

# POLICY BRIEF 2017



## POLICY BRIEF ON GENDER EQUALITY IN THE EAST AFRICAN COMMUNITY

Extracted from the Pilot East African Community Gender Barometer,  
2016

### PREAMBLE

**The East African Community (EAC)** is an inter-Governmental organization of six Partner States namely Kenya, Uganda, Tanzania, Rwanda, Burundi and South Sudan. The Treaty for the establishment of the EAC was signed on November 30th, 1999 and came into force on July 7th, 2000. Articles 5, 3 (e); 6 (d); 121 and 122 of the Treaty highlight gender mainstreaming and respect for women's rights as one of the fundamental principles that will govern the EAC integration process.

In 2017, a groundbreaking achievement for the EAC was achieved, as for the first time in history, the Community has got a legal instrument that promotes Gender Equality, the EAC Gender Equality and Development bill which was tabled at the East African Legislative Assembly (EALA) as a private members bill and later passed by the same body on 8th March 2017. The bill now awaits assent by the heads of state of the EAC Partner States for it to become a legally binding instrument dubbed the East African Gender Equality and Development Act. To fast track implementation of this bill, **the first ever EAC Gender Barometer has been produced.**

**The EAC Gender Barometer** is a participatory people centered research report from the five partner states of Uganda, Kenya, Tanzania, Rwanda and Burundi that contains information and statistical data from the different areas that need to be gender balanced. These areas include: Legal and State Obligations to Protect Human Rights, Gender Based Violence, the Media, Education, Health, Power and decision making, Economic Empowerment, Agriculture and food security, Land rights, Trade, Peace and security, Environment Management, Extracting Industries, Marginalized groups, Financial Provisions, and Institutional Arrangements.

**The Pilot Gender Barometer** is intended to serve as a participatory measurement tool to support substantive implementation of key gender commitments and hence responsive governance. It sets in motion a process by which the EAC will periodically monitor, measure and document the progress of gender equality in key result areas and thereby facilitate a regional conversation on strategies for enhancement of substantive gender equality and sustainable development.

This policy brief thus summarizes the critical gender concerns and key recommendations from the pilot EAC Gender Barometer.

## Background to the EAC Bill and Barometer

In 2008, EASSI in partnership with other women rights organizations in the EAC spearheaded a Campaign for an East African Declaration on Gender Equality (EADGE), which was renewed in 2010. This was inspired by a similar campaign that resulted into the Southern African Community (SADC) Gender Barometer. In 2012, EASSI conducted a gender analysis of the EAC Roadmap as a way of highlighting the implementation deficit on gender commitments of the EAC Treaty. This was followed by an attempt at an EAC Gender Barometer in 2013 entitled Status Report on the East African Community-A Gender Barometer. (Please see EASSI's website [www.eassi.org/publications](http://www.eassi.org/publications)).

The status report informed a scorecard on selected areas of women's rights in the EAC. In being proactive, EASSI and her partners developed a monitoring and evaluation framework specifically targeting the EAC Treaty and the Gender Commitments by Partner States. The themes were drawn from the draft East African Community draft Gender and Development Bill, given that substantive consultations at various levels had been made. In 2016, the first ever EAC Pilot EAC Gender Barometer was produced.

### Key Women rights instruments that EAC partner states have signed

All the five EAC Partner states are signatory to regional, continental and international human and women rights instruments such as; The Universal Declaration of Human Rights (1948); The 1979 UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW); The 1985 Nairobi Forward Looking Strategies and the Platform for Action (1993); The United Nations Security Council Resolution (UN SCR) 1325; The Beijing Declaration and Platform for Action (1995); The 2030 Sustainable Development Agenda; The African Union's Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa 2000; The African Charter on Democracy, Elections and Governance 2007 and The Solemn Declaration on Gender Equality in 2004 and the Recent Sustainable Development Goals especially Goal 1 and 5

### The Pilot EAC Gender Barometer was compiled using three tools;

i) Gender Development Index (GDI) which considered statistics from Nationally recognized sources, ii) Citizen score Card which focused on capturing perceptions of men, women, girls and boys on the likelihood of their countries obtaining gender equality by 2030, and iii) Case studies that documented the best practices of gender equality in each of the partner states that could be replicated in the region. This data informed the five Country Barometer reports which were then consolidated to produce the first ever pilot EAC Gender Barometer.

