# What is Wrong About Human Rights in Africa?

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## Introduction

Human rights are rights entitled to every human being by virtue of their human dignity; regardless of sex, age, race, nationality, socio-economic or any other status. Rights include: freedom of opinion and expression, rights to life, work and education, etcetera. Human rights were internationally brought by the United Nations (UN) in 1945 after the Second World War. In 1948, various world nations adopted the Universal Declaration of Human Rights (UNHR). Currently, the UN has 55 African Member States, most of which have ratified the major UN human rights treaties. Also in responding to the universal human rights developments, African countries have adopted various regional human rights instruments, including: African Charter on Human and Peoples' Rights (Banjul Charter); Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol); and African Charter on the Rights and Welfare of the Child (ACRWC) (Centre for Human Rights University of Pretoria, & the African Commission, 2016).

Despite of the above mentioned human rights instruments, violations of human rights in Africa continue to exist. For example, the vulnerable people in communities like the poor children still fail to access equal opportunities to education; women, girls and the elderly continue to experience various abuses due to the harmful cultural practices, etcetera. Moreover, it is strongly believed that protecting human rights is a roadmap for African countries to achieve the Sustainable Development Goals (SDGs). Therefore, it is important to clearly identify the various human rights and their relationship to the SDGs, the progress of human rights in Africa, while showing evidence on how some human rights have been violated. This will help make recommendations for improvement which is a stepping stone for achieving the 2030 SDGs.

## The Sustainable Development Goals (SDGs) and Human Rights

The 2030 Sustainable Development Goals (SDGs) adopted in 2015 are fundamentally linked to the human rights defined in international human rights treaties and other instruments at international and regional levels. Generally, the Universal Declaration of Human Rights and international human rights treaties oblige UN Member States to respect, protect and promote human rights and fundamental freedoms for all. Equally, the SDGs relate to the human rights commitments defined in international human rights treaties including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international and regional human rights instruments (International Planned Parenthood Federation (IPPF), 2016).

For example, SDG 1 on ending poverty among its targets is ensuring equal access of men and women to economic resources, which relate to the human right of equal rights of women in economic life as stipulated in CEDAW {articles. 11, 13, 15(2), 16(1)}. Also, SDG 3 (healthy lives and promoting the wellbeing) targets at reducing maternal mortality; ending preventable child deaths; sexual and reproductive health care. The human rights related to this goal include: Right to life [UDHR art. 3; ICCPR art. 6], particularly of women [CEDAW art. 12] and children [CRC art. 6]; Right to health [UDHR art. 25; ICESCR art. 12], particularly of women [CEDAW art. 12]; and children [CRC art. 24].

Failure of African countries to achieve the SDGs by 2030 could greatly impact the realisation of the fundamental human rights. According to the SDG Centre for Africa and Sustainable Development Solutions Networks (2020), North Africa is the best performer in the SDGs, having a track rating of 52% with Tunisia being the top-ranking country to achieve the SDGs. The region has four of its six countries in the top six ranks, which best perform in SDG 1 (poverty), and SDG 10 (reduced inequality). However, SDG 2 (zero hunger), SDG 5 (gender equality) and SDG 8 (decent work) remain the most serious problem. Conversely, some of the stagnating goals include goals 4 (quality education), 5 (gender equality), 16 (peace, justice and strong institutions), thus being especially worrying with regards to gender equality which is a strong human rights' issue.

On the other hand, Central Africa has the lowest average regional score of 47.63 and the largest share of goals in red at 55%. Two of its countries including Chad and the Central African Republic are ranked amongst the low performers in Africa with scores of 40.34 and 38.05 respectively. SDGs such as 3 (good health and well-being), 16 (peace and strong institutions) are acutely affected. Significant challenges remain in some goals like SDG 5 (gender equality), and SDG 9 (infrastructure). In terms of trends, 62% of the SDGs in Central African countries are regressing or stagnating, which is the highest share of all the sub-regions. Some of the worst SDGs are 16 and 17, with goal 16 being all stagnating/ decreasing. However in terms of the country ranking, South Sudan has the least SDG 1 score of 32.36 in Africa, hence being the worst performer on all SDG goals.

## COVID-19, Human Rights and SDGs in Africa
Like the rest of the world, African countries implemented numerous actions to respond to Coronavirus disease (COVID- 19) pandemic, including: school closure, travel restrictions, lockdowns, imposition of states of emergency and curfews, mandatory wearing of face masks (Olayide, 2020).

