

ISSN 15543897

*AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE STUDIES:
AJCJS; Volume 2, No. 1, June 2006*

VIOLENCE AGAINST WOMEN IN AFRICA

Godpower O. Okereke, Ph.D.
Professor of Criminal Justice and Sociology
Texas A&M University-Texarkana
2600 N. Robison Road
Texarkana, Texas 75501

Abstract

The United Nations' report on the State of the World Population 2000 (United Nations, 2000b) and studies conducted by the World Health Organization (2000a) and Amnesty International (2004) all indicate that violence against women is rampant in Africa and is increasing in some areas. The following study is an effort to highlight some of the reasons why violence against women is particularly problematic in African. The study reveals that violence against women in Africa is mainly due to the existence of discriminatory laws, prejudicial and harmful customs, traditions, beliefs and practices, and partly due to non-enforcement of gender-sensitive laws and constitutional provisions that prohibit discrimination on the basis of sex. Based on these findings the author argues that a review of such discriminatory laws, enforcement of existing legislations and constitutional provisions coupled with public awareness campaigns on the part of African governments to inform the public about the ills of certain customs,

Violence Against Women

Godpower Okereke.

traditions, beliefs and practices will help stem the tide of violence against women in Africa.

Background:

In a statement to the Fourth World Conference on Women in Beijing, China in September 1995, the then Secretary-General of the United Nations, Boutros Boutros-Ghali said that violence against women is a universal problem that must be universally condemned (United Nations, 1996). He made the statement in reaction to the rising incidence of various types of violence against women in both developed and developing nations. Especially troubling are high incidences of rape, domestic violence, “honor” killings, human trafficking, prostitution, forced servitude, forced and early marriages, female genital mutilation (FGM) and sexual slavery (Committee on the Elimination of Discrimination Against Women, 2000). The Platform for Action-the core document for the Beijing Conference-noted that violence against women constituted a violation of women’s basic human rights and is an obstacle to the achievement of gender equality and development and peace around the world (Ganny, 1996; Nosike, 1996; United Nations, 2000a). Although the United Nations has been concerned with the issue of the advancement of women’s rights since its founding, but, the alarming global dimensions of female-targeted violence was not made a top priority of the international community until December 1993 (following the June 1993 World Conference on Human Rights in Vienna which laid the groundwork for eliminating violence against women), when the United Nations General Assembly adopted the Declaration on the

Elimination of Violence Against Women (Women's International Network, 2002).

The *Declaration on the Elimination of Violence Against Women (DEVAW)* defines violence against women as “any act of gender-based violence that results in or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (World Health Organization, 2000a). DEVAW notwithstanding, female-targeted violence is still a major problem in the world today (Amnesty International, 2004). The United Nations’ report on: *The State of the World Population, 2000*, noted that gender-based violence still constitutes a life-long threat to hundreds of millions of women and girls across the globe (United Nations, 2000b). Also, in the year 2000, the World Health Organization stated that in every country where reliable studies have been done, results indicate that between 10% and 50% of the women have been physically abused in their life time and that between 12% and 25% have experienced attempted or completed rape (World Health Organization, 2000a). Both reports noted that violence against women is particularly rampant in Africa. Further, Amnesty International (2004), adds that because the human rights situation across Africa is characterized by widespread armed-conflict, political repression, poverty and social inequality, persecution of human rights defenders, and violence against women, women in Africa are at risk of violence whatever their circumstance. This paper, which resulted from an extensive review of available information on both the status of women and girls in Africa and the subject of violence against

Violence Against Women

Godpower Okereke.

women in Africa adopts the DEVAW definition of violence against women and highlights some of the reasons why abuse of women is so problematic within the continent. The paper also notes some positive actions taken by the governments of some of the countries to deal with this problem. Some of the problematic areas are identified below.

Non-Enforcement of Existing Legislations and Provisions of National Constitutions:

First and foremost, there is a pervasive lack of enforcement of existing legislations that are gender-sensitive in many African countries. For example, the Ghanaian Parliament in 1998, passed the Criminal Code Amendment Bill banning all forms of ritualized enslavement (The Ark Foundation, 2005). But, according to Aird (2003), ritualized forced labor is still practiced in Ghana, specifically due to non-enforcement of the law. Similarly, female genital mutilation (FGM)-a custom that is practiced in varying degrees in some 28 countries in Africa-(Amnesty International, 2003 and 2004; Dowuona, 2005; Human Rights Watch, 2002; World Health Organization, 2000b) has been outlawed in 14 countries but the practice still goes on and perpetrators have only been prosecuted in Burkina Faso, Ghana, Senegal, and Sierra Leone (African News Agency-AFROL News, 2006; Amnesty International, 2003 and 2004). Further, in Uganda, the 1972 Succession (Amendment) Decree which was intended to recognize women's right to inherit from their husbands and fathers and the 2003 Land Act (Amendment) Bill which was intended to provide widows greater protection from eviction from their matrimonial home following the death of their husbands are largely not enforced (Human Rights Watch, 2003a; 2005). Also, in 1971

*AJCJS: AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE
STUDIES, Volume 2, No.1, June 2006*

Tanzania passed the Marriage Act which prohibited corporal punishment of wives by husbands and granted spouses equal rights to property acquired through joint efforts. According to Gonzalez-Barenes (2004), Tanzanian women are still denied these rights due to non-enforcement of the law by the government of Tanzania. Furthermore, the Penal Code in Zambia prohibits virtually all abuses associated with sexual violence, coercion, and discrimination based on sex but Zambian women continue to suffer these violations due to the fact these provisions are not enforced (Human Rights Watch, 2003b). Even in Mauritius where domestic violence is prohibited by law, a 2001 survey revealed that 84% of the women reported being victims of physical abuse partly due to non-enforcement of the law (Human Rights Watch, 2003c).

