

**ANALYSIS OF THE STATE'S LEGAL OBLIGATIONS IN  
REDUCING THE GENDER GAP WITNESSED DURING  
TRANSITION TO SECONDARY SCHOOLS: A FOCUS ON THE  
GIRL CHILD**

**Submitted in partial fulfillment of the requirements of the bachelor of laws  
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## **DEDICATION**

This research is dedicated to my mother who is an epitome of strength and devotion.



## **ACKNOWLEDGEMENT**

I am very grateful to Strathmore University for giving me the opportunity to take my Law Degree Course (LLB).

I would like to extend my appreciation to my supervisor Eunice Kiumi for her efficient assistance.

**DECLARATION**

I, JULIANE VERRA OBAT, do hereby declare that this research is my original work and that to the best of my knowledge and belief, it has not been previously, in its entirety or in part, been submitted to any other university for a degree or diploma. Other works cited or referred to are accordingly acknowledged.

Signed: .....

Date: .....

This dissertation has been submitted for examination with my approval as University Supervisor.

Signed:.....

EUNICE KIUMI

## ABSTRACT

The research analyses the obligation of the state in reducing the gender gap witnessed during transition to and retention in secondary school. The focus is on the girl child. The state's obligation is a broad spectrum encompassing the right to fulfil, respect and protect the right to education.<sup>1</sup>The attention is on the girl child since indicators show that despite enrolment of girls being slightly higher than boys in primary school, there is a shift when transitioning to secondary school.<sup>2</sup>The gender gap widens, increasing the probability of boys graduating secondary school double the number of girls.<sup>3</sup>The research methodology involved qualitative data analysis, where the causes of gender gap were explored and data collected from both primary and secondary sources including the constitution and statistics from international organisations such as UNICEF.

Gender disparities widen in secondary school with the most witnessed in upper secondary classes.<sup>4</sup> The causes of such disparity vary from socio-cultural factors to educational institution issues. Socio cultural issues include ethnicity and Social Economic Status (SES) of an individual. Ethnicity affects gender parity where some ethnic groups uphold certain practices such as early marriage, which affect the girl child education. Educational issues may include the curricula and school related violence such as physical and sexual abuse against the girls in the institution. Using indicators such as literacy rates and transition to other levels of education can help track any gender disparity in the education sector.

There is need to improve accessibility and availability elements of education to tackle the disparity witnessed since the above aspects are the ones that hinder secondary education for the girl child.<sup>5</sup>There is need to continue with gender mainstreaming while involving different stakeholders especially at the grass root levels since they are able to help in implementation and monitoring strategies and policies by the government.

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<sup>1</sup> United Nations Children's Education Fund, A human rights based approach to education for all,(2007)3.

<sup>2</sup> Gagnon A, Gender Disparities in Education Between a Promise and Progress,UNESCO Institute for Statistics,2010,17.

<sup>3</sup> <http://documents.worldbank.org/curated/en/212341467999691082/pdf/98450-REVISED-PUBLIC-WB-EGP-Reaching-Girls-040816-final6-web.pdf> on 15 November 2016.

<sup>4</sup> Gagnon A, Gender disparities in Education,17.

<sup>5</sup> Fiske B,UNESCO World Atlas of Gender Equality in Education ,2012,98.

## **LIST OF ABBREVIATIONS**

CEDAW-Convention on the Elimination of all forms Discrimination Against Women

EFA-Education For All

FGM-Female Genital Mutilation

GER-Gross Enrolment Ratio

GPI-Gender Parity Index

ICESCR-International Covenant Economic, Social Cultural Rights

UN-United Nations

UNESCO-United Nations Educational Scientific Cultural Organisation

UNCRC- United Nations Convention on the Right of the Child

SES-Social Economic Status

RTE-Right To Education



## **LIST OF CASES**

Free Legal Assistance Group, Lawyers Committee for Human Rights, (*Union Interafricaine des Droits de l'Homme, Les Témoins de Jehovah*) v. Zaire

Unni Krishnan v State of AP

## CHAPTER ONE: INTRODUCTION

### Background of the problem

The right to education has long been acknowledged as encompassing not only access to educational establishment, but also the obligation to eliminate gender discrimination at all levels of the educational system.<sup>6</sup>The obligation to eliminate gender discrimination in education can be tracked to different conventions and frameworks. The Dakar Framework For Action<sup>7</sup>has one of the goals (Goal No.5) as eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality.<sup>8</sup>The Millennium Development Goals (MDG) also include elimination of gender inequality in achieving its Goal Number 3, which is achieving gender equality and promote women empowerment. <sup>9</sup>Member countries including Kenya participated in the conference and reaffirmed their commitment towards achieving education for 'every citizen in every society'.

Based on the above statement there is need to discuss the right to education in relation to the girl child who has faced and is still facing challenges with regards to her education caused by socio-cultural practices and in terms of her transition to secondary and other tertiary levels of education.<sup>10</sup>

The World Conference on Education for All, which was held in Thailand, stated that Education for All means educating both boys and girls and it also involves treating both sexes equally and in the progression narrowing the gender gap as a matter of justice and equality.<sup>11</sup>The conference mobilised support for girls' education and attributes to the development of the MDG and Dakar Framework For Action.

The girl child presents a wide array of discussions surrounding her, including the right to education, which is characterised by issues of gender disparity and gender inequality.<sup>12</sup>The right to education is a human right whose fulfillment is imperative to the development of the girl child.<sup>13</sup>This is the case since education helps to promote the dignity of the girl child, since education should be accorded to her by virtue that she is a person and should not be limited based on merely her gender.<sup>14</sup>Education also helps the women to effectively compete with their

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<sup>6</sup> United Nations Children's Education Fund, A human rights based approach to education for all,(2007)6.

<sup>7</sup> Article 7(2)The Dakar Framework For Action Education For all: Meeting our collective commitments, Dakar, 2000,17.

<sup>8</sup> Dakar Framework For Action.

<sup>9</sup> <http://www.un.org/millenniumgoals/gender.shtml> on 25 August 2016.

<sup>10</sup> Gagnon A, Gender Disparities in Education Between a Promise and Progress,UNESCO Institute for Statistics,2010.

<sup>11</sup> Fiske B,UNESCO World Atlas of Gender Equality in Education ,2012,21.

<sup>12</sup> [http://www.unicef.org/education/bege\\_70640.html](http://www.unicef.org/education/bege_70640.html) on 31 October 2016.

<sup>13</sup> Mengistu B, Her Right To Education, 2013,4

<sup>14</sup> Article 27(3), Constitution of Kenya,2010.

male counterparts for job opportunities due to the qualification that they will equally possess as a result of receiving education.<sup>15</sup> The obligation to provide education is imposed on the state in both the Constitution<sup>16</sup> and different international legal instruments. The obligations are to respect, promote and protect<sup>17</sup> the right to education.

Both regional and international conventions deal with the right to education and impose an obligation on the state to ensure fulfillment of this right. The conventions include the United Nations Convention on the Rights of the Child (UNCRC),<sup>18</sup> the International Covenant on Economic, Social and Cultural Rights (ICESR)<sup>19</sup> and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).<sup>20</sup> These treaties establish the right to education and obligation of the state to develop secondary education, supported by measures to render it accessible to all children, as well as equitable access to higher education.

### Statement of the problem.

Affirmative action has been taken towards the girl child in relation to education and this has led to the increased ratio of girls enrollment in primary school compared to boys<sup>21</sup> however a disparity exists as the level of education continues to increase.<sup>22</sup> Statistics show that the number of girls enrolled in primary school is higher than the boys and the number decreases as the level of education continues.<sup>23</sup>

The decrease in number of enrollment of girls in secondary schools and higher levels of education leads to the probability of boys graduating secondary school becoming twice the number of girls.<sup>24</sup> Different legal instruments contain provisions in relation to education such as equality and non-discrimination<sup>25</sup> that are essential in an education system. Discrimination against the girl child is hinged towards the attitude of the society where some parents lack the appreciation of education for the girl child giving priority to education their male children.<sup>26</sup>

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<sup>15</sup> Fiske B, UNESCO World Atlas of Gender Equality in Education, 2012, 25.

<sup>16</sup> Article 43(1), *Constitution of Kenya*, (2010).

<sup>17</sup> OHCHR, Human rights indicators: A guide to measurement and implementation, (2012) 12.

<sup>18</sup> *United Nations Convention on the Rights of the Child*, 20 November 1989, 1577 UNTS 3.

<sup>19</sup> *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 UNTS 3.

<sup>20</sup> *Convention on Elimination of All Forms of Discrimination Against Women*, 18 December 1989, 2131 UNTS 83.

<sup>21</sup> Fiske B, UNESCO World Atlas of Gender Equality in Education, 2012, 22.

<sup>22</sup> Gagnon A, Gender Disparities in Education Between a Promise and Progress, UNESCO Institute for Statistics, 2010, 17.

<sup>23</sup> <http://www.worldbank.org/en/topic/education/brief/girls-education> on 21 March, 2016.

<sup>24</sup> <http://www.worldbank.org/en/topic/education/brief/girls-education> on 21 March, 2016.

<sup>25</sup> Article 3, *International Covenant on Economic, Social Rights*, 16 December 1966, 993 UNTS 3.

<sup>26</sup> *Kenya National Assembly Official Report*, 8 December 1999, 2799.

A report submitted by the UN special rapporteur on education<sup>27</sup> has a conceptual framework that forms the basis for the fulfillment of the right to education such as accessibility, availability and adaptability<sup>28</sup> whose absence in totality or in one aspect such as unavailability of schools, may lead to non-fulfillment of the right to education. It is paramount to address the issue of gender disparity and inequality as the level of education progresses in order to meet different educational goals such as the Dakar Framework Action and Millennium Development Goals, which were intended to help reduce and solve the gender disparities issues that were being witnessed in relation to the education of the girl child.

