

**Shrinking Civic Space for
Women and Girls
in Africa**

**Awino Okech
Marianne Mesfin Asfaw**



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CODESRIA

Council for the Development of Social Science Research in Africa
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Introduction

In 2007, Urgent Action Fund, in a book titled *What is the Point of a Revolution if We Can't Dance?*, documented the experiences of women's rights activists in conflict situations. The Urgent Action Funds discovered high levels of chronic stress, exposure to trauma, and enormous workloads (see Barry and Dordevic 2007). Similar trends are documented in a 2008 report on women human rights defenders (WHRDs), noting that though powerful and often controversial, WHRDs' work is met with violent opposition but rarely recognised (Barry and Nainar 2008). Furthermore, it is still assumed that women are passive victims of violence rather than activists fighting for change (ibid.). Though one can argue that in the twelve years since these publications the work of women human rights activists has received more recognition, the evolving political environment demands a closer look at the gendered impact of these shifts on women. Along with the dangers that they are exposed to for doing human rights work, WHRDs in Africa are in more vulnerable positions because their work challenges patriarchal societal norms by tackling issues such as reproductive health and sexuality, among others (ACPHR 2016).

This paper looks at the civic space in Africa and the extent to which women and young girls are either enabled or limited to participate. There are today a number of studies on the shrinking and shifting space for civil society globally (Ayvazyan 2019; Hossain et al. 2018) and in Africa (Moyo 2010). The discourse on shrinking civic space is a response to several developments and restrictions that have been imposed on civil society organisations either by governments, the private sector or civil society contestations. Ayvazyan concludes that the increasing popularity of civil society and its influence on policies and governments has led to an increase in measures that repress civil society (2019: 6). Governments

have created administrative and legal barriers for civil society to operate freely and effectively. This phenomenon is popularly known as ‘shrinking space’. Other factors that have contributed to the closing space for civil society include declining volumes of funding, and economic downturns. Civil society has also been found to be responsible for closing its own space. According to Ayvazyan:

There are contradictions, divisions and clashes within civil society that hamper or challenge the space for civil society without anybody outside civil society having to interfere. Some CSOs may work against women’s rights or promote religious extremism. ... civil society players might well work against one another and try and minimize other players’ scope and influence’ (2019: 8).

The shrinking space for civil society differs from context to context, country to country and region to region. The size of civil society, mandates and missions of civil society, their capacity and capabilities, and the general environment under which they operate inform some of the differences in how the space shrinks. For example, there are huge differences between democratic contexts and autocratic ones. In both contexts, however, the most vulnerable are minority groups, human rights defenders, and women’s organisations.

Methodology and Structure

This paper primarily consists of a synthesis of two studies (Moyo and Madibela 2021; Okech and Asfaw 2021) on closing civic space for women and girls across selected African countries. These studies collectively draw on the following data sources to develop the arguments in the sections that follow.

1. Official documents from governments and intergovernmental institutions.
2. Academic publications.
3. Reports of national and international non-governmental actors.
4. Media reports.
5. A survey of forty-eight women academics, researchers, and civil society groups in Zimbabwe. Because of the small number of respondents, the survey findings cannot be generalised. Instead, the findings are used to describe how individuals interpreted their realities in that country.

This study examines four interrelated questions. The first is whether the civic space is shrinking uniformly for women and girls. The second and third questions focus on various forms of structural violence and how it manifests in shrinking civic space for women and girls. The fourth question is an interest in the strategies that are deployed by women and girls to counter shrinking civic spaces. This paper begins by defining closing civic space and the literature that frames this debate. The second section looks at the manifestations and effects of closing civic space on women and girls and how it is intertwined with structural violence. The third section looks at the strategies deployed by women and girls to counter the violence they face. The fourth and final section offers a set of concluding reflections.

Defining Shrinking Civic Space

The literature on shrinking space for civil society has grown over the last few years with three discernible waves. The first wave was in the early 2000s when the ‘war on terror’, after the events of 9/11, limited the expansion of civil society formations through the introduction of restrictive financing to civil society and restrictions on other political and civic freedoms (Moyo and Madibela 2021). A second wave was a response to the WikiLeaks saga that attracted sharp reactions from major global powers. The third wave was a response to the rise of the ‘Islamic state’ (Hossain et al. 2018). Within this literature civic space is defined as ‘the set of conditions that allow civil society to organise, participate and communicate freely and without discrimination, and in doing so, influence the political and social structures around them’ (CIVICUS Monitor 2019). Civic engagement is viewed as a commitment to political and social issues expressed in various ways that do not always reflect parliamentary politics, which can be exercised in two ways – formal and informal (Uldam and Vestergaard 2015: 3). Therefore, the state has a ‘duty to protect its citizens and respect and facilitate their fundamental rights to associate, assemble peacefully and freely express views and opinions’ (CIVICUS Monitor 2021).