Below are the key findings on the EAC Gender Barometer focusing on the general gender situation, the critical gaps and recommendations based on the 13 critical areas of the EAC Gender Equality and Development bill.

### Gender Situation Analysis of the EAC

The East African Community (EAC) Partner States have ratified various instruments on gender and women's rights at both the regional and international levels. Individual States have created an enabling legal and policy environment to concretise the regional and international commitments. However, these efforts have not been matched with concrete actionable commitments and have fundamentally remained on paper, limiting tangible achievements.

**In terms of parliaments and other spaces,** the EAC has attained fundamental progress with women involvement. For example, on the world classification for women in Parliament, EAC countries apart from Kenya belong to the top 30 (above the world average of 22%) out of 187, with Rwanda leading the world with 64% women in parliament. Indeed Rwanda and Bolivia at 51.3% are the only two countries in the world that present examples of female majority parliaments. The EAC also contributes two female speakers (Uganda and Rwanda) to the world list of 51. Additionally, in relation to women's leadership of public services, Rwanda, Tanzania and Kenya fare well with 45%, 39% and 37% respectively.

**The judiciary is a key space in state processes** as the overseer of respect and protection of human rights. For some countries, the baseline values for women's inclusion are encouraging. Tanzania achieves 50/50 parity with regards to the Court of appeal. In Rwanda, women constitute 43% of the judges of the Supreme Court. Kenya and Tanzania post 43% and 42% women magistrates correspondingly. This picture implies that with much targeted actions, member states can easily achieve gender parity in the judiciary.

**Electoral Management Bodies (EMBs)** constitute a key factor in ensuring credible, free and fair elections. Gender also matters in the composition of EMBs leadership. Findings however show that all chairpersons of the five EAC EMBs were men while women occupied the lower levels of management as commissioners.

**Affirmative action** in election is a provision under all the Constitutions of the EAC Partner States. The citizen scorecard in terms of rating their governments on the

existence of policies and programmes to ensure equal participation of men and women in power and decision making, indicates that all EAC Partner states scored averagely and above, with Rwanda being the highest with 80%, followed by Uganda at almost 60%.

The EAC countries have initiated various mechanisms for response to GBV in terms of prevention and redress. These include: National Strategy and Plan against GBV (Burundi); legislation on FGM and Sexual and Gender Based Violence (SGBV) (Kenya); National Plan of Action (NPA) for the prevention and Eradication of Violence against Women and Children (Tanzania); working groups on GBV and programmes to empower women victims of GBV (Rwanda) and the National Action Plan, law on domestic violence, FGM and Trafficking in Human Persons (Uganda). There are also attempts to increase the visibility and involvement of police in combating GBV cases. For instance, national Police force works with women's rights activists to raise awareness on GBV in Uganda and Rwanda.

## Barometer findings on the Critical gender concerns in the EAC

This section highlights the key gender gaps that are still in existence in the East African Community based on the 13 critical areas of the Pilot EAC Gender Barometer.

Legal and state obligations to protect human rights; with exception from Tanzania, the EAC partner states' constitutions provide for special clauses on gender equality, human integrity, non-discrimination on the basis of race, colour, language religion, sex, ethnic origin and other social categories. The Constitutions unequivocally address the issue of contradictions between the constitutional provisions, laws and practices. Despite these efforts, there are still inconsistencies in the laws. For example Uganda's constitution outlaws any custom that is in contradiction with the constitution but recognizes customary land tenure with no mechanisms to regulate the customary governance. This means that the discretion is left to the communities to determine the depth and limitation of women's land rights which is likely to result into discrimination. In addition to the claw backs in the legal framework, there is remarkable poor implementation across the five EAC Countries which is characterized by poor access to justice especially by women because of the widespread corruption and commercialization of justice.

While member states have laws in place that guarantee women's equal rights with men on land ownership and utilization, research shows that women make the poorest land ownership segment of society despite their extraordinary contribution to agriculture and food production. Overall, citizens across all the five countries pointed to their countries' low commitment to putting laws and policies in place to enable access to, control and ownership of land amongst women and men as a big problem. This perception is closely linked to citizens' view on their governments' inadequate efforts to repeal customary laws and practices that prohibit equal access to land & other productive resources.

