Gendered Violence and Women's Citizenship in Africa

Africa Day Lecture delivered by

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(Dedicated to the Chibok school girls-#BringBackOurGirls)

Abstract
Africa Day offers us an opportunity to revisit the Pan-African ideal and aspiration for total national liberation, equality and self-worth, which has undergirded the struggles of African people on the continent and its diasporas. However framed, this ideal has envisaged full citizenship with its enjoyment of rights and the resources for African people also to live dignified and fulfilling lives. Yet the conceptions of citizenship that have emerged in several African countries have not often fully incorporated women and girls, whose citizenship rights have been contested or subject to delimitations based on cultural and/or religious norms and practices, centered around the control of their bodies and sexualities. This lecture explores the link among women's bodies and sexualities and the enjoyment of their rights, and the active policing and disciplining that institutions- including families, communities, cultural and religious bodies, and the state,- have been engaged in to produce the virtuous African female. In situations of war and conflict, women's bodies become a war zone as unmentionable atrocities have been perpetrated against them, while on a daily basis, in communities around Africa, women and girls (and sometimes boys and men), are also subject to sexual and other corporal violations. The epidemic of violence against women and girls negates their fundamental human rights and their claim to full citizenship and protection within their states. The lecture also reviews recent efforts, including law reform and legislation, and actions by activists, the African Union, and the UN, to confront these grave violations and suggests a robust agenda for more effective exercise of women's citizenship rights and convergence towards the pan-African ideal.

Introduction

I am extremely delighted to join the distinguished cast of speakers who have delivered the annual UFS Africa Day lecture, and I thank the UFS and its Center for Africa Studies for the invitation. Particular thanks go to the director, Professor Heidi Hudson, for inviting me, following our meeting at the 50th Anniversary commemoration in October 2013 in Accra, Ghana, of the First Congress of Africanists that had taken place in December 1962. That Congress was a major act of self-assertion by the newly independent Ghanaian state to create a space for African Studies and for discussions on African solutions to African problems. As noted by the Conference Chair, the late Nigerian Professor, Onwuka Dike, *'the*

African continent stands for [...] particular ways of life, particular solutions to the problems of human survival ... particular responses to the human dilemma. ... African Studies will be the means to the achievement for the African of a greater self-respect, the means to the creation of a surer African personality in the face of the modern world.'[1] That was then, in 1962.

And in 1963 the then Organization of African Unity (the OAU), now renamed the African Union, was formed as the political response to spearhead the total liberation of Africa and its eventual unity. It is that day, May 25, 1963, that has now been institutionalized as Africa Day, and which is celebrated by almost all countries on the continent. As noted by Thembani Mbadlanyana, a research specialist on Governance and Security,[2] Africa Day has come to 'represent symbolism of the highest order…. associated with diplomatic functions, musical concerts, art exhibitions and academic seminars and conferences.' But, as he asks, when stripped of its symbolism, what really does Africa Day mean to different Africans of different backgrounds, regions, ages and generations.....to unemployed youth, poorer households, women and children whose rights are violated on a daily basis, or populations in several countries on the continent who feel excluded from

[1] Onwuka Dike, 1962 'Opening Address.' *First Congress of Africanists.* Accra, Ghana. October 1962.

[2] Thembani Mbadlanyana, 2013 **'**Celebrating Africa Day.**'** Saturday 25 May. (*www.sabc.co.za/news/f1/.../Celebrating-**Africa-Day**-20130525*),

dominant structures of governance, or populations in conflict zones whose governments struggle with their responsibility to protect them? For Thembani, it is only when African policy makers and leaders intensify their efforts to bring about improvements in peoples' lives and their commitment is followed by actions in addressing endemic structural, policy and governance (both economical and political) challenges facing the continent that this day will have meaning and salience.

Without a doubt, Africa Day provides an opportunity to revisit the Pan-African ideal and aspiration for total national liberation, equality and self-worth/dignity, which has undergirded the struggles of African people on the continent and its Diasporas. However framed, this ideal has envisaged full citizenship with its enjoyment of rights and the resources for African people to live dignified and fulfilling lives. While the emphasis of Pan-Africanism has changed over time with the attainment of national independences, liberation from racist and minority rule, and the extension of civil and political rights for Africans in the so-called new world, it is incontestable that the majority of African people have yet to fully realize and enjoy full citizenship rights and access to the resources that should enable them live dignified and fulfilling lives.

