

Original Article | **Open Access** | Peer Reviewed



Women's Rights in Africa: The CEDAW and ACHPR in the 21st Century

Ebenezer Kojo Gyesi Mensah¹

¹ Western Illinois University, United States; ekg-mensah@wiu.edu.

Copyright and Permission:

© 2024. The Author(s). This is an open access article distributed under the Creative Commons Attribution 4.0 International License (CC BY 4.0), which permits sharing, adapting, and building upon this work, provided appropriate credit is given to the original author(s). For full license details, visit <https://creativecommons.org/licenses/by/4.0/>.

Address for Correspondence:

Ebenezer Kojo Gyesi Mensah, Western Illinois University, United States.
(ekg-mensah@wiu.edu)

Article History:

Received: 16 June 2024; Accepted: 27 June 2024;
Published: 30 June 2024

Abstract

The struggle for women's rights in Africa has been characterized by pervasive gender-based violence, systemic discrimination, and limited access to economic, healthcare, and educational opportunities. However, despite these challenges, advancing women's rights is imperative due to women comprising about half of the continent's population. The Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) uphold women's rights to equality and non-discrimination. Regional protocols like the Maputo Protocol and legal frameworks such as the African Charter on Human and Peoples' Rights (ACHPR) provide additional protections for women's rights in Africa. These international agreements and legal frameworks serve as crucial tools for advocacy, policy development, and legal reform to address gender-based discrimination and advance women's empowerment. Yet, integrating these instruments effectively into African domestic settings to combat violence against women poses challenges due to inherent weaknesses and difficulties. Thus, prioritizing the protection and progress of women in regional human rights instruments is vital for addressing gender inequality in Africa. This article critically examines the successes and challenges of advancing women's rights in Africa using international conventions and regional legal frameworks. It looks at the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the African Charter on Human and Peoples' Rights (ACHPR). This paper explores the significance, limitations of these conventions and also proffer pragmatic strategies in advancing gender equality and women's rights in Africa.

Keywords

Africa Conventions Equality Discrimination Framework Promotion Protection Right

Volume 15, 2024

Publisher: The Brooklyn Research and Publishing Institute, 442 Lorimer St, Brooklyn, NY 11206, United States.

DOI: <https://doi.org/10.30845/ijbss.v15p9>

Reviewers: Opted for Confidentiality

Citation: Mensah, E. K. G. (2024). Women's Rights in Africa: The CEDAW and ACHPR in the 21st Century. *International Journal of Business and Social Science*, 15, 83-91. <https://doi.org/10.30845/ijbss.v15p9>

1. Introduction

The fight for women's rights has been a long and intricate struggle throughout the vast and diverse continent of Africa. Gender-based violence, systemic discrimination, and restricted access to economic, healthcare, and educational opportunities have historically plagued women in Africa. Nevertheless, despite these obstacles, it is crucial to continue advancing women's rights. Since women make up about half of the continent's population, empowering them is crucial to promoting social and economic advancement as well as sustainable development and the reduction of poverty. The Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) are two international agreements and conventions that uphold women's rights as fundamental human rights. These international agreements uphold women's rights to equality, non-discrimination, and full participation in all aspects of life while also acknowledging the inherent dignity and worth of every individual. Additional protections for women's rights and gender equality in the African context are offered by regional protocols like the Maputo Protocol, which is an addendum to the African Charter on Human and Peoples' Right (ACHPR). It is impossible to overestimate the importance of international agreements and legal frameworks in advancing women's rights in Africa. These instruments provide a framework for addressing gender-based discrimination and advancing women's empowerment, making them effective tools for advocacy, policy development, and legal reforms. African governments pledge to respect the rights of women and girls and take proactive measures to address the underlying causes of gender inequality by ratifying and putting these agreements into effect. The international system for the promotion and protection of human rights, particularly women's rights, relies heavily on regional human rights protection mechanisms as a-fore indicated. Feminists and international law (IL) experts frequently regard women's rights to be human rights. In the face of horrors, they appear fragile and suffer greatly. This argument is supported by the impact of the Ukraine- Russia war on women and children. Over the years, the issue of women's protection from discrimination and violence has dominated International Law debates. It is vital that all regional human rights instruments prioritise the protection and progress of women at the heart of their activities. This work would specifically look at the CEDAW as international instrument and the African Charter (Maputo Convention) as regional instrument for the discussion on the protection of women in Africa. Indeed, the adoption of the CEDAW demonstrates that there is still discrimination against women even in the 21st Century.

