Responding to the Plight of Women and Girls in Africa

Hon. Lady Justice Joyce Aluoch
Chairperson,
African Committee of Experts on
the Rights and Welfare of the Child

The African Child Policy Forum
Addis Ababa, Ethiopia

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Preface

I am pleased to present herewith the speech given by **Hon. Lady Justice Joyce Aluoch,** at the Gala dinner at the UNECA on 21 May, on the occasion of the International Policy Conference on the African Child and the Family organized by the African Child Policy Forum, 21-22 May 2004, at the Conference Hall of the African Union in Addis Ababa.

Lady Justice Joyce Aluoch, in a very passionate speech, addresses the worsening plight of women and girls on our continent. She said that the discrimination of the girl child begins from birth and continues throughout her life. Girls are deprived of schools more then their brothers, and in these days of HIV/AIDS, taken off school to attend to sick parents. Although indicators clearly show on the negative impact of early marriage, tradition still continues to sanction marriage as being in the "best interests" of the girls. "New and most horrible problems are arising" says Lady Aluoch "which we once thought were alien to our culture." The increasing sexual abuse in homes and schools and the trafficking of African women and children across borders are among the many problems girls and women in Africa are confronted with.

So what then is the way forward? Justice Aluoch is clear and direct on this question. She stresses "that women and girls whom we have locked up in poverty and ignorance are themselves the key to African's development and progress. And the key consists of a very simple remedy: education." So government must increase investment in girls' education. Secondly, we must be fearless in protecting the girl child from harmful traditional practice – e.g. early marriage, violence against women, and female genital mutilation.

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Executive Director
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By Hon. Lady Justice Joyce Aluoch

Today half-way between 1990 and 2015 when certain Millennium Development Goals (MDGS) were supposed to be achieved – such as reduction of hunger and poverty by half; child mortality by two-thirds, and maternal mortality by three-quarters, we see instead rampant poverty and degradation. One out of two (50%) sub-Saharan women can neither read nor write. One out of two (50%) girls are not even in primary school. One out of 100 women die in giving birth.

If that is not shocking enough I can drive home the point by making some comparisons: In Sri Lanka, which 40 years ago had the same income level as our region, one in 1,666 women die in giving birth: in Sweden 1 in 20,000.) Are we living in the 21st Century – or what? We sometimes grandiosely talk about "bridging Africa's 'digital divide". Yes, indeed, but let us start with bridging the "death divide" – and bridging the "life expectancy" divide. Did you realize that everywhere in the sub-Saharan region life expectancy if falling? If the positive trends of the 1960s and 1970s had been maintained, life expectancy should have been around 55 by now. It is actually 47 – and that life includes seven to eight years spent in disease, injury, or disability.

What about the poverty of the girl-child? How can we even begin to measure it! Her birth itself is resented. The technology for predicting an unborn infant's sex is still not available in much of the sub-Saharan region, but mark my word, in the next 20 years we shall be hearing – as we do from India – that 90 percent of pregnancy terminations are of the female unborn.

The discrimination continues throughout the life of the girl-child. African girls must not start eating until their male siblings have had their fill, they receive medical care only after their sick brothers, they are deprived of school more than their brothers, and in these days of that dreaded disease, HIV/AIDS, taken off school to attend to sick parents.

One out of two African girls is married off before she reaches 18 years of age and one out of five pregnancies in sub-Saharan Africa occur amongst these young girls. Tradition sanctions early marriage as being in the "best interests" of the girls – otherwise they may fall into bad ways, and which man would want to marry them, right? So they are taken off school with impunity and even prevented from going to school at all so that they may learn housework that is going to be their life-long vocation, after all.

New and most horrible problems are arising which we once thought were alien to our cultures and which are just coming to be noticed:

There is increasing sexual abuse in homes and schools. Children's protectors are becoming their predators. Is it any wonder that girls are dropping out of the school in even bigger numbers and that parents now increasingly ask that their daughters be taught by women teachers?

There is increasing trafficking of African women and children across borders for the purpose of domestic work, prostitution, and pornography. Women and girls are being lured even outside our continent on the promise of well-paid jobs, only to find themselves in abusive situations. Many such jobs are not different from slavery.