Further, in the Republic of Benin, the Agrarian and Land Reform Legislation which was passed in 1985 to give women and men equal inheritance and property rights is not enforced as is the Individual and Family Code in Burkina Faso which provides for equality before the law between men and women (United Nations, 2003a). Also, in the Republic of Congo, the law which specifies that 30% of a husband's estate should go to his wife upon his death is not enforced and as a result, women still lose everything upon the death of their husbands (United Nations, 2003a). Although abduction of women and girls as a form of marriage in Ethiopia has been outlawed, the practice still goes on due to non-enforcement of the prohibition (Equality Now, 2002; United Nations, 2003b; Women's Action Network, 2005). Also, the constitution of every country in Africa either explicitly or indirectly guarantees equal rights to all citizens including clauses

Violence Against Women

Godpower Okereke.

that prohibit discrimination on the basis of sex. But, as Human Rights Watch (2000) points out, the governments of African countries have failed to enforce the provisions of their constitutions and implement policies that reflect the principles of gender equality found in both regional and international human rights documents to which they are signatories. In some instances, the civil rights organization says, the government itself violates the provisions of the country's constitution with impunity. For example, whereas the Constitution of Mauritania provides for equality before the law for all citizens, regardless of race, national origin, sex, or social status, and prohibits racial and ethnic propaganda, in practice, the Government often favors individuals on the basis of ethnic and tribal affiliation, social status, and political ties (United Nations, 2003a). If the government does not respect the constitution of the country, it would be very difficult to get societal institutions and/or individuals to respect it.

It is common experience in African countries that the law in theory and the law in practice remain estranged; individual citizens and sometimes government officials and agents do not think that the law is for them to obey. For example, whereas statutory, civil or general law in African countries set the age of marriage at between 15 and 21, under customary and/or Islamic laws of some of the countries, girls are marriageable at 12 and in some instances of arranged and/or forced marriages, girls are married off at a much younger age (Human Rights Watch, 2003b). Even, those governments that have responded positively to violence against women by enacting gender-sensitive laws, amending existing laws and/or by reviewing their policies to be gender sensitive often fall short in the implementation of those policies and/or laws

(Mutandavari, 2000). While it is one thing to legislatively set the age of marriage, it is another to get people to abide by such law especially if the government does not have any enforcement strategy in place. Consequently, greater numbers of women in Africa continue to be victims of gender-based violence (Archer, 2002).

Discriminatory Laws:

LaShawn R. Jefferson, Executive Director of Human Rights Watch's Women's Rights Division once said: "Discriminatory laws, including certain interpretations of Sharia, are a pernicious and chronic threat to women's very existence" (Human Rights Watch, 2001). No where is this statement more true than in Africa where many aspects of statutory law, civil law, general law, or customary law in many countries discriminate against women and girls and in so doing, make them vulnerable to gender-based violence. For example, Article 7 of the Trade Code in Cameroon allows a husband to oppose his wife's rights to work if the protest is made in the interest of the family and according to Articles 1421 and 1428 of the Civil Code, Cameroonian women are not fully entitled to use, enjoy or sell their own property. Article 1421 grants husbands the right to administer communal property which means that the husband has the legal right to sell or mortgage the couple's property without the wife's consent and Articles 108 and 215 grant husbands the sole right to determine the family domicile (Committee on the Elimination of Discrimination Against Women, 2000). Also, Section 361 of the Penal Code in Cameroon criminalizes adultery, but the provisions differ depending upon whether the adulterer is the wife or the husband. This law provides

Violence Against Women

Godpower Okereke.

that if a married woman has sexual intercourse with a man who is not her husband, such a woman shall be punished and that any married man who has sexual intercourse in the matrimonial home, or habitually has sexual intercourse elsewhere, with a woman who is not his wife, such a man shall be punished (International Women's Rights Action Watch, 1999). While all adultery is a criminal offense for women, it is a crime for men depending on the venue or if the adultery is habitual. According to the United Nations (2003b), these discriminatory provisions of the law against women in Cameroon have resulted in low status of Cameroonian women in all aspects of life. These blatant discriminatory provisions of the law increase women's vulnerability to violence.

Further, by law in Mozambique, a woman must have the written approval of her father, husband, or a close male relative in order to start a business, obtain a loan, lease property, or contract for goods and services (United Nations, 2003b). Again, while the 1971 Law of Marriage Act in Tanzania prohibits the alienation of the matrimonial home without the consent of the other spouse it paradoxically provides that the wife loses this right if the marriage terminates either by divorce or death (The World Bank Group, 1999). Also, the 1960 Civil Code of the Empire of Ethiopia designates the husband as the head of the family and gives him the authority to administer household property. This code gives husbands the right to control and manage common property and to make all decisions regarding such property. While the code requires that the husband acts judiciously and not alienate any property without the consent of his wife, strong traditional and cultural beliefs discourage women from enforcing this requirement (The World Bank, 1999:1).

*AJCJS: AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE
STUDIES, Volume 2, No.1, June 2006*

Also, marriage and family law in the Republic of Congo stipulates that adultery is a crime for women but not for men (United Nations, 2003a). Family Code in the Democratic Republic of Congo (as in most African countries) holds that the husband is the head of the household and provides that his duty is to protect his wife whereas the wife owes her obedience to her husband (United Nations, 2003a:152). Further, written law in many African countries does not recognize common-law marriages irrespective of the number of years the couple lived together, the number of children born, and the joint property acquired during those years. If the union breaks, the woman and the children are thrown out of what is assumed to be the man's home by his family. For example, a Namibian law provides that illegitimate children cannot, unlike children born in wedlock, automatically inherit from their father if he dies without leaving a will (African News Agency-AFROL News, 2001).

