



POLICY BRIEF  
**ON THE STATUS OF THE GIRL  
CHILD IN EAST AFRICA**



BY  
**THE EASTERN AFRICAN SUB-REGIONAL SUPPORT INITIATIVE FOR  
THE ADVANCEMENT OF WOMEN (EASSI)**

**TOWARDS AN EAST AFRICAN PROTOCOL ON GENDER EQUALITY  
WITH FINACIAL SUPPORT FROM SIDA -KENYA**

## Policy Objectives

- To provide back ground information that will inform all stake holders on the importance of a regional protocol on gender equality
- To influence East African Member States towards the development and adoption of a Protocol towards Gender Equality in the East African Region.
- To strengthen advocacy and Lobby for the EA Protocol on gender equality

### 1. Executive Summary

All East African member states are committed, via their espousal of the African Charter on the Rights and Welfare of the Child, Education for All (EFA) and the Millennium Development Goals, to promote the wellbeing and development of the girl child. This policy brief examines the status of the girl child in East Africa, the progress made in protecting their rights, challenges facing girls and their causes and makes recommendations for accelerating progress. A girl child in this context refers to females below the age of 18 years.

### 2. Introduction

Promoting gender equality and women's empowerment is essential to achieving human development, poverty eradication and economic growth (World Bank 1999). Governments under the leadership of the United Nations have made strong commitments to promote gender equality, women's empowerment, rights and wellbeing of the girl child through several instruments. The Beijing Declaration and Platform (1995) puts a lot of emphasis on the rights and wellbeing of the girl child. The Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), together with their Optional Protocols, as well as other conventions and treaties, provide the legal framework for the protection and promotion of the human rights of girls. They prescribe a comprehensive set of measures to ensure the elimination of discrimination against the girl-child. Article 2 of the Convention on the Rights of the Child outlaws all forms of discrimination against the girl child including on grounds of sex. CEDAW sets out obligations of States parties to ensure the practical realization of the principle of equality of men and women.

At the regional level, African Leaders have further committed themselves to gender equality and the wellbeing of the girl child through the African Charter on Human and Peoples' Rights (1981), the African Charter on the Rights and Welfare of the Child (1999) and the Constitutive Act of the African Union (2000). Further still, the AU Heads of State and Government have adopted two instruments specifically to address the

rights of women and girls, namely the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003) and the Solemn Declaration on Gender Equality in Africa (2004).

At least three of the Millennium Development Goals (MDGs) require a focus on the girl-child. Achieving universal primary education (MDG 2) requires attention to the constraints facing girls, who are the majority of children remaining out of school. The promotion of gender equality and women's empowerment (MDG 3) requires attention to the discriminatory practices that begin in childhood and constrain the choices and potential of girls. Combating HIV/AIDS (MDG 6) requires attention to the particular vulnerabilities of girls, who outnumber boys among those living with HIV/AIDS.

Member States of the East African Community have also gone ahead to provide for the rights and wellbeing of the girl child under their child development policies and laws. All these instruments reflect member states' commitment to the elimination of all forms of discrimination against the girl child. These efforts have resulted into positive changes in a number of areas including improvements in girls' access to primary education, strengthening of legislative provisions related to age of marriage and other forms of violations. While these efforts are commendable, girls continue to be disadvantaged compared to boys.

### 3. Status of Girls in East Africa using selected indicators (2006-2008)

Indicator	Burundi		Kenya		Tanzania		Rwanda		Uganda	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Primary Education enrolment	87	73	114	108	108	104	118	120	118	117
Secondary education enrolment	14	10	50	46	7	6	15	14	18	14
Child labour	26	24	28	27	37	34	36	35	37	36
Child marriages		16		25		41		20		54
HIV prevalence among young people	0.8	2.3	1.0	5.2	2.8	3.8	0.4	1.5	2.3	5.0
FGM		-		21		4		-		-

Source: State of the World's Children Reports 2004 and 2007, UNICEF.

## Significant Improvement in Primary Education Enrolment

East African countries have made great improvements in primary school enrolment for both girls and boys for the period 2006-2008. Rwanda is leading in the enrolment of girls. More girls than boys are enrolled for primary education. While girls' enrolment in primary education is still lagging behind that of boys in Burundi, Kenya, Tanzania and Uganda, the gap is progressively reducing. This improvement has mainly been due to the implementation of universal primary education. To an extent that Rwanda and Uganda are on track in terms of achieving MDG 2.