Analysts argue that in thinking about shrinking civic space, it is less the size or freedom than the shape or nature of participation in civic space which has changed in recent years (see Ayzvazyan 2019; Hossein et al. 2018). The space for formal organising has been restricted, targeting civil society organisations (CSOs), human rights defenders, social movements and struggles of marginalised and disempowered groups such as women, racialised or ethnic minorities and indigenous populations, NGOs and the independent media. The means by which state and non-state actors close civic space vary depending on the region

and country and range from legal to extra-legal. Van der Borgh and Terwindt (cited in Hossain et al. 2018) identify three main ways that state actions and policies are variously used to restrict the operational space for CSOs:

1. Physical harassment and intimidation, including threats, injuries and killings, impunity, and lack of protection.
2. Criminalisation, prosecution and investigation, preventative measures such as terrorism lists and terrorism task forces, investigation and prosecution for punitive purposes; giving an organisation the stamp of 'forbidden political activity' can delegitimise it in the public eye. Administrative restrictions such as restrictive bills on NGO registration and operation; burdensome registration and re-registration processes, exorbitant fees and ad hoc measures by different governments prevent organisations carrying out their activities legally. Stigmatisation, negative labelling, and derogatory terminology ('foreign agents') directly impact on their freedom, safety, credibility, and potential to function.
3. 'Space under pressure', including through co-optation and the closure of newly created space.

The 2019 CIVICUS Monitor report also identifies three major indicators of an open civic society. These indicators are the right to associate, the right to assemble peacefully, and the right to freedom of expression, and have been used to signify an overall shrinking civil society in Africa (CIVICUS Monitor 2019). The report shows that across the African continent, eight countries are deemed to have closed civic spaces, fifteen are rated as repressed, eighteen as obstructed and six as narrowed (Barreto et al. 2019). These indicators are viewed as more pronounced in authoritarian or dominant-party governments, countries in armed conflict or countries with weak rule of law (*ibid.*: 13).

Key Trends in Closing Civic Space

Put together the indicators of closing space as listed above and actions taken by governments have resulted in three major empirical trends. The first trend is witnessed in governments creating legal and administrative barriers that make the operational environment for civil society difficult. Human rights defenders, advocacy organisations and minority groups that are predominantly funded by international donors are impacted by these measures (Ayvazyan 2019: 8). These laws are presented as appearing to address transparency and accountability and are often linked to national security. Moyo (2010) illustrates how in autocratic states these laws target civil society organisations that work mainly in the governance and human rights sector. In democratic states the enactment of these laws was the result of a consultative process between the state and civil society (Moyo 2010).

Constraints placed on international funding have been witnessed in Ethiopia, Egypt and Sudan, among other countries. In Egypt the Ministry of Social Solidarity requires CSOs to get approval before receiving foreign funding. Failure to seek approval can lead to imprisonment. In 2013, the court imposed a jail sentence on forty-three representatives of civil society for failing to meet this requirement (Rutzen 2015). The imposition of funding restrictions in an environment in which gender inequalities are high creates a perfect storm for the entrenchment of gender inequality and the oppression of women. In Sudan, where these legal restrictions were enacted by the Bashir government, women's rights were highly constrained through a range of punitive measures. These punitive measures were rooted in the arbitrary application of Sharia, and the conflation between culture and Sharia which manifests in the endorsement of abuses such as marital rape, child marriage and forced marriage (Amnesty International 2015).

In Ethiopia the government passed a draconian NGO law in 2009 known as the Charities and Societies Proclamation (CSP No.621/2009) (see Amnesty International 2012: 1; Birru and Wolff 2019). The law delineated three categories of organisations in Ethiopia namely Ethiopian Charities or Societies, Ethiopian Resident Charities or Societies, or Foreign Charities (No. 621/2009, 2). Under this law non-governmental organisations were required to register under one of these categories and only those registered as Ethiopian Charities or Societies were able to work on human rights issues, whereas Foreign Charities could face fines and imprisonment of their staff for infringing laws (Amnesty International 2012). Along with this the law stipulated that Ethiopian Charities could not receive more than 10 per cent of their funding from foreign sources (No. 621/2009, Section 2/2). Additionally, organisations were restricted to using only 30 per cent of their budget on 'administrative costs', a term which was not defined (Amnesty International 2012: 1). This law heavily impacted the functioning of prominent Ethiopian organisations working on human rights including the Ethiopian Women Lawyers Association which was forced to cut 70 per cent of its staff and rely on volunteers to provide legal aid (Amnesty International 2012: 2). Through this law the state was able to effectively inhibit the work of human rights organisations thereby bypassing calls for accountability for human rights violations being perpetrated by the government.