As the AIDS scourge progresses, more and more women and children are forced to enter the labour market to eke out a living for themselves and their families. Indeed AIDS is now the biggest cause

of increasing child labour in Africa. Long hours, low pay, and hazardous work are the lot of these women and child workers.

The figures I have been quoting are all on a downward slide, so much so that in some sub-Saharan countries "human poverty" (made up of life expectancy, education, nutrition) has reverted to the levels of 1980. A whole quarter century lost.

Is there an answer? Yes, there is, but it needs commitment from governments. It lies in a very simple message: that women and girls whom we have locked up in poverty and ignorance, are themselves the key to Africa's development and progress. And the key consists of a very simple remedy: education. Study after study has shown that education puts economies on a higher growth path. Each additional year of schooling contributes to increasing yields on the farms and in the informal sector workshops, where Africa's poor are located. And innumerable studies have shown that it is investment in the girl-child that has the greatest potential for changing all the parameters of growth. An educated girl: negotiates safer sex, marries late: has fewer and healthier babies; brings up her children to value education. A "virtuous circle" as economists say.

And the best interests of the child certainly ride paramount over traditional harmful, practices. We must be fearless in confronting such traditional practices. I say "fearless" because, make no mistake about it, traditional leaders will fight back by all means available to them to enforce age-old values. We shall confront them.

Girls not going to school are sanctioned by traditional values as a way to prepare them for their future life as housewives. In my vision, a girl's future life is working in an office, in hospitals, in the law courts. Uneducated girls are five to seven times more likely to contract HIV/AIDS that educated girls, to have children early, and to bring them up uneducated. Let us say out loud and clear: Not going to school is not in the best interest of the child.

Early marriage is sanctioned by traditional values to protect girls from falling into bad ways. Early marriage is harmful not just to the girl-child's body but to her mind as well. And of course, early marriage comes at the expense of schooling. Let us say out loud and clear: Early marriage is not in the best interest of the child.

Corporal punishment is sanctioned almost universally in sub-Saharan Africa as something necessary to each children "discipline". "Corporal punishment" often means severe beatings with whatever stick is handy. Corporal punishment doesn't only hurt a child temporarily, it stunts them mentally permanently. Let us say out loud and clear: Corporal punishment is not in the best interest of the child.

And mutilation of the female body – that most horrible crime against girls? That too is sanctioned by traditional values as something that is required as a rite of passage into adult life. In reality, it is inflicted by men on women out of a fear of women's sexuality. There is a statistic available that 50 to 70 percent of sub-Saharan girls have to suffer female genital mutilation. As someone said of violence: "*There are many reasons against it: find me one for it.:"* There are none. Let us say out loud and clear: Female genital mutilation is not in the best interest of the child.

I give you my pledge that, in the enormous duties entrusted upon me, I shall endeavor to my utmost to fight for children and women's rights. I very much welcome the important advocacy work the African Children Policy Forum is doing on behalf of Africa's children and I pledge to work closely with it to keep the interests of the child first in all my actions.

HON. JUSTICE JOYCE ALUOCH

BIOGRAPHICAL NOTE

Justice Joyce Aluoch is the Chairperson of the African Committee on the Rights and Welfare of the Child that is entrusted with promoting the African Children's charter; and is on the International Board of Trustees of the newly founded African Child Policy Forum, based in Addis Ababa.

Mrs. Aluoch joined the Kenyan judiciary as a District Magistrate II (Prof.) in 1974 and rose through the ranks of Magistracy until 1983 when she was appointed a High Court Judge.

Currently she is the Presiding Judge in the Civil Division and the most Senior Judge in the High Court. Prior to that she established the Family Division of the High Court and became the Inaugural Head. She simplified litigation in Family Law matters, making it affordable and expeditious. During her tenure on the bench, she has handled civil, criminal, commercial and family law cases successfully. She exercises both original and appellate jurisdiction.

Justice Aluoch also serves in the UN Committee on the Rights of the Child as the Vice-Chair person.

The African Child Policy Forum

is a knowledge based policy and advocacy centre committed to the promotion and realization of child rights and welfare in Africa. The Forum is a non-profit independent institution founded in 2003.

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