thinking, thereby enhancing an individual’s livelihood prospects.’^{xliii} Since the adoption of Education for All (EFA) and therefore the Millennium Development Goals (MDGs) in 2000, access to education has increased significantly

in geographical region, particularly with rapid expansion of primary and secondary enrolment rates and an improvement in gender parity. Over the past two biennia, four major projects put in situ by UNESCO have clearly borne fruit, thus allowing Aspiration 6 of the AU's Agenda 2063 to require shape. "Violence remains an everyday reality in geographic region. It's thus obvious that, PRN by its Constitution, UNESCO's primary task is to construct the defences of peace within the minds of men and girls, since it's in their minds that wars begin. The reason behind violence is principally cultural, whether or not its consequences are to be found within the social and human spheres. variety of projects are founded by UNESCO." ^{xliv}

7. Conclusion

Only in an equal and enabled Africa will African women be empowered to take their rightful place in society. This needs to be driven by a "bold vision where all citizens contribute to and benefit from Africa's development." ^{xlv} Results reveal that overall reproductive and maternal health opportunities for women and girls are scarce – half of women and girls are not receiving the most essential interventions, and these are unequally distributed both at country level and across countries. Importantly, the most unevenly distributed opportunities were "maternity care package", "delivery attended by skilled personnel" and "school attendance" while "not having anaemia" and "exclusive breastfeeding" are more equally available. "Generally, wealth and related circumstances such as education and area of residence are the main sources of inequality for women of reproductive age. For the adolescent subgroup early marriage appears to be the main contributor to poor maternal and reproductive health opportunities." ^{xlvi}

Scarcity by its very nature produces inequality between those who have access (and better outcomes as a result) and those who do not, which is often manifested as systematic and persistent gaps between individuals belonging to different socio-economic groups. "Large gaps exist in coverage and access to quality maternal health services between the poorest and richest households, and between rural and urban areas. The 2020 Global Gender Gap Report, developed by the World Economic Forum, says sub-Saharan Africa has achieved significant improvements towards closing the gender gap." ^{xlvii} The report measures four areas - health, education, work and politics. Ethiopia and Mali are among the countries that have shown the greatest improvement in women's political representation.

"In Mali, 52% of ministers are women and Ethiopia, this figure is 48%. This concerns because the strong representation of women in political leadership can lead to policies that benefit women." With regard to Women's participation in the labor market, Burundi, Guinea, Rwanda and Sierra Leone have also made significant progress. In these countries, there are at least as many women as men in the labor market. Cape Verde, Mali, Nigeria and Sierra Leone are also among the countries that have recorded a significant improvement in women's economic participation. . This was mainly realized by facilitating entrepreneurship and the creation of more jobs. These are important progress because economic empowerment is a key pillar for all aspects of equality - political and social ^{xlviii}

"Recognizing that empowerment is linked to equality, the AU declared 2020 to 2030 the Decade of African Women's Financial and Economic Inclusion. To make this a reality, the recent AU summit established the African Women Leadership Fund, which aims to mobilise resources from the global private sector to fund initiatives that advance gender equality." ^{xlix} The fund could be a game changer if it helps women gain economic independence. Governments and the private sector in Africa should also contribute to the fund. This will ensure that empowering women is firmly on Africa's political agenda, and help overcome the perennial problem of a lack of political will.

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