Persistent discriminatory practices still exist in the region; women continue to be disadvantaged in terms of land access and ownership; gender based violence such as female genital mutilation (FGM); high rates of early marriages for girls; rape defilement, including marital rape and have very limited decision making power at the household level. There are also unequal rights of widows' inheritance of their matrimonial homes and assets. The persistent discriminatory laws and practices point to deep seated patriarchal resistance to redistributive gender justice.

**Women representation in Parliament;** although women representation in Parliament has increased significantly in all the EAC Countries with Rwanda at 64%, Tanzania at 36.8%, Burundi at 36.4% and Uganda at 32%, Kenya still lags behind at 19.7%. There is a masculine political culture in which political parties and top Government positions at national and local levels are still male dominated. Political parties in all the EAC member states, recognize the important role of women and their numerical strength. Nevertheless, they have not translated this recognition into tangible terms and instead relegate women to the women "wings". Most of these wings in ruling or opposition political parties have largely remained ineffective and adhoc without a clear role in the agenda setting and party recruitment. Elections in all the 5 EAC countries are highly commercialized and marred by abuse and violence which further puts women at a gross disadvantage compared to their male counterparts.

**Gender Based Violence (GBV) prevalence still high;** despite the various efforts to curb Gender based violence using the existing legal frameworks and various efforts by Civil Society Organisations in all the five EAC partner states, the prevalence is still very high due to weak implementation of the existing laws and social tolerance of violence bolstered by tacky norms. In schools, GBV remains a key challenge in the EAC region as elsewhere in Sub-Saharan Africa and it affects learning and achievement for all but tends to affect the girl child more severely where teachers tend to be perpetrators of sexual violence towards girls in school. This has led to teenage pregnancy, early marriages and eventually facilitated drop out for girls. Even though the EAC countries have several policies to address the vice, not much has been accomplished given that policies in place are not meaningfully operationalized to the benefit of a girl child.

**Maternal mortality rate remains high way above the targets:** Burundi at 712 deaths per 100,000 live births; Tanzania at 432; Kenya at 362, Uganda at 360 and Rwanda at 210 deaths are all way off the SDG target of 70 by 2030. The contraceptive use among sexually active women is below 50% across the five countries. In terms of HIV, the prevalence rate is highest in Uganda at 8.3% for women and 6.1% for men, followed by Kenya at 7.6 and 5.6 respectively. While a lot of interventions have been implemented, HIV/AIDS remains a big threat to the region. The higher prevalence rate among women than men is telling of women's vulnerability compared to the men. Gender inequalities and Sexual and Gender Based Violence play a big role in rendering women and girls more susceptible to HIV infection than men and boys.

**Education as a fundamental right of all people;** all the five EAC partner states have registered high enrolment rates for both girls and boys at primary level and have initiatives targeted at addressing gender disparities including gender stereo types in the education curricula. Furthermore, there are notable best practices for example Uganda has a fully integrated gender unit that influences policy of the education sector. Despite this progress, the poor quality of the learning environment especially lack of proper sanitation facilities has led to high dropout rates especially among teenage girls. GBV is still prevalent especially for the girl child and this manifests in lower completion rates for girls which adversely affects their future quality of life, renders them more vulnerable to poverty and HIV/AIDs.

**Peace and Security;** Participation of women and incorporation of gender perspectives in all peace and security efforts is a critical gender concern. Although all the five EAC Countries are signatories to United Nations Security Council Resolution 1325<sup>1</sup> (UNSCR 1325) and attempts have been made to include women in peace talks, male dominance still persists in form and substance beyond numbers hence reconstruction efforts are essentially oblivious of women's interests. This is not withstanding UNSCR 1325 pillar that recognises the fact that women and children are always worst affected by conflict hence the need for their inclusion in the conflict resolution and reconstruction processes.

**The media, a critical engine for gender equality and development;** in all the five EAC Countries, there is increased presence of women as key actors in the media fraternity. However, there is low representation of women in decision making, gender stereotypes and negative portrayal of women persists in addition to normalisation of pornography and cybercrime where the most victims are women who suffer depression, rejection, stigma and low self-esteem. In the EAC, there is no clear gender regulation targeting the media in relation to programming, employment and ensuring cyber safety.

