

Policy Brief

18

Theory or Practice: The Challenge of Achieving Gender Justice in Africa



Authors: Dr Omosefe Oyekanmi, Post-Doctoral Research Fellow, Institute for Pan-African Thought and Conversation, University of Johannesburg (UJ).
Ms. Alison Zuva, Research Assistant, Institute for Pan-African Thought and Conversation, UJ.

Editor: Prof Tinuade A. Ojo, Head of Pan-African Women Studies Unit, Institute for Pan-African Thought and Conversation, UJ and Associate Professor, Department of Politics and International Relations, UJ.

Date of Publication: October 2024

5 Molesey Avenue, Auckland Park 2029, Johannesburg, South Africa

+27 11 559 7230

<http://ipatc.joburg>

1

Background and Objective

Evolving from the discourse on gender equality, human rights, and social justice, gender justice refers to the equitable treatment and fair opportunities for individuals of all genders. The term has often been used interchangeably with gender equality, gender equity, women's empowerment, and women's rights. Even though these terms aim to create fair conditions and equal opportunities for all genders, gender justice, which is the focus of this brief, addresses systemic inequalities and ensures equitable outcomes by considering different needs and circumstances.

Gender justice has gained momentum in the past two decades across global, continental and national forums. In Africa, there has been a recurring debate and activism driven by the need to address deeply rooted cultural, social, and economic disparities that account for the high poverty rate, particularly amongst women, in the region. Thus, efforts to address gender issues in Africa and the rest of the world have intensified, considering that international policymakers widely acknowledge that empowering women is crucial for breaking the cycle of poverty and promoting development. However, despite substantial theoretical contributions and policy frameworks, women remain disproportionately marginalised and disempowered. These not only impede the goals of national and international sustainable development initiatives, it also reveal the wide margin between theory and practice. Within the context of this brief, theories are academic frameworks developed for explaining and predicting phenomena, serving as a foundation for understanding further research. Practice on the other hand, is the application of those frameworks or principles in real-world situations, thereby testing their validity and effectiveness.

This policy brief, which emanated from the recent seminar on “Gender Justice: Connecting the Dots on Theory and Practice for Development in Africa Caribbean and the Pacific”, reflected on current literature, expert perspectives, and existing policies and practices. The brief explores the integration of gender justice into development practice in Africa, highlighting its theoretical foundations, practical implementation, and the role of women's empowerment in advancing governance and sustainable development. The seminar organised by the Department of Politics and International Relations, the Pan African Women Studies Unit, at the Institute for Pan-African Thought and Conversation and Institute of Global African Affairs all at the University of Johannesburg, Prof Karen Carpenter who is the Head of the Institute of Gender Studies and Development, Jamaica Chapter, University of the West Indies, and other prominent personalities, including Prof Ylva Gumede, Senior Director of Global Engagement, University of Johannesburg, and Ambassador Jerry Matjila, former South African Ambassador to the United Nations.



Description: During the Gender Justice: Connecting the Dots on Theory and Practice for Development in Africa Caribbean and the Pacific Event.

From the left: Prof. Tinuade A. Ojo, Associate Professor, Department of Politics and International Relations, UJ; Prof. Shahana Rasool, HOD Department of Social Work and Community Development, UJ; Prof Karen Carpenter, Professor of Gender, Sexuality and Psychology Sexual Harassment Complaints Coordinator (SHCC), Office of the Campus Registrar, The University of the West Indies, Mona, Kingston, Jamaica; Prof. Bhaso, Vice Dean of Internationalisation, UJ; Ambassador Jerry Matjila, Former South African Ambassador for the EU and UN.

Source: IPATC

Africa, occupying the sixth position out of eight regions, has a parity score of 68.2 per cent and inconsistent progress in gender equality. For instance, Namibia, Rwanda, South Africa, and 13 other countries have closed over 70 per cent of the gender gap. In contrast, the Democratic Republic of Congo, Mali, and Chad are the poorest performers, scoring below 62 per cent. Meanwhile, North Africa remains far from parity, with a 62.6 per cent average parity score. Thus, at the current rate, it will take 102 years to close the gender gap in Africa.

