



POLICY BRIEF

The Early Childhood Legal Gap: Mapping Legislative Frameworks in East Africa

A legal analysis of early childhood care and education frameworks across the eight Partner States of the East African Community

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About the Centre for Early Childhood Justice

CECJ is a public-interest legal and policy institute dedicated to strengthening the legal, regulatory, and accountability foundations of early childhood systems. The Centre works at the intersection of law, governance, and early childhood development. It was established in response to a persistent systems gap: early childhood policies often exist, yet the legal architecture required to operationalise them remains disconnected, underdeveloped, or unevenly enforced. CECJ's work spans legal research, regulatory design, legislative advocacy, capacity development, and accountability support. Its core principle is that early childhood is a matter of legal obligation as well as social investment.

INTRODUCTION

Across the eight Partner States of the East African Community, millions of children aged from birth to eight are governed by legal systems that were never designed with them in mind. Constitutions protect the right to education in the abstract. Child protection codes address violence and exploitation. Health legislation covers maternal care. But the specific legal architecture needed to make early childhood care and education (ECCE) a functioning, enforceable right; with defined standards, regulated providers, accountable institutions, and dedicated financing; is largely yet to be built. This is **the early childhood legal gap**, and it runs deep.

This policy brief maps the legislative frameworks governing ECCE across all eight EAC Partner States: Kenya, Uganda, Tanzania, Rwanda, Burundi, the Democratic Republic of Congo (DRC), South Sudan, and Somalia. It examines each country's constitutional foundations, relevant legislation, international treaty commitments, and the distance between the laws that exist and the legal infrastructure that young children actually need.

The brief is anchored in the binding international and regional instruments that govern every EAC state's obligations toward young children; principally the UN Convention on the Rights of the Child (UNCRC),¹ the African Charter on the Rights and Welfare of the Child (ACRWC),² the International Covenant on Economic, Social and Cultural Rights (ICESCR),³ and the AU's Agenda 2063. It also draws on SDG Target 4.2, which commits states to ensuring quality early childhood development and pre-primary education for all children by 2030.⁴

Policy commitments and programme aspirations do not become enforceable rights until they are grounded in law. The evidence from across the EAC region shows that countries making the most progress on ECCE outcomes are those that have translated policy ambition into binding legal obligation; and invested in the regulatory systems to back it up.⁵ Countries still working toward those outcomes are, in most cases, countries where statutory frameworks are yet to be developed, leaving ECCE exposed to political cycles, fiscal discretion, and institutional disintegration.

¹UN Treaty Collection. *Convention on the Rights of the Child*, Status of Treaty, New York, 1989. Available at: <https://treaties.un.org>. As of June 2026, South Sudan is yet to ratify the UNCRC, having signed the treaty. The United States is the only other UN member state in the same position.

²African Union. *African Charter on the Rights and Welfare of the Child*, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force 29 November 1999. Monitored by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC).

³UN General Assembly. *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations Treaty Series, Vol. 993. Article 13 requires states to make primary education compulsory and free. The CESCR Committee has clarified that this obligation extends to ECCE as a prerequisite stage: see General Comment No. 13 (1999).

⁴UN General Assembly. *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1, 25 September 2015. SDG Target 4.2: 'By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.'

⁵UNESCO. *Building and Strengthening the Legal Framework on ECCE Rights*, Right to Education Initiative Thematic Report, November 2022. Countries making the most measurable progress on ECCE outcomes are those that have translated policy commitments into binding statutory frameworks.

THE INTERNATIONAL AND REGIONAL LEGAL FRAMEWORK

The legal obligations of EAC Partner States toward young children flow from several binding instruments. Understanding these obligations is essential before turning to what national frameworks do; and are yet to do.