Today, as I stand here, we are transfixed by the cruel abduction of nearly 300 hundred girls in Chibok, Northern Nigeria, by a criminal gang which sees women only as slaves and wives, with no right to education or selfhood, while the Nigerian state seems almost powerless to do anything, more than a month after their abduction. 'We shall sell them!' their leader proclaimed in his video. Not far away from Nigeria, in the Sudan, a heavily pregnant woman is sentenced to death for the crime of apostasy and adultery, for daring to marry the man she loved, a Christian. In Egypt, the uncle of a 13 year old child who died during genital mutilation says it was the will of Allah, and that without the mutilation, girls are too lustful. In the Democratic Republic of Congo, relatives are furious that a court acquitted all but two of 39 soldiers on trial for rape. On a daily basis, an estimated 500 women across the continent die needlessly from child birth, usually as a result of criminal neglect. What indeed does Africa Day mean to all these survivors of violence and their families and communities, and what dignity and personhood is afforded them? Are these survivors citizens of their countries, and what protection do they receive from their states?

In 2012, Ngui wa Th'iongo stood before you here and declared (and I quote)

> **Africa as a whole has gone through three major stages of the enslaved body as producer: the plantation, colonial and today debt slavery. They are separate but also part of each other.**

Even the organization of society is modeled on the body, particularly its division of a person into head and the body. The head is the site of reason, the body below the head, site of emotion, and unreason. The head rules the body. It owns, or rather, it's the site of articulation of ownership, my this, my that. The head says that everything of the body including itself belongs to it. Those who rule, be they a race, a class or a gender, see themselves as the head ruling over the body

In Africa today, sixty years after independence, there still persists a systematic disregard of African lives by their own state, a continuity of the colonial. Thus colonial regimes mowed down thousands and the perpetrators went to cocktail parties afterwards; but the same continues today. By and large, the foundation of the military and police force in Africa was a complete disregard of the African body.

Africa has to review the roots of the current imbalance of power: it started in the colonization of the body. Africa has to reclaim the black body with all its blackness as the starting point in our plunge into and negotiations with the world. We have to rediscover and reclaim the sense of the sacred in the black body.

…I wanted us to work on a Pan-African scale, for a political situation where the death of a single African person raises horror and concern in the body politic as a whole. Today the opposite is the case: a white person missing raises more anxiety among African governments than hundreds of missing blacks. We have to take the initiative to fight and right the roots of such differential knee jerk reactions…'[3] (Ngugi 2013)

How true these words ring! Consider what the attitude of the Nigerian state might have been, had the missing girls been American exchange students in Nigeria, or if the girls had been daughters of politicians or rich people!

[3] Ngugi Wa T'hiongo, 2012. 'The Blackness of Black: Africa in the World Today.' 10th Annual **Africa Day Memorial Lecture**, delivered at the University of the Free State, South Africa, May 25, 2012

It is these same concerns expressed by Ngugi, but heightened by the gendered embodiments, that also motivate my lecture today. If the black body has so little worth, consider how much less worth the black female body has. And not merely the indifference and criminal neglect that states exhibit, but also the active policing to which this female black body has been subjected from pre-colonial times to the present. A cursory examination of gender and state relations in several African countries reveals a story of paternalistic or benign neglect (nationalist portrayals of women as the mothers of the nation, virtuous wives who keep men honest), to active policing particularly under military regimes (where women are represented as an undisciplined category- traders who hoard goods and deprive workers of their meager wages, or temptresses who wear mini-skirts and lure hardworking men into mischief).[4] To a large extent, these attitudes and practices mirror forms of indigenous social structures and practices that have been over-laid by colonial anxieties and ambivalence around women. In virtually all African societies, women were regarded as under the protection of a man, be it a father, brother, or husband, resulting in patriarchal values and practices that subordinated them to men (such as forced or early marriage, widow inheritance) and the elaboration of a

