

## **Acronyms**

BPFA	Beijing Platform for Action
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
EAC	East African Community
EASSI	The Eastern African Sub-regional Support Initiative for the Advancement of Women
EADGE	East African Protocol on Gender Equality
FCPU	Family and Child Protection Unit
NGOs	Non Governmental Organizations
PRSP	Poverty Reduction Strategic Paper
MDGs	Millennium Development Goals
GBV	Gender Based Violence
8th WAMM	Eighth Women Affairs Ministers' Meeting
SDGEA	Solemn Declaration on Gender Equality in Africa

## 1. Executive Summary

All East African Community member states are committed, in accordance with their espousal of the Millennium Development Goals (MDGs), to eliminate gender disparities. This policy brief examines the progress made, challenges, major causes of existing inequalities, and makes recommendations for accelerating progress.

### 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 Community.
- ◆ To strengthen advocacy and lobby for the EAC Protocol on gender equality.

## 2. Introduction

The East African Community (EAC) was revived in 1999 through the treaty for the establishment of the EAC, with the aim of mutually acting on development initiatives for efficient and effective delivery on the development agenda. The East African Community consists of Uganda, Kenya, Tanzania, Rwanda and Burundi who are also signatories to the Beijing Declaration and Platform for Action. The EAC recognizes that women's contribution to socio-economic development cannot be achieved when women are deeply affected by persistent poverty. EASSI recognizes the fact that women's poverty concerns are of a structural nature that requires to be addressed by laws, policies and institutional mechanisms at all levels. The coming together of states in the East African region to form a community is an opportunity for gender equality that women must benefit from, thus the essence of EADGE. The following recommendations are the key concerns that are placed before the community to address, in fulfillment of the obligations that member states made.

They include;

- ◆ Establishment of a unitary regional protocol on gender equality that addresses structural challenges perpetuating women's poverty including laws and policies on land ownership, effective definition and intervention on equality and non discrimination and empowering women through participation.
- ◆ Creating mechanisms for implementation, monitoring and evaluation of gender equality obligations of the proposed protocol headed by a Committee at the EAC Secretariat.
- ◆ Creating mechanisms mandated to raise women's capabilities for managing their own development, and
- ◆ Providing a holistic approach to education of women cognizant of the fact that there are other societal factors such as protection that prevent women/girls from enjoying the right to education.

With these recommendations, EASSI with its leadership mandate to facilitate systematic follow up of the Platform for Action emanating from the Fourth World Conference on Women held in Beijing China in 1995 and the preparatory African conference held in Dakar, Senegal, is convinced that the EAC will take this as an opportunity to make the benefits of regional integration a reality for women.

Notwithstanding the fact that efforts have been made to bring equality principles into fruition, there is concern that a lot more needs to be done. The onus is on the EAC to demonstrate to women that regional co-operation is not in vain, that it will bring a sustainable change in the lives of women and raise them to a level where they too can contribute to the economic growth of the region without encumbrances and with due recognition in their own right.

### **3. Context and Importance of the Problem**

The Eastern African Sub-regional Support Initiative for the Advancement of Women (EASSI) is a sub-regional civil society organization established in 1996 to facilitate systematic follow up of the Platforms for Action. EASSI, is a collaboration between individuals, NGOs, coalitions and networks committed to the advancement of women is registered in Uganda as a Non-Governmental Organization and currently covers eight countries namely: Burundi, Eritrea, Ethiopia, Kenya, Rwanda, Somalia, Tanzania and Uganda.

EASSI embarked on implementing a campaign that highlights gendered implications of the Treaty to Establish the East African Community and that will result into a unitary protocol on regional gender equality “The East African Declaration on Gender Equality (EADGE)”. The aim of the campaign is to bring together into one legally binding regional instrument, all the commitments to gender equality (The Beijing Declaration and Platform for Action, CEDAW, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, and the MDGs. This will enable a regional approach to gender and development in the EAC member States.

The East African Community (EAC) was revived as a realization of the mutual need of countries to join a larger economic bloc and of the potential of regional integration to deliver more efficiently and effectively on the development agenda. The community currently consists of five Partner States; Uganda, Kenya, Tanzania, Rwanda and Burundi. The EAC is guided by the Treaty to Establish the East African Community (1999) that recognizes women as significant contributors to the process of socio-economic transformation and sustainable development and that their full participation is important for the effective implementation of socio-economic development programmes.

The obligation to promote gender equality is placed on the EAC member states as signatories to international legal instruments and policy frameworks that address poverty related concerns, women’s equality with men and overall, the rights of women to live a life of dignity. These include:

The Universal Declaration of Human Rights (UDHR)

The International Covenant on Economic and Cultural Rights (ICECR)

The International Covenant on Civil and Political Rights (ICCPR)

The Convention on the Elimination of All Forms of Discrimination against Women

The Convention on the Rights of the Child

The Beijing Declaration and Platform for Action (BPFA)

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 (SDGEA)

The Millennium Development Goals (MDGs)

Noting commitments made by the EAC member states decades ago, and contrasting this with the poverty challenges faced by women and girls, EASSI embarked on this campaign.