With the exception of Cameroon, Mauritania and South Africa, the law in Africa does not recognize marital rape as a crime (BBC, 1999; Human Rights Watch, 1997). Even if the behavior is illegal under statutory law in Cameroon, forced sexual intercourse with a spouse is tolerated under customary law because it is culturally accepted that consent to marriage constitutes unlimited consent to sexual intercourse (Human Rights Watch, 2002 and 2003a; Tetchiada, 2005). Efforts to criminalize marital rape in Nigeria, Ghana, Kenya, Uganda, Liberia, Democratic Republic of Congo, Sierra Leone and other countries in Africa have been defeated by male members of parliament or male government officials (Amnesty International, 2006). The law in many African countries

Violence Against Women

Godpower Okereke.

also permits men to have two or more wives simultaneously but does not allow polyandry and spousal abuse is not a legal or sufficient ground for divorce (Gambia is an exception). Furthermore, the law in some countries even permits husbands to beat their wives (New York University School of Law, 2004). In Nigeria for example, the Penal Code permits husbands to “correct” their wives as long as such “correction” does not result in grievous harm which is defined as loss of sight, hearing, power of speech, facial disfigurement or other life-endangering injuries (Women International Network, 1998 and 2002). In Kenya, Mozambique, Nigeria, Swaziland, and Togo a married adult woman cannot be issued an international traveling passport without her husband’s written consent nor would she have their minor children’s names endorsed on her passport without their father’s approval (League of Democratic Women, 2005). Also, nationality laws in Egypt, Liberia, Morocco, Nigeria and Zambia discriminate against women. For example, whereas men from these countries can transmit their nationality to their children wherever they are born and whoever their mothers are, women, on the other hand, do not have the same right (International Women’s Rights Action Watch, 1999).

Furthermore, women in many Africa countries seeking to formally terminate violent marriages through divorce face enormous legal obstacles. Since abuse and/or adultery on the part of the man is not a sufficient ground for divorce in many countries, a woman cannot simply accuse her husband of abuse or adultery to terminate their marriage; she must couple her claim with either cruelty and/or desertion or claim that the adultery was incestuous (Hajjar, 2004). There is no such legal requirement for men. So, whereas divorce is

a permissible option under marriage and divorce laws of most African countries, in reality, it is treated as a male prerogative; men can divorce their wives without any verifiable justification (Amnesty International, 2005a). In other words, women can easily be divorced but not seek divorce. Under these types of legal discrimination, it should not be surprising then that violence against women in Africa continues to be a major concern of both domestic and international human rights organizations (Amnesty International, 2004). The law also discriminates against women in the manner in which it punishes people who assault others. For example, the Criminal Code for Southern Nigeria prescribes different sentences for the crime of assault depending on whether the victim of the attack is a man or a woman. Whereas assault on a man is a felony and carries a prison term of three years, assault on the woman is a misdemeanor and carries a prison term of two years (Amnesty International, 2004).

Also, Personal Status Codes of Morocco and Egypt treat women as legal minors who do not even have the legal autonomy to conclude their own marriage contracts (Alami, 1992). These codes establish male authority over female members of the family. Under this situation, women are legally bound to obey male family members or their husbands if they are married. Failure to do so could and do give rise to violence against women (Human Rights Watch, 2003c). Again, marriage and divorce laws in Uganda discriminate against women and contravene constitutional guarantees for nondiscrimination, equal protection of the law, and equal rights in marriage, during marriage, and at its dissolution. For example, Section 27 of the Divorce Act in Uganda stipulates that if a wife's

Violence Against Women

Godpower Okereke.

adultery is the cause of a divorce, a court may order that the whole or part of the her property be settled for the benefit of the husband and/or the children (Human Rights Watch, 2003a). There is no such provision for men. And because the law in many African countries still allows men to have two or more wives simultaneously the state is contributing to the problem of violence against women because polygamy exposes women to abuse (Human Rights Watch, 2003d).

Harmful or Prejudicial Traditions, Customs, Beliefs and Practices:

Not only is statutory, general or civil law in many countries in Africa embedded in patriarchy or enforced in discriminatory manner, African culture, tradition, beliefs and practices are even more discriminatory toward women and as a result, increase their propensity to abuse (Klein, 2004; Mado, 1996). The persistence of the problem of violence against women has much to do with the fact that most of these physically and psychologically harmful customs are deeply rooted in the tradition and culture of the African peoples. One of such practices is female genital mutilation (FGM). In spite of the health consequences of this practice, FGM is still practiced in 28 African countries where the prevalence varies from 5 percent in the Democratic Republic of Congo and in Uganda to 90, 97 and 98 percent in Ethiopia, Egypt, and Somalia respectively (African News Agency-AFROL News, 2000b; AFROL News, 2003; Amnesty International, 2003) and is being performed on women living in both Muslim and Christian communities (Amnesty International, 2004; Mba, 2002).