2. Principle of Equality verse Discrimination

The United Nations (UN) in its Article 8 postulates that it shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs. The UN recognizes equality that exist between men and women. It is of no surprise that the UDHR in its Article 1 succinctly states that "all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood". The principle of equality combats all forms of discrimination. According to the United Nations discrimination denotes any unfair treatment or arbitrary distinction based on a person's race, sex, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin or other status. Discrimination may affect one person or more. It was therefore apt when the UN impressed upon States Parties to condemn discrimination against women in all its forms, thus agreeing to pursue by all appropriate means and without delay a policy of eliminating discrimination against women. Gender inequalities and discrimination often manifest themselves against women in numerous ways, including access to education, employment equality, sex, religion among others.

Religious discrimination and intolerance is one of the oldest causes of international conflicts evident in the Israel-Palestine clashes. Religious discrimination plays active part in many international dispute and wars being caused by ideological differences between State majorities. This ideological differentiation often culminates in civil unrest and threats to international peace and security. The rule of non-discrimination on the grounds of belief, thus, must encompass all kinds of belief. It is the lack of tolerance on the part of some states which is responsible for tension between religious groups and often used as a weapon by battling factions. In the case of Hoffman v Austria, the European Court of Human Right held that Austria had violated the European Convention by basing its refusal to confer parental rights on a mother essentially on the basis of her being a Jehovah's Witness. The insertion of religion into non-discrimination clauses characterizes religion as a personal attribute analogue to race, sex, and language. Discrimination on the grounds of religious beliefs is clearly prohibited in international law. It has been suggested that that religious discrimination is an example of jus cogens, according to universal human rights provisions (both UN and regional), including the equality and non-discrimination articles, as well as other essential guarantees, women have a right to benefits and protections. The truth, however, has been quite different. Women have historically been

the victims of a variety of discriminatory and damaging behaviors, including denial of access to essential rights (education, health, property, job, domestic violence, early marriage, female genital Mutilation (FGM), etc. It is claimed that men have always predominated African public and private life. Women's participation has suffered in most spheres of life. African women are significantly more vulnerable to discrimination and several disadvantages.

The CEDAW and the newly enacted African Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa are the two fundamental texts of utmost significance for women's rights (APRW). The article 2 of the Universal Declaration of Human Rights mentions that "everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty"

Human rights instruments prohibit discrimination on several grounds. Article 2 of UDHR prohibits discrimination on the following ten grounds: race, color, sex, language, religion, political or other opinion, national or social origin, property, birth and other status. It is important to note that, the grounds enumerated in these provisions are merely illustrative and not exhaustive. The phrase 'other status' has an open-ended meaning; some grounds not explicitly mentioned, such as age, gender, disability, nationality and sexual orientation could also be considered prohibited grounds. The United Nations Charter begins with a preamble which establishes a fundamental foundation for the principles of equality and non-discrimination. "...to reaffirm trust in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and of large and small nations". The principles of equality and non-discrimination are the twin pillars that support the entire structure of modern international human rights legislation. In many ways, the demand to equality is the most fundamental of all human rights. It is the beginning point for all freedoms. According to the article 1 of the UDHR, "all human beings are born free and equal in dignity and rights. They are gifted with reason and conscience and should act in a brotherly manner toward one another." This provision is a cornerstone of the UDHR. In the preamble, the term "free and equal in dignity and rights" is repeated and reiterated. There is no justification to discriminate on the basis of sex among others if all human beings are truly equal and free. Discrimination is prohibited by human rights instruments for a variety of reasons. Article 2 of the UDHR, as well as Article 1(3) of the UN Charter, Article 2 of the ICESCR, and Article 2 of the ICCPR, ban discrimination on the basis of race, color, sex, among others. The article 14 of the ECHR, the article 2 of the African Charter, prohibits discrimination. The Arab Charter on the other hand in article 3 (3) mentions of equality and non-discrimination. The provision asserts that no distinction should be made among individuals.