### Purpose of the study/general objective

The main aim of this dissertation is to analyse the state's obligation towards the provision of the right to education for the girl child with reference to the Constitution and different international legal instruments such as ICESCR and UNCRC. The obligations, which include to respect, protect and promote the right to education, will be evaluated.

This study also aims at analysis of the existing legal framework on education, in order to make a conclusion on whether the stipulated features such as availability and accessibility are present in context with providing education for the girl child. Availability and accessibility will be evaluated keenly because there lack in an education system hinders access to education for the girl child in higher levels of education including secondary education.

The dissertation also aims to evaluate the available human right indicators in education and apply the indicators to determine the state's fulfillment of the right to education. The human right indicators include equality and non-discrimination that should be existent in education at all levels.

The study will also give recommendations on the steps that can be taken if any in order to ensure fulfillment of the right to education for the girl child in secondary level of education.

### Research questions

The research questions for the study include:

- i. What are the obligations of the state with regards to provision of the right to education?
- ii. Are there implications that arise out of the above stated obligations?
- iii. What are the causes of gender disparity and inequality in education as the level of education progresses?

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<sup>27</sup> Katarina Tomaveski was a special rapporteur on education from 1998-2004, she came up with a global report on education in 2006 that focused on the different continents in the world, the report focused on free education and fee education.

<sup>28</sup> UNHRC', Report by Special Rapporteur Katarina Tomasevski 8/2006' (2006) UN docE/CN.4/2006/45.

## Justification of the study

- i. The study is justified on the grounds that there needs to be steps taken in order to reduce the gender disparity that is witnessed as the level of education continues from secondary schools to higher learning institutions.<sup>29</sup>
- ii. The study is justified on the basis that, the right to education of the girl child is fundamental to ensuring protection of her other basic rights.<sup>30</sup>Such basic rights include participation in civil life, right to life and the right to health. This is as a result of the empowerment garnered from education.
- iii. There is need to fulfill the obligations and the goals brought forth by the Dakar Framework and Millennium Development Goals (MDG).

## Scope and Limitations of the study

### Scope of the study

The study deals with the right to education that encompasses different features that need to be analysed in order to assert the fulfillment of the right itself. The features are contained in the framework development by the special rapporteur on education, Katarina Tomasveski.<sup>31</sup>The features include availability, accessibility, acceptability and adaptability which will subsequently be referred us the, “4A’s framework in education.” The included framework must be analysed to determine the fulfillment of the right to education.<sup>32</sup>The focus will be with regards to the girl child since there is a noticeable disparity in education as the level of educations increases.<sup>33</sup>The research will delve into the causes of the disparity and make the necessary conclusion as to the causes. Different education indicators such as transition rates to higher levels of education, participation in different levels of education and literacy levels will also be applied in order to determine the fulfillment of the right to education by the state.

The focus is on secondary education, since there is a witnessed disparity in transition and retention in secondary education between the boys and the girls. The girls’ enrollment lowers while the boys’ increases yet the enrollment of girls in primary school is higher than the boys.<sup>34</sup>Completion of secondary education also increases viability of an individual to enter the job market compared to primary education.

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<sup>29</sup> <http://www.worldbank.org/en/topic/education/brief/girls-education> on 21 March,2016

<sup>30</sup> Abdel F, ‘realising the right to education in Egypt :An assessment of primary education in relation to international standards ‘unpublished LLM thesis, American University in Cairo,June2012.

<sup>31</sup> Katarina Tomaveski was a special rapporteur on education from 1998-2004,she came up with a global report on education in 2006 that focused on the different continents in the world,the report focused on free education and fee education.

<sup>32</sup> Special report by Katarina Tomasevski.

<sup>33</sup> <http://www.worldbank.org/en/topic/education/brief/girls-education> on 21 March,2016.

<sup>34</sup> Fiske B,UNESCO World Atlas of Gender Equality in Education,2012,22.

The findings of the research questions will also follow up with the necessary recommendations and steps to be taken to reduce the gender gap in education.

### Limitations of the study

- i. The right to education is third generation right that implies realisation that can be achieved through maximum use of resources.<sup>35</sup>This means that its application may be different due to the difference in the level of development among countries.
- ii. The study is limited to the right to education and this may present a challenge due to the interdependence nature of human rights, which means that the applicability of the right to education is and may be dependent on the achievement of another right, for instance the right to health.
- iii. The research will seek to focus on education of the girl child from a legal basis rather than a socio-cultural issue hinged on a social science which mostly seems to be the case of most research done with regards to the right to education for the girl child.

### Definition of terms

UN special rapporteur is an expert with the mandate to report and advise on human rights from a thematic or country-specific perspective. The special rapporteurs are appointed under the system of Special Procedures which is a central element of the United Nations human rights machinery and covers all aspects of human rights: civil, cultural, economic, political, and social. A special rapporteur in education hence deals with issues of education as a human right. They carry out special country visits and communicate to the Human Rights Council through submission of annual reports.<sup>36</sup>

Gender equality is a term understood broadly to mean the right to gain access and participate in education, as well as to benefit from gender-sensitive and gender-responsive educational environments and to obtain meaningful education outcomes that ensure that education benefits translate into greater participation in social, economic and political development of their societies.<sup>37</sup>It can be concluded to deal with matters of accessibility and participation in education by both girls and boys.

Human rights indicators are practical practices that have been established in order to monitor compliance by states that are usually considered as duty bearers through implementation of the

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<sup>35</sup> Article 13, *ICESCR*, 993 UNTS 3.

<sup>36</sup> <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx> on 19 July 2016.

<sup>37</sup> Fiske B, UNESCO World Atlas of Gender Equality in Education 2012.

human rights. Right to education indicators thus focus on the participation of marginalised groups in decision-making and the existence of accountability mechanisms available.<sup>38</sup>

Gender disparity means not having equality in terms of gender in participation or language in an educational program.<sup>39</sup> Gender parity hence aims at achieving equal participation of boys and girls in education; it is also the only step towards achieving gender equality.<sup>40</sup> Gender parity is measured using Gender Parity Index (GPI).

4 A's framework on education is a concept developed by the former UN Special Rapporteur on the Right to Education, Katarina Tomasevski, as a way to assess and act upon education. The framework stipulates for availability, accessibility, acceptability and adaptability of education for it to be meaningful and rightly fulfilled.<sup>41</sup> The framework applies to both primary and secondary education.

## Chapter summary

The dissertation will contain the following chapter breakdown:

- i. The first chapter of the dissertation contains a general summary of the introduction that aims to introduce the problem that motivated the study and the main aim of the study and the reasons behind the particular topic.
- ii. The second chapter will include the theoretical framework and the methodology. The theoretical framework will discuss the different theories or jurisprudence surrounding the topic studied and their applicability. The methodology subtitle will contain the different methods used in collection of the information contained in the study and the justification of the methods.
- iii. The third chapter will contain the case study and topics relating to the research questions, it will give an analysis and discussions of the research questions.
- iv. The fourth chapter contains the findings, which will explain the data, charts and graph will be incorporated in this section and a brief description of the graph and charts information explained.
- v. The fifth chapter will contain the discussion where the data in the findings will be analysed. The literature and theoretical framework will be reviewed in this chapter too.

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<sup>38</sup> De Beco G, Larsen P, Balsera R.M, The Right to Education: Human Rights Indicators and the Right to Education of Roma Children in Slovakia, 2009.

<sup>39</sup> Adhikari M, :A classroom issue ,accessed from <https://neltachoutari.wordpress.com/2012/06/01/gender-disparity-an-issue-in-my-real-classroom/> on 19 July, 2016.

<sup>40</sup> UNESCO , World Atlas Gender Education, 2012, 21.

<sup>41</sup> Right to education project accessed from <http://r2e.gn.apc.org/node/226> on 19 July 2016.

- vi. The sixth chapter will contain the conclusions and recommendations where the conclusions will be stemmed from the findings and the implications of the topic.

The recommendations will aim to offer practical solutions that can be implemented by the government.

References and appendices will follow the main text and shall include the case summaries and judgment analysis.



## CHAPTER TWO: THEORETICAL FRAMEWORK AND METHODOLOGY

### Theoretical framework

The theories applicable in the research include natural law, feminism and positivism. Natural law theory's main idea is based on natural rights, which is often used synonymously with human rights.<sup>42</sup>This is the case since natural rights are rights that individuals have that cannot be violated due to their fundamental nature and by virtue that they are inherent to a person. The rights are governed by universal natural law.<sup>43</sup>The relationship between natural law and human rights is one of the presuppositions that a doctrine of natural rights presumes the moral connotation, which is the central core of natural law theories.<sup>44</sup>Natural law thinkers view rights as inalienable and universal, there is also an implication that all human beings are equal and should be treated as such.<sup>45</sup> From the above description it can be deduced that the need to protect the rights of the citizens is synonymous to the state's obligation. This denotes that the state has to ensure that the right to education for the girl child is protected. The obligation of the state towards human rights include the right to respect, promote and protect, in doing so it empowers the right holders to claim the protected rights.<sup>46</sup>The obligation to respect the right of education of the girl child requires the state to abstain from carrying out or tolerating any policy or practice that violates the right to education<sup>47</sup> such as early marriages.

The obligation to promote involves aspects of advocacy and directing of its public expenditure towards promotion of the right to education for instances through building of more schools to ensure accessibility is met.<sup>48</sup> Fulfilling the different aspects of the state's obligation will help to promote the right to secondary education of the girl child. Protection aspect involves prevention of the violation of the right to education and guarantee access to legal remedies in case of any violation.<sup>49</sup>The inalienability aspect of human rights also protects the girl child since the right to education should not be absent for the girl child by reason of her gender. The idea of education being a natural right takes theoretical manifestations founded on refuting servitude and evidences itself as an institution available to all persons as an immutable, freely given by choice.<sup>50</sup>Leaning on the statement the girl child's right to education should be promoted based on the principles of immutability and freedom hence available to all persons regardless of gender. John Rawl's

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<sup>42</sup> Donnelly J, *Human rights as natural rights*, The Johns Hopkins University press,1982 , 391 .