Consequently, with increasing recognition that gender justice is essential for social justice and sustainable development, the challenging questions resonate on how to best transform some of these theories or policies of gender justice to practice in a region where discriminatory laws remain embedded in customary and religious values.

The transition from theory to practice presents an opportunity to advance gender justice in Africa. Although the Millennium Development Goals (MDGs) were criticised for insufficiently addressing gender relations, the ongoing discussions around the Post-2015 Development Agenda have emphasised gender issues more robustly. The Sustainable Development Goals (SDGs) propose numerous gender equality targets and indicators, underscoring the importance of integrating gender justice into national development processes to achieve sustainable development. The historical legacies of colonisation, socio-economic challenges, environmental vulnerabilities, cultural norms, and governance issues, which collectively impact Africa's development trajectories and efforts towards gender justice, this brief. This brief, therefore, brings together insights on gender justice in Africa to link theory with practice for development very timely and important.

“The transition from theory to practice presents an opportunity to advance gender justice in Africa.”

2

Legal and Policy Frameworks: The Gap

In Africa, legal and policy frameworks on gender justice exist at various levels. These include international, continental, regional, and national instruments. One of the most effective ways these instruments and their underlying principles are established within a society is through international treaties that states negotiate, adopt, ratify, and accede to. Some of these foundational frameworks include the International Labour Organisation (ILO) (1919), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979), the African Charter on Human and Peoples' Rights (1981), the Beijing Declaration of Action (1995), the Maputo Protocol (2003), the Solemn Declaration on Gender Equality in Africa (2004), the African Union Gender Policy (2009), and the African Union Strategy for Gender Equality and Women's Empowerment (2018-2028).

Despite these frameworks, not all countries in Africa have ratified or domesticated these treaties. For instance, 43 out of 55 AU member states have ratified the Maputo Protocol, 52 have ratified CEDAW, 46 are members of the ILO Convention, and 49 have ratified the African Charter on the Rights and Welfare of the Child. Owing to international ratifications and numerous signed protocols, Africa's commitment to gender justice is not in doubt. However, transitioning these legal frameworks to practice in Africa appears staggering.

Theory or Practice: The Challenge of Achieving Gender Justice in Africa.

The Democratic Republic of Congo's 2006 laws against sexual and gender-based violence, for instance, reveal a palpable lack of enforcement, including provisions on violence against subordinates. Though Burundi has ratified CEDAW, regarding matrimonial administrations and inheritance, there is a legal gap as more emphasis is placed on customary laws. Likewise, Nigeria ratified CEDAW on June 13, 1985, and the implementation of its provisions has faced challenges due to cultural, political, and social factors. Also, Nigeria's 2015 Violence Against Persons (Prohibition) Act criminally sanctions anyone who commits or assists FGM with imprisonment; however, it does not apply in some states in the North, where they have adopted their own Female Genital Mutilation (FGM) laws. This discrepancy arises from Nigeria's federal structure, which allows northern states, influenced by Sharia law and local customs, to adopt their own laws, despite statutory laws. Hence, there are instances of complementing legislations, or in some cases, replacing them with customary laws like sharia laws in Africa.



Description: Prof Karen Carpenter gave practical examples of women's lived experiences in the Caribbean that expand on theory and practice through the advocacy work they are doing.

