

Research Article

Gender-Based Violence and Legal Frameworks in Africa

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Article History:

Received: 17.05.2024

Revised : 12.07.2024

Accepted: 13.08.2024

Published: 30.09.2024

Abstract & Keywords:

Abstract

Gender-based violence (GBV) remains an entrenched challenge across Africa, impacting women and girls at devastating rates. Despite progress in legislative reforms and heightened regional and global advocacy, the prevalence of GBV persists—driven by social norms, conflict, economic inequality, and weak legal enforcement. This article examines current trends in GBV, critically assesses national and continental legal frameworks, and discusses implementation gaps, promising innovations, and urgent policy recommendations. Empirical data and visualizations underline the scale of the issue and the imperative for multi-sectoral action.

Keywords: gender-based violence, Africa, women's rights, legal frameworks, Maputo Protocol, implementation gaps, social norms, conflict and GBV, prevention strategies, policy reform, multi-sectoral response.

INTRODUCTION

GBV is a profound human rights violation and public health crisis in Africa, affecting millions of women and girls annually. Manifestations range from domestic violence and intimate partner violence (IPV) to sexual assault, femicide, female genital mutilation (FGM), early and forced marriage, and violence in conflict settings. While virtually all African states have constitutional guarantees for gender equality and have enacted various laws targeting GBV, deep-seated patriarchal norms and implementation barriers continue to undermine the quest for safety and justice.

Current State and Prevalence of Gender-Based Violence

- In Kenya, as of late 2024, 45% of women aged 15–49 have experienced physical violence. The rate is even higher among some marginalized communities^[1].
- In Uganda, a staggering 95% of women surveyed reported experiencing physical or sexual violence^[1].
- South Africa, with some of the world's most progressive GBV legislation, continues to have extremely high rates: over a third of women have suffered physical or sexual violence in their lifetimes, and 24% have faced violence by intimate partners^[2].
- In Sudan, the ongoing crisis led to a 288% increase in demand for GBV services in just 12 months in 2024, with 6.9 million people at risk amid systemic use of sexual violence in conflict^[3].

Table 1: Selected GBV Prevalence Data in Africa (2023–2024)

Country	% Women (15–49) Experienced Physical/Sexual Violence	Notable Trends/Notes
Kenya	45% ^[1]	Social tolerance remains high
Uganda	95% ^[1]	High prevalence, linked to conflict and norms
South Africa	36% (lifetime); 24% (intimate partner) ^[2]	GBV remains widespread despite strong laws
Sudan	-	288% rise in GBV service demand (crisis) ^[3]

Social attitudes further entrench the crisis: in Kenya, 42% of women and 36% of men believe wife-beating can be justified in certain circumstances^[1].

Forms and Drivers of Gender-Based Violence

- **Physical and Sexual Violence:** Intimate partners are often the main perpetrators. Non-partner sexual violence is also prevalent, especially in young women aged 18–24^{[2][4]}.
- **Cultural Practices:** FGM and child marriage remain prevalent in several regions, further exposing girls to abuse^[5].
- **Conflict-Related Violence:** Armed conflicts, as in Sudan, exacerbate sexual and gender-based violence, targeting women and girls as weapons of war^[3].
- **Socioeconomic Factors:** Poverty, lack of access to education, economic dependence, and entrenched gender norms increase vulnerability^[6].

Evolution of Legal Frameworks

Continental and Regional Instruments

- **African Union Protocol:** Encourages member states to adopt legislation to eliminate all forms of violence against women and girls, including FGM, early marriage, and conflict-related sexual violence^{[6][5]}.
- **SADC Model Law on GBV:** Offers a legislative template emphasizing criminalization, survivor services, and holistic support^[7].

National Frameworks

- **South Africa:**
 - Constitution protects equality and dignity for all.
 - Key laws include the Domestic Violence Act (1998, amended 2021), the Sexual Offences Act, Protection from Harassment Act, and Prevention and Combating of Trafficking in Persons Act^{[8][9]}.
 - Recent legislative updates (2022–23) introduced stricter minimum sentences for offenders, streamlined protection orders, and mandated reporting by the public^[8].
- **Nigeria, Ghana, Senegal:**
 - Nigeria: Violence Against Persons (Prohibition) Act (2015).
 - Ghana: Domestic Violence Act.
 - Such laws criminalize domestic and sexual violence, provide survivor protections, and in some cases address harmful traditional practices^[10].
- **Rwanda:** Uses integrated legal assistance programs combining legal aid, community outreach, and mobile legal clinics to support survivors^[11].