UN Convention on the Rights of the Child (UNCRC, 1989)

The UNCRC is the most ratified human rights treaty in history. Seven of the eight EAC Partner States are full States Parties; South Sudan has signed and is yet to ratify. The UNCRC creates specific obligations relevant to ECCE. Article 28 enshrines the right to education. Article 29 defines the aims of education, including the full development of the child's personality, talents, and abilities. Article 6 guarantees the right to survival and development. Article 18 requires states to support parents and caregivers. The CRC Committee has consistently interpreted these provisions as requiring states to adopt legislative, administrative, and other measures to operationalise the right to ECCE; not merely to acknowledge it in policy.⁶

African Charter on the Rights and Welfare of the Child (ACRWC, 1999)

The ACRWC is the regional counterpart to the UNCRC and goes further in several respects. Article 11 specifically addresses the right to education and requires states to take measures to reduce dropout rates and provide free and compulsory basic education. The ACRWC is monitored by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), which has increasingly focused on the legislative dimensions of ECCE governance. Six of the eight EAC Partner States have ratified the ACRWC. South Sudan is yet to ratify. Somalia ratified at the Lower House level in 2025; Senate assent and Presidential signature are yet to be completed.⁷

International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)

Article 13 of the ICESCR recognises the right to education and places binding obligations on state parties to make primary education compulsory and free. The CESCR Committee has clarified that primary education, as understood under the Covenant, includes early childhood as a prerequisite stage.⁸ All EAC states are parties to the ICESCR.

SDG Target 4.2

By 2030, all EAC governments have committed to ensuring that all girls and boys have access to quality early childhood development, care, and pre-primary education, so that they are ready for primary education.⁹ This target creates a measurable, time-bound benchmark against which the current state of ECCE law across the EAC is yet to fully deliver.

AU Agenda 2063

⁶UN Committee on the Rights of the Child. General Comment No. 7 (2005): *Implementing Child Rights in Early Childhood*. CRC/C/GC/7/Rev.1. The Committee specifically calls on states to adopt legislative, administrative, and other measures to operationalise the right to ECCE, going beyond policy acknowledgement to binding legal obligation.

Aspiration 1 of Agenda 2063 envisions a high quality of life, well-being, and good health for all Africans.¹⁰ The AU's emphasis on human capital development; particularly investment in early years, reinforces the legal obligation framework with a continent-level political commitment that all EAC states have endorsed.

COUNTRY-BY-COUNTRY LEGAL ANALYSIS

Kenya

Constitutional and Legislative Foundation

Kenya has the most developed ECCE legal architecture in the EAC. The *Constitution of Kenya 2010* makes every child's right to free and compulsory basic education a constitutional guarantee under Article 53(1)(b).¹¹ The *Basic Education Act 2013* placed pre-primary education within the national education system for the first time, assigning responsibility to county governments under Kenya's devolved structure.¹² In 2021, Parliament enacted the *Early Childhood Education Act*, which provides a statutory framework specifically for ECCE at the county level; a legislative step that most EAC peers are yet to take.¹³ Kenya ratified the UNCRC in 1990 and the ACRWC in 2000.

Where Further Development is Required

The devolution of ECCE to county governments has produced regulatory fragmentation. Standards vary significantly across Kenya's 47 counties, and the national ECCE inspectorate is yet to acquire a consistent enforcement mandate. Binding national quality benchmarks applicable to all providers are yet to be established.¹⁴ Private ECCE providers, who account for the majority of provision, operate under registration requirements that are inconsistently enforced. Workforce qualifications are yet to be standardised across counties. Kenya has the legal foundations; the regulatory architecture above them is still being completed.

Uganda

Constitutional and Legislative Foundation

The *Constitution of Uganda 1995* guarantees the right to education under Articles 30 and 34. The *Education Act 2008* is the primary education statute, but it specifically assigns the provision of pre-primary education to private agencies, a legal framing that has historically constrained public investment.¹⁵ The *Children Amendment Act 2016* provides child protection provisions, though ECCE governance falls outside its scope.

¹⁰African Union. *Agenda 2063: The Africa We Want*, First Ten-Year Implementation Plan 2014–2023. Aspiration 1 commits to a high quality of life for all Africans, with human capital investment — including in the early years — as a central pillar. All eight EAC Partner States are AU member states.