Source: IPATC

In another vein, there are imbalances with the application of statutory laws. Although Gabonese women are theoretically guaranteed equal ownership of land and non-land assets, a discriminatory law (customary) allows husbands to administer these properties, undermining women's autonomy and equality[1] Thus, while Gabonese women have legal rights to property ownership, the practical control and decision-making authority over these assets remain primarily in the hands of their husbands. This imbalance undermines women's economic independence, limits their ability to make decisions about their resources, and perpetuates gender injustice within Gabonese society. This also applies to Equatorial Guinea, where unmarried and divorced women have equal rights as their male counterparts. However, the Civil Code determines that married women must still obtain their husband's consent to acquire or dispose of property or land. In the Central African Republic, a National Commission on Human Rights and Fundamental Freedoms was created in 2017 without an operating budget[2]. It was not surprising when the Human Rights Committee, in 2020, expressed disappointment over the absence of thorough antidiscrimination legislation and details on efforts to integrate gender perspectives across all aspects of the transitional justice process. [3]

[1] UN Women. (2018). Progress of the World's Women 2018: Families in a Changing World. United Nations Entity for Gender Equality and the Empowerment of Women (UN Women).

[2] United Nations Human Rights Council (2018) 'Report of the Independent Expert on the situation of human rights in the Central African Republic', available at: <https://www.right-docs.org/download/70881/> (page 7).

[3] UNDP (2024). Gender Equality and International Law in Africa: The Role of Regional Economic Communities. <https://www.undp.org/sites/g/files/zskgke326/files/2023-04/Gender%20Equality%20%26%20Intl%20Law%20in%20Africa%20Report-Final%20%281%29%20%282%29.pdf>

3 Implications of the Gap

Africa is the poorest region in the world, with women bearing the brunt of poverty and inequality. Despite these gender policy frameworks, women often have limited access to education, healthcare, and financial resources, thereby crippling macroeconomic prospects and overall development.

Currently, Sub Saharan Africa (SSA) has the highest number of global maternal deaths, with a maternal mortality ratio of 546 maternal deaths per 100,000 live births, which is approximately 201,000 maternal deaths annually[4]. In education, the gap is similarly stark, where female literacy rates rank among the lowest worldwide, with two-thirds of global illiterate adults being women[5]. Further studies show that gender disparities in primary education remain prevalent in 75 per cent of African regions, with countries such as Mali and Burkina Faso reporting meager adult literacy rates, dropping as low as 24 per cent[6]. These educational deficiencies limit women's opportunities for economic advancement and leadership roles. Politically, while there are notable exceptions like Rwanda, where women hold 61 per cent of parliamentary seats, the overall representation of women in African parliaments is around 24 per cent, compared to the global average of 26.1 per cent. Women in Africa hold only 15 per cent of ministerial positions, against the global average of 21 per cent[7]. These statistics underscore the persistent gender injustices that hamper Africa's broader development efforts, highlighting the urgent need for policies and initiatives that empower women and address these disparities.

“In education, the gap is similarly stark, where female literacy rates rank among the lowest worldwide, with two-thirds of global illiterate adults being women.”

From the Left: Prof Corne Davies, Vice Dean: Teaching and Learning, Strategic Communication, Faculty of Humanities, UJ; Prof Shahana Rasool, HOD Department of Social Work and Community Development, UJ; Professor Karen Carpenter, Professor of Gender, Sexuality and Psychology Sexual Harassment Complaints Coordinator (SHCC), Office of the Campus Registrar, The University of the West Indies, Mona, Kingston, Jamaica; Professor Kammila Naidoo, Executive Dean of the Faculty of Humanities, UJ; Prof Pragna Rugunanan, Vice Dean of Research in the Humanities Faculty, UJ.



Source: IPATC

[4] Nnadi, C. I., Onu, J., Nwankwo, C. E., & Nwankwo, I. U. (2022). Maternal mortality and economic development in Sub-Saharan Africa. *African Social Science and Humanities Journal*, 3(4), 161-169

[5] Richter (2023, September 8). Closing the Literacy Gender Gap. Statista. <https://www.statista.com/chart/30787/global-adult-literacy-rates/>

[6] Jabbarian, J., Werner, L. K., Kagoné, M., Lemp, J. M., McMahon, S., Horstick, O., ... and De Neve, J. W. (2022). "It's the poverty" — Stakeholder perspectives on barriers to secondary education in rural Burkina Faso. *Plos one*, 17(11), e0277822.