<sup>43</sup> Nozick R , *Anarchy, State and Utopia*, Blackwell publishers Ltd,1974, ix

<sup>44</sup> Porter J,'From Natural Law to Human Rights :or Why Rights Talks Matters '*Journal of law and religion*,14 (1999-2000),77-96

<sup>45</sup> <https://www.humanrights.gov.au/human-rights-explained-fact-sheet-3-human-rights-philosophies> on 22 February,2016.

<sup>46</sup> United Nations Children's Fund,A human rights based approach to education for all,(2007)2.

<sup>47</sup> [http://www.advocate-for-children.org/advocacy/rights\\_based\\_approach/rights\\_holders\\_duty\\_bearers](http://www.advocate-for-children.org/advocacy/rights_based_approach/rights_holders_duty_bearers) on 1 December ,2016

<sup>48</sup> United Nations Children's Fund,A human rights based approach to education for all,(2007)11.

<sup>49</sup> [http://www.advocate-for-children.org/advocacy/rights\\_based\\_approach/rights\\_holders\\_duty\\_bearers](http://www.advocate-for-children.org/advocacy/rights_based_approach/rights_holders_duty_bearers) on 1 December,2016

<sup>50</sup> Grande A, *Education As a Natural Right*, October 2006 , 71.

theory of social justice emphasises the ‘original position’ which follows that rational, moral human beings will choose the principles of justice such as fairness to all, and will eliminate the arbitrary inequalities based upon native endowment and social circumstance.<sup>51</sup> Priority is given to the right over the good and the rights include aspects such as fairness and equality. His ideas hence promote equality of all in a just society hence connected to education would imply education to all without any form of discrimination and any disparity that leads to discrimination dealt with as necessary.

Feminism is also a global phenomenon that addresses various issues related to women across the world in a specific manner as applicable to a particular culture or society.<sup>52</sup> It seeks to deconstruct patriarch and promote gender equality.<sup>53</sup> Feminist thought provides instrumental direction on gender policies that enhance all-inclusiveness and equality in education hence no prevention of discrimination against girls and women.<sup>54</sup>

Feminism in education is tackled in all the different waves and strands of feminism from the different centuries, the first wave being in 19<sup>th</sup> and 20<sup>th</sup> centuries.<sup>55</sup> The different strands of feminism include liberal, radical and socialist feminism. Liberal feminism developed in the 18<sup>th</sup> and 19<sup>th</sup> centuries, it focuses on natural justice, human rights and justice. Its focus is mainly on the issues of equal opportunity and access to resources for women.<sup>56</sup> Liberal feminists advocated for equal suffrage and personal development for women through creation of opportunities for women.<sup>57</sup> Radical feminism grew in the mid 20<sup>th</sup> century where, the feminists focused on dismantling the foundation upon which patriarchal structures are anchored through exposing its oppression towards women and advocating for means that would be centered on women’s education.<sup>58</sup> Socialist feminists offer alternative analytical framework that offers cognisance of social significance and impact in education and how it links to labour and social stratification.<sup>59</sup> Feminism approach to education is based on the emphasis of gender equality in education and as well as assertion of intellectual equality with man.<sup>60</sup> One of the earlier theorists include Mary Wollstonecraft<sup>61</sup> who states that, ‘it is a woman’s birth right to be educated, not for male submission but for equal opportunity for rational development.’ She also emphasises on how the women are held subordinate to their male counterparts through inability to perform in any public sphere whether education or politics. Based on the above approach to education it is

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<sup>51</sup> Rawls J, *Theory of justice*, Harvard university press, 1971.

<sup>52</sup> Adawo I, Gakonyo I, *History of Feminism in Kenya*, October 2011.

<sup>53</sup> Adawo I, Gakonyo I, *History of feminism in Kenya*, 2011.

<sup>54</sup> Chege F, Sifuna D, *Girls and Women education in Kenya Gender Perspectives and Trends*, 2006, 1.

<sup>55</sup> David M, *Reclaiming Feminism: Challenging Everyday Misogyny*, University of Bristol Policy press, UK, 2016, ix

<sup>56</sup> Chege F, Sifuna D, *Girls and Women education in Kenya Gender Perspectives and Trends*, 2006, 3.

<sup>57</sup> Marilley S, *Women suffrage and the Origins of Liberal Feminism in the United States, 1820-1920*, Harvard University Press, Cambridge Massachussets, 1996, 3.

<sup>58</sup> Chege F, Sifuna D, *Girls and Women education in Kenya Gender Perspectives and Trends*, 2006, 4.

<sup>59</sup> Chege F, Sifuna D, *Girls and women education in Kenya Gender Perspectives and Trends*, 2006, 5.

<sup>60</sup> Wollstonecraft M, *Vindication of women’s rights*, 1792.

<sup>61</sup> Mary Wollstonecraft was an English writer and Advocate for women’s rights in the 18<sup>th</sup> century.

important for the girl child to be educated in order to ensure her opportunity to rational development in the same way as the boy child. The feminism movement can also be applauded for the presence of international conventions that seek to address gender issues in different spheres such as education, such as the Convention against Discrimination in Education and Convention on Elimination of Discrimination Against Women (CEDAW). The conventions were timely due to the injustice faced by women in the past and the need to put an end to such injustices. Article 10<sup>62</sup> places obligation on the state to eliminate any discrimination against women to ensure to them equal rights in education as their male counterparts and ensure equality.

Positivism jurisprudence is a school of thought that emphasises on issues of the law and authority.<sup>63</sup> Law as defined by one of the proponents of positivism, John Austin, is a command from the sovereign, where the sovereign is the fellow in authority who is obeyed rather than obeys.<sup>64</sup> Hence all laws must be followed and obeyed. This concept gives the state the right to legitimacy where it can punish anyone who does not follow its orders.<sup>65</sup> Practices such as early marriage and FGM, which have been illegalised in the country, should hence not be practiced as they also affect the girl child education.<sup>66</sup> Anyone who disobeys this should be punished accordingly based on the state's legitimacy aspect. Under the positivist theory, the source of human rights is found only in the enactments of a system of law with sanctions attached to it. This is relevant since the paper will focus on the state's obligation in relation to the international instruments such as the ICESR, which contain the written regulations that ought to be followed by the member states. Kenya having acceded the instrument is hence obliged by its provisions. The Constitution will also be assessed since it is the supreme law of the land<sup>67</sup> and the state should dispense its duties as stipulated under the Constitution. The rights contained in the Constitution include the right to education<sup>68</sup> equality and freedom from non-discrimination<sup>69</sup> which ought to be fulfilled by the state and different stakeholders involved in the education sector.

## Research methodology

The research method will be primary and based on qualitative research. It involves primary explorative research which will focus on insights of the problem based on critical understanding

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<sup>62</sup> *Convention on Elimination of All Forms of Discrimination Against Women*, 18 December 1989, 2131 UNTS 83.

<sup>63</sup> Shestack J, *The philosophical foundation of human rights*, LA hunt, 2007, 6.

<sup>64</sup> <http://www.jus.unitn.it/users/patterson/course/topics/materiale/analyticjurissupplemental.pdf> on 18 December 2016.

<sup>65</sup> Mcloughlin C, *State Legitimacy*, 2014, 2.

<sup>66</sup> Hussein A, 'Gender Issues Affecting Girl Child Education in Northern Kenya' 20 (2015) 94-99.

<sup>67</sup> Article 2(1) *Constitution of Kenya*, 2010

<sup>68</sup> Article 43(1)(f) *Constitution of Kenya*, 2010.

<sup>69</sup> Article 27(3), *Constitution of Kenya*, 2010.

of the issue at hand. In this case the issue at hand will revolve around focus on the reasons for lack of gender parity in higher levels of education with a focus on secondary education. The data sources will be both primary and secondary, where primary data will be collected directly from the sources such as articles from the Constitution and legal international instruments such as the International Covenant on Economic Social and Cultural Rights (ICESCR). Secondary sources will include statistics from different organisations and sources showing the number of girls in secondary school and the changes that have occurred through out the year with regards to the enrollment of girls in school. The secondary sources will include data from UN branches such UNICEF on the right to education.<sup>70</sup> Secondary analysis of data and evidence from other sources will further be evaluated to give a comprehensive finding.

The information collection techniques will include library and journal searches. The library research will focus on analysing the Constitution, the international and regional conventions such as the ICESR and African Charter on the Rights and Welfare of the Child (ACRWC) while delving deeper into the meaning of different words used in the legal instruments to understand the reasoning behind certain clauses and their implications. Different books and articles written with regards to girl child education will also be analysed. Journal resources will focus on reports submitted by the special rapporteur on education and reports composed by United Nations organisations such as the UNESCO and UNICEF. This is the case since these organisations are charged with the role of overlooking and evaluating the application of different international instruments by state parties.

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<sup>70</sup> United Nations Children's Fund, A human rights based approach to education for all, (2007)28.

## CHAPTER THREE

The obligations of the state towards the provision of the right to education are stipulated in different legal instruments such as the Constitution, different regional and international instruments. The Constitution<sup>71</sup> classifies the right to education as an economic and social right. Both men and women have been recognised to have equal rights and opportunities under economic, social and political spheres.<sup>72</sup> As such no gender should be discriminated upon in any sphere. The obligation of the state contained in Article 21<sup>73</sup> requires that the state take legislative, policy and other measures, including the setting of standards, to achieve the progressive realisation of social and economic rights, which includes the right to education. The state together with all its public officers, have the obligation to protect the rights of the vulnerable in society including children and women.<sup>74</sup>

The state also bears the obligation to enact and implement international obligations towards human rights, which also includes the right to education. The Basic Education Act<sup>75</sup> guarantees the implementation of the right to education through provision of basic education, which includes the requirement to establish schools including secondary education and ensure its availability to all children.<sup>76</sup> Basic education includes both primary and secondary education, where primary education is held to be the main delivery system for fulfilment of basic education.<sup>77</sup> It is a foundation for lifelong learning and human development on which countries may systematically build upon.<sup>78</sup>

Secondary education has progressed to become basic education due to its inclusion as a basic education in different legal instruments and its transition to be free and compulsory under different legal instruments such as the Basic Education Act.<sup>79</sup> International legal instruments which Kenya is signatory to, also contain provisions with regards to the obligation of the state. The ICESCR deals with economic, social and cultural rights and as such the right to education is

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<sup>71</sup> Article 43(1)(f) Constitution of Kenya (2010).