In 2019 the Ethiopian government replaced CSP 2009 with a more progressive law that opened up civic space by removing the restrictions of the older law. The Organizations of Civil Societies Proclamation No. 1113/2019 (CSP 2019) scrapped CSO categories that were in the 2009 law meaning that there are now only two categories for organisations to register, namely as local or foreign (Birru and Wolff 2019). Most importantly the new law eliminates the condition that local organisations could only receive 10 per cent of their funds from foreign sources thereby allowing CSOs to fundraise from any lawful funding source (ibid.). Additionally, the law encourages CSOs to participate in the democratisation process and promote their members' rights; however, foreign NGOs and local organisations established by foreigners are not allowed to engage in electoral processes including lobbying and voter education (Birru and Wolff 2019).

The second trend relates to the criminalisation, stigmatisation and delegitimisation of human rights defenders. Lesbian Gay Bisexual Trans* (LGBT) groups are delegitimised through accusations that their actions undermine the family, morality and traditional values. The same is true of activists working on

sexual and reproductive rights (Ayvazyan 2019: 11). In Uganda for example, the Ministry of Ethics and Integrity acts more or less as police for morality. Some women rights organisations have a lot in common with society and often find it difficult working on LGBT issues, for fear of marginalisation by the government and by some donors. The independent expert on protection against violence and discrimination based on sexual orientation and gender identity highlights killings, rapes, mutilations, torture, cruel, inhuman and degrading treatment, arbitrary detentions, abductions, harassment and physical and mental assaults as particularly widespread. In Sudan, Somalia, Somaliland, Mauritania and northern Nigeria, homosexuality is punishable by death. In Uganda, Tanzania and Sierra Leone, offenders can receive life imprisonment for homosexual acts, although the law is not enforced in Sierra Leone. In addition to criminalising homosexuality, Nigeria has enacted legislation that would make it illegal for heterosexual family members, allies, and friends of LGBT people to be supportive. The space for LGBTI civic organisations is much smaller or non-existent in most countries in Africa.

The third trend is linked to the restriction on the freedom of expression online and offline. This includes the shutting down of the media, harassment of journalists through arbitrary arrests, media censorship, restrictive media laws and closure of the internet, among many others. There is also a rise in internet platforms financed by the government to troll CSOs and human rights defenders as well as spread fake news and promote propaganda. The use of security and the threat of terrorism has also created room for governments to enact greater limits through legislation. The Security Laws Amendment Act of 2014 in Kenya introduced lengthy prison sentences and hefty fines for unauthorised dissemination of information that undermines counterterrorism investigations or operations, or of photographs showing the victims of terrorist attacks. The laws also granted broad surveillance powers to Kenyan security forces (Freedom House 2017).

Regional Institutional Norms

It is important to frame the reversals in space for women and girls in the section that follows against regional institutional frameworks that proclaim the importance of securing and defending the rights of women and girls and the general pursuit of gender equality. At the African Union level, there is the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (African Union 2003). The Maputo Protocol provides explicit rights and protections guaranteed to women, including the rights to dignity, life, integrity, security and equal status, and protections like those afforded to men in marriage and divorce, among others. Notably, the Protocol calls upon African states to integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities. The Protocol recognises the right of women to live in a positive cultural context and lays stress on the health of women, including sexual and reproductive rights.

At the regional level the principle of subsidiarity within which the AU operates with Regional Economic Communities (RECs) means that regional norms are required to pay attention to the contextual realities which are diverse across Africa. RECs work in collaboration with and constitute key implementing arms of the AU. There are three active RECs that have robust policy frameworks on women's rights and gender equality. The Economic Community of Central African States and the Arab Maghreb Union do not have standalone frameworks on women's rights and gender equality; consequently they are not explored here. In West Africa within the Economic Community of West African States (ECOWAS), several frameworks establish the link between AU normative frameworks described above and regional policy frameworks in the women's policy field. Article 63 of the revised ECOWAS Treaty (2010b) calls for the formulation of

policies and development of programmes which enhance women's economic, social and cultural conditions. Linked to this is the adoption of the ECOWAS (2004) Gender Policy, the ECOWAS (2008) Conflict Prevention Framework (ECPF), and the ECOWAS Regional Plan of Action for the Implementation of Resolutions 1325 and 1820 (ECOWAS 2010a). Equally, there is the 2015 Supplementary Act Relating to Equality of Rights between Women and Men for Sustainable Development in the ECOWAS Region, and the 2016 Supplementary Act on Security Sector Reform and Governance (SSRG). In relation to youth, Article 6, on Social Affairs of the ECOWAS Revised Treaty (2010b), provides for the promotion of women, youth organisations and professional associations as a means of ensuring mass involvement in the activities of the community.