Also adversely affecting women in Africa is the tradition of favoring men in relation to inheritance issues. Customs regarding inheritance of property in both families of origin and marital families in African countries are prejudicial toward women and girls (World Bank Group, 2000) even when statutory law recognizes women's right to inherit property. For example, despite the decision of the Cameroonian Supreme Court recognizing women's rights to be granted land and the existence of Cameroon's Law of Succession which grants women equal rights with regard to inheritance, discriminatory inheritance customs still deny women this right (International Women's Rights Action Watch, 1999). This customary prohibition against women acquiring property is even more sinister among some ethnic groups where a married woman is considered part of her husband's inheritance property comparable to her spouse's personal property and real estate and upon his death, she herself could be inherited by her husband's brother (African News Agency-AFROL News, 2004; Human Rights Watch, 2003c; U.S. Department of State, 2004). As an old custom, wife inheritance was a way for men to take responsibility for their dead brother's children and household but the fact that it can and is frequently forced on women, wife inheritance contributes to violence against women within the continent because if she refuses to be inherited, she could be forced out of the marital home. This situation has left many women in Africa poor and homeless. The desperation which results from practices such as the above contributes to the rapid spread of HIV/AIDS in the region (Center on Housing Rights and Eviction, 2005).

Violence Against Women

Godpower Okereke.

Along the same line is the custom that requires the family of a prospective husband in many African countries to pay a bride price or dowry in the form of money or gift to the family of the prospective wife (U.S. Department of State, 2005a and 2005b). Historically, this payment indicated appreciation for the qualities and skills possessed by the bride and served to cement the relationship between the two families and their respective extended families (Okereke, 1992). Currently, this symbolic gesture is assumed to be equivalent to payment for a commodity and as in any commercial transaction, entitles the husband-the buyer-to full ownership rights over his “purchase” (Amnesty International, 2005b). Having been “bought,” many women married under customary law have no authority within what is seen as the man’s home (Amnesty International, 2005a). If the woman leaves her husband for any reason whatsoever, she is expected to return the bride price (Okereke, 1992). According to human rights organizations and the United Nations, this practice subjugates women to the unbridled authority of their husbands because it reinforces the inferior status of women within customary marriages (The League of Democratic Women, 2005; United Nations, 2002) and forces those who cannot repay the dowry to remain in abusive relationships (Okereke, 2002).

Also, customarily, wife beating is a “normal” part of marital relationship in parts of Africa. In fact, interviews conducted by Human Rights Watch and other human rights organizations across Africa show that both men and women do not see any thing wrong in a husband beating his wife every now and then (Human Rights Watch, 2001, 2002). Such studies even indicate that a higher percentage of women than men approve of wife beating under

*AJCJS: AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE
STUDIES, Volume 2, No.1, June 2006*

certain circumstances (Human Rights Watch, 2003c). The League of Democratic Women (2005) holds that in addition to approving physical abuse of wives, women in some parts of Africa also perpetrate psychological violence on other women especially, in the observance of widowhood rites which include shaving the woman's hair bald, making her sit/sleep on the floor for certain length of time, making her drink of water used to bath corpse, making her jump over corpse/grave, making her sit/sleep with corpse, making her eat from a broken plate and not washing her hands thereafter, expecting her to cry/wail early in the mornings, keeping her in seclusion or restricting her movement for certain time period, making her take an oath of innocence, and disinheriting her of property acquired with spouse. In contrast, it says, a widower is often showered with sympathy and compassion on the death of his wife. To console him, a woman could be procured for the widower even on the night of the wife's death to keep him "company".

Another traditional practice which increases the vulnerability of African women to violence is marriage by abduction. In Ethiopia, for example, men kidnap and rape girls they want to marry and as long as the abductor pays the girl's family some money and agrees to marry her, this rape is not punishable by law (BBC, 2001; Equality Now, 2002; Women's Action Network, 2005). Also adversely affecting many women in many African countries is the practice of giving young girls away in marriage to men more than twice their age to conform to tradition and to ensure that the girl is a virgin at marriage because prospective husbands pay more dowry money for virgins than for non-virgins (BBC, 2001:2). According

Violence Against Women

Godpower Okereke.

to the United Nations' report on the world's women (2000), 30 percent of women aged 15 to 19 in sub-Saharan Africa have been married. Such early marriage increases the women's chance of dying from pregnancy-related causes which currently stands at 1 in 16 in Africa (Amnesty International, 2004). Also contributing to violence against women in Africa is the differential treatment of boys and girls within African societies. African culture reserves most domestic chores for girls and treats boys like little lords. Among some ethnic groups, a woman's value is relative to the number of male children she bears. A married woman who has all girl children in such communities is accorded little respect and in some instances could be forced by social pressure to continue to have children in search of a boy. According to Hanson (2002) the special and preferential treatment given to boys by both his parents and the community sub-consciously tells them that things should always go their way and that when they do not, that it is okay to throw violent tantrums to get their wishes met. Unfortunately, these lion cubs grow up to be lions in society and in their marital families.

Religious Fundamentalism:

It has been postulated that fundamentalist interpretations of Islam in parts of Africa also contribute to violence against women (Amnesty International, 2005b) because such interpretations treat women as legal minors and accord men the status of heads of their families with guardianship authority over and responsibility for all members of the family including adult women (Human Rights Watch, 2001). Under such interpretations, women have a duty to obey their guardians-husbands, fathers or other male heads of the family-and failure to do so, could result in violence. In some

communities, such interpretations emphasize the men's "right" to have up to four wives without a corresponding emphasis on the conditions attached to this norm (Hajjar, 2004). In some instances, such interpretations emphasize the men's "responsibility" to control women's behavior as is evident in a decision handed out by a Sharia court in northern Nigeria (Wilson, 2003) where an appellate Sharia court upheld a death by stoning sentence against a woman who allegedly had sex outside marriage while setting free the man she allegedly had sex with on the ground that the court lacked sufficient evidence to prosecute him for the alleged adultery (Human Rights Watch, 2001). Also, under the *Maliki School of Thought*, dominating interpretations of Sharia Penal Codes in the 12 northern states in Nigeria which have introduced them since 1999, pregnancy out of wedlock is considered sufficient ground to condemn a woman to death while a mere oath by the man denying having had sexual intercourse with the woman is often considered sufficient proof of innocence unless four independent and reputable eye-witnesses (usually men) declare his involvement in the act of voluntary intercourse (Amnesty International, 2004). While the author believes in religious freedom and expects the government to respect both individual and group religious convictions, it is grossly unfair to interpret or apply any religious tenets in a manner that is highly prejudicial toward women.