¹¹*Constitution of Kenya 2010*, Article 53(1)(b): 'Every child has the right to free and compulsory basic education.' Article 53(1)(c) further guarantees every child's right to basic nutrition, shelter, and healthcare.

¹²*Basic Education Act, No. 14 of 2013* (Kenya). Enacted 22 February 2013. The Act defines pre-primary education as covering children aged four to five — a narrower range than UNESCO's birth-to-eight definition. See Nthenge, M., *African Disability Rights Yearbook*, 2017.

¹³*Early Childhood Education Act, 2021* (Kenya), Kenya Gazette Vol. CXXIII No. 69, 9 April 2021. The Act provides a county-level framework for licensing education centres, curriculum delivery, and governance through County Education Boards. Binding national quality benchmarks applicable uniformly across all 47 counties are yet to be established.

¹⁵*Education Act, 2008* (Uganda), Section 15: pre-primary education is specifically assigned to private agencies. The Education Policy Review Commission (EPRC) recommended revision in January 2025. See EPRC, *Report on Pre-Primary Education in Uganda*, January 2025.

In May 2024, the Government of Uganda, through Cabinet approved the *Early Childhood Care and Education Policy*, the first dedicated ECCE policy for the country, publicly launched in April 2026.¹⁶ Binding legal force, enforceable obligations, and a licensing regime are yet to be established through legislation, and the Education Act 2008's private-sector assignment remains in force. Uganda ratified the UNCRC in 1990 and the ACRWC in 1994.

Where Further Development is Required

The most consequential gap is that a dedicated ECCE statute is yet to be enacted. Research by Human Rights Watch and the Initiative for Economic and Social Rights published in 2024 found that without access to government-funded pre-primary, the cost of ECCE is an insurmountable barrier for most Ugandan families.¹⁷ The ECCE Policy creates a genuine platform for reform, but policy ambition requires legislative expression to become a legal right. A financing obligation is yet to be created.

United Republic of Tanzania

Constitutional and Legislative Foundation

Tanzania's *Constitution 1977* (as amended) protects the right to education under Article 11. The *Law of the Child Act 2009* provides a comprehensive framework for child rights and welfare. Tanzania made a significant programmatic commitment in 2021 with the *National Multisectoral Early Childhood Development Programme (NM-ECDP)*, which runs through 2025/2026 and coordinates ECD interventions across health, education, finance, and local government.¹⁸ Tanzania was the first country in Eastern and Central Africa to launch a national multisectoral ECD programme of this kind. Both the UNCRC (1991) and ACRWC (2003) are ratified.

Where Further Development is Required

The NM-ECDP is a programme, not a law. Its implementation depends on budgetary commitments that are yet to be given a legislative basis.¹⁹ The ECD function sits primarily with the Ministry of Health rather than the Ministry of Education, and statutory clarity on accountability is yet to be established. A standalone ECCE law, a licensing framework for ECD providers, and enforceable quality standards are each yet to be developed. When the NM-ECDP's programme period ends, a legal architecture to sustain continued state investment is yet to be in place.

Rwanda

Constitutional and Legislative Foundation

¹⁶Republic of Uganda, Ministry of Education and Sports. *Early Childhood Care and Education Policy*, Cabinet-approved May 2024, signed February 2026, publicly launched 30 April 2026 at Nakivubo Blue Primary School, Kampala. Commitments include increased government participation, professionalisation of the ECCE workforce, dedicated financing through the medium-term expenditure framework, and gender and disability mainstreaming.

¹⁷Human Rights Watch and Initiative for Economic and Social Rights (ISER). *Building Uganda's Prosperity Through Free Pre-Primary Education*, April 2025. Without government-funded pre-primary, the cost of ECCE is an insurmountable barrier for most Ugandan families, producing higher primary school repetition rates and widening income inequality.

¹⁸World Health Organization, Regional Office for Africa. *Tanzania launches a National Multi-sectoral Early Childhood Development Programme*, 13 December 2021. Tanzania was the first country in Eastern and Central Africa to launch a national multisectoral ECD programme of this scope.