[4] Carolyne Dennis 1987. 'Women and the State in Nigeria: the Case of the Federal Military Government, 1984-5' In Haleh Afshah, Ed. *Women, State, and Ideology Studies from Africa and Asia.* Albany, NY: SUNY Press; Takyiwaa Manuh 1993 'Women, the State and Society under the PNDC' In E. Gyimah-Boadi, Ed. *Ghana Under PNDC Rule.* Dakar: Council for the Development of Economic and Social Research in Africa (CODESRIA)

complex of gender relations, hierarchies and practices. While complementary relations existed between women and men in some societies with women having spheres of influence and elaborate rules to safeguard their autonomy, in general African women and men negotiated their relations and different divisions of labour and property regimes existed. While the spread of Islam around Africa introduced some changes in communal and gender relations, it never became the dominant system and accommodation was found with the existing social order in many places, and the practice of Islam co-existed and was modified by existing traditional systems. It was not until colonial rule that was also a system of production, with its Christian and Western doctrines about gender relations, that the often fluid gender and production relations in communities were transformed into rigid rules and duties, and ultimately into customary law. Colonial rule was a violent act and force was used routinely on local populations who came to associate power with force and violence. Women now had definite obligations to men, elders and the colonial state and became firmly subject to elders and men who attempted to regulate their bodies and sexualities, and their access to resources, particularly land. The pluralistic legal systems that were introduced further subordinated local populations who were now deemed to be subject to both customary law and enacted laws as determined by their colonizers. In general, local populations were oppressed and neglected, with low access to services such

as education, health care, and employment opportunities in the formal sector, while rural areas largely functioned as reserves of labour.

Nationalist leaders across Africa saw independence as the opportunity to redress decades of colonial neglect and oppression. This led to expansion in social services and opportunities, with improvements in literacy rates and living standards. Still, educational opportunities for girls remained restricted compared with those for boys in many countries, and professional positions for women remained rare.

For married women, the husband was deemed as exercising authority (*autorité marital* or the marital power) over his wife which reinforced patriarchal social relations. Such authority meant that women had to seek permission from their husbands to conduct almost all legal transactions, including opening a bank account or applying for a passport. It also restricted women's access to employment or movement as married women were asked for proof of permission to engage in gainful employment or to travel abroad, rendering married women virtual minors before the law. These continuities were not surprising, as many nationalist leaders had been formed by the colonial state and were unable to transcend that mold. Over all, there was a massive failure to transform social relations and to use culture as a resource through its democratization. The constitutions that were elaborated in the lead-up to independence contained no bill

of rights and were not seen as compacts between the people and their governments. The violence and arbitrariness that characterized colonial rule was carried over into the post-colonial state which witnessed massive violations of citizens' rights, increasing autocracy, and in some cases, the political use of ethnicity as a mobilizing strategy, especially as economic difficulties mounted and states were increasingly unable to address citizens' needs and services. Policies and programmes adopted by states as a means to secure funds from foreign financial institutions exacerbated the situation as austerity measures resulted in further deprivations of the citizenry who often had to cope on their own, further increasing the burdens faced by women in particular.

These failures of the post-colonial state were to lead progressively to states of violence across almost all regions of Africa. Countries became destabilized by poor governance, economic malaise, poverty and conflict, which affected the general population and had different impacts on women, youth and other sections of the civilian population. Civil wars have disrupted countries, engendering geo-political instability, with economic factors as obvious parameters of the crisis and instability, and warring factions demanding a share of government power and its traditional sources of income. These civil wars have witnessed the perpetration of violence on people in general and women in particular which has not only

proceeded from support for the state or siding with the rebels, but has played on cultural, ethnic and religious considerations. Important factors have included belonging to community structures such as age groups, secret initiatory societies, etc.), and adhesion to particular sociocultural practices and values such as the observation of Shari'a or Christian standards, rules governing marriage, divorce, inheritance and widowhood, etc.).[5]