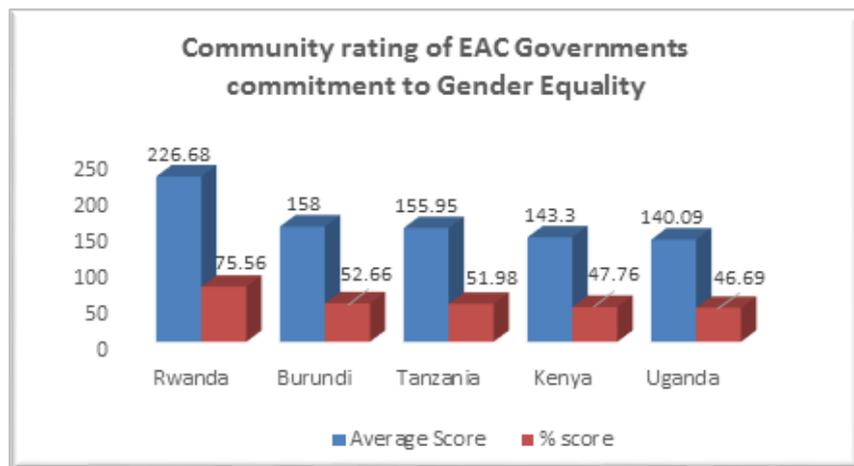
**Economic Justice;** although the five EAC partner states have institutionalised gender budgeting, women's economic empowerment initiatives, programmes and structures are still largely impervious to gender and equity concerns. There are persistent sticky norms around property rights for example ownership of land by women and there is no clear standing on extractive industries and climate change.

1 Resolution 1325 urges all actors to increase the participation of women and incorporate gender perspectives in all United Nations peace and security efforts.

EAC partner states have trade policies as guiding principles to create opportunities for equal participation in trade through entrepreneurial development, giving priority to society and economically disadvantaged groups in society. However there is still a gender inclusiveness challenge and women face more challenges than men in this sector as they

are hindered by lack of capacities, skills and resources. EAC governments have strived to put policies in place to boost the capacities of the socially and economically disadvantaged sections of the community to trade and yet implementation remains a challenge.

## Feedback from the EAC Citizens



The citizen's score is largely based on how they perceive their governments in terms of existence of laws and policies and their effective implementation. This is also influenced by expectations of the citizens as well as the level of awareness and civic competence. A highly gender aware and sensitive citizenry may rate their government poorly due to the high levels of expectations and vice versa. However, on the whole, the scores give an indicator of the level of satisfaction of the citizens. Given that this was the first survey, what is presented constitutes baseline values for subsequent measurements.

From the graph below, it was noted that with exception of Burundi, the citizens' score of GBV response indicated that there is a discrepancy between the existence of laws and their implementation. Uganda and Kenya were rated as the worst performers regarding implementation of laws.

### Summary of the Citizen Score Card

Rwanda scored highest on all counts of gender equality with an average score of 76% followed by Burundi (53%), Tanzania (52%), Kenya (48%) and lastly, Uganda with 47%. Citizens (men and women alike) perceived the government of Rwanda to be above average in terms of commitments to gender equality laws and implementation. All the five countries scored above average in terms of inclusion of gender in the Constitutions and strategies and programmes for gender equality, and were all perceived as gender sensitive because gender equality was reflected in the official normative framework.

## Recommended Policy Actions

This section points to the key recommendations in response to the above gender gaps:

**Legal and State Obligations:** EAC Partner states should review the existing legal frameworks to weed out claw back clauses and repeal contradictory laws where they exist.

**Power and Decision making:** EAC Partner states should develop gender strategies for Electoral Management Bodies (EMBs) to address practical and strategic

gender needs, establish mandatory code of conduct for political parties specifically criminalize Sexual and Gender Based Violence (SGBV) in elections and mount issue based conscientisation campaigns across the EAC region.

**Gender Based Violence (GBV):** EAC Partner states should establish accountability channels to facilitate

implementation of existing laws while partnering with Civil Society Organizations to ensure clear monitoring frameworks and conscientisation to undermine tolerance for GBV.

**Sexual and Reproductive Health (SRH) and HIV/AIDS:** EAC Partner states should identify and design mechanisms to address the root causes surrounding maternal mortality in the region while cognizant of the fact that the changes in the HIV/AIDS terrain will require strengthening of the social aspects of the response.

**Education:** EAC Partner states should firmly integrate gender in teacher education and all school curricula, address quality through innovative ways of teaching and resource mobilization and conscientisation to buttress efforts to value girl child education.

**Media:** EAC Partner states should establish clear gender regulation for the sector in relation to employment and programming as well as institute media watch dogs to track, document and report to ensure gender sensitive media reporting.