¹⁹Tanzania Early Childhood Development Network (TECDEN). *National Multisectoral Early Childhood Development Programme (NM-ECDP) 2022–2026*. The NM-ECDP draws on the *Law of the Child Act 2009*, the *Child Development Policy 2008*, the *Education and Training Policy 2014*, and the *Health Policy 2007*. A single statute governing the programme's obligations is yet to be enacted.

Rwanda has built a rights-based legal and policy environment that goes further than most EAC peers in integrating ECCE commitments across government. *Law N°71/2018 on the Protection of the Child* provides a comprehensive framework for children's rights, including in the early years.²⁰ Rwanda's *ECD Policy 2011* was an early regional benchmark. The Rwanda Education Board and the Ministry of Gender and Family Promotion share ECCE coordination responsibilities. Rwanda ratified the UNCRC in 1991 and the ACRWC in 2001.

Where Further Development is Required

ECCE-specific legislation is yet to be consolidated. Governance of early childhood is spread across the health, gender, and education sectors, and full alignment of their legal mandates is yet to be achieved.²¹ A dedicated ECCE statute setting binding quality standards, regulating the workforce, and mandating financing is yet to be enacted. Rwanda's challenge is less about the absence of legal commitment and more about the need for a sector-specific statutory architecture that consolidates existing policy commitments into enforceable law.

Burundi

Constitutional and Legislative Foundation

Burundi's *Constitution 2018* includes explicit protections for children. Article 19 incorporates the CRC directly into national law, giving it constitutional force.²² This is a significant legal provision, though it is yet to be complemented by comprehensive child legislation or sector-specific ECCE law. In 2021, Burundi launched an *Early Childhood Development Strategy*, recognising the need to expand pre-primary access. Burundi ratified the UNCRC in 1990 and the ACRWC in 1994.

Where Further Development is Required

A comprehensive children's act in Burundian domestic law is yet to be enacted.²³ Child rights provisions remain distributed across several codes. Fewer than one in ten Burundian children access early childhood education, making this among the lowest rates in the EAC.²⁴ The *ECD Strategy 2021* is non-binding and is yet to be translated into statute. An ECCE regulatory body, a provider licensing framework, and legally mandated investment in pre-primary services are each yet to be established. The task now is to build the implementing legislation that gives Burundi's strong constitutional foundation practical effect.

²⁰Republic of Rwanda, Parliament. *Law N°71/2018 of 31/08/2018 Relating to the Protection of the Child*. This is the primary child rights instrument in Rwanda; a dedicated ECCE governance statute is yet to be developed. Coordination sits across the Rwanda Education Board and the Ministry of Gender and Family Promotion.

²¹Brenner, J.L. et al. 'Early childhood development in Rwanda: a policy analysis of the human rights legal framework,' *BMC International Health and Human Rights*, Vol. 16, Article 4, 2016. Full legal clarity across the multisectoral governance structure; spanning health, gender, and education; is yet to be achieved.

²²*Constitution of Burundi 2018*, Article 19, incorporating the CRC, the CEDAW, and the African Charter on Human and Peoples' Rights as integral parts of the Constitution. This constitutional incorporation is among the strongest in the EAC region in formal legal terms.

²³Child Rights International Network (CRIN). *Burundi: National Laws*, archived. A comprehensive children's act in Burundian domestic law is yet to be enacted. The UN CRC Committee has expressed concern that a comprehensive legal instrument gathering all provisions relating to children's rights is yet to be developed.

²⁴Right To Play. *Burundi Country Programme*, 2023. Fewer than one in ten Burundian children access early childhood development and pre-school education (Palgrave Macmillan data). UNESCO estimates the share of Burundian children able to read and understand an age-appropriate text by age 10 at approximately 4 percent.

Democratic Republic of Congo

Constitutional and Legislative Foundation

The DRC's *Constitution 2006* contains a cluster of education and child protection provisions. Articles 43, 44, and 45 provide for the right to free education. The *Child Protection Code 2009* established a framework for children's rights and welfare.²⁵ The *Education Framework Law 1986* predates international child rights standards by several years. The DRC ratified the UNCRC in 1990 and the ACRWC in 2001.