In West Africa, civil wars in Sierra Leone, Liberia, and later Cote D'Ivoire with their horrors of mass rapes, the use of child soldiers, and the infamous amputations of limbs in Sierra Leone, led to almost complete collapse or stagnations of economies and resulted in emigration on a wide scale, of populations of women, children, and underprivileged rural groups. Local accounts of the civil war in Sierra Leone provided by associations, the police and international and human rights organizations reported an escalation in domestic violence. There was also worry over the emergence of a 'rape culture' as the result of the exacerbation of armed conflicts in situations where rape becomes 'endemic' when it is used as a means of retaliation on the battlefield of armed conflicts and in police stations or prisons[6]. As is known, the connections between rape and poverty are complex and

[5] Fatou Sow et al. 2005. 'Violence against Women in Africa: The Cases of Sierra Leone, Cote D'Ivoire, Guinea, The Democratic Republic of the Congo, Rwanda, and South Africa.' Unpublished Report.
[6] Fatou Sow et. Al., op cit.

mediated through both the rapist and rape survivor".[7] Poverty also has an incidence on women's ability to protect themselves from risk of rape. For example, women in rural areas face a lack of running water, easy sources of fuel and electricity which put them at risk in their endeavours to access and collect these resources for day to day survival. In urban areas, difficulties with transport create situations of risk for women.

Mention must also be made of the Democratic Republic of Congo (DRC), where a humanitarian crisis has engulfed the country and the entire region since the late 1990s, with extremely negative implications for women and girls. The DRC has had an extremely violent history as the Belgian Congo, which the deprivations and kleptocracy of the Mobutu regime intensified. Women and girl children in the conflict zones in the eastern DRC have been the targets of sexual assault and rape by all the various armed forces and rebel factions, including sometimes the men in blue helmets, the UN peace keepers. This has compounded the situation of women which was already difficult given the economic hardship and societal characteristics prevailing. Violated women may be repudiated by their husbands, rejected by other community members or face deafening silence over their plight. Poverty has also increased as women can no longer farm their land at the same

[7] Research commissioned by the Crime Prevention Research Resources Centre, Violence Against Women in South África: Rape and Sexual Coercion.

time as they are expected to feed their families and communities, and soldiers and rebels alike. The spread of AIDS and sexually transmitted diseases through rape and prostitution is a live issue. In addition, the conflict has created a refugee crisis that was already quite serious in the Great Lakes Region in the aftermath of the Rwandan genocide. Eighty percent of the refugee population is estimated to be women and children, and diseases such as polio and measles have reappeared.

Indeed the gendered dimensions of war and conflict have gained global attention as women's bodies and rampant sexual violence have been used as a means of humiliation, retaliation, and even blackmail among belligerents. Women become the first victims of violence and political instability, as their bodies become the war zone and unmentionable atrocities are perpetrated against them. This violence is a marker of inequality between groups, individuals, and genders, based on constraints that are created, recognized, or tolerated by the culture or religion. Such violence negates the fundamental human rights and claims to full citizenship and protection within their states of women and girls. The various resolutions passed by the UN Security Council from 2000 on Women, Peace and Security addressed the disproportionate and unique impact of conflict on women and called for recognition and involvement of the active roles of women in peace-building and conflict prevention and resolution. The recognition of rape during conflict as a war

crime and the subsequent prosecution of some perpetrators by the International Criminal Court has headlined the opprobrium with which such conduct is regarded. Sadly, only a few of such perpetrators have been brought to justice by national or international courts.

Gender is now a component in security sector reform, in recognition of the gendered nature of institutions and the close links between cultures of militarism in states and the rampant violence that populations in general and women in particular have been subject to. Scholars and activists working on gender and security issues have questioned the approaches and dominant discourses in security sector reform which are often part of the good governance agenda, without a transformation of the institutions and their operating logics and ethos. Specifically on gender, peace and security, they have raised questions about women's rights in war zones and in post-conflict situations, the role of women's movements in conflict and post-conflict situations, the treatment of women victims and of how international humanitarian instruments relate to women.