<sup>72</sup> Article 27(3), Constitution of Kenya.

<sup>73</sup> Constitution of Kenya, 2010.

<sup>74</sup> Article 21(3) Constitution of Kenya,(2010).

<sup>75</sup> Act no. 14 of (2013).

<sup>76</sup> Right to Education Project ,The Right to Education Country Factsheet Kenya, March 2014.

<sup>77</sup> Article 5 World Declaration on Education For All,1990.

<sup>78</sup> Article 1(4) World Declaration on Education For All,1990.

<sup>79</sup> Article 28(2) *Basic Education Act*,(2013).

recognised under Article 13(1) that contains the benefits of education such as ensuring full development of the human personality and promoting understanding and tolerance among people. It stipulates one of the obligations of the state as ensuring full realisation of the right to secondary education. It also provides that secondary education should encompass features such as accessibility and availability<sup>80</sup> of education, which are emphasised. The obligation under this clause will form the basis of our discussion since gender disparity starts to exist as the level of education as it progresses. The education system also needs to be pursued and all material conditions of teaching staff improved.<sup>81</sup>The persuasion aspect is related to availability of resources, which are necessary for the fulfilment of the right to education.

The obligation of the state generally towards education is divided into three levels. <sup>82</sup>The levels include; to fulfil the right to education which deals with issues of availability of education through taking measures that ensure that children benefit from education, such steps include adapting curricula that suits needs of the children, poverty reduction and engaging parents in the provision of education.<sup>83</sup>The second level of state's obligation is to respect the right to education, which can be done through legislative policies that ensure that the needs of marginalised and needy groups are considered in the right to education. Girls and women are considered as needy groups due to the challenges they face generally in the society; the challenges include early marriages and degrading treatment such as FGM. Respecting the right to education deals with the aspect of access to the right to education, which has provisions such as non-discrimination.<sup>84</sup>

The third level of the obligation of the state is to protect the right to education. This can be done by taking the necessary measures to remove the barriers to education posed by either individuals or communities, which include cultural barriers to education or violence and abuse in the school environment. <sup>85</sup>Cultural barriers include practices such as early marriage and FGM within communities. These practices hinder the education of the girl child by cutting short her education due to the responsibilities that come up due to from them, for instance early marriage where the

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<sup>80</sup> Article 13(2)(b),*ICESCR*, 993 UNTS 3.

<sup>81</sup> Article 13(2)(e),*ICESCR*.

<sup>82</sup> United Nations Children's Fund, A human rights based approach to education for all, (2007) 39.

<sup>83</sup> United Nations Children's Fund, A human rights based approach to education for all, (2007) 39.

<sup>84</sup> United Nations Children's Fund, A human rights based approach to education for all, (2007) 40.

<sup>85</sup> United Nations Children's Fund, A human rights based approach to education for all, (2007) 41.

girl will be forced to take care of her family instead of attending school.<sup>86</sup>

For any obligation, there arises an implication. The implications require the evaluation of the 4A's framework on education developed by former UN special rapporteur on education, Katarina Tomasevski and used by the Committee on Economic, Social and Cultural Rights in its clarification of the normative basis for Article 13 of the ICESCR. The 4A connotation stand for availability, accessibility, acceptability and adaptability. Each of the above aspects should be present in an education system for the right to education to be fulfilled. The Framework requires that education be made generally available, that the obstacles to its access be removed, that its content be acceptable and that education be adapted to specific groups and social needs.<sup>87</sup>

The framework is evaluated with a focus on the marginalised groups and those who are vulnerable to discrimination.<sup>88</sup> The vulnerability to discrimination of women is hinged towards the urgency to prioritise the access to, improving quality of education and removing any barrier that hinders access to education for the girls and women.<sup>89</sup> Statistics also indicate that two thirds of the world's illiterate population is girls and women,<sup>90</sup> Based on the above statement, the evaluation will consider the girl child appropriately as 'vulnerable' to discrimination in education. The vulnerability can be attributed to the previous and present tight patriarchal societies, which still view men as being superior to women physically, socially and even intellectually. This leads to poor reception and commitment in dealing with issues relating to the girl child education.

Availability of education imposes an obligation on the government to permit the establishment of education by non-state actors such as private institutions, which establish private schools.<sup>91</sup> It also obliges the government to establish and fund public schools to ensure the availability of schools in all levels of learning.

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<sup>86</sup> State Report submitted to the CRC Child in 2013, CRC/C/KEN/3-5, 357.

<sup>87</sup> Beco G, Larsen P, Balsera M, The Right to Education: Human Rights Indicators and the Right to Education of Roma Children in Slovakia (2009)3.

<sup>88</sup> Beco G, Larsen P, Balsera M, The Right to Education: Human Rights Indicators and the Right to Education of Roma Children in Slovakia (2009)3.

<sup>89</sup> Article 3(3), *World Declaration on Education For All*, 1990

<sup>90</sup> [http://www.campaignforeducation.org/docs/reports/GCE\\_INTERIM\\_Gender\\_Report.pdf](http://www.campaignforeducation.org/docs/reports/GCE_INTERIM_Gender_Report.pdf) on 22 November 2016.

<sup>91</sup> Tomasevski K, *Right to Education Primers No.3*, Human Rights obligations: Making education available, accessible, acceptable, adaptable (2001)13.

The establishment of schools by the government itself launches the right to education as a social and economic right while allowing non-state actors to establish schools, which also promotes the right to education as a civil and political right.<sup>92</sup> One of the facets of the obligation in establishing schools is to ensure that education is of quality standards while the other facet is to ensure that the government does not abuse its powers through giving private players the opportunity to establish schools too. In the case of **Free Legal Assistance Group, Lawyers Committee for Human Rights, (Union Inter africaine des Droits de l'Homme, Les Témoins de Jehovah) v. Zaire**,<sup>93</sup> The African Commission on Human and Peoples' Rights found in 1996 that a two year long closure of universities and secondary schools in Congo constituted a violation of Article 17 of the Charter, which guarantees the right to education. The closure was as a result of mismanagement of public finance by the government leading to degrading conditions of living and lack of basic needs by the citizens. Failure to provide such amenities impeded the people from obtaining basic education among other basic needs.

Accessibility aspect of education focuses on the girl child since it is guided by the principle of non-discrimination. Discrimination in accessibility is portrayed where there is unwillingness of parents to invest in girls' education hence prompting the need to provide incentive to parents in order to create a demand for girls' education.<sup>94</sup> The incentives may include provision of bursaries or other stipends in order to cater for the girl's education. Non-discrimination is not subject to progressive realisation but has to be secured immediately and fully.<sup>95</sup> This implies that a state cannot rely on lack of available resources or invoke the aspect of progressive realisation in the cases of discrimination.

Acceptability emphasis is on the quality of education that has been made available and accessible hence analyses aspects of availability and accessibility to lead to its fulfilment. It suggests minimum professionalism standard for the teachers who have to be qualified and dedicated towards achieving education. Adaptability caters for rights of children with learning disability.

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<sup>92</sup> Tomasevski K, *Right to Education Primers No.3*, Human Rights obligations: Making education available, accessible, acceptable ,adaptable (2001)13.

<sup>93</sup> *Free legal assistance et al v Zaire* ACmHPR Comm.25/89 ,47/90,56/91,100/93, 9 Activity report(1996).

<sup>94</sup> Tomasevski K, *Right to Education Primers No.3*, Human Rights obligations: Making education available, accessible, acceptable ,adaptable (2001)27.

<sup>95</sup> Tomasevski K, *Right to Education Primers No.3*, Human Rights obligations: Making education available, accessible, acceptable ,adaptable (2001)13.



The causes of gender disparity and inequality can be attributed to different factors such as socio-cultural practices and classroom issues such as the education curricula. The gender disparity will focus on secondary education. Achievement of gender parity in education is a sign of existence of gender equality.<sup>96</sup> Hence the need to achieve gender parity can solve the issue of gender inequality in schools. Gender equality in education is of essence since education is a human right for both men and women, which promotes personal development of an individual. It is also the cornerstone of economic development and democracy.<sup>97</sup>

Gender equality achievement will also indicate achievement of Millennium Development Goal NO.3 (MDG) and Education For All No.5 (EFA) that advocate for gender equality and non-discrimination in primary and secondary institutions.<sup>98</sup> Gender parity is measured in terms of number of children enrolled in a given level of education. Other factors may affect gender in education including; Socio-economic status, Ethnicity, Geographic location and Conflict.<sup>99</sup>

Socio economic status (SES), deals with an individual's social standing in terms of income, education and occupation.<sup>100</sup> Social and economic factors may also define certain geographical regions and neighborhoods. Poverty is an indicator of low social economic status. SES affects the girl's education since the African society is patriarchal in nature where boys tend to be favoured over the girl.<sup>101</sup> In Kenya social issues such as the girl not attending school due to instances of child marriage and performance of house chores are cause of absence of girls in secondary schools.<sup>102</sup> The transition to secondary education is particularly affected due to socio-cultural practices such as child marriage<sup>103</sup> which affects girls who have just hit puberty, provision of education for any individual is evaluated from the view of the ones family and society at large, hence parents with a higher SES tend to provide better education for their

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<sup>96</sup> Gagnon A, *Gender Disparities in Education: Between promise and progress*, UNESCO institute for statistics(2010)

<sup>97</sup> Article 13(1), *ICESCR*, 993 UNTS 3.