Government Initiatives to Combat Violence Against Women in Africa:

Collectively, African countries have taken bold steps within the last 10 to 15 years to strengthen the policy framework for the elimination of violence against women. A part of these efforts has

Violence Against Women

Godpower Okereke.

been the creating and/or strengthening the policy framework at the intergovernmental levels. For example, the African Union (formerly, the Organization for African Unity OAU) developed the Additional Protocol to the African Charter on Human and Peoples' Rights in Africa to amplify the human rights of women as guaranteed by the African Charter (United Nations, 2003a). The Additional Protocol acknowledges, re-affirms and guarantees the human rights of women and explicitly provides for the elimination of violence against women. The African Charter on Human and Peoples' Rights also established the African Commission on Human and Peoples' Rights as the principal organ for the promotion and protection of human and people's rights within the continent. Countries in East Africa and the Horn of Africa formed the Intergovernmental Authority on Development (IGAD) to spearhead the campaign against violence against women and mainstream gender and human rights activities within the sub-region. Further, three East African States established the East African Community in which the promotion of gender equality is identified as one of its objectives (Schwartz and Ong'wen, 2003). Also, the Heads of State and Government of the Southern African Development Community (SADC) have adopted the Gender and Development Declaration as the framework for promoting gender equality in all development activities in the sub-region (Human Rights Watch, 2002). Furthermore, the Economic Community for West Africa States (ECOWAS) under the ECOWAS Revised Treaty (1993) strengthened its policy framework to buttress its commitment to the enhancement of the economic, social and cultural conditions of women. In December 2001 the ECOWAS Summit of Heads of State and Government adopted the Political Declaration and the Action Plan on Trafficking in Persons. The

*AJCJS: AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE
STUDIES, Volume 2, No.1, June 2006*

Political Declaration underscores the commitment of the Heads of State and Government to the eradication of trafficking in persons (Amnesty International, 2004).

At the country level, the last decade or so witnessed significant policy and legislative reforms across the continent to combat violence against women. Most countries within the continent adopted gender-sensitive policies as a framework for working toward gender equality and/or passed gender-sensitive legislations designed to stem the tide of violence against women within the continent or amended discriminatory laws or constitutional provisions that were prejudicial toward women (United Nations, 2003a). In other words, all countries in Africa have formally and explicitly acknowledged that violence against women is an issue that should no longer be confined to the private sphere; it should be tackled at both national and regional policy levels. A perusal of the specific policy actions taken by African countriesⁱ indicates a preponderance of legislative measures as the preferred method of responding to violence against women. Consequently, laws prohibiting female genital mutilation (FGM) have either been passed or are in the process of being passed in a majority of the 28 countries where FGM is practiced in Africa. Even in those countries where such laws have not been passed, government agencies are taking steps to educate the public about the dangers of this age-long tradition. Similarly, laws providing for equality regarding inheritance matters, laws dealing with family, marriage and divorce issues, laws dealing with marital property issues, laws dealing with access to credit, right to education and information, laws barring discrimination in employment, laws forbidding sexual

Violence Against Women

Godpower Okereke.

harassment, laws prohibiting forced servitude, laws proscribing human trafficking, sexual slavery and exploitation of others, laws prohibiting prostitution, laws prohibiting gender-based assaults, and laws forbidding domestic violence have been passed or are being drafted, or debated in parliaments across the continent (Human Rights Watch, 1997).

Conclusion:

From the foregoing, it is obvious that violence against women is a major problem in Africa. It is also clear that governments in Africa (regional and individual) are taking the necessary legislative steps to combat gender-based violence within the continent. The governments are also revising existing laws and constitutional provisions that discriminate against women and girls. But, in spite of these steps, violence against women and girls within the continent tends to continue. In fact, some even believe that gender-based violence is increasing in Africa (Human Rights Watch, 2003c). It is clear to this author that the number of reported gender-based violence in many African countries has increased. Whether such increase is due to the increased public awareness activities and campaigns against violence against women by both international and domestic non-governmental organizations (NGOs) within Africa or due to the legislative efforts of various governments in Africa or both, the following should be noted.

Firstly, African society is highly patriarchal and has many traditions, customs, beliefs and practices that are highly discriminatory toward women and girls. Specifically, the custom regarding inheritance of property and the practice of wife

inheritance, payment of bride prices and forced and early marriages should be abandoned in light of their harmful effects on women and girls and their consequent effects on the African society at large. To be successful in this regard, the governments of the various countries need to embark on extensive public enlightenment campaigns to educate both men and women about the ills of certain customs, traditions, beliefs and practices and stereotypical views of men and women within Africa. It is hoped that over time, people will begin to see why certain customs, traditions, beliefs and practices should be abandoned. Also, from all available scientific evidence, women derive no health benefits from circumcision or female genital mutilation (FGM). In fact, the World Health Organization (2000a) and the Center for Reproductive Law and Policy (2001) both state that FGM has detrimental health consequences for women who undergo this procedure no matter the age when the procedure was performed. They even point out that some of the women who undergo this procedure lose their lives or suffer permanent damages to their reproductive health due to complications resulting from the procedure. Furthermore, a recent study by the World Health Organization (WHO) involving some 28,393 women at 28 obstetric centers in 6 countries where FGM is common-Burkina Faso, Ghana, Kenya, Nigeria, Senegal and Sudan-indicates that women who undergo FGM are significantly more likely to experience difficulties during childbirth and that their babies are more likely to die as a result of this practice (World Health Organization, 2006). The author supposes that it is in recognition of these dangers that about half of the countries where FGM is most prevalent in Africa has legislated against this practice. The

Violence Against Women

Godpower Okereke.

rest of the countries need to do the same and those that have passed laws against FGM should take all necessary steps to enforce such laws.