Apart from situations of armed conflict, violence occurs at the institutional level in several African states through the lack of democracy in political systems and parties, the operations of institutions of state such as the police and judiciary, open

repression of the civil liberties of populations (police roadblocks, militia, etc.), exactions committed on refugees and migrants; and the violence of cultural and religious fundamentalisms that states appear unable or unwilling to confront. Each in its own way, these different forms of violence exert pressure on the population, and especially on women. In many countries, through the 'public-private divide,'

police officers for instance adopt a dismissive attitude in situations of domestic violence for instance, which are still considered a "family matter", thus underestimating the violence. "It is only when the woman has died that the police would get involved and arrest the perpetrator" and the matter prosecuted.[8] Such response points to a lack of understanding of the causes and consequences of domestic violence on the part of the police and the judiciary, which is mainly male in composition. This type of attitude fails to acknowledge that domestic violence is a problem that requires attention. Even where laws have been passed as in a number of countries, police in Musasa workshops (in Zimbabwe) have enthusiastically embraced the idea of "counselling" as a solution to domestic violence. As a result, there have been examples of police spending half-an-hour "counselling" a couple at the station and then sending them home, when in fact the man should have been taken into custody. A connected problem is that counselling

[8] Interview with Ms. Immaculée Ngabire,.; Interview with Ms. Dominique Munongo, Réseau Action Femmes, cited in Fatou Sow et al., op cit.

is usually aimed only at the woman, telling her to behave.[9] Assault cases when they do get to the courts, may be treated as unimportant, thus revealing the unwillingness to condemn the criminal conduct of husbands against their wives.

However, institutional progress has been made under the pressure of the international environment. Thanks to pressure brought to bear on various national and international levels, improvements have been made to the basic laws governing the lives of citizens, the relationships between them, and relationships between men and women, especially in constitutions and civil codes. Regarding violence, the Convention on the Elimination of All Forms of Discrimination against Women has been a major landmark in terms of its recognition as a forms and means of discrimination.

At the community level the law, religion and culture play substantial roles in the violence that occurs. Especially in public places, where various types of physical and mental abuse, rape, sexual harassment and mercantile forms of violence such as prostitution or exploitation of female labour (especially young domestic employees) exist. The gendered nature of witchcraft related violence represents a potential threat to women's safety in many countries where predominantly older

[9] Sheelagh Stewart, 1992. "Working the System: Sensitizing the Police to the Plight of Women in Zimbabwe" in Margaret Schuler, Ed. *Freedom from Violence: Women's Strategies from around the World*. OEF International, pp. 157 - 171.

women, but also younger and economically active women, suffer violence at the hands of youth, having been singled out because they had red eyes- regarded as a sign of sorcery,[10] or where they are accused of a country's or individual's economic downfall. The isolation of some of these women in 'witches' camps, allegedly for their own protection, is an indictment of state failures to protect them, as well as a grave violation of their human rights.

Violence at the workplace or in educational institutions while being a violation of a woman's physical integrity is also an infringement of her economic and social rights. It can take various forms, but the most common one is sexual harassment, which can include physical violence as well as psychological, such as duress. It can even encompass circumstances rendering the work environment discriminatory and humiliating and in extreme cases, to sexual blackmail, assault or rape. Sexual harassment is a dimension of the exploitation of women's labour that involves the use of their bodies as a sexual object. In order to keep their jobs or carry out certain activities, many women are faced with demands for sexual services, in return for services rendered in order to do their work or benefit from facilities. This affects women operating in both the formal and informal sectors, and girls in educational institutions at all levels as women and girls face demands from

[10] Paul Harris, "Hundreds burnt to death in Tanzanian witch-hunt", Sunday Telegraph, August 22, 1999, cited in Adam Jones, Case Study: The European Witch-Hunts, c. 1450-1750 and witch-hunts today, Gendercide Watch.

employees of road and railway transportation services, men in uniform (policemen, customs officers) and other civil servants, and men in menial positions (drivers, apprentices), etc. In a previously quoted study on women's participation in decision-making structures in Sierra Leone, 38% of the women in middle-level jobs and 23.1% of those in lower-level positions complained that they were refused promotions when they refused the sexual advances of their superiors.[11] Teenaged girls in schools and universities undergo or accept similar pressure from teachers and wealthy, older men (sugar daddies), to pass their exams or for financial support. They either submit or negotiate by establishing a power relationship that is less heavily weighted against them, and denunciation and action against this type of harassment is a very recent phenomenon in Africa.