<sup>98</sup> Gagnon A, *Gender Disparities in Education: Between promise and progress*, UNESCO institute for statistics(2010)4

<sup>99</sup> Gagnon A, *Gender disparities in Education*, 16

<sup>100</sup> <https://www.apa.org/pi/ses/resources/publications/factsheet-education.pdf> on 20 August 2016.

<sup>101</sup> Mukemblemzwa B, 'The Socio -Economic Factors affecting girl child education: A case study of Mbarara municipality, Mbarara District' Unpublished Thesis, May 2014.

<sup>102</sup> Gitonga A, 'Factors Influencing Girl Child Participation in Secondary Education in Laikipia district', Unpublished Msc Thesis, Kenyatta University, October 2009,18.

<sup>103</sup> Mukemblemzwa B, 'The Socio -Economic Factors affecting girl child education: A case study of Mbarara municipality, Mbarara District' Unpublished Thesis, May 2014.

children without any gender preference hence a girl from a family of higher SES will have access and provision of education.<sup>104</sup>

Ethnicity concerns itself with one's social and cultural background, which can be traced to customs and traditions. In Kenya ethnicity plays part in socio-cultural practices, which may affect girls' education. The practices include Female Genital Mutilation (FGM), which despite the fact that it has been outlawed some ethnicities still uphold it.<sup>105</sup> FGM affects education since once a girl undergoes circumcision she is held to be ready for marriage.<sup>106</sup> Getting into marriage hence means that the girl will assume other responsibilities such as taking care of her family rather than concerns about education. This leads to school drop out cases and in the end contributes to the lower transitioning rate of girls to secondary education.

These practices are carried out by different ethnic groups such as Kisii, Maasai, Kalenjin, Taita Taveta, Embu, Meru, Kikuyu, Kamba and Mijikenda/Swahili. Ethnicity also plays part in the pastoral communities in Kenya where their lifestyle involves movement from one geographical location to the other in search of food and pasture for their livelihood.<sup>107</sup> Such lifestyle may affect the girls' right to education due to the constant movement, which may affect her access and availability aspect of education.<sup>108</sup>

Geographical location and conflict affects gender in education. Geographical location affects the aspects of availability and accessibility of education.<sup>109</sup> This comes to play in terms of distance in accessing schools and the number of schools available in the region. Longer distances tend to discourage girls from going to school and this leads to eventual drop out from school. Children's educational attainment is compromised by exposure to violence.<sup>110</sup> Conflict affects education through displacement and fleeing of communities that affects supply of education.<sup>111</sup> There also

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<sup>104</sup> Mukembezwa B, 'The Socio -Economic Factors affecting girl child education: A case study of Mbarara municipality, Mbarara District' Unpublished Thesis, May 2014.

<sup>105</sup> Hussein A, 'Gender Issues Affecting Girl Child Education in Northern Kenya' 20 (2015) 94-99.

<sup>106</sup> Hussein A, 'Gender Issues Affecting Girl Child Education in Northern Kenya' 20 (2015) 94-99.

<sup>107</sup> Hussein A, 'Gender Issues Affecting Girl Child Education in Northern Kenya' 20 (2015) 94-99.

<sup>108</sup> Hussein A, 'Gender Issues Affecting Girl Child Education in Northern Kenya' 20 (2015) 94-99.

<sup>109</sup> Justino P, 'Barriers to education in conflict-affected countries and policy opportunities' 2014,4.

<sup>110</sup> Justino P, 'Barriers to education in conflict-affected countries and policy opportunities' 2014,5.

<sup>111</sup> Justino P, 'Barriers to education in conflict-affected countries' 2014, 5.

exists destruction of infrastructure and resources needed to maintain functioning education systems.

In this case education continues to be disorganised, temporary, under-resourced, overcrowded and is limited to primary education. The limitation only to primary school in turns limits the transition to secondary level of education and higher levels of education. Conflict affected areas account for the highest number of dropouts since the likelihood of children dropping out of school is 20% higher in conflict- affected areas.<sup>112</sup> Violent conflicts often lead to distributional and equity effects in terms of who accesses which type of education that may prevent many from attending school hence lack of some level of education.<sup>113</sup>

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<sup>112</sup> Justino P, 'Barriers to education in conflict-affected countries '2014,4.

<sup>113</sup> Justino P, 'Barriers to education in conflict-affected countries '2014,5.

## CHAPTER FOUR

A released global report by the World Bank in 2012, estimated that 31 million girls still do not have access to education with the highest number being in Africa and Asia calling for the need to further look into the issue of education for the girl child.<sup>114</sup> Despite adopting EFA targets and MDG goals gender disparities continue to persist, despite progress being made in primary education gender gap is widening in higher levels of education.<sup>115</sup> The increase in enrolment in primary school level has led to the demand for secondary education.

The rate of semi literate and illiterate has worsened over the years in Kenya where in 2003 the rate was 24% while in 2008 the rate spiraled to 39%. Indirect costs are still twelve to twenty times as much as the monthly income of parents in rural areas, leaving secondary school out of reach for the poorest households. This is despite the abolition of secondary school fees by the government.<sup>116</sup>

Stronger disparities exist in secondary levels, with the highest number existing in upper secondary classes.<sup>117</sup> Enrolment percentage in Kenya, stands at 48% for the girl child, which is considered low according to UNESCO.<sup>118</sup> Even when girls are enrolled in secondary schools, many do not complete the cycle due to gender-insensitive teaching practices as well as shortage of female teachers as role models.<sup>119</sup> This causes the need to discuss both the transition and the retention rate of girls in secondary school.

Gender parity is measured using Gross Enrolment Ratio (GER), which is the number of children in a certain level of education regardless of age.<sup>120</sup> It is expressed as a percentage of the population of children in a certain level of education. GER is an indicator that measures participation and the country's capacity to accommodate the school age population.<sup>121</sup>

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<sup>114</sup> <http://documents.worldbank.org/curated/en/212341467999691082/pdf/98450-REVISED-PUBLIC-WB-EGP-Reaching-Girls-040816-final6-web.pdf> on 15 November 2016.

<sup>115</sup> Mumukha C, Ngugi M, 'Transitional Enrollment Trends Within Different Educational Levels in Kenya: An Analysis of Promoting Facets', *Journal of Education Practice* 33(2015)21.

<sup>116</sup> [http://en.unesco.org/gem-report/sites/gem-report/files/EDUCATION\\_IN\\_KENYA\\_A\\_FACT\\_SHEET.pdf](http://en.unesco.org/gem-report/sites/gem-report/files/EDUCATION_IN_KENYA_A_FACT_SHEET.pdf) on 5 January 2017.

<sup>117</sup> Gagnon A, Gender disparities in Education, 17.

<sup>118</sup> [http://www.unesco.org/eri/cp/factsheets\\_ed/KE\\_EDFactSheet.pdf](http://www.unesco.org/eri/cp/factsheets_ed/KE_EDFactSheet.pdf) on 15 November 2016.

<sup>119</sup> [http://www.unesco.org/eri/cp/factsheets\\_ed/KE\\_EDFactSheet.pdf](http://www.unesco.org/eri/cp/factsheets_ed/KE_EDFactSheet.pdf) on 15 November 2016.

<sup>120</sup> Gagnon A, Gender disparities in Education, 6.

<sup>121</sup> Gagnon A, Gender disparities in Education, 8.

### Participation in secondary education by both boys and girls

Secondary school enrolment	GER %		1999	2002	2009	2011 regional average
		Total	39	41	60	41
		Male	39	42	63	45
		Female	38	40	57	37

Table obtained from RTE Country fact sheet Kenya.<sup>122</sup>The Right to Education Project produced the statistics.

The table above shows the GER of Kenya under participation in education. It shows the females' percentage enrolment to have a margin of more than 5% lesser than the boys in secondary school enrolment. A margin difference of more than 5% between genders is alarming.

A focus on primary access is not enough to ensure gender equality in education or to its impact on to wider society. Focus should be towards retention and towards post primary education, which includes secondary education. This is particularly important for the girls due to their vulnerability when it comes to education. The vulnerability is triggered by socio cultural practices that promote discrimination against them.<sup>123</sup> Kenya ranked position 112 out of 145 countries in educational attainment, based on the global gender gaps results in 2015 carried out by the World Economic Forum.<sup>124</sup>The position shows the need to improve education in the country. A longer-term view of a country's ability to educate women and men in equal numbers is captured through the ratio of the female literacy rate to the male literacy rate.<sup>125</sup>This is hence the method used to measure gender gap in educational attainment.

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<sup>122</sup> Right to Education Project ,The Right to Education Country Factsheet Kenya, March 2014,21.

<sup>123</sup> State of Girls education in Africa :Achievements since 2002 ,challenges and prospects for the future [http://efc.idnet.net/publications/State%20of%20Girls'%20Education%20in%20West%20Africa\\_ENG.pdf](http://efc.idnet.net/publications/State%20of%20Girls'%20Education%20in%20West%20Africa_ENG.pdf) on 9 November, 2016.

<sup>124</sup> <http://reports.weforum.org/global-gender-gap-report-2015/the-global-gender-gap-index-results-in-2015/> The Global Gender Gap Report, on 9 November 2016.

<sup>125</sup> <http://reports.weforum.org/global-gender-gap-report-2015/the-global-gender-gap-index-results-in-2015/> on 9 November ,2016.

Gender gap is considered closed when gender equality is achieved. <sup>126</sup>Gender equality is deliberated at a quality benchmark of 1; hence a country whose gender gap is less than 1 has not achieved gender equality in educational attainment in all levels. <sup>127</sup>

A table showing the GPI difference between primary and secondary education <sup>128</sup>

Primary Education Enrolment			Secondary Education Enrolment		
Male	Female	GPI	Male	Female	GPI
81	83	1.01	51	48	0.90

The above table shows the GPI in secondary school at 0.90, which indicates lack of achievement gender equality while primary school enrolment is at 1.01, hence gender equality achieved. This is of a particular concern for girls, as the data imply, over half of secondary school age girls are not enrolled in secondary education. The percentage stands at forty-eight, which is, less than half the total percentage of the girl population.