The above the regional instruments via their respective provisions prohibit and abhors all forms of discrimination. Inferring from these articles the principle of non-discrimination mandates that an individual or group be treated equally regardless of their specific traits. All the regional charter advocates for equality. The principle of equality provides the foundation for the ban of discrimination. In all communities and endeavors, women face legal and practical inequities and discrimination with different causes and results in different countries. It is sustained by prejudices, as well as conventional cultural and religious practices and beliefs that are harmful to women. The equality concept encompasses much more than treating everyone equally. Inequality is perpetuated rather than eradicated when people are treated equally under unequal settings. Only by working to confront and fix these situational inequities can true equality be achieved. This larger concept of equality has become the primary premise and ultimate objective in the fight for human rights recognition and respect.

3. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

One of the human rights treaties with the broadest support is the CEDAW, which is frequently referred to as an international declaration of women's rights. The CEDAW has been ratified by almost 180 nations, two more joined as signatories, and only six countries have not expressed an interest in joining as parties since it was enacted by the UN General Assembly in 1979. The provisions of CEDAW safeguard women's political, legal, civil, and economic rights. The establishment of tribunals and other institutions is mandated by CEDAW in order to guarantee women's protection against discrimination. Parties must also ensure that no one, whether individuals, groups, or businesses, discriminates against women. The terms of CEDAW also mandate that parties submit reports on the steps they have taken to uphold their obligations at least every four years. The CEDAW has about sixteen articles. The Convention's preamble states unequivocally that "extensive discrimination against women continues to exist," emphasizing that this discrimination "violates the principles of equality of rights and respect for human dignity." Discrimination is meant to be "any differentiation, exclusion or restriction made on the basis of sex...in the political, economic, social,

cultural, civil or any other field,” as stated in article 1. By requiring States parties to take “all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing their exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men,” the Convention affirms the principle of equality (articles 2, 3). Some state laws and modifications have been made more gender equitable as a result of CEDAW. Domestic abuse, rape and sexual harassment, and human trafficking have all been handled by legislation. For instance, after ratifying CEDAW, Uganda implemented and supported initiatives to minimize domestic abuse, while Turkey modified its legislation to raise the legal age of marriage to 17. The CEDAW Committee conducts investigations into CEDAW violations and issues recommendations that are legally binding, as it did in 2018 when it looked at abortion access in Northern Ireland. The comprehensive list of steps that must be done to attain this equality is outlined in CEDAW, together with the particular of women’s human right to equality and non-discrimination.

Gender stereotyping is condemned in Article 5 and States Parties are urged to take the necessary steps to alter social and cultural conventions that are predicated on the idea that one sex is superior to the other or that men and women perform stereotypical roles. Article 16 offers information on discrimination inside the family. Other aspects include the battle against human trafficking, gender equality, and affirmative action. The CEDAW adopts a three dimensional and concrete approach to equality; it is founded on the idea of “substantive equality,” also known as “equality of results,” between men and women. Looking at the real state of women’s lives as the ultimate indicator of whether equality has been attained goes beyond equality of opportunity and the wording of legislation. All States Parties are legally required by CEDAW to uphold, defend, and respect women’s human rights; as a result, States are accountable not only for their own deeds but also for eradicating discrimination committed by private parties and organizations. The goal of the CEDAW is further strengthened with the existence of the Optional Protocol to the CEDAW. The Protocol affirms the universality, indivisibility, and interdependency of the internationally recognized human rights of women by recognizing and guaranteeing a broad range of their civil and political, as well as economic, social, and cultural rights. Optional Protocol to the CEDAW.