Violence by men against women and acceptance by the victims, mainly women and children, are part of a set of well-established social rules, in situations where coercive legislation in the Family and Labour Codes favour men or employers, and/or where laws and conventions that are more favourable to women are not enforced by states, for reasons linked to culture and religious ideology, even when these same states have signed or ratified international or regional conventions and treaties.

[11] SLANGO. 'Women in Decision-Making Structures of the Workplace in Sierra Leone', cited in Fatou Sow et al. op cit.

It has been argued that the denial of women's economic and social rights can be interpreted as violence against them or may exacerbate physical violence against them, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa addresses the subject of women's access to economic and social welfare rights. It has provisions on setting-up system of protection and social insurance for women working in the informal sector of the economy and ensuring equality in taxation for men and women. It also addresses women's health and reproductive rights, including their right to self-protect and to be protected against sexually transmitted infections, including HIV/AIDS. However the extent to which such provisions are implemented in practice is debatable.

The Public and Private Divide

One of the positive gains in the field of protection for human rights generally and more specifically, of women's human rights is the deconstruction of the division or invisible divide between the public and private spheres of life. It is this division that was used for a long time by states to justify their reluctance to "interfere" in domestic violence cases, for example, arguing that such behaviour fell within the confines of the "private sphere". Keeping women's world restricted to the home has acted as a means to keep control on them. While the law has been viewed as operating in the public world of "politics, economics and intellectual life,.. it leaves

unregulated the private world of the home, hearth and the family".[12] Such a division is clearly based on gender– because men live their lives outside, in the "public world of politics, economics and intellectual life" while women are located in the "private world of the home, hearth and the family." Given the long-standing unwillingness of the State to legislate in that field, it may be argued that the two worlds are not equal in importance in the eyes of the law and the public world is where power and authority lie.[13] The private realm is less important and significant, and as a result, undergoes less interference. The law builds on this distinction, reinforces the gendered nature of the difference by choosing which activities it regulates and those it leaves unregulated. Domestic violence and marital rape, for example, were and still are, to a large extent, generally not addressed in the form of legislation on the continent. Legislative bodies, predominantly made up of men, do not make it their priority to legislate on matters considered in the "private sphere."

McFadden warns against the continuous backlash, often based on fundamentalist beliefs that often weaken the achievements that women have fought courageously to build:

> The maintenance of the public/private divide through claims of cultural authenticity and the need to hold on to so-called traditions …which are

[12] Judith Gardam, 1997. 'Women and the law of armed conflict: why the silence?' ICLQ, Vol. 46 (Jan):55-80 at p. 65.
[13] Ibid.

> basically practices and value systems that privilege men in the home and in the key institutions of our societies – has inhibited the greater participation of women in the transformation of Africa to the present day. …Even in societies where women have excelled in public status as professionals and knowledge producers, they are faced with continuous backlash, often premised on fundamentalist beliefs that so easily mobilize communities to participate in the undemocratic exclusion of women from their rights.[14]

The state, which legislates on the family, has retained a very patriarchal image of the institution and pays little attention to what is actually going on. The man's authority over the family is a factor of gender discrimination in such matters as authority over the family, the definition of income and income tax, the choice of the family residence. This can be demonstrated by the choice of the family residence, which is left to the husband in civil systems of marriage. Beatings, or the right to punish their wives and children, which is granted to men by custom are still common in both rural and urban areas. In a sense, any African man is invested with the social authority to comment on and control the attitude, the behaviour or the dress of any woman, be she an adult or younger, who crosses his path; hence the near-legitimacy of 'beating squads' against female smokers, women who wear wigs, short skirts or who lighten their skin.