**Agriculture and Food Security:** EAC partner states should incorporate gender considerations to the overall objectives of achieving food security and rational agricultural production, harmonise sectoral laws to recognize and strengthen the role of women and men and create a Community system that effectively provides relevant information for Investment opportunities within the agricultural sector.

**Land Rights:** EAC Partner states should ensure that land ownership, access to and control of land is void of any cultural barriers that inhibit women to have access to and from ownership of land, enact or review laws and policies that determine access to control of productive resources including land tenure and use to promote gender equality and ensure protection of women and men from unfair treatment in administration of justice on land matters.

**Trade:** EAC Partner states should promote the equal participation of women and men in regional trade, taking into consideration gender dimensions and the right to personal safety when engaging in cross border trade, review their trade policies to make them gender responsive and ensure that women and men in the informal sector have equal access to financial

resources, legal aid and other resources on terms commensurate with their financial circumstances, and that women have equal access and rights to credit, capital, mortgages and security.

**Peace and Security:** EAC Partner states need to review the peace and security framework aimed to accelerate implementation of the UNSCR 1325 National Action plans and develop gender strategies for the security sectors. They should take all appropriate measures and actions to eliminate incidences of human rights abuses especially against women and children in conflict affected areas, reinstate those affected by the conflict, especially women and children and ensure that women and men have equal representation and participation in key decision making levels in conflict resolution and peace building processes as required by the United Nations Council Resolutions 1325 and 1820.

**Climate Change and Environmental Management.** EAC partner states should conduct in-depth research to understand the dynamics of gender and climate change, enact laws and policies to reverse the negative effects of climate change and ensure sustainable environmental management and implement laws, policies and programmes that take cognizance of the roles of men and women in environmental management and preservation.

**Extractive Industries.** EAC Member States should cooperate to ensure proper and beneficial exploitation and use of the proceeds from the extraction of natural resources, ensure that there are mechanisms to effectively protect the rights of indigenous communities especially women including land and property rights in areas where extractive industries are established and ensure that contracts for exploitation are awarded and implemented in a gender responsive manner.

**Marginalized Groups.** EAC Member States should protect and uphold the right of persons in situations of vulnerability due to geographical, physical or mental reasons. Marginalised groups should include minorities and indigenous people, children, widows and widowers and elderly persons whom the partner states should protect against all forms of violation of their rights including sexual abuse and discrimination, and ensure that they have access, commensurate with their specific needs, to all the civil, political, social, economic and cultural rights available

## Conclusion

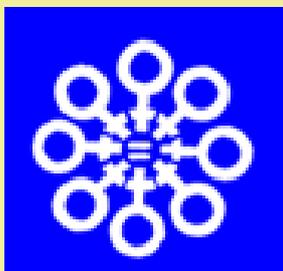
The EAC Treaty emphasizes the role of women in socio-economic development and in business as a core issue to the effective cooperation and development of the Partner States. Implementing such commitments requires governments to take a number of actions including formulating policies that remove gender based discrimination, guaranteeing women's rights, and providing the necessary services for the realization of these commitments. Such actions require financial resources, institutional mechanisms and accountability frameworks that should be integrated in national plans and budgets. Implementation of the above recommendations in line with the EAC Gender Equality and Development bill and the Sustainable Development Goals will lead to improved Gender Parity in the EAC by 2030.

## About EASSI

The Eastern African Sub Regional Support Initiative for the Advancement of Women (EASSI) is a sub-regional Women's Rights Organization founded in 1996 to monitor the implementation of the African and Beijing platforms for Action which remains one of the most important international frameworks that highlight the importance of gender equality and women's empowerment. It encourages Governments to adopt the necessary measures to achieve gender equality and women's empowerment.

### EASSI's Partners in the EAC

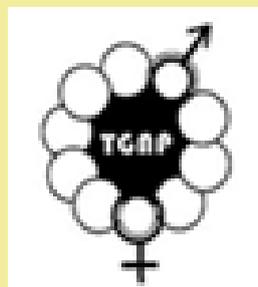
Profemmes Twese Hamwe in Rwanda



CAFOD in Burundi



Tanzania Gender Networking Programme (TGNP) in Tanzania



Women Rights' Awareness Programme (WRAP) in Kenya



National Association of Women's Organizations in Uganda



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