Although these restrictions had public health success, negative human rights consequences occurred. People's freedoms to movement and work to earn a living were hindered. This violated enjoying economic and social rights, besides increasing food insecurity/hunger. In some countries, security forces deployed to enhance compliance with lockdown measures were involved in human rights violations of right to life, including torture, inhuman treatment, arbitrary arrest and detention. Also, women and children's vulnerability to domestic violence rose sharply. Some pregnant women died because of inability to reach the health facilities due to public transport bans.

With the above challenges, the process of achieving the SDGs by 2030 is likely to be disrupted. For example, goals 1 (no poverty), 2 (zero hunger), and 3 (good health and wellbeing) are affected due to social and economic interferences. Also, goals 4 (quality education)and 5 (gender equality) are affected due to huge number of learners being out of school and rising violence against women and girls respectively (SDG Centre for Africa and Sustainable Development Solutions Networks, 2020).

## Progress in Achieving Human Rights in Africa
### Children's Human Rights
Africa's children have been empowered with inalienable rights from both the Convention on the Rights of the Child (CRC) and the African Children's Charter, as evidenced in progress made on health and education. For example between 1990 and 2017, under 5 mortality rates reduced by 58% and over 90% increased education enrolment were achieved. Even though enormous progress has been made, Africa records the worst 22 performing countries for under-five mortality worldwide, and 31 million under-5 deaths are projected between 2018 and 2030. Moreover, 60 million global primary school-aged children expected to be out of school by 2030, more than half will be from Africa. Girl child education is hindered by domestic chores, child marriage, and boy's education preference. Again, violence against children is prevalent; with some countries recording highest rates of childhood forced sex globally (e.g. Cameroon records highest rates affecting 1 in 6 young women and 1 in 25 young men). Increased armed conflict affect children in diverse ways. For example in Democratic Republic of Congo (DRC) and South Sudan, children under 18 years are recruited as child soldiers, exposing them to mistreatment, violence, and community stigma when released (Amnesty International, 2020)

### Women and Girls' Human Rights
Significant progress has been made towards improving women's rights and female political participation at both the national and regional levels; outpacing many developed countries. For example, Rwanda ranks first worldwide (at 63.8%), while Senegal and South Africa being among the top 10. Reduced maternal death rates in some African countries were observed by 2015. In Rwanda for instance, the

maternal mortality ratio declined since 1990 from 1030 deaths per 100,000 live births to 390 deaths in 2015. Also at national level, countries have introduced national laws and policies protecting women against violence and provide services for women victims of violence (African Union et al., 2017).

Despite the achievements, women's rights and equality in Africa has gaps. Women face many economic, social, and cultural challenges, especially in education and healthcare. Across the world, Africa leads in preventable childbirth and pregnancy-related deaths by 62%. African women continue to suffer harmful traditional practices like child marriage, and female genital mutilation. 125 million African women and girls were married before age 18, and 130 million girls and women have undergone FGM. Moreover, gender-based violence with 1 in 3 women experiencing physical and/or sexual violence is faced. Unfortunately, there are limitations in monitoring and implementing legislations protecting women. Also, six African countries lack any legal for women against domestic violence including Burkina Faso, Cote d'Ivoire, Egypt, Lesotho, Mali and Niger (African Union et al., 2017).

**Table 1: Triangulation of SDG Performance and Human Rights**

| SDGs | Worst performer (Country) | state | rating | Implications for Human Rights |
|------|--------------------------|-------|--------|-------------------------------|
| Goal – 1 No poverty | Central African Republic (80.0)– population living under the poverty threshold of US$1.90 a day | . | → | **Right to an adequate standard of living** [UDHR art. 25; ICESCR art. 11; CRC art. 27] **Right to social security**[UDHR art. 22; ICESCR art. 9; CRPD art. 28; CRC art. 26] **Equal rights of women in economic life** [CEDAW arts. 11, 13, 14(2)(g), 15(2), 16(1)] |
| Goal 3- Good health and well-being | South Sudan (1150) Maternal mortality rate (per 100,000 live births) | . | ↓ | **Right to health**[UDHR art. 25; ICESCR art. 12], particularly of women[CEDAW art. 12] **Special protection for mothers and children**[ICESCR art. 10] **Right to life** UDHR art. 3; ICCPR art. 6) particularly of women [CEDAW art. 12] |
| | Somalia (121.5) Mortality rate, under-5 (per 1,000 live births) | . | ↗ | **Right to health**[UDHR art. 25; ICESCR art. 12], particularly of children [CRC art. 24] **Special protection for mothers and children**[ICESCR art. 10] **Right to life** UDHR art. 3; ICCPR art. 6) particularly of children [CRC art. 6] |
| Goal 4- Quality education | South Sudan (35.2) Net primary enrolment rate (%) | . | – | **Right to education** [UDHR art. 26; ICESCR art. 13], particularly in relation to children [CRC arts. 28, 29]; persons with disabilities [CRC art. 23(3), CRPD art. 24];and indigenous peoples [UNDRIP art. 14] **Equal rights of women and girls in the field of education**[CEDAW art. 10] |
| | Burkina Faso (1.5) Mean years of schooling (years) | . | → | **Right to education**[UDHR art. 26; ICESCR art. 13], particularly in relation to children [CRC arts. 28, 29]; persons with disabilities [CRC art. |