However, there are still wide gender inequalities in the education sector. Girls' enrolment in secondary education is lagging behind that of boys within the region. For instance, girls' enrolment in secondary schools in Kenya and the highest in the region is 46% compared to 50% for boys. This is followed by Rwanda at 14% for girls and 15% for boys. Tanzania has the lowest rates of secondary school enrolment of 6% for girls compared to 7% for boys. The remarkable progress in primary school enrolment have not yet had a similar impact on secondary school enrolment particularly so for girls. This is an indication that there are higher dropout rates for girls due to structural gender inequalities (see details in section 4).

### 4. Existing challenges faced by girls in the East Africa

Despite the favorable legal and policy environment, girls in East Africa continue to be limited in specific ways because they are girls. Girls face many challenges as outlined below.

Due to wide spread patriarchy, most societies in the region have strong cultural and traditional practices that continue to disadvantage girls. Son preference undermines girls' access to education, access to productive resources like land and other forms of family property as well as limiting girls' participation in decision-making. Efforts are still needed to change peoples' (emphasis on parents) attitudes and perceptions to embrace equality of girls and boys.

Early marriage is a common practice in the region. Uganda has the highest incidence of early marriages at 54%, followed by Tanzania at 41% both of which are far above the global estimates at 36 per cent. Child marriage violates several girls' human rights such as right to education, right to freedom and expression, right to dignity, right to life, integrity and security of the person, right physical and mental health, and the right

to protection from all forms of violence and exploitation among others. Early marriage therefore has far reaching implications to the development potential of girls and women.

The HIV/AIDS epidemic is increasingly affecting young girls more than other categories of peoples. For instance HIV prevalence among girls is five times that of boys. In Uganda HIV prevalence among girls, stands at 5.0% compared to 1.0 % for boys. Girls' vulnerability to HIV/AIDS is high due to early marriages, poverty , lack of education and economic independence, limited negotiating power, widespread sexual exploitation and rape.

Female genital mutilation/cutting (FGM/C) remains a big challenge in Uganda, Kenya and Tanzania. In Kenya, 21% of girls are mutilated compared to 4% in Tanzania. Although there is lack of data on the prevalence of FGM/C in Uganda, the practice is common among the Sebei in Kapchorwa. FGM/C increases girls' risks to fistula, having birth complications and risk of contracting HIV/AIDS.

Child labour especially for girls in agriculture and domestic work remains unacceptably high. Child domestic labour, in which girls predominate, puts them under risk of abusive conditions such as confinement, prohibitions against socializing with peers, and food deprivation, as well as longer hours of work including those that are inappropriate to their age and physical strength. In worse circumstances girls in domestic work are sexually abused and raped. There is need for laws that prohibit young girls below 18years to participate or be hired as domestic workers.

The wide spread conflicts in the region and the displacements that come along with conflicts have greatly disrupted and undermined girls' welfare and rights. During conflicts girls are abducted into sex slavery and forced out of schools. Reports from Northern Uganda insurgency indicated that rape was used as a weapon of war on girls and women by either warring parties. Many young girls have had to bear and raise families entirely on their own.

## **5. Girl Child Rights and Welfare –Accelerating Positive Change**

Translating the commitments and policies EAC member states have enacted with regard to the rights and welfare of the girl child into concrete action is still a challenge. This section highlights interventions that can accelerate EAC member states' efforts on promoting and protecting the rights and welfare of girls within the region.

The EAC has to work towards the harmonization of the national legal frameworks in context of the international and regional commitments they have made with regard to the rights and welfare of the girl child. In particular, the Beijing Declaration, the African Charter on Rights and welfare of the Child, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Solemn Declaration on Gender Equality in Africa, Dakar Declaration on Education for All and the Millennium Declaration.

Member states need to commit themselves to eliminate all forms of discrimination against girls such as such as early marriage, forced marriage, female genital mutilation/cutting, and other forms of violence.

Member states should harmonize and guarantee 18 as the minimum age of marriage for both boys and girls, ensure consent and provide for appropriate sanctions; and enforce policies or legislation on the registration of all births and marriages to support effective implementation of laws on minimum age of marriage.

Launch a regional campaign for systematic elimination of all forms of discrimination against the girl child paying special attention to negative practices such as early and forced marriages, FGM, intergenerational sexual relationships, son preference among others.

Member states have to protect girl children against sexual abuse and harassment in schools, homes and the communities. Create institutional mechanisms in schools and the community to encourage girls whose rights are violated to report and support them through providing legal services, appropriate medical services, representation and custody (where necessary) among others. Communities that practice FGM/C should be forced to come up with alternatives ways of initiating young girls into womanhood.