4. Effectiveness of the CEDAW and ACHPR to the promotion and protection of Women’s Rights in Africa

To advance and protect the rights of women and girls across the continent, the Member States of the African Union enacted the Maputo Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa. The Maputo Protocol has been ratified and signed by 42 nations so far. To reach worldwide approval of the Protocol, only 13 nations are yet sign on. Many African countries on the continent have put the Maputo Protocol into effect, either directly through state administrative and policy action or indirectly through judgments of national and regional tribunals requiring accountability for the rights therein. Similar to the African Children’s Charter, the protocol for women has incorporated novel rules and addressed the concerns and reality of African women. It naturally shares similarities with the CEDAW provisions. The preexisting normative framework (sometimes known as “the existing law”) must be examined and contrasted with the protocol in order to gauge the normative enlargement caused by the protocol. Comparatively speaking, the protocol places CEDAW in the context of African reality and talks clearly about challenges that are specific to African women. Domestic abuse, polygamy, HIV/AIDS, and medical abortion are all addressed in the Maputo protocol, which is the first treaty to do so (Articles 4(2), 6(c), 14(1)(e), and 14(2)(k), respectively). Additionally, it reiterates the necessity of providing women refugees with protection under international law (Article 4(2)(k)) and details the protection of women in armed conflict (Article 11). The women’s protocol includes comprehensive definitions of “violence against women,” “harmful behaviors,” and “discrimination against women” (Art. 1(j), for example). The use of “harmful practices,” such as female genital mutilation, is expressly forbidden (Art.5).

The treaty specifies what “Positive African Values” are by saying that they are those that are founded on the values of equality, peace, freedom, dignity, justice, solidarity, and democracy. Additionally, it extends beyond the extent of the rights outlined in the African Charter by defining the content of rights and incorporating the right to food security and sufficient housing, as opposed to CEDAW, which restricted some socio-economic rights to rural women (CEDAW, Art. 14), (Arts. 12,13,14,15 16). The protocol’s article xiv (14) states that States Parties must guarantee that women’s health, particularly sexual and reproductive health, is respected and encouraged. This comprises: The right to control their fertility, including the ability to choose whether or not to have children, as well as the quantity and spacing of children.

The African charter with its protocol strongly seeks to protect and promote the rights of women in Africa. Women’s human rights, particularly sexual and reproductive rights, are fully protected. The treaty recognizes reproductive

autonomy and choice as a basic human right. It is the first time that a woman's right to abortion has been explicitly stated in an international human rights instrument when the pregnancy is the result of sexual assault, rape, or incest; when the pregnancy endangers the pregnant woman's life or health; or when the pregnancy results in grave foetal defects that are incompatible with life. The protocol's prohibition of harmful practices such as female circumcision/female genital mutilation, which has wreaked havoc on the lives of countless young African women as seen in the article V of the protocol. Article 2 of the African Charter has various prohibitions that ban any type of discrimination against women. Article 17(1) addresses educational rights. Despite being the region's flagship human rights pact, discrimination and harmful practices continue to be perpetrated against African women. Some of the most serious violations of women's rights in Africa occur in the domestic domain of the family, and are reinforced by tradition norms and cultural values, constituting a complete violation of the charter's sections 17(2) and (3), which allow women to engage in cultural life. Restrictive masculinity norms, along with women's acceptance of violence, sustain male domination in the private sphere. Harmful behaviors like child marriage and female genital mutilation are also tolerated due to discriminatory social norms. In 2018, for example, 16 percent of African women aged 15 to 49 thought FGM should continue on average.

The African human rights monitoring system has been less effective than the European and Inter-American systems so far, partly due to the political climate and preference for diplomatic solutions, partly due to some flaws in the language used in the African Charter on Human and Peoples Rights, and partly due to the Commission's focus on promotion of human rights rather than monitoring. The protocol necessitates domestic abuse laws and the punishment of "rape in marriage" in order to tackle violence against women and "unwanted or coerced sex" in the private domain. The convention pays attention to the precarious position of groups of women who have been made particularly susceptible by the loss of a spouse, as well as old age, disability, and poverty. (Arts. 18-24). The basic requirement that 18 years old be the minimum age for marriage is reiterated in the protocol (Article 6(b)). The OAU Charter and the ACHPR have come under fire for not giving enough consideration to women in Africa. The first makes no reference to gender, but the second clearly mentions women's rights in a single section (Article 18). However, a number of resolutions and decisions targeting the promotion and protection of women's rights in Africa later made up for the OAU Charter's omission. Throughout the 1990s, the promotion, enhancement, and empowerment of women's participation at all levels of decision-making was the primary theme of OAU decisions and resolutions on women's issues (international, regional, national and local). It was held that real change could only be achieved by involving women in all facets of national and international affairs (political, economic, social, etc.). Naturally, the OAU's position was reflected in the just-adopted women's Protocol. The AU Constitutive Act has also made up for the OAU Charter's omission by including "promotion of gender equality" as one of its guiding principles (CA, Art. 4(1)). The State shall ensure the elimination of all forms of discrimination against women and the preservation of their rights as outlined in international declarations and agreements, according to Article 18(3) of the Charter. One of the criticisms of the African Charter like the CEDAW is the issue of reservation. This implies that a member state may ratify the Charter while also deciding to reject some of its clauses. Simply put, the state no longer has to answer for the precise provisions listed in the reservation to the African Commission on Human and Peoples' Rights.