In Southern Africa, the Southern African Development Community (SADC) Treaty (1992) Article 6(2) argues against discrimination of any person on the grounds of, *inter alia*, sex or gender. SADC pursues these objectives through a series of instruments: SADC Gender Policy (2007), SADC Declaration on Gender and Development in September 1997, and an addendum on the Prevention and Eradication of Violence against Women and Children in September 1998. The SADC Protocol on Gender and Development was adopted in August 2008, except by Botswana and Mauritius who argued that their national gender equality provisions were robust. Out of the thirteen member states that have signed, eleven have already ratified the Protocol. The Protocol seeks to eliminate discrimination and achieve gender equality and equity through the development and implementation of gender responsive legislation, policies, programmes and projects, among other things. The harmonisation of various international, continental and regional gender equality instruments is also a key objective of the protocol.

In East Africa, the East African Community (EAC) treaty (2000) in Articles 121–22 endorses women's important role in the economic, social and political development of the region. Article 5(e) of the treaty focused on gender mainstreaming in all EAC endeavours. The EAC Gender and Community Development Strategic Plan and the 4th EAC Development Strategy (2011–2016) (EAC 2011; 2012) provide guidelines for mainstreaming gender in EAC policies and programmes. In 2018, the EAC launched a gender policy that seeks an inclusive community which guarantees equal rights and opportunities for women and men, boys and girls (EAC 2018). Collectively, these policy frameworks shape the institutional environment within which women's rights are advanced at a continental level as well as at a regional level. The section that follows analyses the three main ways civic space is shrinking and changing for women and girls

despite these institutional safeguards. In effect it demonstrates how the forces that organise against women and girls emerge in resistance to broad policy claims around advancing women's rights.

There is some consensus that the space for women is not changing or shifting but has remained stagnant (see Bishop 2017; Okech et al. 2017). The nature of the state and the patriarchal framework under which it operates have led to the oppression and marginalisation of women and girls. However, each country's political history determines the relationship between CSOs and governments. Countries that underwent major political uprisings in the mid-twenty-first century have a confrontational approach to civil society. In countries such as Zimbabwe, Mozambique, Namibia and South Africa, the women's movements evolved out of and alongside the pro-liberation movements and were concomitantly challenging patriarchy alongside national liberation. Some of these arrangements have deteriorated over time with the governments ceasing to support the women's movement. In countries such as Botswana and Lesotho where there was never a liberation struggle, women's organisations have always been subjected to marginal welfare work and not necessarily recognised as an integral part of decision-making. In middle income countries such as Botswana and Namibia, when donors pulled out in the early 1990s, the overdependence on government funding by women's civic movement weakened their voice and power (Moyo and Madibela 2021). With many countries under COVID-19 lockdowns or curfews, access to everyday basic social services, unemployment and increased violence have been a feature of the public and private sphere across African countries. The COVID-19 pandemic has underscored the gendered nature of civic spaces by focusing attention on access and the gap between citizens and the governing elite (Okech, Mwambari and Olonisakin 2021; UN Women 2020a; 2020b). In the section that follows, the main ways the closure of civic space for women and girls is experienced are examined.

6

Restricting Formal and Informal Organising

Article 11 of the African Charter on Human and Peoples' Rights (ACHPR, 1981) recognises freedom of assembly as a fundamental right with the condition that 'the exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others'. This means that protests as a public expression of dissatisfaction and/or opposition to state actions or inactions is a visible measure of how open or closed civic space is. There are three main ways that formal and informal organising is constrained for women and girls.

The first way formal and informal organising is constrained, by using overt violence to repress and silence women protestors, is through sexual violence (Okech and Asfaw 2021). A report on WHRDs notes that 'the threat of sexual violence is so powerful, and effective, because it raises primal fears ingrained in the psyche of women from early in life' (Barry and Nainar 2008: 25). It is also powerful because it is common in every society and often goes unpunished (Barry and Nainar 2008). During the 2019 Sudanese people-led mobilisation against the Omar al Bashir government, sexual violence was used to humiliate, repress, and silence women protestors. It was not 'an unintended result of the actions of political regimes, but rather a key instrument of their power' (al-Karib 2019). Young activists organised support for survivors under the banner #PinkforKandaka (*ibid.*). These attacks are sustained by the normalisation of gender violence both on and offline that goes unpunished.