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| | | | | 23(3), CRPD art. 24];and indigenous peoples [UNDRIP art. 14] |
| **Goal 5-Gender equality** | Niger (76.3) Proportion of women aged 20–24 years who were married or in a union before age 18 | • | – | **Elimination of all forms of discrimination against women**[CEDAW arts. 1-5] and girls [CRC art. 2],particularly in legislation, political and public life(art. 7), economic and social life (arts. 11, 13),and family relations (art. 16)] **Elimination of violence against women and girls**[CEDAW arts. 1- 6; DEVAW arts. 1-4; CRC arts. 24(3), 35] |
| | Nigeria (3.6) Seats held by women in national Parliaments (%) | • | ↓ | **Elimination of all forms of discrimination against women**[CEDAW arts. 1-5] and girls [CRC art. 2],particularly in legislation, political and public life(art. 7), economic and social life (arts. 11, 13),and family relations (art. 16)] |
| | Algeria (22.2) Ratio of female to male labor force participation rate | • | ↓ | **Elimination of all forms of discrimination against women**[CEDAW arts. 1-5] and girls [CRC art. 2],particularly in legislation, political and public life(art. 7), economic and social life (arts. 11, 13),and family relations (art. 16)] **Right to just and favourable conditions of work**[ICESCR art. 7; CEDAW art. 11] |
| | South Sudan (5.6)Demand for family planning satisfied by modern methods (% of women aged 15 to 49 who are married or in unions) | • | ⇒ | **Elimination of all forms of discrimination against women**[CEDAW arts. 1-5] and girls [CRC art. 2], particularly in legislation, political and public life(art. 7), economic and social life (arts. 11, 13),and family relations (art. 16)] **Right to decide the number and spacing of children**[CEDAW arts. 12, 16(1)(e); CRC art. 24(2)(f)] |

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| **Goal 6- Clean water and sanitation** | Chad (38.7) Population using at least basic drinking water services (%) | • | ↓ | **Right to safe drinking water and sanitation**[ICESCR art. 11]<br>**Right to health**[UDHR art. 25; ICESCR art. 12]<br>**Equal access to water and sanitation for rural women**[CEDAW art. 14(2)(h)] |
| | Ethiopia (7.3) Population using at least basic sanitation services (%) | • | → | **Right to safe drinking water and sanitation**[ICESCR art. 11]<br>**Right to health**[UDHR art. 25; ICESCR art. 12]<br>**Equal access to water and sanitation for rural women**[CEDAW art. 14(2)(h)] |
| **Goal 8- Decent work and economic growth** | Algeria (36.2) Employment-to-population ratio | • | ↓ | **Right to work and to just and favourable conditions of work**[UDHR art. 23; ICESCR arts. 6, 7, 10; CRPD art. 27; ILO Core Labour Conventions and ILO Declaration on Fundamental Principles and Rights at Work]<br>**Equal rights of women in relation to employment**[CEDAW art. 11; ILO Conventions No. 100 and No. 111]<br>**Equal labour rights of migrant workers** [CMW art. 25] |
| **Goal 10- Reducing inequalities** | South Africa (7.0) Palma ratio (a measure of inequality and is calculated as ratio of the richest 10% of the population's share of gross national income (GNI) divided by the poorest 40% share). | • | − | **Right to equality and non-discrimination** [UDHR art. 2; ICESCR art. 2(2); ICCPR arts. 2(1), 26; CERD art. 2(2); CEDAW art. 2; CRC art. 2; CRPD art. 5; CMW art. 7; DRtD art. 8(1)]<br>**Right to social security**[UDHR art. 22; ICESCR arts. 9-10; CRPD art. 28]<br>**Promotion of conditions for international migration**[CMW art. 64] |
| **Goal 16- Peace, justice and strong institutio** | Mali (55.8) Children involved in child labor(% of population aged 5 to 14) | • | − | **Right to life, liberty and security of the person**[UDHR art. 3; ICCPR arts. 6(1), 9(1); ICPED art. 1]including freedom from torture [UDHR art. 5; ICCPR art. 7; CAT art. 2; CRC art. 37(a)] |