On the other hand, the Maputo Protocol treaty's main flaws with regard to women are its failure to define discrimination against women explicitly, its lack of protections for the rights to equality and consent to marriage, and its emphasis on traditional values and practices that have long impeded the advancement of women's rights in Africa. The Maputo Protocol unambiguously upholds women's rights in their entirety while focusing on the particular and distinctive experiences of African women. Undoubtedly the frameworks of the CEDAW and the African Charter with their respective optional protocols clearly show the intentions and the aspirations of the framers of these international and regional legal instruments. There is a school of thought that assert that when it comes to women's rights, the UN and the States claim moral high grounds, but this philosophy is promoted all across the world without producing substantial practical consequences. Women's protection appears to be merely a political rhetoric, a theoretical undertaking rather than an actual endeavor. States who violate rights of women have been treated with kids' gloves. In variance from this position and assumption, it is important to note that human rights issues are progressive in character. Though these instruments have drawn a lot of flak for having a sizable number of reservations, lacking intersectionality, specificity, implementation challenges among others. They have been extremely useful and instrumental in reducing the rate of abuse women suffer across the globe. Again, women whose rights have been abused gravely can seek for regional remedy through for example the African Human Rights Court. It is worth mentioning that some non-party state local administrations have made use of CEDAW and the African Charter with their respective protocol to advance gender equality. These initiatives demonstrate how local governments can use human rights treaties as models to follow and to strengthen CEDAW's and the African Charter

shortcomings. Local governments can and should make an effort to fill the gaps created by states that either refuse to ratify human rights accords or fail to implement their tenets. The contribution of the CEDAW and the African Charter to the protection and promotion of rights of African women is made evident through the various implementation mechanisms of the CEDAW and the African Charter under consideration.

Many state laws have been modified to become more gender equitable as a result of CEDAW and ACHPR. Domestic abuse, rape and sexual harassment, female genital mutilation and human trafficking have all been handled by constitutional amendments. The contribution of the CEDAW in protecting women globally and also in particular Africa cannot be underestimated.

Practically, the treaty has helped Tanzania's inheritance laws. Tanzania changed its Constitution in 2000 to expressly forbid discrimination based on gender. Tanzania's inheritance rules were altered since equality is a fundamental element of international law. The CEDAW Committee, which is in charge of carrying out the CEDAW, made it clear that giving daughters and widows disproportionate inheritance portions is "in violation of the Convention and should be eliminated." In order to ensure Tanzania complies with the International Covenant on Civil and Political Rights, the Human Rights Committee concentrated on "property and inheritance rights. When a marriage dissolves due to the death of one of the spouses, women should be entitled to the same inheritance rights as men, according to the Human Rights Committee. There is no justification for denying women inheritance based on their gender." The CEDAW has been frequently referenced by African domestic courts in significant test cases for women's rights. Some of these cases include *Unity Dow v Attorney General of Botswana*, *Longwe v Intercontinental Hotels*, *Ephraim v Pastory* and *Another, Magaya v Magaya*, *Bhe v Khayelitsha*, *Rono v Rono*.

