

THE QUESTION OF WOMEN'S RIGHTS IN AFRICA

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Abstract

Human rights are vital ingredients and are necessary for human well-being and development. They are inherent, universal, interrelated, interdependent, inalienable, and indivisible. Hence, no matter one's colour, religion, language, sex, ethnicity or social status, one is entitled to these rights on the basis of being human. However, the case takes another shape in most African societies as it pertains to women as women are still abused on a daily basis in the forms of rape, forced marriage, mal-treatment, subjected to inhumane treatment during widowhood, deprivation of personal income or property, no right to inheritance, domestic violence, etc. It is, therefore, on this note that this work pays attention to the problem of women's rights in Africa. The work argues that the act of often disregarding women's rights does not portray the acclaimed African sense of hospitality, socialism, communalism and respect for life. The work holds that the systems that have enslaved and subjected women must be interrogated, modified, changed or scraped for an inclusive society that will respect all human beings. It holds that women are human beings, and they share in the equality of humanness. They are human beings with dignity, and as such, they should be appreciated and respected.

Keywords: Woman, Human Rights, Africa, Contemporary Africa woman,

Introduction

The question of human rights has remained outstanding in the history of human thought, as is evident in the philosophical conceptions and arguments of Thomas Hobbes, John Locke, Jean Jacques Rousseau, Jeremy Bentham, Immanuel Kant, L.A Hart, John Austin, etc. Thus, the British Magna Carter 1215, the French Declaration of the Rights of Man in 1789, the American Bill of Rights in 1789, the Geneva Convention in 1864, the Universal Declaration of Human Rights in 1945, the African Charter on Human and People's rights 1981, The Convention on the Political Rights of Women (1953), The International Convention on the Elimination of All Forms of Discrimination against Women (1977), Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), etc., are not products of chance, but of experience, affirmation of nature's endowment and desire to safeguard both the human person, human race and to respect the dignity of the human person. Human rights are vital ingredients and are necessary for human well-being and development. They are inherent, universal, interrelated, interdependent, inalienable, and indivisible. Hence, no matter one's colour, religious belief, language, sex, ethnic background or social status, one is entitled to these rights on the basis of being human. However, the case takes another shape in most African societies as it pertains to women. It is regrettable to note that in contemporary African societies, despite the level of civilization and development, women are considered to have a lesser place in almost every matter, even when it concerns them. At some points, her opinion does not count. On countless occasions, they are seen as an object rather than a subject. Thus, women are still abused on a daily basis in the forms of rape, forced marriage, domestic violence, mal-treatment, subjected to inhumane treatment during widowhood, deprivation of personal income or property, no right to inheritance, etc. Thus, African women have experienced many denials, either that stem from tradition, socio-religious or psychological stereotyping. Unfortunately, the fundamental human rights which are often proclaimed and enshrined in different countries' constitutions cannot but be said to exist mostly only on paper (in the constitution) and not in maximum practicality when it concerns women. There is no doubt that the observance of these rights in a practical sense promotes justice, equity, equality, solidarity, peace, development, harmony, and co-existence. However, when women are denied these rights, their dignity is questioned. It is, therefore, on this note that this work pays attention to the problem of women's rights in Africa.

The Notion of Human Rights

Human rights are rights that pertain to humans on the basis of being a human person. They are claims that are recognized by nature, law and theories and are based on the nature of man as a human person. Human rights are characterized by entitlement and claims. These rights are entitled to humans by nature and constitution, and those it is entitled to can lay claim to them. The idea of laying a claim stems from the fact that one is entitled to something. Hence, rights are entitlements by nature, backed by laws and enshrined in the constitutions. Thus, removing human beings means that there is nothing like human rights. Thus, every human being is entitled to human rights without distinction in race, religion, opinion, or status. Akin Ibilapo-obe sees human rights as those species of rights that are recognized as pertaining to man by the very nature of his human (86). Human rights have a universal character in the sense that they are recognized as the fundamental rights inherent to every individual. All human beings are entitled to these rights regardless of race, colour, gender, language, religion, political beliefs,

nationality, social background, property, birth, or any other status. Human rights are inherent and are accorded to every person in existence. By nature, they are universal in the sense that wherever one finds him/herself, no matter one's colour, race and ethnic belonging, it claims these rights.

