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Shrinking Civic Space for Women and Girls in Africa

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Overview

This policy brief 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. This policy brief begins by examining the key features of closing civic space to determine the major trends across the continent. The second section offers a close examination of the key features of how closing civic space affects WHRDs drawing on country specific examples. The final section outlines policy recommendations to address the safety of WHRDs in this environment.

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Introduction

The idea that the space to exercise different rights and freedoms, as enshrined in constitutions, looks different in different countries, and is constrained by a range of state actions, is not new. Shrinking civic space differs from context to context due to civil society size, its mandates, its capabilities and the general environment under which it operates. Space shrinks differently in democratic contexts than in autocratic ones. Minority groups, human rights defenders, and women's organisations are usually the most affected. The space also shrinks differently among groups. For some, it closes while for others it shifts or expands. Hossain and Santos argue that while a wave of closures for civic space has been happening around the world, not all civil society actors are affected equally. The most affected groups are the liberal and human rights traditions type, often donor funded and with a strong transnational link.¹

Meanwhile the space has expanded for groups such as government-created NGOs that have been pushed or pulled into closer relationships with political elites, or the state, so they can continue operating. The rapid growth of the digital space has also dramatically reshaped the civic space for all actors, while right wing extremists, neo-traditionalist groups and urban protest movements have occupied more of the civic space in the past decade.²

However, the discourse on closing civic space has increased in tenor due to global constraints on civil liberties. The September 2001 twin tower attacks in the USA and the subsequent 'war on terror' are noted to have resulted in greater state regulation under the guise of the 'war on terror'.³ Discourses on terror have been used to control dissent against political elites, and regulate public discourse through legislation that prescribes hefty punishments for speaking out against governments as a threat to national security. Communication laws and internet shutdowns have now become features of how governments across Africa regulate elections.

There was a rise in citizen-led protests to counter poor economic policies, extensions to term limits and constraints on freedom of speech between 1998–2018. In 2018, the sites of these protests mirrored political and economic contestations in those countries.⁴ Feminist organisations have intervened by pointing out the importance of gender analysis to understanding the evolution and impact of closing civic space. The argument that organisations such as Urgent Action Funds and Mama Cash have made is that the nature of attacks experienced by WHRDs are gender specific and differ markedly from those experienced by men. Both organisations, in their reports *Feminist Resilience and Resistance: Reflections on Closing Civic Space* and *Standing Firm: Women and*

Trans Led Organizations Respond to Closing Space for Civil Society, point to the rise in misogynistic, sexist and homophobic speech that normalises violence against WHRDs.⁵

WHRDs in Africa are at risk because their work challenges patriarchal societal norms by tackling issues such as reproductive health and sexuality, among others.⁶ A statement from Civil Rights Defenders (CRD) calling for the protection of WHRDs points out that they 'are often viewed as provoking gender roles, leading to stigma, ostracism, and attacks – by state and non-state actors'.⁷ In other words, 'they make demands that challenge entrenched beliefs and powerful institutions'.⁸ Noting that civic space is not shrinking uniformly for all women and girls because they are not homogenous categories, the next section of this policy brief identifies some of the major features of closing civic space for women and girls, especially those who are human rights defenders.

Four Features of Shrinking Civic Space

Funding constraints

Feminist and women's rights work remains underfunded in comparison to that of global NGOs. An Organisation for Economic Cooperation and Development (OECD) report noted that 'in 2016–2017, the 30 members of the OECD Development Assistance