In the case of *Ephraim v. Pastory*, a Tanzanian statute that integrated customary law was contested together with the interpretation of the constitution that did not expressly forbid discrimination predicated on sex. The High Court ruled that section 20 of the Inheritance Rules, which forbade women from selling land and violated the Tanzanian Bill of Rights and international responsibilities (CEDAW), would be changed to ensure that male and female inheritors have equal rights to clan land. The CEDAW with its committee helped in Botswana's establishment of citizenship rights. In addition, CEDAW promoted the implementation of laws against domestic violence in South Africa, sex-based discrimination in land access in Rwanda, and laws making all types of violence against women illegal in Burkina Faso.

After ratifying CEDAW, Uganda implemented and supported initiatives to minimize domestic abuse. The CEDAW Committee conducts investigations into CEDAW violations and issues recommendations that are legally binding. As afore indicated the concept of "substantive equality" between men and women serves as the foundation for CEDAW's interpretation of equality, this is one of the strengths of the CEDAW. This idea recognizes that equal opportunity and equal treatment alone will not end the inequity experienced by women. In order to determine if substantive equality has been attained, one must consider the lives of women and the quality of those lives.

The Convention lays the groundwork for achieving gender parity by guaranteeing women having equal access and opportunities in political and public life, including the ability to vote and to run for office, as well as in areas like education, health, and employment. The most significant impact of CEDAW and ACHPR on Africa has been in the fields of public awareness and education. Many NGO's have been employed as local community organizing tools to promote women's rights. The CEDAW materials were published in Passport to Equality books that were distributed by UNESCO. NGO's arranged training on the CEDAW, summarized it, and produced a training material titled CEDAW Made Easy in 2007.

5. Limitations of the CEDAW and the ACHPR

The inherent weaknesses of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the African Charter on Human and Peoples' Rights (ACHPR) hinder their effectiveness in protecting African women's rights and combating gender-based violence. One major issue is the practice of states making reservations to CEDAW, allowing them to selectively adhere to its provisions, often citing cultural, religious, or legal reasons. This undermines the convention's goals and perpetuates discriminatory practices such as domestic violence and female genital mutilation. Additionally, CEDAW lacks specificity in its requirements, and its monitoring committee has limited power to enforce compliance or address violations effectively. Furthermore, the absence of a dedicated complaints mechanism hampers accountability and weakens the infrastructure for protecting women's rights.

The African Charter on Human and Peoples' Rights faces similar challenges, including a lack of enforcement mechanisms and limited provisions for individual grievances. The African Commission on Human and Peoples' Rights, tasked with overseeing compliance with the charter, lacks the authority to enforce its recommendations or hold states accountable for human rights violations effectively. Moreover, the charter's language does not explicitly address intersectional discrimination or provide adequate protections for women facing multiple forms of marginalization. Implementation issues persist due to insufficient institutional capacity, resource constraints, and entrenched patriarchal attitudes. Addressing these challenges requires comprehensive strategies involving governments, civil society organizations, and international partners to advance gender equality, protect women's rights, and combat gender-based violence across the African continent.

6. Recommendation to Enhance the Effectiveness for the Promotion of Women's Rights in Africa

Arguably, there are some challenges associated with the CEDAW and African Charter as observed and examined. However, both the global and African regional human rights mechanisms have been effective to a greater extent in dealing with the women issue though saddled with the issues of reservation, enforcement among others. Indeed, both conventions have contributed enormously in the protection of African women's rights, reducing the widespread discrimination women suffer in the continent in yesteryears with respect to education, health, socio-economic and political participation. Today, women in Africa have the liberty to access health, education, engage in politics, votes, own properties, engage the judicial systems among others. The impact of the CEDAW and the African Charter could be moved further if the following recommendation would be given a considerable attention. In order to enhance women's rights in Africa, deliberate attempts must be made to address the underlying causes of discrimination and gender inequality as well as to create inclusive societies that value and respect the rights and dignity of every person, regardless of the gender. Among the tactics for future development are:

States parties adhering to the interdependence principle and the indissolubility of rights must demonstrate a commitment to their duties to end all forms of discrimination and advance the social, political, and economic rights of women. Economic, social, and cultural rights (ESCR) cover the privileges to adequate housing, food, health care, social security, participation in cultural activities, access to water and sanitation, and employment. States have an immediate duty to take the necessary action to guarantee that the enjoyment of these rights continues to increase over time.