A table showing number of students enrolled in secondary school between the years 2010-2013

		2010		2011		2013	
Enrolment in secondary school	, 000	<u>Boys</u>	<u>Girls</u>	<u>Boys</u>	<u>Girls</u>	<u>Boys</u>	<u>Girls</u>
		885.5	767.8	948.7	819.0	1127.7	976.6

Table extracted from the Kenya National Bureau of Statistics for the year 2014. <sup>129</sup>The table shows an increase in the enrolment of both boys and girls generally but the difference between the girls' enrolment and the boys is high.

<sup>126</sup> The Global Gender Gap Report, 2015,5.

<sup>127</sup> The Global Gender Gap Report,2015,5.

<sup>128</sup> [http://www.unesco.org/eri/cp/factsheets\\_ed/KE\\_EDFactSheet.pdf](http://www.unesco.org/eri/cp/factsheets_ed/KE_EDFactSheet.pdf) on 12 January 2017.

<sup>129</sup> [http://www.knbs.or.ke/index.php?option=com\\_phocadownload&view=category&id=20&Itemid=595](http://www.knbs.or.ke/index.php?option=com_phocadownload&view=category&id=20&Itemid=595) Kenya Facts 2014 on 16 November 2016.

Girls participation in education reflects both their economic position and related factors in society.<sup>130</sup> This is often reflected in access to higher levels of education<sup>131</sup> including secondary education. When resources are scarce parents tend to invest on the boys higher level of education due to economic returns, where it is often believed that the boy will pay back the parents in one way or another while the girls will be married off. The choice to educate the boy and not the girl is also a reflection of the patrilineal system that hinges our society hence reflecting the social position of the girl as under the boys in the society.

Numerical strength of schools does not determine the gender enrolment on its own. Additional factors such as the availability of considerable number of classrooms<sup>132</sup> that reflect on the infrastructure aspect of learning institutions also comes into the picture. Boys' secondary schools often have higher number of streams compared to girls' school hence impeding the number of girls that can be enrolled in a girls school or a mixed school and this in turn affects the right to education of the girl child.<sup>133</sup> The right is affected both in terms of availability and accessibility.

Factors such as lack of adequate infrastructure and inadequacy for guideline for policy implementation hinder access to secondary education for the girl child. The gender parity index (GPI) for the teaching force in 2010 was 0.85 at primary education level and at 0.60 at secondary, indicating a relatively male-dominated teaching force, especially at the secondary education level.<sup>134</sup> This poses a problem for girl child education female teachers are important in order to encourage girl child education and to help in dealing with gender issues facing girls within the learning institutions.<sup>135</sup> The recognition of gender inequality and disparities in education is a step towards tackling gender discrimination generally.

Secondary school comes at a particularly vulnerable age for girls, as they transition into puberty as such, their chances of staying in school reduces, this affects their transition to secondary school and even their retention through the school years.<sup>136</sup>

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<sup>130</sup> Chege F, Sifuna D, Girls and Women education in Kenya Gender Perspectives and Trends, 2006,40.

<sup>131</sup> Chege F, Sifuna D, Girls and Women education in Kenya Gender Perspectives and Trends, 2006,42.

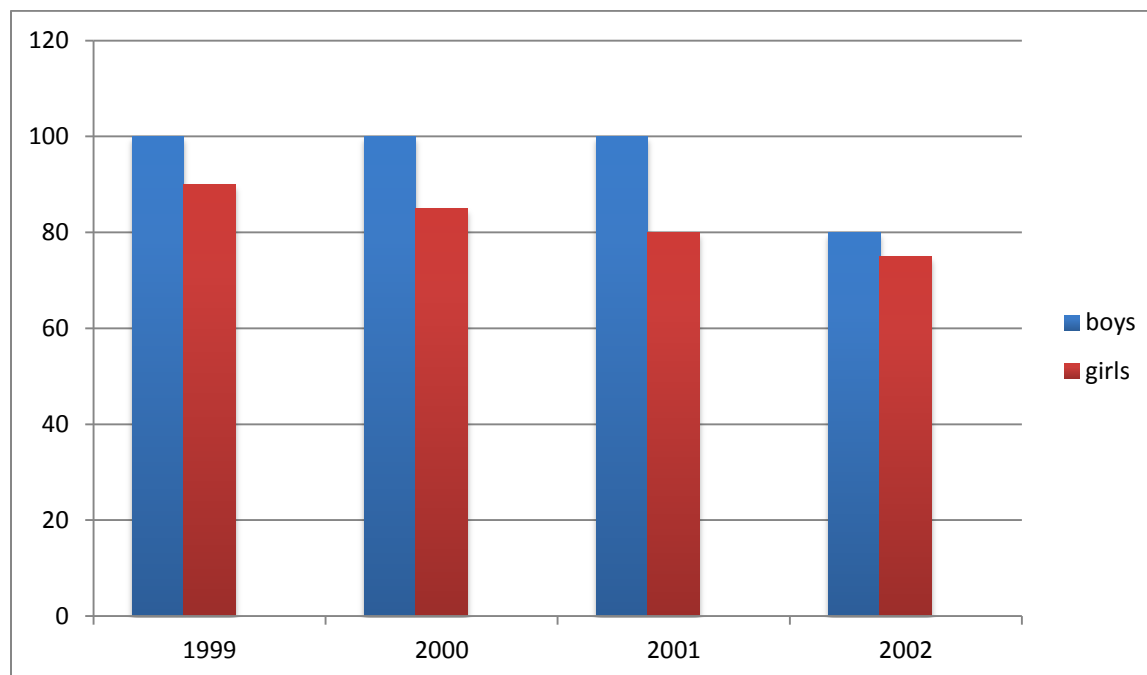
<sup>132</sup> Chege F, Sifuna D, Girls and Women education in Kenya Gender Perspectives and Trends, 2006,56.

<sup>133</sup> Chege F, Sifuna D, Girls and Women education in Kenya Gender Perspectives and Trends, 2006,57.

<sup>134</sup> Kenya EFA Assessment Draft Report,2012.

<sup>135</sup> [http://www.unesco.org/eri/cp/factsheets\\_ed/KE\\_EDFactSheet.pdf](http://www.unesco.org/eri/cp/factsheets_ed/KE_EDFactSheet.pdf) on 12 January 2017.

<sup>136</sup> [http://efc.idnet.net/publications/State%20of%20Girls'%20Education%20in%20West%20Africa\\_ENG.pdf](http://efc.idnet.net/publications/State%20of%20Girls'%20Education%20in%20West%20Africa_ENG.pdf) on 12 January 2017.



The above Chart shows transition rates by gender in different form levels in secondary schools.<sup>137</sup> The transition level of the girl child still remains lower than the boys. The chart shows the transition by gender in secondary school in a span of 4 years. It shows the girls' rate as declining almost yearly while the boys' rate is slightly stable. This chart hence shows the need to deal with the issue of retention in secondary education for the girl child.

Educating girls in secondary level has more economic advantage over primary schooling. Girls are likely to reap the economic benefit of education only with the completion of secondary school, unlike boys who will continue to be engaged into the labor force much earlier in life, often at the primary level.<sup>138</sup> This is important since the economic premium for educated women will be at 9.8% higher than the boys at 8.7% if they proceed to finish their secondary education.<sup>139</sup>

<sup>137</sup> Chege F, Sifuna D, Girls and Women education in Kenya Gender Perspectives and Trends, 2006,56.

<sup>138</sup> <http://www.ungei.org/resources/files/2014-04-GPE-UNGEI-Accelerating-Secondary-Education-Girls.pdf> on 22 December 2016.

<sup>139</sup> <sup>139</sup> <http://www.ungei.org/resources/files/2014-04-GPE-UNGEI-Accelerating-Secondary-Education-Girls.pdf> on 22 December 2016.



## CHAPTER FIVE

Gender issues have played a pertinent role in the formulation of public policy particularly in the education sector, where gender gap remains a challenge.<sup>140</sup>The policies have failed to make their necessary strides due to implementation challenges. The enrolment of the girl child in primary in school in 2014 stood at 93% while the boys stood at 89%.<sup>141</sup> This shows that girls enrolment is higher than boys in primary school, however this narrative shifts in secondary school where the transition and completion rate of the girls declines standing at lower rates than the boys. This is conflicting because it is highly expected that the transition to secondary schools for girls will be higher than the boys and not lower, based on the enrolment and completion rate of girls in primary school being higher than the boys.

The completion rate for the girls in secondary school stands at 41% while the boys at 48%, showing a margin of more than 5% between the two genders causing a higher rate of gender imbalance.<sup>142</sup>This is because the difference should be less than 5% in order for gender parity to exist.

The discussion surrounding the right to education of the girl child is hinged towards the issues of availability and accessibility,<sup>143</sup> which are part of the 4A's framework developed by the former UN Special Rapporteur on education, Katarina Tomaveski. Countries may differ in their levels of commitment towards the right to education.<sup>144</sup>This is based on the budget and other resources that they are willing to devote towards education.<sup>145</sup>The above difference goes ahead to show that the implementation of the right to indication using the same indicator may produce different results and as such the issue of girl child education may not be considered as urgent in a country that is grappling with allocation of public spending towards other sectors that they consider more wanting than education such as health and reducing immortality rates.

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<sup>140</sup> Chege F, Sifuna D, Girls and Women education in Kenya Gender Perspectives and Trends, 2006,1.

<sup>141</sup>[http://www.educationinequalities.org/countries/kenya/indicators/comp\\_prim\\_v2#?dimension=all&group=all&ge\\_group=|comp\\_prim\\_v2&year=|2014](http://www.educationinequalities.org/countries/kenya/indicators/comp_prim_v2#?dimension=all&group=all&ge_group=|comp_prim_v2&year=|2014) on 22 November 2016.