In Egypt, which has had a long and rich history of civil society activism, including feminist activism, spanning from the early twentieth century in the fight to end British colonial rule to the more recent waves of activism in 2011, the use of sexual violence and virginity testing form a pattern of approaches that mobilise religious and cultural ideas about women's honour, with women's sexual 'purity' as a signifier of not only their honour but that of their community. Sexual harassment is employed alongside virginity testing while being held in detention in addition to threats of being charged with prostitution if they were found to not be virgins.

In Cameroon, women and girls have been key actors in the 'Anglophone Crisis' staking their claim in debates about a unified and equitable country for all. This conflict has contributed to the deterioration of the living conditions of women and girls:

Women and girls who live in conflict zones also have great difficulty in accessing medicines and products, menstrual hygiene. Some women resort to ancestral herbal methods, or use cloths and sanitary pads made on site, others rely on the scarce sanitary napkins distributed by humanitarian organizations (Atabong 2018).

Women's organisations have called for the inclusion of women. For instance, the Working Group of Women of the South West and North West calls for an end to the boycott of schools as well as violence against women and children (ICG 2019: 16).

The second way formal and informal organising is constrained is through the intensification of fundamentalist discourse on national identity, and traditional patriarchal values also shape how formal and informal organising is constrained (Bishop 2017: 12). The wave of anti-LGBT rights in Tanzania has since continued to intensify. In September 2016 the deputy minister for health, community, development and gender, Hamisi Kigwangala, emphasised the government's intent to uphold and protect 'traditional values' (Makoye 2016). In the same statement he noted that though the presence of LGBT people is undeniable they pose the risk of 'fuelling the spread of HIV/AIDS' (ibid.). The deputy minister added, 'we don't subscribe to the assertion that there's a "gender continuum" ... we still recognize two traditional sexes and there's nothing in between or beyond ... Any effort to claim otherwise is not allowed (ibid.). The justice minister moved to suspend the registration of organisations that support LGBT rights under the guise of protecting culture. Here, the call to protect culture implies there is an outside threat, that homosexuality and LGBT rights cannot be rooted in or incorporated as part of Tanzanian culture. It is a way to categorise this as Western and foreign, thereby drawing on anti-colonial rhetoric to oppress already marginalised groups.

The third way formal and informal organising is constrained is through surveillance which happens through the expansion of security-based restrictions to manage public dissent as well as restrictions on formal organisations' operations. In Egypt, the Emergency Law (Law 162 of 1958) was used during the COVID-19 pandemic to expand the military prosecution's jurisdiction to investigate individuals, providing the President with power to ban public and private meetings and demonstrations (CIVICUS 2021). These restrictions provide the impetus for state violence should any individual be found in breach, which places women and girls at risk in both public and private spaces. In 2020, 4 per cent of people killed by the police were female. Until March 2021, the number of female victims was 11 per cent, including one unarmed serving female police officer who was killed by a male colleague (Daily Nation 2021). Activists and CSOs successfully challenged the use of excessive police force during the COVID-19 pandemic which led to several officers being indicted. Despite this progress, police brutality remains a concern in Kenya.

The limitations placed on NGOs and civil society organisations in Egypt and the impact this has had on their ability to function is also worth examining. NGOs, CSOs and individual activists have been heavily restricted through travel bans, asset freezes and administrative processes that work to hinder their ability to function. Under Hosni Mubarak's regime NGOs were regulated under Law 84 of 2002 which gave the Ministry of Social Affairs the authority to monitor NGO registration, funding and membership (TIMEP 2018a). Under this law penalties for non-compliance included prison sentences; however some human rights organisations were able to creatively bypass these regulations by registering as law firms or private companies (*ibid.*). After the Egyptian revolution and the ousting of Mubarak in 2011 the number of civil society organisations grew and they had more freedom in terms of content and funding (TIMEP 2018a; 2018b; 2019). This was interrupted in 2011 by the prosecution of forty-three NGO workers who were charged with receiving illegal foreign funding (TIMEP 2019). This resulted in the court ordering the closure of several international NGOs and issuing sentences to the defendants in June 2013; however non-Egyptians were allowed to return to their home countries. The ruling sparked international outrage which eventually led to a retrial (see TIMEP 2019). In 2016 what is believed to be the second phase of this case began with the court ordering asset freezes for several reputable human rights organisations and summoning their representatives to a hearing under what was known as case number 173.