#### **4. Critique of Policy Options**

##### **4.1. Review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty**

Current international development agenda largely recognizes that promoting gender equality and women's empowerment is essential to human development and poverty eradication, however, policy development and implementation in the EAC region is not necessarily consistent with this thinking. Significantly, policy and legislation does not provide women in the region with adequate access to ownership and control of land, to credit facilities and protection from discrimination on issues of inheritance. Lack of ownership of land limits women's access to credit and keeps women producing for subsistence without any recognition of their economic input. Such practices have created a strong base to keep women in perpetual poverty as the ripple effect is vulnerability to gender based violence and HIV/AIDS due to economic insecurity, inadequate education for themselves and their children, and inadequate access to medical care including reproductive health services. Above all, women lack the voice to speak out on issues that affect them as such fora is hardly provided. Women are often treated as a subset of men.

Among the EAC partner states overall rural populations account for approximately 80% of the population. For example, over 80% of Tanzania's population is rural and largely depends on agriculture. Women are the poorest and the largest population in the agriculture sector. Women have less access to employment, with 40% in the public service. They also have less pay than men (EASSI Status report 2008). Similarly Kenya has a high incidence of poverty among women as a result of unequal wage employment, access to education, land ownership and other property (Kenya Welfare Monitoring Survey, 1997). In Uganda, Rwanda and Burundi women more than men are affected by low literacy levels, high HIV prevalence, maternal mortality and poor economic status. They lack ownership and control over land that they work on. Women have often lost the proceeds of what they produced because they did not own the productive asset (land). They therefore continue to work with neither pay nor benefits that can remove them from the vicious circle of poverty. This reduces women to a form of slavery considered by society as family, or a partnership. Women themselves seem to be considered as property, as they are sold off in marriage and are forced into widow inheritance when they lose their husbands.

In the region, such discriminatory practices and attitudes are often ignored in the name of culture and yet they have profound negative effects on women's poverty situations. This equally affects realization of global and national development goals and priorities since more than half of the population has been ignored. As the EAC strives for economic growth and fulfillment of the MDGs, the status of women should be a major critical factor to consider. It is important that the EAC focuses on addressing strategic gender needs of women rather than the usual consideration of practical needs.

Participation of women on issues that affect them is of critical concern. Women know what their concerns are and how they can best be addressed. Planning and other decision making processes have to engage women in a cohesive manner to enable women at all levels to speak for themselves. This should be coupled with other scientific assessments and analysis of the context of women for a clearer perspective of the issues to be addressed. In this way, aspects of fulfilling women's rights will cease to be considered as cross cutting and will be independent with clear strategies and mechanisms for their implementation. Current national planning frameworks place women's and or gender concerns as cross cutting; and in effect these concerns remain invisible. Invisible women cannot have a life of dignity and can never have equal rights with men, going against the spirit of the CEDAW.

#### **4.2. Revise laws and administrative practices to ensure women's equal rights and access to economic resources**

Law revision programmes have been acknowledged among the EAC partner states. With the increasing focus on economic growth and continued advocacy by women activists on women's land rights as an economic resource, the EAC partner states have taken reforms of land laws as a priority. The degree to which these reforms genuinely take into consideration the inequalities created by land ownership is questionable. Reforms in Uganda, Tanzania and Burundi seek to provide women with security of occupancy with no adequate provisions to ensure effective implementation. For example, the sale of family land requires the consent of ones spouse. However, there are no mechanisms to validate such consent. This is coupled with high illiteracy levels among women and the lack of knowledge about such legal provisions. Tanzania guarantees women's rights to land but has no action plan to address customary practices that prevent women from holding land; while the law in Rwanda enables women to inherit land like men without discrimination but with weak enforcement mechanisms. Burundi and to some extent Uganda's land ownership are affected by the effects of conflict. Thirty years since the CEDAW came into force and the Beijing Platform for Action following suit, it is no longer acceptable that legislation, policy and their implementation continue to discriminate women. Land reforms should maintain the principle of equality and non- discrimination keeping in mind that legal and policy change alone is not enough, but must be coupled with effective mechanisms for implementation.

Poverty is often considered a key factor to gender inequality. This has been supported by the EAC partner states promoting access to savings and credit in terms of micro credit institutions and encouraging women to save. Special and flexible micro-credit programmes that use group formation have been particularly introduced to address challenges women face regarding loans. These have benefited women who have capacities to access financial resources and other capacity building needs. NGOs, the private sector, gender machineries and the National Councils for women have provided training for women in project design, management, credit and savings. In Rwanda women have also been trained in modern agriculture, equipped to organize themselves into Cooperatives, asking small loans and creating rotary funds.