Committee (DAC) committed an average of USD 44.8 billion per year ... focused on gender equality and women's empowerment as either a significant or principal objective'.⁹ Of this the study showed that funding for programmes focused on gender equality as the main objective was only 4 per cent.¹⁰ This challenge is compounded by funding restrictions imposed by states through laws and other measures aimed at silencing organisations that question or challenge government policies and actions. 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. The public order law targets women specifically and allows for punishments ranging from public flogging, hefty fines and jail terms. Mixed social gatherings are prohibited under Sudan's Public Order Act including restrictions on what women can do and wear. *Case 173*, known as the 'cases of foreign funding for civil organizations in Egypt', is a case in point. Nazra for Feminist Studies, a group that works on, among other things, supporting WHRDs by providing legal,

psychological and medical support and supporting women's participation in politics and the public sphere was targeted by Egyptian authorities based on suspicions about its funding. This resulted in an asset freeze on both the organisation and the Director Mozn Hassan and closure of the organisation's offices in 2018.¹¹

Violence and harassment

The increasing use of sexist and misogynistic personal attacks that police the body are an attempt to silence those who are challenging the status quo. In Kenya, Zimbabwe, Nigeria and Uganda, bloggers, public radio programmes and 'social media influencers' use their platforms to shame women who occupy public spaces and platforms to advance their causes.¹² Lumsden and Morgan point to how social media platforms such as Twitter, Instagram and Facebook are rife with gendered and symbolic violence targeted at women and minority groups.¹³ Gendered interactions on the internet are now predominantly framed by acts of aggression such as trolling, threats of hate crimes, Islamophobia, cyberbullying, revenge porn and stalking, to name a few.¹⁴ Data protection concerns are critical for WHRDs due to the double standards in patriarchal societies. Protection against the public use of private information such as sexual history and sexual orientation is important given the frequency with which personal videos

and photographs are 'leaked' with the intention of inflicting reputational harm. The harm is often reliant on societal perceptions about acceptable and respectable behaviour for women which do not apply to men. Another way in which morality serves to curtail women's rights is in relation to sexual and reproductive health rights. In 2018, former Tanzanian President Magufuli discouraged birth control and stated that contraceptives are used by people who are 'lazy' and 'do not want to work hard to feed a large family'.¹⁵ These positions work to uphold patriarchal values that both blame and stigmatise women and girls for unplanned pregnancies while infringing their bodily autonomy by shaming them for using contraceptives. Discourses of this nature, particularly when they became enacted by government agencies, place women's health at risk with several pregnancies they have no control over, whilst also taking away their ability to choose if, when and how many children they want. Women and girls are not only criminalised and prevented from completing their education, but their civic rights and freedoms are compromised by the government that is expected to protect them.

Digital Surveillance

The growth of the internet has meant that digital space is now included in the concept of civic space.¹⁶ The COVID-19 pandemic has led to lockdowns and curfews requiring an adaptation to

how people work and deliver services. Yet, internet governance remains volatile and unsafe for women and girls. Social media has left women and girls susceptible to cyber-violence which manifests in offline physical attacks, and suicide as a result of online trolling. A survey carried out by Article 19 and the Association of Media Women in Kenya (AMWIK) illustrates some of the common attacks on women journalists include 'cyber stalking, sexual harassment, surveillance and unauthorized use and manipulation of personal information, including images and videos'.¹⁷ A survey on online safety for women journalists also notes that sexual harassment by male colleagues, as well as 'state-sponsored violence in the form of arbitrary arrests, imprisonment and torture; and lastly, sexualized hate speech', are other unique forms of violence that women experience.¹⁸ AMWIK notes 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.¹⁹ 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.

Crisis as opportunity – COVID-19

The universal actions endorsed as critical to preventing the spread of COVID-19 – wear a mask, social distance (work from home where possible), and wash hands – have shone a clear light on the vast inequalities across the world. That the impact of these strategies of managing the spread of COVID-19 are gendered, racialised and classed has been seen in the disproportionate deaths of Black people globally because of precarious wage labour, the gendered nature of this precarious labour that places women in care work at home and professionally, as well as magnifying the home as an unsafe place for women and girls due to structural violence.²⁰ Additionally, the opportunity presented to authoritarian governments to securitise their responses to COVID-19 has provided an additional chance to constrain civic space for groups that are already targeted by regimes due to the nature of their activism. Okech, Mwambari and Olonisakin²¹ point to how governments targeted journalists, LGBTQ activists and used securitisation to manage structural inequalities exposed by the inability to enact COVID-19 containment measures, rather than develop a new social compact.