[7] Galal, S (2023, September 22). Percentage of women in national parliaments in African countries 2022.

<https://www.statista.com/statistics/1248493/percentage-of-women-in-national-parliaments-in-african-countries/>

4 Transiting Gender Justice Theories to Practice in Africa

Gender justice involves mainstreaming gender considerations into all policy and project design aspects. This means incorporating gender analysis into the formulation, monitoring, and evaluation of development projects to ensure that they address the needs and interests of both women and men. In essence, achieving gender justice requires addressing structural and individual power relations that perpetuate gender inequalities.

Gender justice requires multi-layered responsive policy and legal frameworks that recognise and address women's diverse experiences and needs. These frameworks should be rooted in transnational norms but tailored to local contexts. Therefore, critical interrogation of these policies is necessary to ensure they do not merely reinforce existing power structures but promote transformative change.



Description: Highlights from the Gender Justice: Connecting the Dots on Theory and Practice for Development in Africa Caribbean and the Pacific Event.

Source: IPATC

5 Policy Recommendations

Building on the discussions, several policy recommendations were formulated to enhance the transition of gender justice from theory to practice. These recommendations are as follows:

1. **Identify and Address Structural Power Imbalances:** Address structural power relations that sustain gender inequality, such as disparities in access to resources, leadership opportunities, and decision-making power.
2. **Counter-Cultural Myths and Attitudes:** Develop strategies to challenge cultural myths and attitudes that limit women's participation and development, including community awareness programs and workshops that promote gender equity.
3. **Integrate Gender Analysis Across Project Phases:** Apply gender analysis in the design, monitoring, and evaluation phases of all development projects to address the distinct needs, priorities, and interests of both women and men.
4. **Build Gender Awareness within Teams:** Train project and policy teams to understand and apply gender justice principles, equipping both men and women to address gender-related challenges effectively in their work.
5. **Ensure Inclusive Stakeholder Engagement:** Engage both women and men in the development and implementation of policies and projects to create an inclusive approach that values and integrates diverse perspectives and experiences.

THE SEMINAR WAS FUNDED BY THE DEPARTMENT OF POLITICS AND INTERNATIONAL RELATIONS, UNIVERSITY OF JOHANNESBURG, SOUTH AFRICA.





About our Policy Briefs:

The Institute for Pan-African Thought and Conversation (IPATC) Policy Briefs are a series of reports from the Institute's research-based and policy-oriented seminars on relevant themes, intended for policy practitioners and decision makers in foreign policy, Pan-African issues, security, governance, aid and development. They aim to inform public debate and generate input into the sphere of policymaking. The perspectives expressed are outcomes from strategic engagements and those of the authors and do not necessarily reflect the views of the Institute and the University of Johannesburg.



About the Authors:

Dr Omosefe Oyekanmi is a Post Doctoral Research Fellow at IPATC. Her main research interests are on humanitarianism, development, public policy, gender issues and international peacebuilding.

Ms Alison Zuva is a Research Assitant at IPATC. Her main areas of research are climate change, gender equality and sustainable cities and communities.



About the Institute

IPATC was established at the University of Johannesburg (UJ) in 2016 as one of nine flagship centres of excellence to conduct research. It provides a forum for scholars, practitioners, and civil society actors across Africa and its Diaspora to dialogue and contribute to the rigorous production and dissemination of Pan-African knowledge and culture. The Institute seeks to promote original and innovative Pan-African ideas and critical dialogue in pursuit of global excellence in research and teaching, and to contribute actively to building an international profile for UJ on Pan-African issues.



This policy brief is research based on several aspects of the SDGs in relation to gender equality and empowerment of all women and girls.