

Indigenous Women's Rights in Africa

Lucy Mulenkei

Indigenous Information Network (IIN)
African Indigenous Women's Organization (AIWO), Kenya

Paper submitted at

**Indigenous Rights in the Commonwealth Project
Africa Regional Expert Meeting**

**Indigenous Peoples of Africa Co-ordinating Committee (IPACC)
South Africa**

Cape Town, South Africa
16th - 18th October 2002

"Women's rights, and the discrimination against them that limits the scope of their rights in most countries, is not an accident. The causes of women's subordination and unequal gender relations are deeply rooted in history, religions, culture, legal systems, political institutions and social attitudes. The solutions, therefore, require a comprehensive approach to address long-term systematic discrimination and oppression." H.E.Dr. K.Y.Amoako - Executive Secretary for the Economic Commission for Africa-1997.

The Oppression mentioned above is worst for Indigenous Women who are a minority in any society in Africa. It is a difficult situation to enable them to be visible. Despite legal reforms in most of the African countries where Indigenous Peoples live, Women's social and economic status continues to be largely defined by customary rules that are deeply rooted in country-specific historical, economic and social factors. Even though Women have always been partners in the struggle especially in the last few years, they have taken responsibilities for the survival of their people, in bringing the family together even in times of conflict; they have been in the forefront giving hopes to their families.

Poverty, which has drastically increased over time due to the over exploitation of the scarce Natural Resources available has resulted to frequent droughts, due to sudden climatic changes, conflicts in some parts of the African region, illiteracy, funding, lack of access to better health care and HIV/AIDS. These are some of the root causes of both the invisibility and denial of their basic human rights of the Indigenous Women of Africa.

In Kenya the Maasai Indigenous Woman is discriminated against by society. When a girl is born, a sheep is slaughtered as compared to the cow/ bull for a boy. Their representation and participation in various issues is minimal. Their main role is to give birth to children - preferably boys - who will carry the family name. Polygamy is the order of the day and they may get married even as young as from fifteen to eighteen years of age; arranged marriages, to elderly men.

Over the past twenty years, World Conferences on women have contributed to the progressive strengthening of the legal, economic social and political dimensions of the role of women in a society. Despite the progress made, women's concerns are still being given second priority almost everywhere. Although women constitute seventy percent of the world's poor they still face discrimination and marginalization in many areas.

A high rate of illiteracy among women still prevails in much of Africa. In the business world, women rarely account for more than one or two per cent of the top executive positions. Too many women lack access to reproductive health services. In developing countries, maternal mortality is a leading cause of death for women of reproductive age. The World Health Organization (WHO) estimates that more than a half a million women die each year in childbirth. An African woman's lifetime risk of dying from pregnancy related causes are 1 in 23, while a North American woman's is 1 in 4,000.

Indigenous Women, despite all, have tried to be visible. The past three years saw progress in the formation of the African Indigenous Women Organization, one of whose objectives was to create awareness of their existence and the role they play in their different communities. Their long journey started with a single step that has advanced with time and now one is able to quantify the outcome of the whole initiative. The possibility of that success was due to the support they got from different donors to travel and attend different forums from human rights and

development, to environment. They have organized training for their own members and most of them have had a voice. This is more visible in Eastern Africa where there are many Indigenous Women's organizations and community based women groups who have been empowered.

Indigenous Peoples organizations have integrated Gender issues in their different activities and this has enabled the women to have strength. In Kenya Indigenous Women are participating effectively in activities relating to the country's constitutional review, in civic education and improving the visibility of Indigenous Pastoralists, hunter gathers and other minority communities. This is being done through cultural events, women and youth group meetings and other social gatherings that bring different leaders and their communities together. Training Indigenous Women on human rights has helped a lot especially during this time when Kenya is reviewing its Constitution. It has been very important since in many African countries, women are the majority when it comes to voting. They have been voting without any knowledge of their rights as voters and this has caused them to vote for candidates who are not development conscious.

In Southern Sudan, for example Indigenous Women have played a big role in peace-building after the good and successful model of the Somali women who tried all ways to bring peace in their war torn country. This is a good example of the role played by Indigenous Women as Peacemakers. In Sudan the women have been more visible and are playing a major role to bring about peace by forming several organizations and having activities that are aimed at:

- Sharing their personal experiences in war situations and human rights abuses.
- Seeking support for peace and democracy in Sudan.
- Forwarding the special cases of more vulnerable civilians: widows, orphans, unaccompanied minors, single mothers, the aged and disabled.
- Enhancing capacity building for women to participate in peace building.
- Bringing different ethnic groups to rebuild their communities starting with peace and reconciliation.
- Organizing and training women to offer effective, sustainable counseling to those traumatized.

Today the voice of Indigenous Women in the Sudan is loud in the search for peace. Women have seen too much human suffering and this has made them address their issues as equal partners from different political, cultural and religious backgrounds.

They have been victims for a long time. The leaders of different groups have a knowledge of human rights and women's rights and they have gone a step ahead in creating this awareness in different Indigenous Women's groups at the community level. It should be noted that despite the success of such efforts in the Eastern African Region, there is still a lot of work to be done in most of the other countries of Southern Africa and West Africa where Indigenous Peoples live.