Freedom of Expression and Press Freedom

The expansion of social media as a site of information, organising and activism has provided women and girls with an infrastructure for collective action and discussion. Social media has been both an asset for free speech and a danger to activists due to heightened surveillance. The growing reach of the internet, including the rapid spread of mobile information and communications technologies and the wide diffusion of social media have presented new opportunities to address violence against women and girls. At the same time, these spaces and tools are being used to inflict harm on women and girls. Cyber-violence against women and girls is emerging as a global problem today. Over the past six years, a number of African countries have enacted laws that censor and block connectivity at times of heightened political activity such as elections (Okech et al. 2017).

In Uganda, the ‘Computer Misuse Bills’ framework was used to manage political dissent in the case of women’s rights activist Dr Stella Nyanzi. Nyanzi was accused of posting an abusive poem directed at the President Museveni and his late mother in which she commented on his lengthy term (Mwesigwa 2019). Nyanzi was convicted under the country’s cybercrime laws of ‘harassing’ President Museveni and sentenced to eighteen months in prison. She appealed this sentence and was released after spending nine months in Luzira Women’s Prison (Daily Monitor 2020). In this case, censorship was used to detain and silence Nyanzi, but also allowed the opportunity for state and/or non-state actors and individuals to delegitimise her work. ‘The state has questioned her mental health using an old colonial law and sought to paint her as a “mad woman” to

try to silence her, playing into age-old misogynist narratives' (Kagumire 2019). WHRDs who challenge their governments are often referred to as 'crazy' and accused of being traitors acting on behalf of states and governments in the global North to dehumanise, minimise and devalue them (Barry and Nainar 2008: 22). These acts of intimidation and harassment can take place both online and physically to silence WHRDs.

In Egypt WHRDs have been targeted by the state through censorship, particularly of social media pages, citing threats to national security as a justification for detaining and interrogating people. The Cybercrime Act of 2018 has provided the basis for the government to silence dissent and allowed near total control over the media. The law has twenty-nine penalties including the possibility of three months to five years in prison and a fine of up to 20 million Egyptian pounds 'for anyone deemed to be threatening national security or the economy' (Barreto et al. 2019). The law has been used to target civil society organisations, human rights defenders, journalists, and women's rights defenders who use the internet as a platform to critique the government. In 2018, the Egyptian government blocked 500 websites.

Two notable examples that focus on women are the cases of Amal Fathy and Malak al Kashif. Malak al Kashif, a journalist in Egypt, posted a video on Facebook criticising the Egyptian authorities for their handling of a train accident in Cairo (BBC 2018; Euromed Rights 2019). Malak was arrested and charged under the Anti-Terrorism Act of 2015 and under the 2018 Electronic Crimes Prevention Act. This violence served not only to silence her criticism of the authorities, but also her activism for trans rights. Amal Fathy, on the other hand, was targeted after posting a video on Facebook in which she talked about her experience of sexual harassment and criticised the Egyptian government for its failure to protect women and held it responsible for the decline of public services and the poor condition of the economy. As a result of this Amal and her husband Mohamed Lofty's home was raided by the Special Forces, their cell phones were confiscated, and they were arrested along with their three-year-old child. Though Lofty and their child were eventually released Amal was detained for fifteen days and investigated for 'advocating the overthrow of the ruling government in Egypt', 'spreading false news on Facebook', and 'misusing social media' (Frontline Defenders 2018). Two days after this detention was ordered, the State Security Prosecution ordered Amal's detention for a different case where she was charged for 'joining a terrorist group and using the internet to call for terrorist acts' and 'spreading false news and rumours to disrupt public

security and harm national interests' (ibid.). In September she was sentenced to two years in prison along with a fine of 10,000 Egyptian pounds and bail set at 20,000 Egyptian pounds. She was conditionally released in December 2018. However, she is still at risk of being rearrested to serve her two-year sentence.

An examination of mainstream press also shows the extent of gendered harm. A survey of online safety for women journalists notes that sexual harassment by male colleagues as well as 'state-sponsored violence in the form of arbitrary arrests, imprisonment and torture; and sexualized hate speech' are other unique forms of violence that women in the media experience (Article 19 and AMWIK 2016: 3; Ferrier 2019). Article 19 and AMWIK (2016) note that of sixty-one women journalists sampled across Kenya, 75 per cent have experienced online harassment based on their work and that this not only impacts their work but also their mental health (Obiria 2019). Though these attacks are not directly perpetrated by the state, the normalisation of sexual harassment both on and offline is a feature of patriarchal norms and values in Kenya, and across the continent, that work to particularly shame women who defy these norms either through their appearance, the subject matter they engage in or in some cases their political affiliations. Sexist and misogynistic personal attacks police the body, work, and are an attempt to silence those challenging the status quo.