Secondly, although many countries in Africa in one way or another, have passed laws banning violence against women and other forms of gender-based discrimination against women and girls, this study reveals that such laws for the most part, are either not enforced or not publicized so that the public, the criminal justice system and other service providers know what their responsibilities are under the new law. In this respect the author advises that each piece of gender-based legislation should detail the responsibilities of individuals and/or agencies who, by virtue of their social positions, will come in contact with victims or will know that violence is occurring. This will include but not limited to parents and other family members, criminal justice officials, social workers, health providers, school teachers, faith community leaders, counselors, local chiefs, local government chairpersons and the general public. The law should also specify punishment for its violation including clauses that make it obligatory for the people identified above to report incidences of violence.

Thirdly, while the governments' efforts to pass new legislations and/or amend existing ones are commendable, it should be realized that many pieces of statutory, general, civil or customary laws or sections thereof, still discriminate against women and girls. Notable among these are family, marriage and divorce laws that favor men as identified throughout this paper. In some instances, the new legislations, designed to remove discriminatory clauses in old laws, complicate matters more as is the case with Egypt's

Personal Status Laws of 2000 which provides Egyptian women the option of filing a no-fault divorce (Human Rights Watch, 2004). Under the new law, men still have a unilateral and unconditional right to divorce because women who wish to file for divorce under this new law must agree to forfeit their financial rights and repay the dowry given to them by their husbands upon marriage. Not only that, the law further requires that to be eligible for a no-fault divorce, the woman must not only petition the court to terminate her marriage she must submit to compulsory mediation first even if the woman is a victim of domestic violence. Men are not required to make any efforts at reconciliation. While it is one thing to legislatively provide for a no-fault divorce, it is another to balance the divorce equation between the man and the woman. Also needing legislative attention in Africa are laws that permit men to beat their wives, those that place less value on women's lives as well as those that discriminate against women who have children with men of other nationalities. As long as the law in Africa treats men and women differently, violence against women will continue. Finally, the governments of African countries need to pay attention to gender-biased interpretations of any religious tenets in light of the violence perpetrated against women and girls based on such interpretations.

Violence Against Women

Godpower Okereke.

References.

African News Agency, (2006). Female Genital Mutilation Increases Babies' Mortality. Retrieved on June 12, 2006 from: <http://www.afrol.com/articles/19637>

African News Agency (2004). Gender Profiles: Cameroon. Retrieved on June 10, 2005 from: http://www.afrol.com/categories.women/profiles/cameroon_women.htm

African News Agency, (2003). Fighting Female Genital Mutilation in Africa. Retrieved on June 12, 2006 from: http://www.afrol.com/Categories/Women/backgr_fighting_fgm.htm

AFROL News (2001). Namibian woman challenges discriminatory laws in High Court. Retrieved on September 14, 2005 from: www.afrol.com/news2001/nam006_discriminatory_laws.htm

AFROL News (2000a). Gender Profiles: Mauritania. Retrieved on August 3, 2005 from: http://www.afrol.com/Categories/Women/profiles/mauretania_women.htm

AFROL News (2000b). Widespread Violence Against Women in Africa Documented. Retrieved on September 4, 2005

*AJCJS: AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE
STUDIES, Volume 2, No.1, June 2006*

from:

www.afrol.com/categories/women/wom003_violence_unfpa.htm

Aird, S.C. (2003). Ghana's Slaves to the God. Human Rights Brief: A Legal Resource for the International Human Rights Community: Volume 7, Issue 1.

Alami, E. (1992). The Marriage Contract and Islamic Law in the Sharia and Personal Status Laws of Egypt and Morocco. London: England.

Amnesty International, (2006). Annual Report-Regional Overview: Africa. Retrieved on June 20, 2006 from: [Http://www.amnestyusa.org/annualreport/africa.htm](http://www.amnestyusa.org/annualreport/africa.htm)

Amnesty International (2005a). Nigeria: Level of Violence Against Women in the Home Shockingly High. Amnesty International: New York, U.S.A.

Amnesty International. (2005b). Nigeria: Unheard Voices. Retrieved on June 25, 2005 from: <http://web.amnesty.org/library/index/ENGAFR440042005/>

Amnesty International, (2004). Making Violence Against Women Count: Facts and Figures. Amnesty International: New York, U.S.A.

Violence Against Women
Godpower Okereke.

