




HUMAN
RIGHTS
WATCH

LEAVE NO GIRL BEHIND IN AFRICA

Discrimination in Education against Pregnant Girls and Adolescent Mothers

SUMMARY AND KEY RECOMMENDATIONS

A young woman in a school uniform (dark sweater, white shirt, and tie) is walking with a young child in a field. The child is wearing a red and white striped shirt and a red vest. They are walking towards the right. The background is a field of tall grasses and trees, with a bright sunset sky in shades of orange and yellow. The woman is looking slightly to her left, and the child is looking towards the camera.

When the head teacher found out that I was pregnant, he called me to his office and told me, “You have to leave our school immediately because you are pregnant.”

JAMIDA K., KAHAMA, TANZANIA, APRIL 2014

We don’t allow pregnant girls to continue with school. We ask her to go home and return after the baby is born. If she attends pregnant, she can be ridiculed by other students and be a bad influence.

KENNETH TENGANI MALEMIA, DEPUTY HEAD TEACHER, DYERATU
PRIMARY SCHOOL, CHIKWAWA DISTRICT, MALAWI, SEPTEMBER 2013

SUMMARY

The African continent has the highest adolescent pregnancy rates in the world, according to the United Nations. Every year, thousands of girls become pregnant at the time when they should be learning history, algebra, and life skills. Adolescent girls who have early and unintended pregnancies face many social and financial barriers to continuing with formal education.

“Angela,” 20, walks with her son near her home after returning from school in Migori county, western Kenya. She is a Form 4 student at a girls-only school. Angela became pregnant when her trainee teacher offered to pay some of her primary school fees in return for sex. Her father tried to marry her off to suitors after she gave birth, but Angela’s mother fought against this and supported her return to school. She wants to go to college and study nursing.

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All girls have a right to education regardless of their pregnancy, marital or motherhood status. The right of pregnant—and sometimes married—girls to continue their education has evoked emotionally charged discussions across African Union member states in recent years. These debates often focus on arguments around “morality,” that pregnancy outside wedlock is morally wrong, emanating from personal opinions and experiences, and wide-ranging interpretations of religious teachings about sex outside of marriage. The effect of this discourse is that pregnant girls – and to a smaller extent, school boys who impregnate girls– have faced all kinds of punishments, including discriminatory practices that deny girls the enjoyment of their right to education. In some of the countries researched for this report, education is regarded as a privilege that can be withdrawn as a punishment.

But the international legal obligation of all governments to provide all children with an education, without discrimination, is clear.

In 2013, all the countries that make up the African Union (AU) adopted Agenda 2063, a continent-wide economic and social development strategy. Under this strategy, African governments committed to build Africa’s “human capital,” which it terms “its most precious resource,” through sustained investments in education, including “elimination of gender disparities at all levels of education.” Two years after the adoption of Agenda 2063, African governments joined other countries in adopting the United Nations Sustainable Development Goals (SDGs), a development agenda whose focus is to ensure that “no one is left behind,” including a promise to ensure inclusive and quality education for all. African governments have also adopted ambitious goals to end child marriage, introduce comprehensive sexuality and reproductive health education, and address the very high rates of teenage pregnancy across the continent that negatively affect girls’ education.

Yet many AU member states will fail in this promise if they continue to exclude tens of thousands of girls from education because they are pregnant or married. Although all AU countries have made human rights commitments to protect pregnant girls and adolescent mothers’ right to education, in practice adolescent mothers are treated very differently depending on which country they live in.

A mural in a lower secondary school in the city of Sédhiou, southern Senegal, promotes abstinence to tackle HIV/AIDS.

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A growing number of AU governments have adopted laws and policies that protect adolescent girls' right to stay in school during pregnancy and motherhood. There are good policies and practices to point to, and indeed, far more countries protect young mothers' right to education in national law or policy than discriminate against them. These countries can encourage countries that lack adequate policies, and particularly persuade the minority of countries that have adopted or encouraged punitive and discriminatory measures against adolescent mothers to adopt human rights compliant policies.