Human rights are not based on race, religion or ethnicity. However, these rights are freedoms and immunities that nature and the Constitution have awarded to human beings. On it, a good democratic and peaceful society is erected. Human rights are fundamental as they enhance human dignity and contribute to the well-being of the citizens. Human rights are inalienable and legally backed by laws and enshrined in the Constitution. Regardless of status, colour, religion or ethnic group, human rights are aspired by any individual for the betterment of the self and society. Hence, any attempt to deny any human being his/her rights is to question the dignity and well-being of the person. According to United Nations Resources for Speakers on Global Issues:

Human rights are legally guaranteed by human rights law, protecting individuals and groups against actions that interfere with fundamental freedoms and human dignity. They are expressed in treaties, customary international law, bodies of principles and other sources of law. Human rights law places an obligation on States to act in a particular way and prohibits States from engaging in specified activities. However, the law does not establish human rights. Human rights are inherent entitlements which come to every person as a consequence of being human (<http://www.un.org>).

The fundamental need for human rights cannot be overemphasized, as it ensures the well-being of citizens and the betterment of society. Thus, these rights can only be limited by legal justification. These rights are part of human nature because we are human. However, while one can say that men have been on the upper side of enjoying their rights, women have been subjected to different levels of denial of their rights despite being human beings.

The notion of Women's Rights and Fundamental Human Rights

In our discussion, the concept of women's rights must be distinguished from those rights that women seek, which are naturally concerned with women; what we designate here as women's rights are rights shared by all but in relation to women. That is, the practicability and enjoyment of these rights by women as their male counterparts enjoy them. Women's rights we hold as human rights, which involves "both specific claims about the conditions of particular women and groups of women, as well as universal claims about women as human beings who, by virtue of their humanity, share fundamental ontological existence" (Ani 340). The argument for women's rights takes into account the condition of women wherever they are. It reveals the socio-cultural and historical dilemma of women, from a particular to a universal state. Women's rights, as this work holds, are specific to the fundamental rights that are supposed to be enjoyed by both men and women.

Fundamental human rights are those rights that are at the basis of the well-being of man, which creates a veritable ground for the actualization of the dignity of the human person. In many countries, certain rights are considered fundamental. Fundamental rights are the foundation

upon which secondary rights are based. They are the basis for safeguarding and recognizing the primacy of the human person and his dignity. When you remove some aspects of these rights, the human person can be subjected to inhumane treatment. According to the Nigerian constitution, fundamental human (Chapter 4, section 33 - 44) rights include:

Right to Life – Every person has the inherent right to live, and no one should be unlawfully deprived of their life.

Right to the Dignity of the Human Person – Every individual deserves respect, and no one should be subjected to torture, inhumane treatment, or degrading punishment.

Right to Liberty – Individuals have the freedom to live without arbitrary arrest, detention, or oppression.

Right to Fair Hearing – Every person is entitled to a just and impartial trial in legal matters.

Right to Education – Everyone has the right to access education, which empowers individuals and promotes societal progress.

Right to Private and Social Life – People have the right to personal privacy, family life, and the freedom to associate with others.

Right to Freedom of Thought, Conscience, and Religion – Individuals can hold and practice any belief or religion without coercion.

Right to Freedom of Expression and the Press – Everyone has the right to voice their opinions and access information without censorship.

Freedom from Discrimination – No one should be treated unfairly based on race, gender, religion, or other status.

Right to Own Immovable Property – Individuals have the right to own land and property without unlawful seizure.

Right to Vote and Be Voted For – Every citizen has the right to participate in democratic elections, either as a voter or a candidate.

Women's Rights in Contemporary African Society

Before the Universal Declaration of Human Rights in 1945, as Amaku noted, cultures and intellectuals had already trumpeted the dignifying mystery of the human person. One finds across history constant claims, the effort of which is to underline the pre-eminence of man in the universe, and his reverentially distinguished characteristics among other creatures (107). However, while arguments on the pre-eminence of the human person abound, the question of the two sexes enjoying the same rights remains questionable. While men enjoy their rights, women are deprived of the same full rights as men. As Wangrawa noted, "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” (2). Women are subjected to different conditions and are made to experience and endure domestic violence, denial of personal property, no right to inheritance, widowhood maltreatment, no male child dilemma, and other socio-religious and psychological stereotyping.

In his observation of non-respect of rights in Africa, in which women are often victims, Onyeohca noted that the act of genocide, cruel or degrading treatment, torture, rape, detention, harassment and intimidation are all negation of human rights. He noted that “most African countries were party to several international human rights treaties” (212), where deliberations were made to put to an end acts that are against human rights and dignity. Such conventions include the African Charter on Human and People’s Rights, The International Convention on the Elimination of All Forms of Discrimination against Women (1977), The Convention on the Political Rights of Women (1953), etc. As a result of the deprivation of human rights in Africa, which government aids, which most governments have paid less attention to, Onyeocha noted that “the most glaring is the lack of adherence to the African Charter on Human Rights and people’s rights since human rights abuses are perpetrated every day by official government law-enforcement agents” (213).