Where Further Development is Required

The DRC's legislative development is set against a humanitarian emergency of extraordinary scale. A comprehensive statutory reform of the Education Framework Law 1986 is yet to be undertaken. A national ECD policy and an ECCE statute are each yet to be developed. The UN estimated in 2024 that 7.5 million DRC children were out of school due to armed conflict and displacement.²⁶ A dedicated ECCE regulatory authority and binding quality standards are yet to be established. The task of legislative development in the DRC is compounded; and in some regions entirely overwhelmed; by the governance constraints created by decades of conflict.

South Sudan

Constitutional and Legislative Foundation

South Sudan's *Transitional Constitution 2011* protects children's rights under Article 17. The *Child Act 2008* provides a foundational framework for child rights, though ECCE governance falls outside its scope.²⁷ South Sudan is **yet to ratify the UNCRC** (it is a signatory only) and is **yet to ratify the ACRWC**, making it the only EAC Partner State with neither instrument currently binding.²⁸

Where Further Development is Required

South Sudan's legislative pathway is the most foundational in the EAC. UNCRC and ACRWC ratification are yet to be completed, an ECCE policy is yet to be developed, and a statutory ECCE framework is yet to be established. A pre-primary framework operational at national scale is yet to exist. Completing UNCRC and ACRWC ratification would anchor the rights framework within which all subsequent legislative development must sit, and indicate a commitment the international community requires before significant legal and technical support can be mobilised.

Somalia

Constitutional and Legislative Foundation

Somalia ratified the UNCRC in 2015, a milestone that came more than 25 years after the treaty opened for signature. The Council of Ministers endorsed a *Child Rights Bill*

²⁵UN Committee on the Rights of the Child. *Concluding Observations: Democratic Republic of Congo, 2009* (CRC/C/COD/CO/2). The Child Protection Code 2009 was welcomed as a legislative step, though a comprehensive statutory ECCE framework is yet to be developed.

²⁶United Nations, OCHA. *DRC Humanitarian Situation Report*, March 2024. As of March 2024, 7.5 million children were estimated to be out of school due to armed conflict and displacement.

²⁷Child Rights Civil Society Coalition — South Sudan. *Stakeholders' Submission to the UN Human Rights Council, 2022* (UPR Cycle 4). UNCRC ratification is yet to be completed and the *Child Act 2008* is yet to be brought into compliance with international standards on essential services for children.

²⁸Child Rights International Network / AfricLaw. *South Sudan's Constitution and Child Act 2008*, May 2024. As of June 2026, South Sudan and the United States are the only UN member states yet to ratify the UNCRC. South Sudan is also among the three AU member states — with Morocco and Tunisia — yet to ratify the ACRWC.

in August 2023 and a *Juvenile Justice Bill* shortly after.²⁹ In 2025, the Lower House of Parliament ratified the ACRWC, making Somalia the 52nd African country to do so, Senate assent and Presidential signature are yet to be completed.³⁰ An ECCE policy and statute are each yet to be developed.

Where Further Development is Required

Somalia's legislative movement on child rights is real and recent. The Child Rights Bill, once enacted, will create a broader rights architecture, though ECCE-specific regulatory systems are yet to be developed. ACRWC ratification is yet to be completed. Somalia joined the EAC as a full member in March 2024,³¹ and the EAC regional framework offers an important platform for the legal harmonisation and capacity support that Somalia's ECCE governance is yet to receive.

COMPARATIVE LEGISLATIVE OVERVIEW

The table below summarises the legal status of ECCE governance across all eight EAC Partner States as of June 2026.