The presence of micro-credit institutions for women has not completely removed obstacles that include financial dependence on men, insufficient access to resources and high micro-credits interest rates of 1.5% to 2% every week. Women too desire to invest in high profit making projects however, the need for collateral in such cases makes women lose out. Since the majority of women do not own and control the use of land, it equally follows that they have limited or no control over proceeds that come from the land. Additionally, customary practices still have men control

women, their labour and income, especially in marriage. Women's control over loans is therefore very negligible yet they remain responsible for repayment. In addition, women still have high levels of illiteracy and lack of markets, which create physical and social distance. To raise the status of women to empowerment, laws and policies governing credit facilities should be reviewed for special considerations of the status of women. Interventions should consider training opportunities in entrepreneurship and formation of cooperatives to strengthen women through group power. It is high time EAC member states addressed societal challenges that result in women being controlled through legislation, policy and community based institutions. Property and widow inheritance are key issues to be considered.

#### **4.3. Develop gender based methodologies and conduct research to address feminization of poverty**

Gender responsive research and methodologies are currently under developed in the EAC partner states. National surveys in the region take households as a unit and fail to capture intra household inequities. Worse still, these surveys target "heads of households" and where the family is complete, the man is taken as the sole respondent to the survey. No wonder, planning and resource allocation does not take into consideration the difference between men and women, which affects programming to fulfill the rights of specific groups. It should however, be acknowledged that there is potential for development and use of gender statistics within the Bureaus of Statistics and institutions of Higher learning. These are in the development stage but also require that there is demand for them to be generated. Capacity development on the use of gender statistics will be one of the entry points to fighting persistent poverty among women and removing inequalities between women and men. Examples of the development and use of gender methodologies can be emulated from Latin America and the Caribbean where gender statistics are used in data collection methodologies and analysis. These further guide development of indicators for various programmes and policies. The EAC countries need to urgently develop independent systems of periodic and comparative gender statistics.

### **5. Policy Recommendations**

Despite existing efforts aimed at eliminating poverty and gender inequality, disparities still exist to a large extent. This is largely based on legal and policy regimes that have not adequately addressed structural inequality concerns. Efforts are often geared towards trying to "help" women to perform their roles better (practical gender needs) as mothers and caregivers. These also keep women in positions where they are subordinate to men. Three decades since the CEDAW and after two decades of the BPFA, women are demanding their position in their own right as human beings. Women are watching and waiting, and are hopeful that the EAC, while focusing on regional integration, must place women's concerns at the forefront. Women want to see the practical reality of commitment to gender equality. For this reason, the following recommendations are presented to the EAC for action.

- a. In the spirit of regional integration, the EAC partner states are called upon to review the fact that the poverty status of women is based on structural societal issues that need to be addressed with effective lasting solutions. These include: ownership of land

and recognition of women in their own right as human beings, not subsets of men. The EAC is urged to establish a unitary regional protocol on gender equality, which among other things calls on prescribe the following:

- ◆ A uniform regional position on equality in land ownership guided by laws and policies and effective implementation mechanisms.
- ◆ A regional definition of equality and non-discrimination out of the recognition that traditional and cultural practices have a strong hand in maintaining inequality between women and men by impacting on them consciously or unconsciously.
- ◆ Legislative and policy making processes follow prescribed mechanisms of engaging women's participation in their development processes coupled with other assessment mechanisms and analysis that bring out the underlying causes and seek to address them.
- b.** Member states of the EAC, in addition to legal and policy reforms, must be aware of the importance of effective implementation mechanisms. These should be coupled with strong monitoring and evaluation mechanisms that have their final reporting to a Committee of the EAC. Gender audits will be important components of the monitoring frameworks. This will equally mean increased resources for gender/women's machineries.
- c.** Mechanisms that raise women's capabilities are an important ingredient for addressing poverty. In addition to creating a women friendly credit and loan facility, women will require training in packages that include reading and writing, entrepreneurship, running cooperatives for group power and participation in decision making processes. It is clear that women's levels of education or lack of it is one of the key factors to poverty.
- d.** The low level of education of women in the region is unacceptable. Girls and boys are not heterogeneous therefore provision of education in the region should be guided to address inhibiting factors such as protection from violence and abuse and the specific needs of the girl child in order to raise the younger women to a higher position that will not require special interventions in future.

## **Sources of information**

Collectif des Associations et NGOs Feminines du Burundi – CAFOB: Burundi Country Status Report (2008)

EASSI: Report on the Implementation of the Beijing Platform for Action in Rwanda (2008)

Gulu District Local Government Budget Framework Paper, 2008/09

MGLSD, 2008, The Social Development Sector Budget Framework Paper, 2008/09

Review and Appraisal Report on the Implementation and Monitoring of Beijing Platform for Action and Millennium Development Goals

Report on the Implementation of the Beijing Platform for Action, Tanzania

Republic of Rwanda, 2009, Ministry of Gender and Family Promotion

United Nations: The Convention on Elimination of All Forms of Discrimination Against Women

United Nations: Beijing Declaration and Platform for Action: Report of the Fourth World Conference on Women

United Nations Development Fund for Women (UNIFEM), 2009, Newsletter