Few governments, either at home or abroad, show more than a symbolic commitment to women's equality as a fundamental human right. Even while some aid and trade decisions are allegedly based on a country's human rights record, no government bases its policies toward other nations on how they treat women. Women are rarely given priority by nongovernmental organizations, and Human Rights Day presentations on December 10 rarely cover topics like violence against women or reproductive rights. Many justifications are given as to why it is impossible for governments and human rights groups to address women's rights as issues deserving of such attention. Numerous justifications are put out as to why this cannot be done with such attention. The responses frequently take one of these forms: (1) Women's rights are not inherently human rights; (2) Abuse of women is a cultural, private, or individual issue rather than a political matter requiring state action; (3) While appropriate for other action, women's rights are not human rights per se; or (4) When the abuse of women is recognized, it is thought to be inevitable or so pervasive that any consideration of it is unnecessary. It is crucial to contest these responses. Consideration of women's rights is hampered by the limited concept of human rights, which many states regard to be limited to governmental violations of civil and political liberty. Some significant components of women's rights certainly fall under the purview of civil liberties, but most of the violence against women is part of a bigger socioeconomic web that traps them and leaves them open to abuses that cannot be categorized as entirely political or solely economic. States must engage in more than just political rhetoric in order to actually advance women's human rights. They should not be interpreted as making moral claims about women's difficulties; rather, they should be perceived as devoted to improving women's issues. It is an incontrovertible fact that many women have perished because neither state laws nor global or regional human rights frameworks provided sufficient protection for them. It must be acknowledged that women will always be at a disadvantage and viewed as second-class citizens in a world that has taken on a patriarchal character and nature unless states are truly committed to and are serious about women's rights issues.

Strengthening legal and policy frameworks to address gaps in gender equality legislation and enhance accountability mechanisms for monitoring implementation will be expedient in promoting and protecting the rights of women in Africa. Investing in education and awareness-raising initiatives to challenge stereotypes, promote gender-sensitive

attitudes, and empower women and girls to assert their rights and participate fully in society. Promoting women's leadership and political participation through affirmative action measures, electoral reforms, and capacity-building programs that support women's representation in decision-making bodies at all levels.

Improving women's and girls' access to high-quality social services, healthcare, education, and employment opportunities, especially for those who live in underprivileged and marginalized areas. encouraging positive masculinities, involving men and boys as allies in the fight for gender equality, and opposing harmful customs and actions that support discrimination and violence against women and girls.

7. Conclusion

The advancement of women's rights in Africa remains a complex and multifaceted challenge, requiring sustained commitment, collaboration, and collective action from governments, civil society organizations, and international partners. Legal frameworks and international agreements provide essential tools for promoting gender equality and women's empowerment, but their effectiveness depends on political will, institutional capacity, and grassroots mobilization to translate legal commitments into meaningful change on the ground. The CEDAW and the ACHPR have contributed in the promotion of women's rights in Africa through legal reforms, enhanced the reproductive health and rights of women, public education among others. Though these contributions do not purge the CEDAW and the ACHPR from limitations. By addressing implementation challenges, investing in women's leadership and agency, and fostering inclusive societies that value and respect the rights of all individuals, Africa can realize its vision of a future where women and girls are empowered to fulfil their potential and contribute to the continent's sustainable development.

Conflict of Interest: None declared.

Ethical Approval: Not applicable.

Funding: None.

References

- African Charter on Human and Peoples' Rights, 1981.
 - Arab Charter on Human Rights, 2004.
 - APF Regional Action Plan on the Human Rights of Women and Girls, 2012.
 - Amman Declaration and Programme of Action, 2012.
 - American Convention on Human Right, 1969.
 - European Convention on Human Rights, 1953.
 - Convention on the Elimination of All Forms of Discrimination Against Women, 1979.
 - Cairo Declaration on Human Rights in Islam (CDHRI), 1990.
 - Council of Europe, Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence, 2011.
 - Protocol to the African Charter on Human and Peoples' Rights of Women in Africa, 2005.
 - United Nations Charter, 1945.
 - UN, Source of International Human Rights Law on Female Genital Mutilation, 2021.
 - Universal Declaration on Human Rights, 1948.
 - Vienna Declaration and Programme Action states 1993.
- Case Law**
- Asika v Atuanya (2008) 17 NWLR (pt 1117) p.286
 - Ephraim v Pastory (1990) 4 L.R.C 757 (HC)(Tan)

EIPR and Interights v. Egypt, African Commission on Peoples and Human Rights, 2011.