- Amnesty International, (2003). Female Genital Mutilation: Information by Country. Retrieved on June 19, 2006 from: <http://www.amnesty.org/ailib/intcam/femgen/fgm9.htm>
- Archer, R. (2002). Ghanaian Women Demanding Protection From Violence. WENEWS: Accra Ghana. Retrieved on August 6, 2005 from: <http://www.womensenews.org/article.cfm?aid=886>
- Ark Foundation (2005). Domestic Violence Facts and Figures: Ghana. The Gender Center on Violence Against Women and Children in Ghana. Retrieved on August 28, 2005 from: http://www.h-net.org/~attaboah/ark/information/facts_figures.htm.
- British Broadcasting Corporation (2001). Ethiopian Women March Against Violence. British Broadcasting Corporation, United Kingdom. Retrieved on September 14, 2005 from: <http://news.bbc.co.uk/1/hi/world/africa/1164357.stm>
- British Broadcasting Corporation (1999). Domestic Violence Law for South Africa. British Broadcasting Corporation, United Kingdom. Retrieved on April 16, 2005 from: <http://news.bbc.co.uk/1/hi/world/africa/566160.stm>.
- Center for Reproductive Law and Policy, (2001). Women of the World: Laws and Policies Affecting Their Reproductive Lives. Retrieved on August 3, 2005 from:

*AJCJS: AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE
STUDIES, Volume 2, No.1, June 2006*

http://www.crlp.org/pub_bo_wowafrika.html#online

Center on Housing Rights and Eviction, (2005). Denial of Women's Inheritance Rights in Africa and the Middle East. Center on Housing Rights and Eviction, Geneva, Switzerland.

Committee on the Elimination of Discrimination Against Women (2000). Report of the Committee on the Elimination of Discrimination Against Women. United Nations General Assembly, Fifty-fifth Session.

Dowuona, S. (2005). Women, Sexual Rights and HIV/AIDS. The Ark Foundation, Ghana. Retrieved on September 14, 2005 from:
<http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=727>

Equality Now, (2002). Violence Against Girls in Ethiopia: Marriage by Abduction and Rape. Retrieved on June 19, 2006 from:
<http://www.feminist.com/violence/spot/ethiop.html>

Ganny, M (1996). Domestic Violence: The Case of Wife Abuse and its Effects on Women's Contribution to National Development. In Oruwari, Y. (ed) Women, Development, and the Nigerian Environment. Ibadan, Vantage Publishers, 83-89.

Violence Against Women
Godpower Okereke.

- Gonzalez-Barenes, M. (2004). Domestic Violence and Household- Decision- Making: Evidence from East Africa. Department of Economics, University of California, Berkeley.
- Hajjar, L. (2004). Domestic Violence and *Sharia*: A Comparative Study of Muslim Societies in the Middle East, Africa and Asia. Retrieved on May 10, 2005 from: <http://www.law.emory.edu/IFL/thematic/violence.htm>.
- Hanson, I. (2002). Women, Wives, Mothers. Gad Talk Bulletin, Vol. 5. August, 2002.
- Human Rights Watch, Women's Rights Division (2005). Uganda: Domestic Relations Bill Would Save Lives. Retrieved on August 15, 2005 from: <http://hrw.org/english/docs/2005/05/31/uganda11051.htm>
- Human Rights Watch, (2004). Divorced From Justice: Egypt. Retrieved on June 16, 2006 from: <http://hrw.org/reports/2004/egypt1204/1.htm>
- Human Rights Watch (2003a). Just Die Quietly: Domestic Violence and Women's Vulnerability to HIV in Uganda. United Nations Cartographic Section, Uganda. Vol. 15, No.15(A).

*AJCJS: AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE
STUDIES, Volume 2, No.1, June 2006*

Human Rights Watch (2003b). *Suffering in Silence in Zambia*.
Human Rights Watch: New York, NY.

Human Rights Watch (2003c). *Policy Paralysis: A Call for Action
on HIV/AIDS-Related Human Rights Abuses Against
Women and Girls in Africa*. Retrieved on July 2, 2005
from: <http://www.hrw.org/reports/2003/africa1203/>

Human Rights Watch, Women's Rights Division (2003d). *Women
and Girls under Sierra Leonean Law*. Retrieved on
July 2, 2005 from:
<http://www.hrw.org/wr/africa/index/html>

Human Rights Watch (2002). *Defending Human Rights
Worldwide: World Report*. Retrieved on July 2, 2005
from: <http://www.hrw.org/wr2k2/africa.html>

Human Rights Watch, Women's Rights Division (2001). *Human
Rights Watch World Report 2001*. Retrieved on July 2,
2005 from: <http://www.hrw.org/wr2k1/africa/index.htm>

Human Rights Watch (2000). *International Human Rights and
Tanzanian Law*. Human Rights Watch Country
Reports. Retrieved on July 2, 2005 from:
[http://www.hrw.org/reports/2000/tanzania/Duhweb-
08.htm](http://www.hrw.org/reports/2000/tanzania/Duhweb-08.htm).

Human Rights Watch, (1997). *The State Response to Domestic
Violence and Rape in South Africa*. Retrieved on August

Violence Against Women
Godpower Okereke.

7, 2005 from :
<http://www.hrw.org/reports/1997/safrica/Safrica-03.htm>

International Women's Rights Action Watch (1999). Country Report: Cameroon. Retrieved on June 8, 2005 from: <http://iwrw.igc.org/publications/countries/cameroon.htm>

Klein, J. P. (2004). Conference on Gender Justice in Post-Conflict Situations. United Nations Mission in Liberia. Retrieved on June 10, 2005 from: http://www.womenwarpeace.org/issues/justice/gender_justice_conference.htm.

League of Democratic Women (2005). For the Health of Women, For the Health of the World: No More Violence. Retrieved on June 10, 2005 from: <http://www.cwgl.rutgers.edu/16days/about.html>.

Mba, C.J. (2002) Nigeria's Population Policy and Future Fertility Decline. Institute of African Studies, Research Review, Vol. 18, No. 2: University of Ghana, Legon.

