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Currently, a number of countries in Africa deny daughters the ability to become chiefs solely on the basis of their gender, whether in terms of law or practice. For example, under the Chieftainship Act in Lesotho, daughters are prohibited from succeeding to chieftainship solely because of their gender. This blatantly discriminatory law was upheld by the Lesotho Court of Appeal despite the Constitution and applicable international and regional law prohibiting discrimination and guaranteeing the right to equality.

Similarly, a number of countries deny women equal access to inheritance, again, solely due to their gender. For example, countries, including Ghana, Nigeria, Tanzania, Uganda, Zambia and Zimbabwe, amongst others, contrary to constitutional and statutory protections, continue to deny women equal inheritance to men of family property.

These discriminatory laws and practices tend to have a greater impact on rural women leaving them vulnerable to poverty. They further reinforce women's secondary status to men within the community. Given the recent celebration of the International Day of the Girl Child, this negative impact on girls must be addressed.

Furthermore, laws and practices discriminating against women violate key rights guaranteed under international and regional treaties. Women have the right to equality with men in terms of Article 3 of the International Covenant on Civil and Political Rights (ICCPR), Article 3 of the International Covenant on Economic Social and Cultural Rights (ICESCR), Article 3 of the African Charter on Human and Peoples’ Rights (African Charter), and Article 8(f) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol). In addition, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 26 of the ICCPR, Article 2(2) of the ICESCR, Articles 2 and 18(3) of the African Charter, and Article 3 of the Maputo Protocol all require countries to eliminate all forms of discrimination against women.

A handful of countries in Africa have acknowledged the importance of ending discrimination against women in inheritance. For example, in Botswana, the Court of Appeal made it clear that any law that denied women equal access to inheritance solely on the basis of their gender violates the Constitution and laws of Botswana. This decision and its implementation by the government was a significant step forward in ensuring an end to women’s secondary status. Similar positive strides have been made by the courts in Kenya and South Africa.

However, despite a few positive steps towards ending discrimination, much more needs to be done. We call on African governments, including parliaments to ensure that women have equal access to inheritance and to traditional leadership roles to men. In addition, where courts have failed to uphold basic principles of the Constitution, as is the case in Lesotho, parliament must act to ensure that laws permit women the equal ability to inherit and rise to traditional leadership positions as men.

ENDORSED BY:

Action for Southern Africa (ACTSA)
Associação, Mulher, Lei e Desenvolvimento (MULEIDE)
Centre for Economic Social Cultural Rights in Africa (CESCRA)
Federation of Women Lawyers, Kenya (FIDA-Kenya)
Federation of Women Lawyers, Lesotho (FIDA-Lesotho)
Healing Hearts Widows Support Foundation, Nigeria (HHWSF)
Civil society calls for an end to discrimination against women in traditional leadership: A joint statement
Published on Pambazuka News (https://www.pambazuka.org)

Institute for Gender Equality and Development in Africa (IGED-Africa)
Institute for Human Rights and Development in Africa (IHRDA)
Liga Moçambicana dos Direitos Humanos (Mozambique Human Rights League)
Open Society Initiative for Southern Africa (OSISA)
Southern Africa Litigation Centre (SALC)
Women and Law in Southern Africa (WLSA) Mozambique
Women and Law in Southern Africa (Regional Office)

Categories: Advocacy & campaigns [2]
Issue Number: 698 [3]


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Links:
[1] https://www.pambazuka.org/author/contributor

Article-Summary:
On this International Day of Rural Women we, the undersigned organisations, call on African governments to end discrimination against rural women in Africa, especially in their access to traditional leadership roles and inheritance rights.

Category: Gender & Minorities [4]

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