Attacks on women journalists often 'reference the body, personal features or family and personal relationships' with the intention of silencing (Ferrier 2019: 11). These references include the 'manipulation of personal information', which poses a personal security threat for women (Obiria 2019). The threats women journalists receive on social media are often sexist and aimed at intimidating and shaming them (Ferrier 2019: 11).

COVID-19 and Closing Civic Space

Reports of violence against women have increased where ‘stay at home’ measures and curfews have been imposed to help curb the spread of COVID-19. Many governments have taken a militarised approach by using security forces to ensure the restriction of movement, creating checkpoints and operating ways that mirror a conflict setting (UN Women 2020b). This ‘shadow pandemic’ (violence against women) has long term social and economic implications for women and girls:

Confined living conditions and tensions generated by significant security, health and money worries are exacerbating experiences of violence that already constituted a serious gendered social and public health problem (UN Women 2020a).

Since the first reported cases of COVID-19 in Kenya, the Ministry of Public Service, Youth and Gender Affairs reported a 42 per cent increase in sexual offences cases (UN Women 2020b). The actual figure is likely to be higher considering restricted mobility due to imposed curfews and limited access to social protection and health care.

In Liberia, there has been a 50 per cent increase in gender-based violence with more than 600 reported rape cases. The number of cases for 2018 was 803. In late 2020, a woman went to the police to report the rape of her thirteen-year-old daughter by a neighbour, but they did not believe her. She sought help from the Women NGO Secretariat of Liberia (WONGOSOL), which has been tasked with monitoring domestic violence during the pandemic and made a report. In the first six months of 2020, Liberia’s Ministry of Gender Children and Social Protection received reports of more than 1000 cases of sexual or gender-based violence. These figures led the President to declare rape a national emergency. A budget has been allocated towards addressing the issue and there are discussions around the formation of a national sex offenders registry (Drachman 2020).

Longstanding efforts to expand civic rights for women are often redrawn by authoritarian governments and COVID-19 has simply provided the space to do that. The use and impact of gender-based violence are often efforts to curtail greater bodily autonomy for women and girls. Additionally, targeting LGBTQI people becomes an avenue to reassert heterosexuality and within that women's role and conservative ideas of femininity as key to sustaining the morality of the nation. The underpinning narrative is morality – women and girls who behave in the ways defined by the state and do not deviate from the patriarchal norm.

Challenging Closing Civic Space: Strategies

WHRDs, civil society organisations working on women and girls' rights, continue to resist regimes' attempts to close civic space by employing various strategies to negotiate constrained civic space and challenge state power. Below are some of the major strategies identified from the literature examined for this article.

Social Protection Programmes

WHRDs resist closing civic space by starting programmes in existing organisations to provide services denied by the state. In Tanzania, for example, despite homophobic statements from government officials as well as an active crackdown on LGBT people, organisations like LGBT Voice continue to advocate for human rights by providing much needed social services to those in need. Navigating a complex and dangerous environment while working to provide services and promote LGBT rights is an act of resistance that cannot be ignored. Another initiative worth noting in Tanzania is the Agape Knowledge Open School in Shinyanga. The programme falls under an organisation known as the Agape AIDS Control Programme which works on, among other projects, the prevention of gender-based violence, child marriages and early pregnancies as well as on the control and prevention of HIV and AIDS (Agape AIDS Control Programme n.d.). The Agape Knowledge Open School works to rescue girls from early marriages and provides accommodation for pregnant teenagers (Wambua-Soi 2018).

Feminist Mobilising

In Nigeria, the #EndSARS movement calling for an end to police brutality and the abolition of the ill-reputed Special Anti-Robbery Squad (SARS) led to spontaneous protests across Nigeria that lasted three weeks (Ikpeme 2020). The Feminist Coalition was formed 'with a mission to champion equality for women in Nigerian society with a core focus on education, financial freedom and representation in public office' (ibid.). The Feminist Coalition (2021) organising around the #EndSARS protests responded quickly by utilising existing networks to crowdsource funding to provide medical and legal support. In Cameroon, the South West and North West Women's Working Group called for women to be recognised as full-fledged actors in all national processes associated with resolving the national crisis in the country (see Kouokam 2020).

Social Media

The role of the internet and social media as a site of activism has led to governments responding with surveillance and restrictive measures. Nonetheless, Tanzanian citizens and women's rights defenders continue to use social media and the internet to criticise government policies as well as to interrogate the repression of journalists and the media. For example, Tanzanians took to social media to respond to the ban on pregnant schoolgirls rallying under the hashtag #ArudiShuleni calling for girls to be allowed to return to school (Twaweza 2017).