Modo, I.V.O. (1996). Cultural Devaluation of Indigenous Women in Sokoto Metropolis: A Cog in the Wheel of Sustainable Development. In Oruwari, Y. (ed) Women, Development and the Nigerian Environment. Ibadan, Vantage Publishers, 99-105.

*AJCJS: AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE
STUDIES, Volume 2, No.1, June 2006*

- Mutandavari, M. (2000). Parliamentarians Learn of Gender Disparity in SADC. South African Research and Documentation Center (SARDC): Harare, Zimbabwe.
- New York University School of Law, (2004). Strategies for Combating Domestic Violence: Ghana and Sierra Leone. New York University School of Law, New York, New York.
- Nosike, A.N. (1996). Violence Against Women and Sustainable Development: A Contemporary Perspective. In Oruwari, Y. (ed) Women, Development and The Nigerian Environment. Ibadan, Vantage Publishers, 53-62.
- Okereke, G. (2002). Incidence of Physical Spouse Abuse in Nigeria: A Pilot Study. Institute of African Studies Research Review, Vol. 18, No. 2: University of Ghana, Legon.
- Okereke, G. (1992). Cultural Differences in Marriage and Family Formation. In Readings and Activities Manual for Introductory Sociology (Second Edition) Acton, Massachusetts: Copley Publishing Group.
- Schwartz, R. and Odour Ong'wen (2003). Negotiating Economic Partnership Agreements: Challenges for East African Countries. Friedrich Ebert Stiftung: Nairobi, Kenya.

Violence Against Women
Godpower Okereke.

Tetchiada, S. (2005). Cameroon: Report Paints Bleak Picture of Women's Lives. Inter Press Service News Agency. Retrieved on June 10, 2005 from: <http://www.ipsnews.net/africa/interna.asp?idnews=22820>

United Nations (2003a). Regional and National Development in the Area of Violence Against Women. United Nations' Mission in Africa: United Nations.

United Nations (2003b). Violence Against Women in Cameroon: A Report to the Committee Against Torture. United Nations' Committee Against Torture, United Nations.

United Nations (2002). United Nations Special Report on Violence Against Women-001. Retrieved on June 10, 2005 from: http://www.irinnews.org/report.asp?ReportID=24161&SelectRegion=East_Africa&SelectCountry=EAST_AFRICA

United Nations (2000a). Special Report on the World's Women 2000: Trends and Statistics. United Nations' Statistics Division, United Nations.

United Nations (2000b). The State of World Population 2000. United Nations General Assembly, Fifty-fifth Session. United Nations Population Fund, United Nations.

*AJCJS: AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE
STUDIES, Volume 2, No.1, June 2006*

United Nations, (1996). Women and Violence. United Nations Department of Public Information, United Nations. Retrieved on September 15, 2005 from: <http://www.un.org/rights/dpi1772e.htm>

United States Department of State (2005a). Human Rights Report on Nigeria for the year 2004. U.S. Bureau of Democracy, Human Rights, and Labor: Washington, D.C.

United States Department of State (2005b). Country Report: Ghana. 2004. Retrieved on June 10, 2005 from: <http://www.state.gov/r/pa/ei/bgn/2860.htm>.

United State Department of State (2004). Country Reports on Human Rights Practices: Liberia. Bureau of Democracy, Human Rights, and Labor. U.S. Department State: Washington D.C.

Wilson, D. (2003). Violence Against Women in Nigeria. A Report submitted to Human Rights Dialogue, Carnegie, Council on Ethnic and International Affairs.

Women's Action Network (2005). Ethiopia: Abduction and Rape-Law Reform and Case of Woineshet Zebene. Retrieved on June 19, 2006 from: http://www.equalitynow.org/english/actions/action_2004_en.htm

Violence Against Women
Godpower Okereke.

Women's International League for Peace and Freedom (2003).
Violence Against Women in Cameroon. Retrieved on
July 10, 2005 from:
<http://www.peacewomen.org/news/news%20archive/2003/July/Index.html>.

Women International Network (2002). Reports From Around The
World: Africa and Middle East. The Center for
Reproductive Law and Policy, New York, NY.
Retrieved on September 9, 2005 from:
http://www.findarticles.com/p/articles/mi_m2872/is_1_28/ai_82803999/print

Women's International Network (1998). Family Violence in
Lagos, Nigeria. Women International network News,
Lagos, Nigeria.

World Bank Group (2000). Gender and Law in Francophone Sub-
Saharan Africa: The Role of the World Bank. The World
Bank Group, Africa Region. Retrieved on September 16,
2005 from:
<http://www.worldbank.org/afr/findings/english/find155.htm>

World Bank Group (1999). Gender and Law: Eastern Africa
Speaks. The World Bank Group, Africa Region.
Retrieved on September 16, 2005 from:
<http://www.worldbank.org/afr/findings/english/find126.htm>

*AJCJS: AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE
STUDIES, Volume 2, No.1, June 2006*

World Health Organization (2006). Female Genital Mutilation and Obstetric Outcome WHO Collaborative Prospective Study in Sic African Countries. Retrieved on June 19, 2006 from: <http://www.who.int/reproductive-health/fgm/>

World Health Organization (2000a). Violence Against Women. The World Health Organization. Retrieved on September 14, 2005 from: <http://www.who.int/mediacenter/factsheets/fs239/en/print.html>

World Health Organization (2000b). Female Genital Mutilation. The World Health Organization. Retrieved on September 14, 2005 from: <http://www.who.int/mediacenter/factsheets/fs241/en/print.html>