This report provides information on the status of laws, policies, and practices that block or support pregnant or married girls' access to education. It also provides recommendations for much-needed reforms.

Gabon, Kenya, and Malawi are among the group of 26 African countries that have adopted "continuation" or "re-entry" policies, and strategies, to ensure that pregnant girls can resume their education after giving birth. However, implementation and adherence vary across these countries, especially regarding the length of time the girl should be absent from school, the processes for withdrawal and re-entry, and available support structures within schools and communities for adolescent mothers to remain in school.

Although the trend of more governments opting to keep adolescent mothers in school is strong, implementation of their laws and policies frequently falls short, and monitoring of adolescent mothers' re-entry to education remains weak overall. There are also concerns about



Front cover of Zambia's "Guidelines for the Re-Entry Policy," adopted in 2007.



A painting by Rafiki Social Development Organization, displayed outside its office in Kahama district, Shinyanga, Tanzania. The painting aims to create awareness about sexual abuse of girls on their way to schools, and shows a female student refusing to take money from an adult man, saying "Sidanganyiki" or "I cannot be deceived" in Kiswahili.

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After returning from school, "Evelina," 17, picks up her daughter "Hope." Evelina is a Form 2 student at a girls-only school in Migori county, western Kenya. The school supports her by finding donors to contribute to her tuition fees, which she cannot always afford.

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punitive and harmful aspects of some policies. For example, some governments do not apply a “continuation policy” for re-entry – where a pregnant student would be allowed to remain in school for as long as she chooses to. Long periods of maternity leave, complex re-entry processes such as those that require medical certification, as in Senegal, or letters to various education officials in Malawi, or stringent conditions that girls apply for readmission to a different school, can negatively affect adolescent mothers’ willingness to return to school or ability to catch up with learning.

Many other factors contribute to thousands of adolescent mothers not continuing formal education. High among them is the lack of awareness about re-entry policies among communities, girls, teachers, and school officials that girls can and should go back to school. Girls are most often deeply affected by financial barriers, the lack of support, and high stigma in communities and schools alike.

Some governments have focused on tackling these barriers, as well as the root causes of teenage pregnancies and school dropouts, for example by:

- Removing primary and secondary school fees to ensure all students can access school equally, and targeting financial support for girls at risk of dropping out through girls’ education strategies, as in Rwanda;
- Providing social and financial support for adolescent mothers, as in South Africa;
- Providing special accommodations for young mothers at school, for instance time for breast-feeding or time off when babies are ill or to attend health clinics, as in Cape Verde and Senegal;
- Providing girls with a choice of access to morning or evening shifts, as in Zambia;
- Establishing nurseries or early childhood centers close to schools, as in Gabon;
- Providing school-based counselling services for pregnant girls and adolescent mothers, as in Malawi; and
- Facilitating access to sexual and reproductive health services, including comprehensive sexuality education at school and in the community, as in Ivory Coast, and access to a range of contraceptive methods, and in South Africa, safe and legal abortion.

“Ruhiyyeh”, 17, from the city of Kolda, southern Senegal, got pregnant when she was in the final year of lower secondary school. The school’s principal and a secondary school teacher encouraged her to go back to school after delivery, and now ensure she gets time off when her baby is unwell.

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Despite these positive steps by some African countries, a significant number still impose laws and policies that directly discriminate against pregnant girls and adolescent mothers in education. For example, Equatorial Guinea, Sierra Leone, and Tanzania expel pregnant girls from school and deny adolescent mothers the right to study in public schools. In most cases, such policies end a girl's chances of ever going back to school, and expose her and her children to child marriage, hardship, and abuse. In practice, girls are expelled, but not the boys responsible for the pregnancy where they are also in school.