Table 2: Legal Initiatives Against GBV in Selected Countries

Country	Law(s) Passed	Main Provisions
South Africa	Domestic Violence Act, Sexual Offences Act, Protection from Harassment Act, Anti-GBV Amendments	Criminalization, survivor protection orders, strict sentencing, mandated reporting ^{[8][9]}
Nigeria	Violence Against Persons (Prohibition) Act (2015) ^[10]	Criminalizes multiple GBV forms, legal protection, prohibition of harmful practices
Ghana	Domestic Violence Act ^[10]	Establishes framework against domestic violence; victim support
Rwanda	Legal aid programs, access to justice initiatives ^[11]	Mobile clinics, legal support, community engagement

Gaps and Implementation Challenges

- **Underreporting and Stigma:** Most GBV incidents go unreported due to fear, discrimination, and social stigma^{[12][1]}.
- **Enforcement Issues:** Laws often lack effective enforcement due to insufficient resources, lack of legal awareness, and inadequate police/judicial training^{[10][12]}.
- **Societal Norms:** Deeply rooted gender norms see many persistently justifying or excusing violence. For example, nearly 70% of men in South Africa believe wives should obey husbands, while a notable minority see violence as justified^[2].
- **Barriers to Justice:** Survivors may face secondary victimization, limited access to legal support, and lengthy or expensive legal processes^[11].

Visual: Gender-Based Violence Prevalence and Societal Attitudes

Country	% Endorsing Justification for Wife-beating	% Reporting GBV
Kenya ^[4]	42% women, 36% men	45%
South Africa ^[2]	Nearly 70% men say wives should obey	36% lifetime

Impact of Legal Reforms

- **South Africa’s Experience:** Despite robust lawmaking, GBV rates remain distressingly high, although legislative reforms have improved survivor protection and expedited legal recourse^[8]. Minimum sentences and easier access to protection orders were introduced in response to persistent advocacy and recognition of justice system shortcomings.
- **Nigeria and Ghana:** Laws criminalize domestic/sexual violence, but lack of enforcement and societal tolerance limits their impact^[10].
- **Innovative Approaches:** Rwanda’s mobile legal clinics and community engagement have increased legal access for survivors in rural and marginalized areas^[11].

Economic and Development Impacts

GBV imposes heavy socioeconomic costs, undermining health, productivity, and economic growth. For example, South Africa’s GBV scourge is estimated to cost up to 1.3% of annual GDP^[12]. Survivors bear the brunt through healthcare, lost wages, and psychological trauma, while society suffers diminished human capital and slower development^[13].

POLICY RECOMMENDATIONS

1. **Strengthen Enforcement:** Invest in police and judiciary training; establish dedicated GBV units; increase resources for survivor support.

2. **Expand Legal Literacy:** Launch mass campaigns to raise awareness of rights and services, especially in rural/underserved areas.
3. **Transform Social Norms:** Engage men, boys, and community leaders in behavioral change programs that challenge justification of violence.
4. **Ensure Survivor-Centered Services:** Scale up legal aid, counseling, safe shelters, and mobile support units.
5. **Integrate Data Systems:** Improve GBV data collection, monitoring, and sharing to inform responsive policies and targeted interventions^[1].
6. **Regional Collaboration:** Harmonize cross-border GBV laws and procedures, particularly for trafficking and conflict-related violence.

CONCLUSION

While Africa has made major legislative progress in the fight against GBV, implementation and entrenched societal attitudes remain formidable barriers. Urgent, sustained action is required from governments, communities, and international partners to close the gap between law and reality, ensure accountability, and secure justice and safety for all women and girls. Legal frameworks—when enforced and combined with transformative social change—hold the potential to break the cycle of violence and build a more inclusive, equitable future for the continent.