Country	Key Legislative Instruments	ECCE Policy/Law	CRC Ratified	ACRWC Ratified	Regulatory Body	Primary Legislative Gap
Kenya	Constitution 2010 (Art. 53); Basic Education Act 2013; Early Childhood Education Act 2021; Children Act 2001	Yes-Early Childhood Education Act 2021 (county-level)	Yes (1990)	Yes (2000)	County Education Boards; KNEC; Education Standards & Quality Assurance Council	A national ECCE statute is yet to be enacted; regulatory standards are yet to be harmonised across counties; a dedicated national ECCE inspectorate is yet to be established
Uganda	Constitution 1995 (Art. 30, 34); Education Act 2008; Children Amendment Act 2016; ECCE Policy 2025	ECCE Policy 2025-yet to be enacted as statute	Yes (1990)	Yes (1994)	Ministry of Education and Sports (Department of Basic Education)	A dedicated ECCE statute is yet to be enacted; the Education Act 2008 assigns provision to private actors; public financing is yet to be legally mandated
Tanzania	Constitution 1977 (Art. 11); Law of the Child Act	A stand-alone ECCE statute is yet to be	Yes (1991)	Yes (2003)	Ministry of Education; Ministry of	ECD is yet to be embedded in education

²⁹UNICEF Somalia. *Child Rights Bill – UNICEF Statement*, 21 August 2023. UNICEF welcomed the Council of Ministers' endorsement of the Child Rights Bill and Juvenile Justice Bill as steps toward aligning Somalia's laws with international child rights standards.

³⁰Save the Children International. *Somalia becomes 52nd African country to ratify charter to better protect child rights*, October 2025. Somalia's Lower House ratified the ACRWC in 2025. Senate approval and Presidential signature are yet to be completed as of June 2026.

³¹East African Community. *EAC Quick Facts*, Arusha, Tanzania. Somalia acceded to the EAC Treaty on 15 December 2023 and became a full member on 4 March 2024.

Country	Key Legislative Instruments	ECCE Policy/Law	CRC Ratified	ACRWC Ratified	Regulatory Body	Primary Legislative Gap
	2009; Education and Training Policy 2014; NM-ECDP 2021–2026	enacted; ECD is covered by programme framework only			Health (Child Development Dept.); National ECD Taskforce	statute; enforceable service standards are yet to be established; the NM-ECDP programme is yet to acquire a legal basis
Rwanda	Constitution 2003 (revised 2015); Law on Protection of the Child N°71/2018; ECD Policy 2011	Partial-child protection law covers early years; a dedicated ECCE statute is yet to be enacted	Yes (1991)	Yes (2001)	Rwanda Education Board; Ministry of Gender and Family Promotion (ECD coordination)	ECCE governance is yet to be consolidated across sectors; binding quality standards are yet to be established in law; workforce regulation is yet to be legislated; public financing is yet to be mandated
Burundi	Constitution 2018 (Art. 30, 44; CRC incorporated by Art. 19); Code of Personal and Family Affairs; ECD Strategy 2021	ECD Strategy 2021 is non-binding; a statute is yet to be enacted	Yes (1990)	Yes (1994)	Ministry of National Education; an autonomous ECCE regulatory body is yet to be established	A comprehensive children's act is yet to be enacted; an ECCE statute is yet to be developed; fewer than 1 in 10 children access pre-primary; a regulatory framework is yet to be created; workforce standards are yet to be legislated
DRC	Constitution 2006 (Art. 41–45); Child Protection Code 2009; Family Code 1987; Education Framework Law 1986	A stand-alone ECCE law is yet to be enacted; provisions remain scattered across the Child Protection Code and 1986 education law	Yes (1990)	Yes (2001)	Ministry of Primary, Secondary and Vocational Education; Ministry of Social Affairs; a dedicated ECCE authority is yet to be established	A statutory ECCE framework is yet to be enacted; the Education Framework Law 1986 predates UNCRC; 7.5 million children were out of school (2024); conflict contexts