Litigation

The use of litigation to challenge and resist human rights violations has proved to be powerful in not only highlighting government's actions towards CSOs but also by problematising existing laws that infringe the rights and freedoms of specific groups in society. In Tanzania, Rebecca Gyumi, a lawyer and women's rights activist, used litigation to challenge the Law of Marriage Act. Her aim was to ensure that the minimum age of marriage for girls be raised from fourteen to eighteen years-old. It is worth noting that the same law, which essentially permitted child marriage for girls, only permitted boys aged eighteen and above to get married. In her case Gyumi challenged the Marriage Act by arguing that it went against other laws in the Tanzanian constitution including article 12 that guarantees equality before the law and article 13 that protects against sex-based discrimination (Msichana Initiative). Gyumi and the team of lawyers were successful in their

challenge and in 2016 the Tanzanian government declared it unconstitutional for girls under eighteen to get married. Though this ruling was appealed in 2018 by the Tanzanian government through the Attorney General under the claim that the disparity in the marriage age was ‘a compromise to accommodate customary, traditional and religious values on marriage’, it was upheld by the Court of Appeals in 2019 (Mirembe 2019). Though the declaration of child marriage as unconstitutional is a positive outcome, it is an indicator of an active and resilient civil society.

Protests and Direct Action

Protests over austerity, economic crisis, corruption, authoritarianism, and violence have been a key feature of women and girls organising including using digital public space to organise offline action. Feminist organising has been a key feature of the ongoing crisis in Cameroon, Kenya, South Africa and Zimbabwe that links political issues with the intersections of gender, race and youth-hood (see Okech 2020). Structural violence is at the centre of feminist organising. In Botswana, women’s rights organisations marched against public attacks on women’s bodily autonomy under the banner #IwearwhatIwant (Moyo and Madibela 2021). In Nigeria, there have been protests in Lagos against sexual harassment in markets, and in Abuja, protests have led to the Abuja High Court declaring that sex work is legal and have led to some states adopting the Violence Against Person Prohibition (VAPP) Act (Ikpeme 2020). In South Africa the Total Shutdown campaign against endemic femicide in South Africa led to a set of twenty-four recommendations submitted to the President to tackle rising femicide in the country (Total Shutdown 2018).

Conclusion

1. It is clear from the review that the vast amount of scholarship and policy literature on closing civic space focuses on how it affects societies generally with very limited scholarly analysis on what taking a gender lens means for enlarging how we understand the phenomenon. It is only through examining how women's rights organisations understand and challenge state and non-state actors that we are able to answer the question – how are women experiencing closing civic space?
2. The dearth of scholarship from Africa on closing civic space generally and that which offers a gender analysis specifically is evident. The material on the subject is still predominantly developed by large international development organisations and policy think tanks as well as by scholars in the global North. Where analysis is generated from Africa, it comes from civil society organisations. Feminist organisations in Africa are developing sophisticated analysis on closing civic space and any entity seeking to develop a body of work in this area should see them as an important empirical resource.
3. More empirical work is needed that will do two things. The first links how patriarchal violence that women experience daily is enhanced by the closure of civic space. Secondly, this work will enable us to distinguish the forms of violence that are particular to the move by governments to restrict civil liberties to pursue their interests. This distinction is important as it allows a clearer articulation of how regimes are evolving their strategies.

4. Responses by different African governments to the COVID-19 pandemic have shown that increased surveillance and emergency powers granted to governments have heightened structural violence against women and girls and created room for governments to manage societal dissent with violence under the guise of dealing with a public health concern (see Okech, Mwambari and Olonisakin 2021). The extent of this closure will be felt years after COVID-19 is under control. It is therefore important to track how state-led surveillance and emergency powers are rescinded, or not, after COVID-19 ceases to be a pandemic, and the effects of these pandemic measures on the freedoms of women and girls and on gender equality more broadly.

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Shrinking Civic Space for Women and Girls in Africa

This work examines the closure of civic space for women human rights defenders (WHRDs) in Africa. Closing civic space is used to describe the growing phenomenon of governments, political elite and non-state actors using a range of legal and extra-judicial tactics to control dissent. These actions include but are not limited to arbitrary arrests, indefinite pre-trial detention, enforced disappearances and expanding the ability of the police to arrest people on terrorism charges. Though one can argue that in the twelve years since these publications the work of women human rights activists has received more recognition, the evolving political environment demands a closer look at the gendered impact of these shifts on women. The shrinking space for civil society differs from context to context, country to country and region to region. The size of civil society, mandates and missions of civil society, their capacity and capabilities, and the general environment under which they operate inform some of the differences in how the space shrinks.

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