Launch a campaign to advocate against child labour in particular hiring of girls under eighteen years old as domestic workers within the region as well as legislate on the minimum terms and conditions of domestic workers. Member states need to pay much more attention to the role of education reforms in curbing girls dropping out of schools and ensure that young girls with continue their education while working.

Undertake targeted programmes to encourage boys and men to work against discrimi-

nation and violence against girls: challenging gender stereotypes and negative attitudes toward girls as well as supporting girls in developing self esteem, leadership skills. Member states have to promote safe and supportive spaces such as girls clubs and peer education programmes to facilitate girls' collective empowerment.

Support the development and implementation of multi-sectoral approaches and partnerships on promoting girl's human rights and wellbeing. Partnerships should aim at increasing the collaboration of government, development partners, civil society organisations and the private sector to support community level action; strengthen participation of young people and community stakeholders in prevention programmes.

Institute a mechanism that will enable Member States to report periodically on progress made in promoting the rights and welfare of the girl child including the establishment of a regional commission that will be in charge of monitoring government performance in promoting the rights and welfare of the girls.

## **6. Significance of an East African Community Protocol on Gender Equality**

In light of the international and regional commitments that EAC member states have made on the rights and welfare of the girl child and the existing gender inequalities, EAC member states need to put in place a regional framework to support institutional and policy reforms. This framework will:

- Guide the EAC member states on appropriate legislative and policy reforms by identifying the gender gaps and address program implementation weaknesses.
- Re- affirm and symbolize regional commitment towards the harmonization of national legislations to incorporate women's human rights into national development policies and programmes.
- Provide a mechanism through which EAC leaders and governments will hold each other responsible and accountable for promoting the rights and welfare of the girl child in their respective countries and at the regional level.
- Provide a mechanism through which girls and women in East African will hold their leaders and governments responsible and accountable for promoting and protecting their human rights.

## 7. Conclusion

The efforts of EAC member states to promote the rights and wellbeing of the child but more strongly the girl child in terms of legal and policy frameworks are commendable. However, a lot more efforts are needed in eliminating all negative practices that continue to undermine the achievement of equality of girls and boys. Member states and governments have a critical role to play in creating an enabling environment for the elimination of harmful traditional practices and empower girls to play a leading role fighting for their human rights. Governments need to target adequate resources to promote the development and implementation of multi-sectoral approaches and partnerships on the rights and wellbeing of girls.

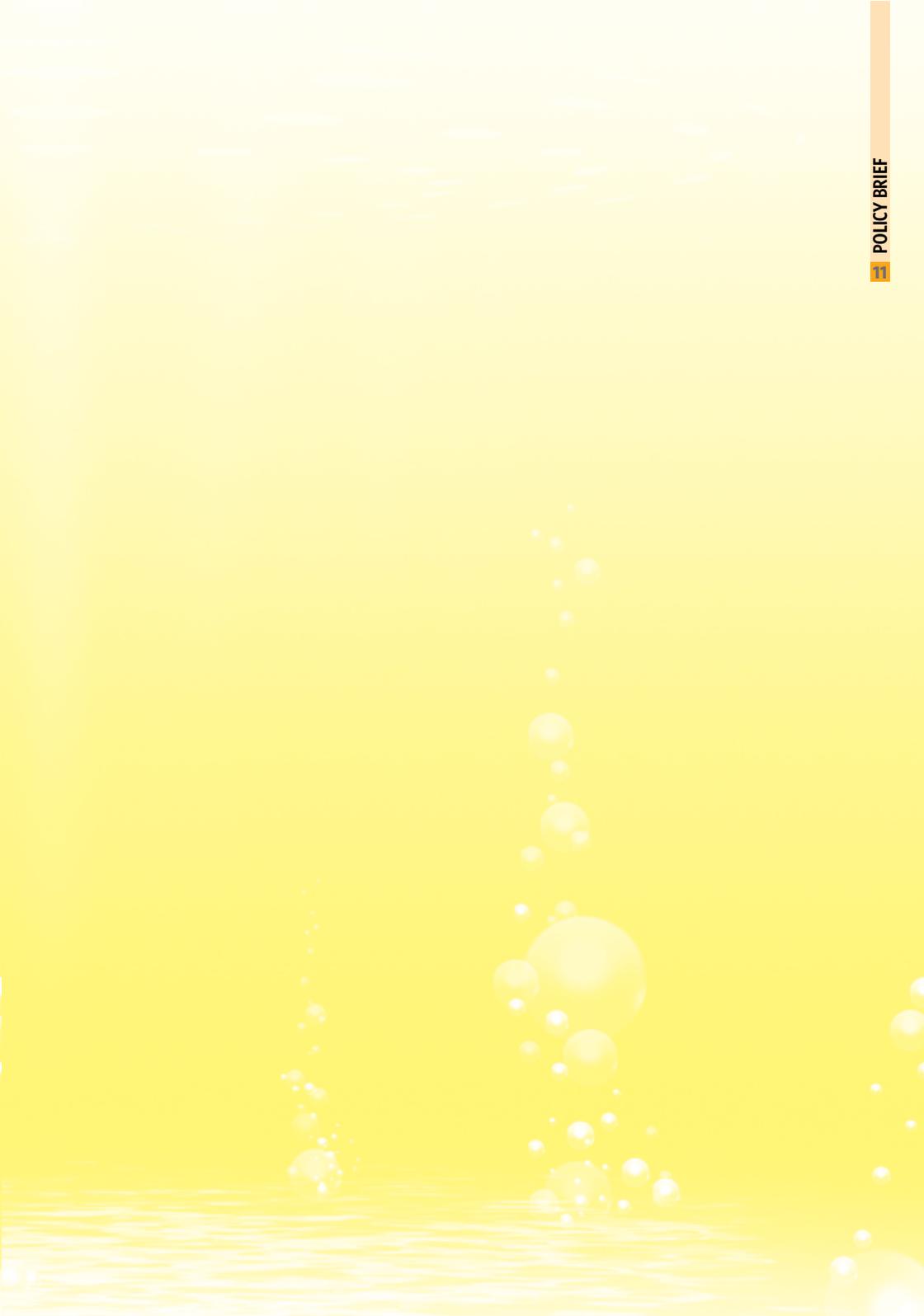
## International and Regional Instruments Ratified by EAC Members States