<sup>142</sup>[http://www.educationinequalities.org/countries/kenya/indicators/comp\\_prim\\_v2#?dimension=all&group=all&ge\\_group=|comp\\_prim\\_v2&year=|2014](http://www.educationinequalities.org/countries/kenya/indicators/comp_prim_v2#?dimension=all&group=all&ge_group=|comp_prim_v2&year=|2014) on 22 November 2016.

<sup>143</sup> Fiske B, UNESCO World Atlas of Gender Equality in Education ,2012,98.

<sup>144</sup> Fiske B, UNESCO World Atlas of Gender Equality in Education ,2012,16 .

<sup>145</sup> Fiske B, UNESCO World Atlas of Gender Equality in Education ,2012,16.

Gender parity is important because it aims at ensuring equal participation of both boys and girls in education.<sup>146</sup> Achieving gender parity is the way to achieve gender equality in education.<sup>147</sup> The proportion of children who have achieved gender parity drops significantly from 56% at the primary level to 15% at secondary level.<sup>148</sup>

The right to education of the girl child in Kenya continues to be inhibited due to different factors and in different respects. Constraints within the family<sup>149</sup> where girls take on domestic responsibilities, including the care of younger siblings. This leads to increase in workload that reduces their interests in pursuing education. Parents may also consider it a waste of time and resources to educate the girl child due to the belief in early marriage that normally affects the girl child.

Constraints within the society also affect the girl child education. The constraints vary from pressure of early marriages that affect mostly nomadic communities in the country.<sup>150</sup> Violence within and out of educational facilities.<sup>151</sup> Policies of school systems and educational facilities which are not gender sensitive through their curricula, guidance and counselling, teaching methods and even mentors to help the girls in learning institutions.<sup>152</sup> Even when girls achieve parity in access to education or academic performance, this parity does not always lead to equal benefits of education, especially in the job market due to non-discrimination where men are offered better pay rolls compared to women.

Availability of education for the girl child places an obligation on the state to ensure there are educational institutions and programs in sufficient quantity, with the necessary facilities to function appropriately in the context in which they operate.<sup>153</sup> The necessary facilities include adequate structures, equipped teachers and sanitary facilities. Resources must be provided by the government in order to improve the physical state of learning institutions. Secondary education

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<sup>146</sup> Fiske B, UNESCO World Atlas of Gender Equality in Education ,2012,21.

<sup>147</sup> Fiske B, UNESCO World Atlas of Gender Equality in Education ,2012,21.

<sup>148</sup> Fiske B, UNESCO World Atlas of Gender Equality in Education ,2012,24.

<sup>149</sup> Fiske B, UNESCO World Atlas of Gender Equality in Education ,2012,25.

<sup>150</sup> Hussein A, 'Gender Issues Affecting Girl Child Education in Northern Kenya'20 (2015) 94-99.

<sup>151</sup> Fiske B, UNESCO World Atlas of Gender Equality in Education ,2012,25.

<sup>152</sup> Fiske B, UNESCO World Atlas of Gender Equality in Education ,2012,25.

<sup>153</sup> Kalantry S,Getgen J,'Measuring state compliance with the right to education using indicators:A case study on Colombia'cornell law faculty working papers(2009),31.

needs to be made generally available.<sup>154</sup> Availability aspect of education is fundamental to personal development hence the right can form a minimum claim.<sup>155</sup> In the case of **Unni Krishnan v State of AP**,<sup>156</sup> The case involve a petition by private institutions against the government concerning the state laws that regulate the capitation of fees charged by such institutions in provision of the right to education. The supreme court of India held that the right to education is implicit to the right to life; this is due to its inherent importance in the personal development of an individual both mentally and socially.

Accessibility requires that schools be made open to everyone.<sup>157</sup> Accessibility in relation to the girl child encompasses three aspects stipulated by the ICESCR. One of the components is that education needs to be available to all without discrimination.<sup>158</sup> The Committee specifically obligates States to protect accessibility of education by ensuring that third parties allow girls to attend school. This means that State parties must create incentives to increase girls' school attendance through measures such as the adoption of policies that work around housework schedules, the creation of financial incentives for parents and the raising of the child marriage age.<sup>159</sup> The second aspect requires that education must be physically accessible to all.<sup>160</sup> This means that schools should be located in a manner that enables all individuals to participate, including those living in rural areas and vulnerable populations such as girls and women.<sup>161</sup> This requires the state legitimacy functions to be in full effect through deterrence of any behaviour that impedes education of the girl child.

The last component is that education must be economically accessible to all. Secondary education must be made accessible only "by every appropriate means".<sup>162</sup> Making education accessible by every means hence requires that it should be progressively free, where the cost of

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<sup>154</sup> Article 13(2)(b) *ICESCR*, 993 UNTS 3.

<sup>155</sup> Coomans F, Identifying the Key Elements of the Right to Education: A Focus on Its Core Content, 4.

<sup>156</sup> *Unni Krishnan and Others v. State of A.P. and Others*, 4 February. 1993, 11 SCC 645 .

<sup>157</sup> Special report by Katarina Tomasevski(2006)57.

<sup>158</sup> General Comment 13,6.

<sup>159</sup> Kalantry S, Getgen J, 'Measuring state compliance with the right to education using indicators: A case study on Colombia' cornell law faculty working papers(2009),33.

<sup>160</sup> Tomasevski K, *Right to Education Primers No.3*, Human Rights obligations: Making education available, accessible, acceptable, adaptable (2001)12.

<sup>161</sup> Kalantry S, Getgen J, 'Measuring state compliance with the right to education using indicators: A case study on Colombia' cornell law faculty working papers(2009),33.

<sup>162</sup> Kalantry S, Getgen J, 'Measuring state compliance with the right to education using indicators: A case study on Colombia' cornell law faculty working papers(2009),34.

education can be reduced overtime. This poses a problem in the country where school principals constantly increase the costs of tuition fees in secondary education leading to an outcry by the parents due to the exorbitant costs.<sup>163</sup>

The specific rationale for narrowing the gender gap in education under the MDG, was to work towards achieving other development goals, such as fostering economic growth, reducing world poverty, eradicating disease epidemics and improving well-being indicators such as good standard of health.<sup>164</sup> Indicators for gender parity in education can be measured in the following aspects:<sup>165</sup>

- i. The number of enrolment of boys and girls in school in all levels of education, hence the gender parity will be measured in GER.
- ii. Regularity of attendance throughout the school year.
- iii. The transition of boys and girls between different levels of education.
- iv. Literacy level in the country between boys and girls.

Presence of the above indicators hence shows fulfilment of the right to education since they act as evidence for an effective education system.

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<sup>163</sup> Gogo J, 'Cost Effective Measures to Reduce Operational Costs of Secondary Education' Daystar University Working Papers(2012)3.

<sup>164</sup> Ganguli I, Hausmann R, Viarengo M, *Closing the Gender Gap in Education: What is the State of Gaps in Labour Force Participation for Women, Wives and Mothers?* <http://wapp.hks.harvard.edu/files/wapp/files/j.1564-913x.2013.00007.x.pdf> on 15 November,2016.

<sup>165</sup> Subrahmanian R, Gender Equality in Education: Definitions and Measurements, 2003, 13.

## CHAPTER SIX: CONCLUSION AND RECOMMENDATIONS

### Conclusion

The Basic Education Act<sup>166</sup> guarantees access to education without discrimination and remedies in case of infringement of this right. Gender equality in education is placed under the mandate of the National Gender and Equality Commission established under Article 59(4) of the Constitution. The commission is charged with ensuring gender equality in all sectors including education.<sup>167</sup> As such there is need to ensure that gender disparity in learning institutions is non-existent.

Despite the government policy on offering free primary and secondary education, there are still schools which charge some levies, this poses a challenge to girls from poor backgrounds and this may lead to school drop out.<sup>168</sup> This is witnessed especially in secondary education where despite existing gazette notice on the maximum fees to be levied in schools. The maximum fees to be paid in boarding secondary schools should be Kshs.66,424.<sup>169</sup> School heads still exceed the maximum amount causing an outcry from parents who cannot keep up with the high costs.

Degenerating cultural practices such as FGM, early marriages, and early pregnancies affect the health and education of girls leading to high dropout and low transition rates to higher levels of learning.<sup>170</sup> Early marriages and pregnancy affect access and continuation in education since attending school is more often than not incompatible with the expectations and responsibilities of motherhood and maintaining a family.<sup>171</sup> National education plans and strategies show the absence of comprehensive policy implementation with specific evaluation guidelines.<sup>172</sup> For instance, the government does not provide effective guidance on ensuring that schools are gender responsive in addition to being learner friendly.<sup>173</sup> It only establishes the policy on gender equality but does not offer guidelines to how to achieve the gender equality it provides for.

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<sup>166</sup> Article 34, *Basic Education Act*, (Act No.14 of 2013).

<sup>167</sup> Section 8(b) *National Gender and Equality Commission Act*, (2011).

<sup>168</sup> State Report submitted to the CRC Child in 2013, CRC/C/KEN/3-5, 358.

<sup>169</sup> Kenya Gazette Notice No. 1555, 2014.

<sup>170</sup> State Report submitted to the CRC Child in 2013, CRC/C/KEN/3-5, 357.

<sup>171</sup> Omoeva C, *Orphans and Vulnerable Children, Trends in School access and Experience in Eastern and Southern Africa*, 2014, 15.

<sup>172</sup> Chege F, Sifuna D, *Girls and Women education in Kenya Gender Perspectives and Trends*, 2006, 14.

<sup>173</sup> Chege F, Sifuna D, *Girls and Women education in Kenya Gender Perspectives and Trends*, 2006, 16.