But families and households have been undergoing immense changes, with up to 30 percent of households in some countries being headed by women. Problems

[14] Patricia McFadden, 2001. 'Patriarchy: Political Power, Sexuality and Globalization', Public Lecture delivered in February 2001, Curepipe Mauritius, Ledikasyon Pu Travayer, p.13.

linked to growth and the deteriorations in standards of living, armed conflicts, and the new wave of economic and political migration have led to imbalance in relations between the sexes, and there are rising divorce rate and instability in marital and family relations. Their consequences have sometimes helped women better comprehend their situation and challenge the legitimacy of male power, especially in situations of crisis and violence. In addition, while women are perceived as subscribing to a totalizing view of 'their culture', a study conducted in three provinces in South Africa found that "women perceived that the prevailing views in their 'culture' were more patriarchal than their personal views" even if they did express personal agreement or acceptance with patriarchal gender relations, including subservience of women to their husbands, punishment of the wife in some situations, male ownership of women, notions of male sexual entitlement and an interpretation of beating as a sign of love.[15] This suggests the contested nature of 'culture' as it relates to gender relations, and the fact that so many women indicate that they hold views which differ from their perceptions of the 'norm' in their culture is a sign that a process of questioning and re-examination is underway among women at community level.

Women's Citizenship in Africa

Underlying the gendered manifestations of violence and state failures to protect

[15] CERSA (Women's Health) Medical Research Council, Jewkes et al..August 1999, at p. 8.

and support women is the conceptions of women's citizenship. Citizenship has been defined as describing the terms and conditions and benefits of membership of a political community,[16] usually the relationship between the state and citizens. But as Goetz notes, membership of such a community for women—even on the basis of the idealized and rarely realized liberal notions of citizenship rooted in equal individual rights—does not guarantee gender justice. This is the consequence of systems of male capture and bias in rule-making institutions that result in the creation of limited membership rights and capabilities for women—constrained citizenship rights in the state, for instance, or circumscribed roles in the family and community as the norms, prejudices and affections that have been developed in particular communities are not excised from the deliberations of public actors in deciding who should benefit from public resources. In addition, the state's rulings on justice are ignored by powerful groups, and the rights it extends to all citizens are not deemed legitimate or relevant to those who most urgently require them in order to transform oppressive social relations. In other words, the problem is not (only) that the state does not address gender injustice, but rather, that it cannot. It is perceived to have no province nor remit in matters pertaining to the relationship between women and men.

[16] Ann-Marie Goetz 2007 'Gender Justice, Citizenship and Entitlements - Core Concepts, Central Debates and New Directions for Research', in M. Mukhopadhyay and N. Singh, eds., *Gender Justice, Citizenship and Development.* Ottawa: International Development Research Centre

For women therefore, citizenship goes beyond a relationship between the individual and the state and extends to their lived realities and multiple identities within the family and the household, communal systems, economic and other institutions that affect women's and men's lives and opportunities. Although being a citizen allows women to make claims as a citizen in their own right, the identity ascribed to them is still in reality often in relation to a man, whether as a daughter, sister or wife. It is thus important to address not only state-level formal institutional arrangements but also informal institutions in order to improve and guarantee women's entitlements as citizens. Pereira et al. contend that what happens to women in the domestic arena is carried over to the public sphere, making it necessary to address the interconnected character of women's lives and rights.[17] Therefore understanding the link of women's citizenship and rights requires addressing women's unequal access to economic, political, social, and cultural resources located in both public and private spheres.

Feminist scholars further argue that notwithstanding the limitations, we cannot dispense with the universal language of citizenship as formal membership is an indispensable part of the struggle to attain gender justice. As Goetz notes, citizenship has been acknowledged as providing a lever to socially excluded

[17] Charmaine Pereira et al. 2001, 'Understanding Women's Experiences of Citizenship in Nigeria: From Advocacy to Research.' (http://www.codesria.org/IMG/pdf/PEREIRA-1.pdf)

groups to demand inclusion and their fair share of public resources and social recognition, and what has been promised to 'all men' in formal constructions of citizenship cannot be denied to women—or to ethnic or racial minorities—without exposing flagrant social discrimination on the part of formal lawmakers.