Human Rights Watch also found that 24 African countries lack a re-entry policy or law to protect pregnant girls' right to education, which leads to irregular enforcement of compulsory education at the school level. We found that countries in northern Africa generally lack policies related to the treatment of teenage pregnancies in school, but in parallel, impose heavy penalties and punishments on girls and women who are reported to have had sexual relationships outside wedlock. Countries such as Morocco and Sudan, for example, apply morality laws that allow them to criminally charge adolescent girls with adultery, indecency, or extra-marital sex.

Some countries resort to harmful means to identify pregnant girls, and sometimes stigmatize and publicly shame them. Some conduct mandatory pregnancy tests on girls, either as part of official government policy or individual school practice. These tests are usually done without the consent of girls and infringe on their right to privacy and dignity. Some girls fear such humiliation that they will preemptively drop out of school when they find out they are pregnant, while others will go to great lengths to procure unsafe abortions, putting their health and lives at risk.

Government policies that discriminate against girls on the basis of pregnancy or marriage violate their international and regional human rights obligations, and often contravene national laws and constitutional rights and undermine national development agendas.

"Eileen," 23, dropped out of Form II, the second year of lower secondary school, at age 17, when her school conducted a pregnancy test and school officials and parents found out she was pregnant. In Tanzania, school officials routinely subject girls to forced pregnancy testing as a disciplinary measure to expel pregnant students from schools.

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Leaving pregnant girls and adolescent mothers behind is harmful to the continent's development. Leaving no one behind means that African governments should recommit to their inclusive development goals and human rights obligations toward all children, and ensure they adopt human rights compliant policies at the national and local levels to protect pregnant and adolescent mothers' right to education. Early and unintended pregnancies jeopardize educational attainment for thousands of girls. For this reason, governments need to prevent them by ensuring their educational institutions provide knowledge, information, and skills, so that pregnant girls and adolescent mothers can enjoy their right to continue their education.



Students enrolled in the final year of lower secondary school in the classroom in a village in Kolda region, southern Senegal. Adolescent mothers and married girls study in this school.

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KEY RECOMMENDATIONS

TO ALL AFRICAN UNION GOVERNMENTS

Immediately End Pregnancy-Based Discrimination in Schools in Policy and Practice

- End, in policy and practice, the expulsion of female students who become pregnant or get married and provide accommodations for pregnant and married students in schools.
- Immediately end pregnancy testing in schools.
- Ensure cases of sexual harassment and abuse, including by bus drivers, teachers, or school officials, are reported to appropriate enforcement authorities, including police, and that cases are duly investigated and prosecuted.

Ensure Pregnant Students and Young Mothers Can Resume Education

- Immediately adopt positive re-entry policies and expedite regulations that facilitate pregnant girls and young mothers of school-going age returning to primary and secondary school.
- Ensure that pregnant and married students who wish to continue their education can do so in an environment free from stigma and discrimination, including by allowing female students to choose an alternative school, and monitor schools' compliance.
- Link pregnant, married and student mothers to health services, such as family planning clinics.
- Introduce formal flexible school programs, including evening classes or part-time classes, for girls who are not able to attend full-time classes, and ensure students receive full accreditation and certificates of secondary education upon completion.
- Include adolescent mothers in programs that target female students at risk of dropping out, and ensure targeted programs include measures to provide financial assistance to at risk students, counselling, school grants, and distribution of inclusive educational materials and sanitation facilities, including menstrual hygiene management kits in schools.
- Expand options for childcare and early childhood development centers for children of adolescent mothers so that girls of school-going age can attend school.
- Ensure that humanitarian education responses in conflict contexts include the particular needs of pregnant girls and young mothers of school-going age.
- Provide access to information to parents, guardians, and community leaders about the harmful physical, educational, and psychological effects of adolescent pregnancy and the importance of pregnant girls and young mother continuing with school.
- Provide school-based counselling services for students who are pregnant, married or mothers. Provide long-term psychosocial support to adolescent survivors of sexual abuse and harassment.
- Engage with teachers and other education officials to support the education of pregnant girls and adolescent mothers, and to ensure they guarantee a safe school environment.