Country	Key Legislative Instruments	ECCE Policy/Law	CRC Ratified	ACRWC Ratified	Regulatory Body	Primary Legislative Gap
						further constrain governance capacity
South Sudan	Transitional Constitution 2011 (Art. 17); Child Act 2008; General Education Bill (draft stages)	An ECCE policy and statute are yet to be developed	Yet to ratify (signatory only)	Yet to ratify	Ministry of General Education and Instruction; child welfare capacity is yet to be fully established amid ongoing conflict	CRC ratification is yet to be completed; ACRWC ratification is yet to be completed; the Child Act 2008 is yet to address ECCE; an ECD policy is yet to be developed; a regulatory framework is yet to be created
Somalia	Provisional Federal Constitution 2012; Child Rights Bill (endorsed by Council of Ministers 2023); ACRWC ratified by Lower House 2025	An ECCE statute is yet to be enacted; Child Rights Bill is pending Senate ratification	Yes (2015)	Partial — Lower House ratified 2025; Senate and Presidential assent are yet to be completed	Federal Ministry of Family and Human Rights Development ; institutional capacity is yet to be fully developed	The Child Rights Bill is yet to be enacted; ACRWC ratification is yet to be completed; an ECCE policy is yet to be developed; regulatory infrastructure is yet to be established; conflict constrains governance capacity

CROSS-CUTTING FINDINGS

The country analyses reveal several patterns that cut across the EAC as a whole.

Policy without statute is not a legal right

Every EAC state has made some form of policy commitment to early childhood. Only Kenya has enacted ECCE-specific legislation. The distance between a policy document and a statute is the distance between a government intention and a binding legal obligation because it determines whether a child's right to ECCE is enforceable or merely aspirational.³²

³²UNESCO. *Draft Guiding Principles on the Right to Early Childhood Care and Education*, December 2024. The Guiding Principles affirm that states' obligation to realise the right to ECCE requires legislative, administrative, budgetary, and monitoring measures — policy acknowledgement alone is insufficient.

Regulatory consolidation is the unfinished work across the region

Across the region, ECCE governance is distributed between health, education, gender, and social welfare ministries without clear statutory mandates, demarcated responsibilities, or accountability mechanisms that apply across sectors. A dedicated ECCE regulatory authority with full statutory power to set standards, register providers, inspect facilities, and enforce compliance is yet to be established in any EAC state.

The workforce is yet to be given a legal framework

Across all eight states, ECCE workers including caregivers, nursery teachers, ECD facilitators, are yet to have their qualifications defined by statute, their training requirements mandated, or their conditions of service regulated. This carries consequences for quality and for rights: children placed with unregulated providers have no legally guaranteed standard of protection.

Public financing is yet to be legally mandated

In none of the eight EAC states does a statute require a defined minimum level of public expenditure on ECCE. Financing commitments exist in policy documents and strategic plans, but are yet to be anchored in law. ECCE budgets therefore remain exposed to fiscal pressure, political reprioritisation, and the preferences of individual ministers in any given budget cycle.

Ratification is the floor, not the ceiling

All EAC states except South Sudan have ratified the UNCRC. Ratification is the foundational step, but without implementing legislation, it remains a formal commitment rather than a guaranteed right. The CRC Committee consistently calls on states to translate international obligations into domestic law, giving treaty provisions legal effect in national courts and administrative systems.³³ The EAC region has largely completed ratification. The legislative work that follows is yet to be done at scale.

RECOMMENDATIONS

For EAC Partner States

1. **Enact dedicated ECCE legislation.** Every EAC state should develop a standalone statutory instrument governing ECCE, one that defines the age range covered, establishes minimum standards, creates a regulatory authority, mandates public financing, and establishes an enforcement regime. Policy documents and programme frameworks are the starting point; statute is the destination.
2. **Consolidate ECCE regulatory authority.** Each state should establish a body with clear statutory power to register ECCE providers, set and inspect quality standards, certify the workforce, and receive complaints, with cross-ministerial mandate.
3. **Legislate workforce standards.** Minimum qualification requirements for ECCE workers should be set in law; not in administrative guidance; including qualifications for entry, continuing professional development obligations, and conditions of service for publicly funded providers.
4. **Anchor financing in law.** States should enact provisions requiring that ECCE receives a defined share of the education budget, with specific allocations for pre-primary in medium-term expenditure frameworks.³⁴

5. **South Sudan should move urgently to ratify the UNCRC and ACRWC.** Ratification anchors the rights framework within which all legislative development must sit, and signals the commitment the international community requires before significant legal and technical support can be mobilised.³⁵
6. **Somalia should complete ACRWC ratification.** The Child Rights Bill should be fast-tracked through the Senate, and its provisions on early childhood should explicitly address ECCE governance alongside protection.^{36/37}