Peace building in a region or country where different kinds of conflict occur is crucial and this has been a key focus for most of the Indigenous Women. It has been discussed in several forums. One of the special sharing meetings of Indigenous Women from Africa and other parts of the world was during the World Conference Against Racisms held in September 2001 in Durban South Africa. Indigenous Women of the world got together at a workshop to share ideas on human rights abuses and the need to motivate each other. One of the crucial areas of discussion

was conflict and peace. This was a motivating time for African Indigenous Women to have encouragement and messages from all over the world for them to move on. One of the messages was by **Margarita Gutierrez** from Mexico, after listening to presentations by the African Indigenous Women's delegation during the world conference Against Racism Xenophobia and Related Tolerance in Durban September 2001.

"In order to build peace we should reconcile ourselves to be able to be part of the struggle. We should strengthen our hearts and beliefs and engage in a process of reconciliation and this will allow us to resist the oppression".

Conflict in Africa has had a lot of impact on the advancement of Indigenous Women. In the great lakes Region, especially during the Rwanda genocide of 1994, many Indigenous Peoples who are hunter gathers like the Batwa of Rwanda, Burundi and Uganda and the Pygmies of the democratic Republic of Congo were hard hit. These Communities were displaced from their habitats in the forest and were pushed out to be refugees. The most affected were the Indigenous Women who innocently lost husbands, children and relatives. They were caught up in a situation they did not understand. This is a community which had already been marginalized by other major groups and the government as a whole and has no education at all. Development in the small countries of the great lakes seems to have forgotten that they exist and that they have rights like any other citizens.

For the Women some of the major obstacles that have made them not visible are problems like a lack of awareness on human rights, especially basic human rights. Poverty has led them into polygamy and prostitution and a lack of social services like adequate health care services has led to an increase in diseases and worst of all sexually transmitted diseases not forgetting the dreadful disease HIV/AIDS. They are dying in large numbers due to poverty, ignorance and lack of awareness. The disease is causing even more havoc among the Pastoralist Communities where Indigenous Women do not have a say when it comes to early marriages for their daughters. It has been brought to our attention by the Maasai women's lobby groups that young girls are being given away for marriage to HIV positive men. This is a worrying issue. It has been difficult for them to stop this and even though they have tried to use the Government administration this has not succeeded, due to a lack of awareness of human rights giving the women limited chances to stop these marriages.

In the North African region, due to religion and cultural beliefs, the Indigenous Women are still to be visible enough for them to be recognized. Thanks to the many networks that have been formed like the Sahel Saheline Network, formed in April 2001, which is a network of the Tuareg Indigenous Peoples of the Sahel region Mali, Mauritania, Algeria, Burkina Faso and Niger. This network with its availability of funding is expected to improve and promote education, advocacy and human rights among Indigenous Peoples who are the great Nomads of the North - the Tuareg. Indigenous Women were behind the idea of the formation of the network. A positive move for the Indigenous Tuareg Women.

Most of the times Indigenous Women find themselves living within traditional and largely patriarchal societies, which dictate that a woman is subordinate to the man. From birth, females are considered inferior to males. An indigenous woman is viewed as being there to bear children, to serve her father, her brother and later her husband and her family, including her in-laws in some cases. In most cases, women do not have any property rights, or if they do, they cannot inherit any property. This makes the African Indigenous Woman separate from society and keeps her

marginalized. A good example is the sad case of the Indigenous Women of the San, Nama and other Indigenous Peoples of Southern Africa. In this region a lot has still to be done to empower the Indigenous Peoples on gender rights so that they can participate effectively in the development of Indigenous Peoples.

Indigenous Peoples face a lot of mistreatment from Governments who are not ready to recognize their existence as distinct with a need for special focus and attention on different aspects of development. Their status as Indigenous Peoples is not recognized by the states within which they find themselves. On the other hand, it is their distinctness as Indigenous Peoples, which is used as justification for government policies of assimilation, integration, resettlement, and transmigration. These policies are used not only as a means of erasing their existence as Indigenous Peoples but also to dispossess them of their rich ancestral land which is the basis of their culture and survival.

In most of the African countries, Indigenous Women experience discrimination and racism from the dominant cultures and laws. Their ability to control resources, make decisions and inherit and participate are contained in the law, but never practiced. Their participation in and receipt of benefit from the formal and informal economic sector is impeded by laws and regulations, while their enormous contribution in both agriculture and livestock production is made invisible. For African Indigenous, rural, and urban poor women, their countries' legal systems are either irrelevant to their lives or constitute systems that reinforce constraints, as most of the times they have no one to explain to them nor are they aware of the laws of their respective countries.

Recommendations

- Calling for Indigenous Women to have some level of assertiveness and empowerment to be able to pursue judicial remedies and be brave in fighting for their rights.
- With the African Indigenous Women's Organization bureau now in an African Country, a lot has to be done. There is need for political will, of policy makers at the highest levels in order to make progress.
- Support by donors, Indigenous Peoples organizations, development partners and United Nations agencies is important in helping to build capacity both financially and in kind to advance Indigenous Women in the African Region.
- Even though a few Indigenous Women have been able to participate effectively in international and regional forums and created visibility for African Indigenous Women, there is still need for full and effective participation.
- A need for advocacy and lobby skills to enable them to be active in their work.
- Training on human rights and other international, regional instruments that are important in the fight for their rights as both Indigenous Peoples and Indigenous Women.
- There is a need for an exchange of experiences among Indigenous Women and Peoples from different regions.
- The Commonwealth Secretariat and especially the Policy Studies Unit should take the recommendations presented here on board and see how we can start activities and projects that can make an impact for Indigenous Peoples, women, youth and children in their respective countries.
- Recommend research on Indigenous Peoples of Africa and their organization in order to get the correct information, data and a check list of their geographical situation.