- Improve Data and Monitor Implementation of School Policies on Pregnant Students. Schools should:
 - Improve monitoring and data collection on girls who drop out of school due to pregnancy or marriage;
 - Develop and implement mechanisms to follow up on and keep track of girls who drop out of school due to pregnancy or marriage, with the aim of initiating their return to school;
 - Monitor implementation of school re-entry policies by keeping data on the number of pregnant and married students who get readmitted, their school attendance and completion rates; and use the information to improve support for pregnant, married, and student mothers.

Urgently Tackle Barriers that Impede Girls' Education

- Ensure primary education is genuinely free by removing tuition fees, and treat access to free secondary education as an urgent and immediate priority rather than as a goal to be realized progressively over time. Take steps to address the indirect costs of primary and secondary schooling.
- Raise the minimum age for marriage to 18 for both boys and girls and take all necessary measures to eliminate child marriages in law and practice, including by implementing comprehensive and well-resourced national strategies for combating child marriage, and sharing best practices.
- Implement nationwide programs to empower girls to attend school. Design programs tailored to local communities that respond to children's needs and aim to build their skills on a range of issues, including: awareness about sexual and reproductive health, menstrual hygiene management, awareness about sexual consent, sexual violence, and child marriage, as well as mechanisms for reporting any abuse and obtaining assistance.
- Implement public information campaigns directed at families, community leaders, and adolescent boys and girls that address the stigma around teenage pregnancy, sexuality, and reproduction, and discuss the importance of sex education and promote ways for parents to talk about healthy sexual practices.

Guarantee Young People's Sexual and Reproductive Rights

- Include mandatory sexual and reproductive health education as a stand-alone, examinable subject in the primary and secondary school curriculum.
- Ensure that the mandatory national curriculum on sexuality and reproductive health complies with international standards and that it:
 - Includes comprehensive information on sexuality and reproductive health, including information on sexual and reproductive health and rights, responsible sexual behavior, and prevention of early pregnancy and sexually transmitted infections. Include information and skills related to gender equality, the ability to form healthy relationships, consent to sex and marriage and the difference, and prevention of sexual and gender-based violence, including avenues for reporting and redress;

KEY RECOMMENDATIONS

- Is mandatory, age-appropriate, and scientifically accurate;
- Includes modules appropriate for teaching in primary school; and
- Is informed by consultations with young people.
- Adequately train teachers to teach the curriculum impartially.
- Ensure that sexual and reproductive health education and information is accessible to students with disabilities and is available in accessible formats such as braille or easy-to-understand formats.
- Adopt laws that set out the minimum age of consent to sexual activity and access to sexual and reproductive health services, equal for adolescent boys and girls, in accordance with international human rights norms and best practice.
- Ensure adolescents can access community-based health services that are adolescent-friendly and ensure they can access accurate information and appropriate contraception to curb teenage pregnancies, HIV, and sexually transmitted diseases. Third party permission for accessing these services should not be required and member states should strive to ensure that user fees are not charged for contraception.
- Ensure health centers do not stigmatize adolescents who are sexually active, and that they are staffed with medical personnel qualified to provide confidential and comprehensive adolescent health services.
- Take all necessary steps, both immediate and incremental, to decriminalize abortion and ensure that adolescent girls and young women have informed and free access to safe and legal abortion services as an element of their exercise of their reproductive and other human rights.

TO THE AFRICAN UNION

- Call on member states to end pregnancy-based discrimination in schools and related abuses, including mandatory pregnancy testing.
- Consider conducting a continental campaign to support education for pregnant and married girls and adolescent mothers. Such a campaign would build on achievements of the Campaign to End Child Marriage in Africa and the African Youth Decade Plan of Action, as well as other regional initiatives including the Campaign for Accelerated Reduction of Maternal Mortality in Africa (CARMMA), the African Women's Decade and the Continental Education Strategy for Africa 2016 – 2025 (CESA 16-25).
- Conduct a comprehensive study on existing laws, policies, and practices that support or block education for pregnant and married girls and adolescent mothers among African Union member states, with the aim of facilitating a coordinated and comprehensive approach among countries and sharing of good practices.
- Develop a human rights compliant model re-entry policy and guidelines for governments to adhere to while developing laws, policies, or guidelines to support education for pregnant and married girls and adolescent mothers at national and local levels. Encourage governments to adopt progressive policies that permit pregnant students to remain in school for as long as they choose to, and not prescribe a rigid compulsory leave after giving birth.

TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS AND THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD

- Call on governments to repeal legislation and policies that discriminate against pregnant girls and adolescent mothers, including criminal laws that impose heavy criminal charges for sex outside marriage.
- Monitor governments' compliance around implementation of policies to support education for pregnant and married girls, and adolescent mothers during government's reviews under the relevant human rights instruments.

TO DEVELOPMENT PARTNERS AND UN AGENCIES

- Urge African Union member states to comply with their international and regional human rights obligations. In particular, urge and support governments, through technical and financial assistance, to:
 - End, in policy and practice, the expulsion from schools of female students who become pregnant or get married and immediately end pregnancy testing in schools wherever it is practiced.
 - Expedite the adoption of human rights compliant continuation and re-entry policies for parents of school-going age. Encourage governments to adopt progressive policies that permit pregnant students to remain in school for as long as they would like, and not require compulsory leave after giving birth.
 - Introduce a mandatory comprehensive sexuality education curriculum in primary and secondary schools that complies with international human rights standards; implement this curriculum as an examinable, independent subject.
 - Financially and technically support a comprehensive study on existing laws, policies and practices that support or block education for pregnant and married girls and adolescent mothers among African Union member states, with the aim of facilitating a coordinated and comprehensive approach among countries and sharing of good practices.
 - Support the development of a human rights compliant model policy and guidelines for governments to adhere to in developing policies or guidelines to support education for pregnant and married girls and adolescent mothers at national and local levels.
 - Ensure primary education is genuinely free by removing tuition fees, and access to free secondary education is treated as an urgent and immediate priority rather than as a goal to be realized progressively over time. Support governments to take steps to address the indirect costs of primary and secondary schooling.



Pregnancy and child bearing are significant life changing events, especially for young girls. In Africa, tens of thousands of girls go through these experiences while still at school. Pregnant girls and adolescent mothers confront serious challenges to continue with their education. They are often stigmatized or rejected, with little to no support from the family or school, facing economic hardship and sometimes abuse and violence.

Leave No Girl Behind in Africa examines the national laws, policies, and practices that block or support access of pregnant girls and adolescent mothers to education in all African Union member countries. It draws on Human Rights Watch's extensive research on the rights of girls in Africa.

The report finds that while there are countries that officially discriminate against pregnant girls and adolescent mothers in education, their punitive policies are not representative of practice across Africa. More countries opt to keep adolescent mothers in school, although implementation of their laws and policies frequently falls short, and monitoring of adolescent mothers' re-entry to education remains weak overall.

Under international and regional human rights law, all girls have a right to education regardless of their pregnancy, marital or motherhood status. African governments should end all forms of discrimination against pregnant girls and adolescent mothers. They should adopt policies explicitly stating that pregnant girls and adolescent mothers have a right to go back to school, and provide guidance on how to accommodate their needs. They should tackle early and adolescent pregnancies, including by addressing sexual violence against girls, and focusing on young people's sexual and reproductive rights.

(above) "Harriet," 17, from Migori county, western Kenya, dropped out of the first year of lower secondary school when she got pregnant. She received no information or advice about policies that allowed her to continue going to school while she was pregnant. She wants to continue studying so she can find a job and care for her child.

(front cover) "Evelina," 17, with her 3-year-old daughter "Hope," in Migori county, western Kenya. Evelina is in Form 2, the second year of lower secondary school. After her baby was born, a friend encouraged her to go back to school. Although Evelina cannot afford to pay school fees, the school's head teacher allows her to stay in school.

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