Yet as is evident in the constitutions of several African countries, states have ceded control over women and children to traditional patriarchal groups, where exceptions are made to constitutional prohibitions on discrimination in the area of 'personal law,' i.e., arrangements governing marriage, divorce, inheritance, burial, adoption and clan-based property. What this means is that many forms of injustice in private relationships do not come under the purview of formal law as a form of compensation to those authorities for their surrender of power to the state. This has meant the persistence of unfair rules pertaining to family relations and access to resources, which are unjust to women and other less powerful members of the family, and they perpetuate the situation where women are treated as legal minors.[18]

A gender perspective on citizenship asserts the rights of all women and men to equal treatment, to be enshrined in constitutions, laws and legal processes. At the

[18] Celestine Nyamu-Musembi. 2007. Addressing Formal and Substantive Citizenship:*Gender Justice in Sub-Saharan Africa. In* M. Mukhopadhyay and N. Singh, eds., *Gender Justice, Citizenship and Development.* Ottawa:International Development Research Centre.

same time, applying equal standards to all citizens may be insufficient, however, if different groups of citizens face particular challenges and have distinct needs. Women and men may have distinct needs, and women of different ages, classes or ethnicities may also have varying needs that require specific attention. The focus on rights therefore requires distinguishing between formal and substantive equality, highlighting outcomes for different groups of women, and tailoring rights construction to the needs of women who are most adversely affected by the lack of rights which the particular reforms target.[19]

Towards the Pan-African Ideal- Inclusive and Active Citizenship for Women in Africa

A number of scholars[20] have argued that a gender justice approach would ensure full citizenship for women, as an alternative strategy to gender mainstreaming that has become deeply depoliticized. This is because such an approach is comparatively better able to link human rights and capabilities to political and economic arrangements and thus establish entitlements attached to citizenship and address the underlying discrimination embedded in socio legal systems. Further,

[19] Maitrayee Mukhopadhyay 2007. 'Gender Justice, Citizenship and Development: An Introduction' *In* M.Mukhopadhyay and N. Singh, eds., *Gender Justice, Citizenship and Development.* Ottawa: International Development Research Centre

[20] Maxine Molyneux, 2007 'Refiguring Citizenship: Research Perspectives on Gender Justice in the Latin America and the Caribbean', In M. Mukhopadhyay and N. Singh, eds., *Gender Justice, Citizenship and Development.* Ottawa: International Development Research Centre; Mukhopadhyay M and S. Meer (2006) *Creating Voice and Carving Space; Redefining Governance from a Gender Perspective*. Dhaka: Zubaan Books.

through access to resources and women's ability to make choices (agency), there are better chances of women being able to exercise their full citizenship rights. Most importantly a gender justice approach foregrounds the centrality of the accountability of the state, the family and other institutions to dispense justice and to find redress where a woman has been violated, which is key to the citizenship

Currently, the notion of active citizenship, where citizens recuperate citizenship from being a 'project' in the hands of NGOs and donors, or declarations in constitutions, to a lived reality for the majority of populations, is gaining ground around Africa. There are calls for activists and scholars to take citizenship to the classrooms, women's groups and communities and for citizens to be empowered to see themselves as entitled to rights and protection from their states, rather than a benefit that is conferred on them. This is similar to a recent call by scholar-activist Patricia McFadden for women to re-claim the state by becoming citizens beyond the divides created by militarization and institutionalized violence and the limitations imposed by liberal views of citizenship that in many places has been characterized by exclusions.[21] In her view, this would involve activism for change, programmes of consciousness-raising with a focus on entitlement as a key element in re-establishing the relationship between state occupants and the people,

[21] Patricia McFadden, 2014 'Women Transforming Africa' Speech delivered on International Women's Day 2014, at the Thabo Mbeki African Leadership Institute (TMALI), South Africa.

especially women, a close understanding of the state, and the formulation of strategic agendas in order to change the state. She concludes that understanding the State in order to change it is central to the next phase of women's futures and those of their communities everywhere on the continent, while for those who occupy the State, a similar process of renegotiation of relationships with the people is crucial, requiring a fundamental re-orientation of the ideologies and practices of all the institutions and structures, practices and policies that constitute and shape the character of power and its administration.

It is such reconfigured states, based on an ethic of responsiveness to its citizens, particularly the poor and marginalized among them, that approximate to the Pan-African ideal that many were willing to struggle and die for, and for which we must continue to struggle, to achieve an Africa where women and girls live as equally valued citizens, free from the institutionalized and tacit violence sanctioned by state and non state actors, and the intra-personal and communal violence perpetrated within households by families and communities.