For the EAC as a Regional Body

1. **Develop a regional ECCE legislative framework.** The EAC should consider a model law or minimum legislative standards for ECCE governance, giving member states a legal template while preserving national adaptation and creating a regional accountability benchmark.
2. **Establish a regional ECCE legal knowledge platform.** A comprehensive, up-to-date repository of ECCE legislation and regulatory frameworks across EAC states is yet to exist. Such a platform would support law reform, comparative learning, and monitoring.
3. **Include ECCE legal compliance in EAC peer review mechanisms.** The EAC's existing peer review structures should incorporate ECCE legislative benchmarks as indicators, creating political accountability for legal reform progress at the regional level.

For Development Partners and Civil Society

1. **Shift technical assistance toward legislative development.** Without statutory foundations, programmes are difficult to sustain.³⁸ Technical assistance should explicitly target legislative drafting, regulatory design, and institutional capacity for enforcement.
2. **Support strategic litigation.** Rights-based legal action in national courts has been used effectively to establish ECCE obligations in several countries. Civil society actors should work with legal institutions, including CECJ, to identify and pursue cases that clarify state obligations under existing constitutional and treaty provisions.³⁹

CONCLUSION

The East African Community's children are among the youngest and most rapidly growing populations on the continent. More than 40 percent of the region's inhabitants are under 15. The decisions EAC governments make about early childhood law in the next five years will shape the developmental trajectories of tens of millions of children who are already alive.

The legal gap documented in this brief is a rights gap. When a child's access to quality early care and education depends on parental income, geographic accident, or the annual preferences of a finance ministry, the legal system has yet to do its work.

Kenya has shown that ECCE-specific legislation is achievable in this context. Uganda has shown that political commitment, expressed in a Cabinet-approved policy, can be a genuine starting point for legislative reform. Tanzania has shown what multisectoral coordination can achieve, and also what it is yet to sustain without a statutory base. Rwanda, Burundi, the DRC, South Sudan, and Somalia each have work remaining, at different stages and under different constraints, but in each case the path forward runs through legislation.

³⁹Human Rights Watch. *Statement to the African Committee of Experts on the Rights and Welfare of the Child*, April 2024. Growing international momentum to enshrine the right to at least one year of free pre-primary education in an Optional Protocol to the CRC.

CECJ's work in this space is grounded in a single conviction that children's rights are only as strong as the legal systems built to protect them. Across the EAC, those systems are being built, and CECJ is committed to supporting that work.

KEY LEGAL INSTRUMENTS REFERENCED

International: UN Convention on the Rights of the Child (1989); International Covenant on Economic, Social and Cultural Rights (1966); Universal Declaration of Human Rights (1948); UN Committee on the Rights of the Child, General Comment No. 7 (2005); UNESCO Draft Guiding Principles on the Right to ECCE (December 2024).

Regional: African Charter on the Rights and Welfare of the Child (1999); African Union Agenda 2063; IGAD Child Policy Framework (2024); ACERWC Concluding Observations (various).

National: Constitution of Kenya 2010; Basic Education Act (Kenya, 2013); Early Childhood Education Act (Kenya, 2021); Constitution of Uganda 1995; Education Act (Uganda, 2008); Children Act (Uganda, 2016); ECCE Policy (Uganda, 2024); Constitution of Tanzania 1977; Law of the Child Act (Tanzania, 2009); NM-ECDP (Tanzania, 2021–2026); Constitution of Rwanda 2003 (revised 2015); Law on the Protection of the Child N°71/2018 (Rwanda); Constitution of Burundi 2018; ECD Strategy (Burundi, 2021); Constitution of the DRC 2006; Child Protection Code (DRC, 2009); Transitional Constitution (South Sudan, 2011); Child Act (South Sudan, 2008); Provisional Federal Constitution (Somalia, 2012); Child Rights Bill (Somalia, endorsed 2023).