	INTERNATIONAL INSTRUMENTS	ENTRY INTO FORCE (1948)	BURUNDI	KENYA	RWANDA	TANZANIA	UGANDA
1	<b>Universal Declaration on Human Rights</b>						
2	International Covenant on Economic, Social and Cultural Rights (ICESCR),1966	Jan, 1976	Ratified 1966	1 <sup>st</sup> May 1975	16 <sup>th</sup> April 1975	11 <sup>th</sup> June 1976	21 <sup>st</sup> January 1987
3	International Covenant on Civil and Political Rights (ICCPR),1966	March,1976	Ratified 1966	Ratified 1972	Ratified 1975	Ratified 1976	Ratified 1995
4	International Covenant on the Elimination of all Forms of Discrimination against Women (ICERD),1965	Jan,1969	Ratified 1977	Ratified 2001	Ratified 1975	Ratified 1985	Ratified 1980
5	Convention on the Elimination of all Forms of Discrimination against Women (CEDAW),1979	3 Sept,1991	8 <sup>th</sup> January 1992 Ratified	1984 Accession	2 <sup>nd</sup> March 1981	Ratified 20 <sup>th</sup> August 1985	Ratified 22 <sup>nd</sup> July 1985
6	Convention on the Rights of the Child (CRC),1989	2 Sept,1990	Ratified 1989	Ratified 1990	Ratified 1990	Ratified 1991	Ratified 1990
7	Convention on the Prevention and Punishment of the Crime of Genocide,1948	Jan,1951	Ratified				
8	Convention relating to the Status of Refugees,1951	April 1954	Ratified 1951	Ratified 1966	3/Jan/1980 Accession	12/may/1964 Accession	27/sept/1976 Accession
9	African Charter on Human and Peoples Rights		Ratified 1989	Ratified 1992	Ratified 1983	Ratified 1984	Ratified 1986
10	Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa		03/12/03 signature	17/12/2003 signature	Ratified 2004	Ratified 2007	18/12/2003 signature
11	The African Union Protocol on the Rights of Women (Maputo Protocol)	11 <sup>th</sup> July 2003	Signed	Signed	Ratified	Ratified	Signed

Source: United Nations Treaty Collection Database "status of multilateral treaties deposited with the Secretary General" <http://untreaty.un.org>

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## Contact Information

The Executive Director, EASSI,  
P.O.Box 24965, Kampala, Uganda

Tel : +256 414 285163 Fax : +256 414 285306

Email : [eassi@eassi.org](mailto:eassi@eassi.org) Web : [www.eassi.org](http://www.eassi.org)

Blog : [www.eassi.wordpress.com](http://www.eassi.wordpress.com)

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