Gender equality implementation shows and advocates for rights within education, which then implies the right of men and women to non-discrimination in educational opportunities in each of the aspects of the education. The aspects include, the choice of learning contents and assessment. Both assessment and learning content should be looked into, for instance learning contents and assessment that are gender sensitive should be used in order to promote education for the girl child.<sup>174</sup> This further suggests that educational institutions should function in ways that do not impose or perpetuate gender stereotypes that exert psychological influence or promote institutional barriers to the range of possibilities that boys and girls can enjoy in relation to the education level.<sup>175</sup>

School related gender violence towards girls is a demonstration of gender discrimination and affects attempts to achieve gender equality in school.<sup>176</sup> It includes explicit threats or acts of physical violence, bullying, verbal or sexual harassment, non-consensual touching, sexual coercion and assault, and also rape.<sup>177</sup> School related gender violence has negative impact on girls' achievement and attainment in education.<sup>178</sup> This is because the violence affects the mental state of a student, which impedes her learning. It can also lead to drop out from school.

## Recommendations

Gender mainstreaming strategy should continue to be employed. In order to tackle gender parity and equality in education government and other stakeholders need to integrate gender issues into all aspects of their policies and planning. There is a recognition that gender mainstreaming cannot succeed if social institutions, norms and practices are discriminatory.<sup>179</sup> This would require systematically integrating a gender equality perspective in the design, implementation, monitoring and evaluation of all education policies and programmes.<sup>180</sup> Gender mainstreaming in Kenya should be directed towards breaking the discriminatory nature of social institutions and norms witnessed by girls in communities such as Maasai.

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<sup>174</sup> Subrahmanian R, Gender Equality in Education: Definitions and Measurements, 2003, 19.

<sup>175</sup> Subrahmanian R, Gender Equality in Education: Definitions and Measurements, 2003, 20.

<sup>176</sup> <http://unesdoc.unesco.org/images/00231/002348/234809E.pdf> Gender and EFA 2000-2015: Achievements and Challenges on 17 November 2016.

<sup>177</sup> <http://unesdoc.unesco.org/images/00231/002348/234809E.pdf> Gender and EFA 2000-2015: Achievements and Challenges on 17 November 2016.

<sup>178</sup> Gender and EFA 2000-2015: Achievements and Challenges on 17 November 2016.

<sup>179</sup> Gender and EFA 2000-2015: Achievements and Challenges on 17 November 2016, 32.

<sup>180</sup> Gender and EFA 2000-2015: Achievements and Challenges on 17 November 2016, 32.

Increased national advocacy and community mobilisation campaigns should be used as part of wider policy frameworks to change community and parental attitudes and build a rise of support for girls' education.<sup>181</sup> The campaigns should involve grass root organisations and different multiple stakeholders with support from national planning and advocacy.<sup>182</sup> Involvement of grass root communities and organisation will help the government in implementation. This will be done through different means including awareness, which can be done through and by the constant presence of the organisations within the communities. Gender mainstreaming hence needs to be supported by adequate resources and political commitment in order for its achievement to be fully realised.

Access to education, which is a challenge to girls' education, should be guided by the overriding principle of non-discrimination, which is not subject to the aspect of progressive realisation.<sup>183</sup> Hence the claim on its non-achievement should not be imposed on progressive realisation by the state. Accessibility should be both in law and fact,<sup>184</sup> this implies that enactments of policies should not be the 'end of the strive' but rather ensuring that non-discrimination is in itself non-existent in schools. Policies should not just be enacted for the sake of their existence but their implementation is the most pertinent of the strive. Accessibility also encompasses physical accessibility where education has to be within safe physical reach for children, and economic accessibility where education has to be affordable to all.<sup>185</sup> Economic accessibility component of schools can be promoted by lowering direct and indirect costs of education to families, predominantly at the secondary school level.<sup>186</sup> The quality of education provided should be available to all groups of all groups in the society.

Reducing costs can be particularly advantageous for girls because, where family resources are limited, they tend to be allocated to boys first. Measures to reduce costs include fee abolition, scholarships and stipends that in turn will help to increase enrolment of girls in secondary school. For instance in Cambodia, well-targeted scholarships and stipends have been effective at

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<sup>181</sup> Gender and EFA :Achievements and Challenges ,32

<sup>182</sup> Gender and EFA:Achievements and challenges,

<sup>183</sup> Tomasevski K, *Right to Education Primers No.3* ,Human Rights obligations: Making education available, accessible, acceptable ,adaptable (2001)27.

<sup>184</sup> Article 2(2)/CESCR

<sup>185</sup> Coomans F, Identifying the Key Elements of the Right to Education: A Focus on Its Core Content,5.

<sup>186</sup> Gender and EFA:Achievements and challenges,33

improving girls' education in secondary school.<sup>187</sup> There was a noticeable increase between 22 and 32 percentage points.<sup>188</sup> Provision of such stipends and funds can help improve secondary education for girls in the country especially in marginalised communities and rural communities. For instance in the Coast province the disparity between girls and boys in transition to secondary school is 10%. Boys transition is 70% while girls is at 60%.<sup>189</sup> Higher cost of tuition increases probabilities of girls dropping out of school.<sup>190</sup>

Availability of schools can be solved through expanding and improving school infrastructure. Building more schools reduces distance, which is one factor that affects the aspect of availability in education. Attendance rates decline as the distance increases, the increase goes beyond six kilometers,<sup>191</sup> its impact is much greater in secondary level of education than primary level and this causes a concern because longer distance to school affects girls' education.<sup>192</sup> The distance issue tends to affect day scholars and this calls for the need to increase boarding facilities where students can board during the school week. Building of more schools should be done particularly in marginalised and underserved communities to help improve retention of girls in school in all levels of education especially at the secondary level.<sup>193</sup> Building of more schools leads to availability and accessibility of the schools hence providing an incentive and motivation for the girls to attend school as compared to the schools being inaccessible and unavailable altogether.

Introducing secondary schools that are near the students will help reduce the issue of gender disparity caused by issues of availability. This has been successful since the introduction of community based primary schools that have almost if not completely dealt with the issue of gender disparity in primary schooling.<sup>194</sup> The rate of completion rate between boys and girls is

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<sup>187</sup> Filmer D, Schady N, School Enrollment, Selection and Test scores, July 2009, 3 world bank development Research group No.4998.

<sup>188</sup> Filmer D, Schady N, School Enrollment, Selection and Test scores, July 2009, 3 world bank development Research group No.4998.

<sup>189</sup> UNESCO, Global Education Monitoring Report, 2014.

<sup>190</sup> Lloyd C, Mensch B, The effects of primary school quality on school dropout among Kenyan girls and boys, 2000, 113-147.

<sup>191</sup> Fiske B, UNESCO World Atlas of Gender Equality in Education, 2012, 104.

<sup>192</sup> Fiske B, UNESCO World Atlas of Gender Equality in Education, 2012, 104.

<sup>193</sup> EFA : Achievements and Challenges, 37

<sup>194</sup> Accelerating Secondary Education for Girls: Focusing on Access and Retention

<http://www.ungei.org/resources/files/2014-04-GPE-UNGEI-Accelerating-Secondary-Education-Girls.pdf> on 22 November 2016.



below 5%.<sup>195</sup>The same application should be applied in secondary education in order to promote availability. Parents feel the duty to protect their daughters from physical and sexual abuse that they may face in school and even on their way to school hence forcing them to keep the girls at home if the school is far from home.<sup>196</sup>Safe and separate sanitation facilities for girls<sup>197</sup> should be provided as was emphasised in Dakar framework. The framework held that provision of such facilities is a key strategy for promoting equitable school environment and improving girls' attendance in response to their needs especially adolescents.

Better recruitment and working conditions should be applied to help increase number of female teachers who act as role models for the girls.<sup>198</sup>Female teachers not only provide motivation for the girls but also help to deconstruct society's norm in terms of girls' education by showing that education is valuable to girls through securing employment and promoting their independence.<sup>199</sup>Teaching faculty should also be trained in supporting girl child education and intervene whenever there exists threats to education of the girl child in any way especially school based threats. School based threats such as sexual harassment. Monitoring and inspection systems should engage teachers and other stakeholders in the institution in order to guard against any form of discrimination.<sup>200</sup> The teachers in school should have positive attitude towards the girl child in school so as to encourage girl child to enroll in secondary school.<sup>201</sup>

Investing in girls' education should be a priority in order to increase both economic and human growth. Enrollment and completion of secondary education for girls helps them to achieve the economic benefit that comes with education, since they are able to reap the benefits only with completion of secondary school.<sup>202</sup>This is unlike the boys who will continue to be retained by the

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<sup>195</sup> UNESCO, Global Education Monitoring Report,2014.

<sup>196</sup> <http://www2.ohchr.org/english/issues/development/docs/girlseducation.pdf> on 2 December 2016.

<sup>197</sup> Goal 8, No.66 Dakar Framework for Action

<sup>198</sup> Fiske B,UNESCO World Atlas of Gender Equality in Education,2012,108.

<sup>199</sup> <http://www.ungei.org/resources/files/2014-04-GPE-UNGEI-Accelerating-Secondary-Education-Girls.pdf> on 22 November 2016.

<sup>200</sup> <http://www2.ohchr.org/english/issues/development/docs/girlseducation.pdf> on 2 December 2016.

<sup>201</sup> Gitonga A, 'Factors Influencing Girl Child Participation in Secondary Education in Laikipia district', Unpublished Msc Thesis, Kenyatta University, October 2009,52.

<sup>202</sup> <http://www.ungei.org/resources/files/2014-04-GPE-UNGEI-Accelerating-Secondary-Education-Girls.pdf> on 22 November 2016.

labour force even after completion of primary school by being able to engage in certain jobs such as construction hence meeting their needs through wage earning.<sup>203</sup>

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<sup>203</sup> <http://www.ungei.org/resources/files/2014-04-GPE-UNGEI-Accelerating-Secondary-Education-Girls.pdf> on 22 November 2016.

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