Recommendations

Legislative oversight and accountability

Parliament's role is to protect the freedoms and rights enshrined within our constitutions. In addition, independent oversight bodies such as those associated with policing, the justice sector and parliament should be strengthened to hold government institutions accountable and enhance societal dialogue about civil liberties and open societies. Parliamentary select committees and legislators across Africa serve a very vital function of not only being representatives of the people in governing institutions. They also serve as custodians of the constitutions and concomitant internal commitments that various countries sign up to as part of a community of nations. The evidence highlighted above illustrates how this vital role has been usurped from parliaments, particularly when national security interests and partisan interests come to the fore. It is critical that parliaments, particularly the select committees, exercise their legislative oversight function to ensure that 'national interests' do not become the avenue to manage political views that are constructed as unpalatable. Laws should not become a framework to discipline individuals and organisations.

Protect women's rights

The protection of women's rights is provided for and committed to by African governments, and these should be defended in line with regional and national legal instruments. In Africa, the Maputo Protocol, formerly known as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, is the blueprint for continental commitments on gender equality which has been ratified by forty out of fifty-five African countries. We urge African governments to fully implement the provisions of the Maputo Protocol. Twenty-five years ago, the Fourth World Conference on women was held in Beijing serving as a key turning point for the global women's movement. The Beijing Declaration and the Platform for Action was adopted unanimously by 189 states with a commitment to action in twelve critical areas of concern: poverty, education and training, health, violence, armed conflict, economy, power and decision-making, institutional mechanisms, human rights, media, environment, and the girl child. Subsequently, the Sustainable Development Goals have a standalone goal on gender equality in addition to its integration across other goals and targets across the 2030 Agenda.²²

Zero tolerance on all forms of violence

It is critical to adopt a zero-tolerance policy on violence in the online sphere because this often translate into offline action. These are policies that need to be pursued and enforced in conjunction with companies that own social media platforms. Threats of physical and sexual violence against women, their families and associates on social media should be taken seriously and pursued to deter social media users from the false safety associated with being behind a computer. It is not enough to suspend accounts but formal charges much be brought against account owners and their ability to open other accounts using pseudonyms prevented. This is a role that can be effectively implemented by legislators and state authorities charged with regulating communications. Preventing violence and enacting zero tolerance on violence are more effective ways of using regulatory bodies' authority rather than using them to prevent debate about the socio-economic conditions in their countries.

Witness protection

Ensuring the safety of WHRDs who are challenging powerful forces in the society requires effective witness protection mechanisms. This is a legislative recommendation urging

governments to put in place policies that encourage whistle-blowers to report wrongdoing where it is seen. In the context of closing civic space these are often connected to extra-judicial killings, grand corruption or the protection of land and natural resources from powerful corporate actors. Whistle-blowers, then, need to be protected through effective witness protection systems to avoid reprisals. Only three African countries – Kenya, Rwanda and South Africa – have established programmes even though they do not operate effectively.²³ The African Commission on Human and Peoples' Rights' rules of procedures as well as the African Union Transitional Justice Framework both recognise witness protection as key to the effective pursuit of criminal justice. To effectively institute witness protection, multi-sectoral collaboration across government and civil society is key.

Digital freedom

Neumark notes that women's use of alternative civic spaces to organise and enact social and political change has resulted in global networks of activism that have contributed to the changing climate of the Middle East and North Africa.²⁴ The expansion of civic space because of digital expansion applies to most parts of the African continent. ICTs have extended women's and girls' voices and assisted resistance against

communal norms, and disseminate critical information on gender equity. However, these spaces have been encroached by state and non-state actors seeking to constrain

women and girls organising in these spaces. Securing digital freedom and security for women and girls' civic organising remain critical today more than ever before.²⁵

Notes

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