| ns | | | | Protection of children from all forms of violence, abuse or exploitation [CRC arts. 19, 37(a)), including trafficking (CRC arts. 34-36; CRC–OP1)] |
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| | South Africa (35.9) Homicides (per 100,000 population) | • | ↓ | **Right to life, liberty and security of the person**[UDHR art. 3; ICCPR arts. 6(1), 9(1); ICPED art. 1]including freedom from torture [UDHR art. 5; ICCPR art. 7; CAT art. 2; CRC art. 37(a)] **Right to access to justice and due process** [UDHR arts. 8, 10; ICCPR arts. 2(3), 14-15; CEDAW art. 2(c)] **Right to legal personality**[UDHR art. 6; ICCPR art. 16; CRPD art. 12] |
| | Somalia (20.9) Conflict-related deaths per 100,000 | • | → | **Right to life, liberty and security of the person**[UDHR art. 3; ICCPR arts. 6(1), 9(1); ICPED art. 1]including freedom from torture [UDHR art. 5; ICCPR art. 7; CAT art. 2; CRC art. 37(a)] **Right to access to justice and due process** [UDHR arts. 8, 10; ICCPR arts. 2(3), 14-15; CEDAW art. 2(c)] |
| | Somalia (0.8) Property Rights | • | ↓ | **Right to life, liberty and security of the person**[UDHR art. 3; ICCPR arts. 6(1), 9(1); ICPED art. 1] including freedom from torture [UDHR art. 5; ICCPR art. 7; CAT art. 2; CRC art. 37(a)] |
| | Eritrea (8.1) Access to justice | • | → | **Right to life, liberty and security of the person**[UDHR art. 3; ICCPR arts. 6(1), 9(1); ICPED art. 1]including freedom from torture [UDHR art. 5; ICCPR art. 7; CAT art. 2; CRC art. 37(a)] |

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| | | • | ↗ | **Right to access to justice and due process** [UDHR arts. 8, 10; ICCPR arts. 2(3), 14-15; CEDAW art. 2(c)] |
| | Eritrea (80.3) Press Freedom Index | • | ➡ | **Right to life, liberty and security of the person**[UDHR art. 3; ICCPR arts. 6(1), 9(1); ICPED art. 1]including freedom from torture [UDHR art. 5; ICCPR art. 7; CAT art. 2; CRC art. 37(a)] **Right to access to information**[UDHR art. 19; ICCPR art. 19(1)] |
| **Goal 17- Partnerships for the goals** | Central African Republic (2.0) Government spending on health and education (% of GDP) | • | – | **Right of all peoples to self-determination** [ICCPR, ICESCR art. 1(1); DRtD art. 1(1)] **Right of all peoples to development**, &**international cooperation**[UDHR art. 28; ICESCR art. 2(1); CRC art. 4; CRPD art. 32(1); DRtD arts. 3-5] **Right of everyone to enjoy the benefits of scientific progress and its application**, including international cooperation in the scientific field[UDHR art. 27(1); ICESCR art. 15(1)] **Right to privacy**[UDHR art. 12; ICCPR art. 17], including respect for human rights and ethical principles in the collection and use of statistics [CRPD art. 31(1)] |
| | Nigeria (2.9) Tax revenue (% GDP) | • | ↓ | **Right of all peoples to self-determination** [ICCPR, ICESCR art. 1(1); DRtD art. 1(1)] **Right of all peoples to development**, & **international cooperation**[UDHR art. 28; ICESCR art. 2(1); CRC art. 4; CRPD art. 32(1); DRtD arts. 3-5] |

Source: Africa SDG Index and Dashboards Report (2020) & International Planned Parenthood Federation (IPPF) (2016).

Decreasing ↓  Stagnating ➡  Moderately improving ↗  Information unavailable –

## Conclusion

This policy digest has highlighted the human wrongs in Africa in the context of the sustainable development goals. Consequently, African governments need to develop a comprehensive legal protection system for vulnerable and marginalised families. This will reduce disparities and enhance accessibility to quality basic services that support families in caring/ protecting their children.

Pragmatic actions should be taken to improve women's rights at both the regional and national levels. Governments need to integrate gender perspectives in every ministry and national human rights institutions. Also, adoption and enforcements of targets aimed at ending all forms of discrimination, violence, and harmful traditional practices against all women and girls are needed for the attainment of the sustainable development goals in Africa.

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