Evidently, owing to the negation of human rights and dignity in Africa, Amaku noted that “the idea that respect for human life is natural to Africans has been falsified by experiences” (115). According to him, the human person (including women) possesses transcendental qualities that elude experimentation and go beyond empirical observations. Amaku emphasized the uniqueness of the human person and advised that classroom teachings beginning from kindergarten to the tertiary institutions, national news broadcasts, religious instructions, etc., should be actual grounds for doctrines on the individuality, irreplaceability, incommunicability and uniqueness of the human person.

Taking a cultural standpoint, Rhoda E. Howard rightly noted that the deprivation of human rights regarding women can be traced to some cultural practices. According to Howard, culture and human rights oftentimes conflict. This is a result of cultural preconceptions, whereby individuals in society have been conditioned psychologically that certain people are not entitled to certain rights. Rhoda noted that culture is not static and that it can change; its mutability is caused by secularism, urbanization, industrialism, etc. For Rhoda, culture can be manipulated by political leaders, thereby resulting in the deprivation of human rights. According to Rhoda, “Human rights are inauthentic in many cultures because they challenge the impaired privileges of the ruling classes, the wealthy, the Brahmin, the patriarch, or the members of privileged ethnic or religious group” (324-325). Regrettably, Rhoda observed the condition of women in Africa whose rights are violated in cases such as female genital operations, child betrothal, etc., despite the detrimental consequences. For Rhoda, these acts are purely against human rights. According to Rhoda, “the purpose of Human rights is precisely to change many culturally ingrained habits and customs that violet the dignity of the individual. Rather than apologizing that human rights challenge cultural norms in many societies, including our own, we should celebrate that fact” (325).

In a gender-centric perspective, Foluso O.Okebukola conceived the problem of African Women as that which stems from gender imbalance, gender bias or gender inequality, which implies the act of favouring the male counterparts at the expense of the female counterparts. In this situation, the males are favoured. According to Okebukola, this gender inequality is not abstract; it is a reality that is evident in human society. This act of gender inequality is a deprivation of human rights. It subjects women to play subordinate roles that habitually hamper their access to the same opportunities for development. As a result of this, Okebukola asserts that the nations involved cannot take full advantage of their resources. Gender imbalance is unconstitutional, and there is a lack of serious engagement to eradicate this imbalance on the government side. In the words of Okebukola, "The paradox of the African societies is that while governments have been prolific in generating ideas, they have generally failed to put both themselves and society to apply and use this knowledge as part of their culture" (93).

Among other factors responsible for the denial of women's rights is male chauvinism. Male chauvinism is the belief that men are superior to women and should dominate in society, the workplace, and personal relationships. This often results in discrimination, sexism, and limiting women's rights and opportunities. Male chauvinism reinforces gender inequality. Based on male chauvinism, the best place for women is in the kitchen or bedroom, and this makes women to be seen more as objects. Since things are seen from the lance of the male folk, laws equally are considered valid and can be executed if they favour men. Thus, Simone De Beauvoir noted that a man could think of himself without women, but she could not think of herself without men. She is simply what decrees. Thus, she is sex, absolute sex, no less. She is defined and differentiated with reference to man and not he with reference to her; she is the incidental, the inessential, as opposed to the essential (286).

In some pages of the celebrated work of Chinua Achebe, *Things Fall Apart*, Okonkwo of Achebe's work is a man known for success and hard work. However, he considered his father an *agbala* (woman), and he was significantly blamed for calling Osugo a woman. Thus, womanhood is not a designation of hard work or pride but a designation of laziness. Portraying womanhood from the angle of traditional subjugation, which in our contemporary time is still in existence, Achebe wrote: "It was when everyone had drunk two or three horns that Nwakibie sent for his wives to drink and they did respectively according to the demands of the tradition, in this manner: she walked up to her husband and accepted the horn from him; she then went on one knee called him by his name and went back to her hut" (p.14). Thus, the condition of womanhood in Achebe's *Things Fall Apart* is not much different from the present condition of women in our contemporary African societies.

The African woman is mostly submissive, isolated, deemed passive, rural, meant to listen always, and an object of satisfaction. Why are women often encouraged to stand up for their rights? Their situation and system have enslaved them so much that demanding their rights is seen as taboo. Thus, the question of the practicability of women's rights also interrogates the functionality of those charged to ensure that human rights are respected. Despite many efforts and emphasis that have been laid on human rights, its deprivation is still on the increase on a daily basis. The rights of women are not easily respected. This is either a result of government

policy, culture, psychological disposition or religious beliefs. Good to note is that most African countries have participated and are party to most International human rights treaties. And yet, they have failed to realize the dreams of these conventions. Many African countries were party to the African Charter on Human and People's Rights (1981), the International Convention on the Elimination of All Forms of Discrimination against Women (1977), the Convention on the Political Rights of Women (1953), the Convention Against Torture and other cruel, Inhuman or degrading treatment or punishment, etc. All these conventions are yet to achieve their focal points. This is evident in the constant abuse of women.