Lois Chituru Ukeje vs Mrs Gladys Ada Ukeje April 2014 Longwe v Intercontinental Hotels, 1992 4L.R.C 221(HC)(Tanzania)

Hoffman v Austria, (1994) 17 E.H.R.R. 293

Magaya v Magaya 1999 3L.R.C 35(SC)(Zimbabwe)

Onyibor Anekwe and Anor v. Mrs. Maria Nweke (2014) LPELR 22697 (SC),

Sahin v Turkey, Application No.44774—98, European Court of Human Rights, 2005.

R (on the application of Begum (by her litigation friend, Rahman)) (Respondent) v. Headteacher and Governors of Denbigh High School (Appellants), UKHL 15.

Rono v Rono (2005) AHRLR 107, KeCA 2005.

S.A.S V France, Application no. 43835/11, European Court of Human Rights, 2014

Books and articles

Baderin Mashood, 'Recent Developments in the African Regional Human Rights System' (2005) 5(1) HRLR 117, pg. 140.

Bond Johanna E, 'CEDAW In Sub-Saharan Africa: Lessons in Implementation', 2014, pg 257.

Charlotte Bunch, Women's Right as Human Rights: Toward a Revision of Human Rights, John Hopkins University Press, 1990, vol 12, pg 493.

English Bella, "Stereotypes Led Us Astray," The Boston Globe, 5 Jan. 1990, 17, col. 3.

Koop Everett C. M.D., Violence Against Women: A Global Problem," presentation by the Surgeon General of the U.S., Public Health Service, Washington D.C., 1989.

Smith Rhona K.M., International Human Rights, (Edn, 7th, pg 204) Oxford University Press, United Kingdom, 2016. Ezer Tamar, Inheritance Law in Tanzania: The impoverishment of Widow and Daughters, pg 602, Vol. VII:599.

Wilson Tamar Diana, Violence Against Women in Latin America, 2013. The Statistics in Women's International Network News, 1989.

Websites

Equality Now, 9 Ways the Maputo Protocol Has Protected and Promoted the Rights of Women and Girls Across Africa, 2021; <https://www.equalitynow.org/news-and-insights/9-ways-maputo-protocol/>; accessed 10th July 2021.

Lean Alfred Santos, How to Better Protect Women in Asia- Pacific? More Legal Aid, 2013: <https://www.devex.com/news/how-to-better-protect-women-in-asia-pacific-more-legal-aid-adb-82204> accessed 3rd January 2024.

Ghana Today, Ghana's Affirmative Action Bill Needs to Be Passed Before 2023: <https://allafrica.com/stories/202203090658.html> accessed 3rd January 2024.

Naye Bathily, Africa Takes Lead in Female Parliamentary Speakers. <https://blogs.worldbank.org/nasikiliza/africa-takes-historic-lead-female-parliamentary-speakers> accessed 3rd January 2024.

UN Women, Fact and Figures: Economic Empowerment, 2018 <https://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures> accessed 3rd January 2024.

UNFPA, Female Genital Mutilation Frequent asked questions: <https://www.unfpa.org/resources/female-genital-mutilation-fgm-frequently-asked-questions> accessed 3rd January 2024.

World Health Organization, Violence Against Women: <https://www.who.int/health-topics/violence-against-women> accessed 4th January 2024.

Disclaimer/Publisher's Note: The views, opinions, and data presented in all publications are exclusively those of the individual author(s) and contributor(s) and do not necessarily reflect the position of BRPI or its editorial team. BRPI and the editorial team disclaim any liability for any harm to individuals or property arising from the use of any ideas, methods, instructions, or products mentioned in the content.