The African governments have indisputably done much in the area of generating ideas, but on the other hand, most of these ideas have not been put into practice. There is still a gap between theory and practice in Africa. And here lies the main problem of Africa. The problem of disregard for women's fundamental rights is evident in the abuses of women and subjection to certain conditions that could lead to death. These are against human dignity, and they render women helpless and defenceless. Women are often beaten to death and are forced to accept whatever condition they find themselves in.

Regarding liberty, their movements can be restricted without any legal justification from the husband. Oftentimes, women are denied fair hearing even when they are the victim. They are not allowed to speak their minds most of the time or even hold contrary opinions; this is often done when the male counterpart is involved. In disputes, they are easily denied justice or pushed to resort to fate. Many times, women are subjected to religion, which they may not be comfortable with its doctrines. On one hand, her property is considered that of her husband's, while in the case of demise, she is hardly considered fit to inherit his properties. The cases of rape and domestic violence abound, while the objectification of women seems to have become normalized.

The act of often disregarding women's rights in Africa does not portray the acclaimed African sense of hospitality, socialism, communalism and respect for life. The disregard for women's rights has placed enormous consequences on women and the progress of Africa, which makes the human society lack collective progress, onesided political development, increase in child-mother mortality, subjugation, increase in sickness, dependency, low impact in the society and human objectification. Thus, the systems that have enslaved and subjected women must be interrogated, modified, changed or scraped for an inclusive society that will respect all human beings.

Conclusion

A being in existence is a being in existence. As such, it possesses distinctive characteristics that are different from other creatures. The human person is a being that is naturally endowed with rights. These rights ought to be respected and accorded accordingly. In Africa, the conditions of women have continuously questioned the collective value of being human in Africa. The violation of women's rights in today's societies in Africa is increasing on a daily basis. Most unfortunate is that the government, which should be an example in the protection of women's rights, has not taken the responsibility of building a unified society where there will be respect for men and women. It is on this note that Amaku enjoins the government to recognize its

primary place in the protection of human rights when he asserts: "It is the duty of any of any government to see to the enforcement of human respect in its territory by improving the lot of its citizens and by eliminating all factors that militate against all respect for life, especially that of human person" (116).

While the responsibility of protecting women's rights and ensuring the legal sanctions of their rights violations is necessary, the onus to respect and protect women's rights is also part of citizens' responsibility. To achieve maximum regard and respect for women and accord them the appropriate fundamental rights, the following ways should be taken into consideration:

1. Women are human beings, and they share in the equality of humanness. They are human beings with dignity, and as such, they should be appreciated and respected.
2. Women should not be seen as objects but as subjects, and they should also be treated as an end in themselves.
3. Citizens should be re-orientated on what human rights are all about and how they can fight and protect their rights.
4. African countries should pay attention and adhere to the African Charter on Human and Peoples Rights. Practising this will help in no small measure to reduce abuses on women.
5. The government should implement policies that will help women to know their rights, express their views and participate actively in society.
6. Many traditions oppose women's rights in Africa. Such cultures and traditions should be interrogated or modified to incorporate women, thereby paving the way for societal progress.
7. Legal protection of the rights of the people should be strengthened, especially in relation to women.

WORKS CITED

- Achebe, Chinua. *Things Fall Apart*. London: Penguin Books, 2006.
- Amaku, E. Ejiogu, "The philosophy of Human Dignity vis-a-vis Rampant Homcides in Nigeria." *Amamihe: Journal of Applied philosophy*. Owerri Global Press, 2004.
- Howard, Rhoda E. "Human Rights and the Necessity for Cultural change." Satris, Stephen. *Taking Sides, Clashing Views on Controversial moral issues*. U.S.A: MDc Graw-Hill companies, 6th ed. 1988.
- <http://www.un.org/en/globalissues/briefingpapers/humanrights/>
- Ibilapo-Obe, Akin. "Human Rights and states security. The Nigeria Experience." in *Journal of Human Rights law and practice*. Vol.5 No1, Jan 1995
- Onyeocha, Izu. M. *Africa: The Country, The Concept and The Horizon*. Uwani: Victojo productions, Enugu, 2007
- Okebukola, Foluso O. "Gender Equity in Nigeria: A critical analysis of contexts an conditions." *Journal of Nigerian languages and cultural*. Vol. No 1, Enugu: San press