

Determinants of Structural, Behavioral and Cultural Practices that perpetuate child marriage in Siaya, Homabay and Kisumu Counties in Kenya

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ABSTRACT

Child marriage infringes rights of children globally, undermining initiatives to raise involvement in education, reduce maternal mortality, increase employment and enterprise levels, and which hindered the achievement of six of the eight MDGs. This practice may affect the achievement of the Sustainable Development Goals (SDGs) 3, 4 and 5: to ensure healthy lives and promote well-being, for all at all ages, ensure inclusive and equitable quality education and promote lifelong learning opportunity for all and achieve gender equality and empower all women and girls respectively. Child marriage equally undermines progress towards reducing maternal and infant mortality. In Kenya, the prevalence of Child marriage is at 25%. It is higher in rural (27%) than urban (17%) areas with prevalence in Homa Bay County at 58%, Bondo County 45%, and Kisumu 42%.

The holistic approach to sector development was embraced by Kenya as a critical in realizing Vision 2030, the road map for Republic of Kenya/UNESCO, 2012). The Basic Education Act 2013 emphasizes on the basic education which is free and compulsory (Republic of Kenya, 2012). The Free Primary and Free Day Secondary Education (FDSE) have led to the improvement of access, retention and equity, Republic of Kenya/UNESCO, 2012). A Triennale Meeting 2012 Towards Inclusive and Equitable Basic Education System: Kenya's experience estimated the overall dropout rate was 2.3% (Girls=2.1% and boys=2.5%) in 2011. The report indicates that the main factors causing drop out were; poverty (45.5%), pregnancy and early marriage (35.7%) and inadequate parental support (30.3%).

In pursuit of reproductive health agenda Kenya adopted the National Reproductive Health Strategy (NRHS) for Kenya 1997-2010 The priority areas for the strategy include: family planning and unmet needs; safe motherhood and child survival initiatives; promotion of adolescent and youth health; gender and reproductive rights. But despite these initiatives, reproductive health service utilization among the youth still faces a lot of challenges related to the sensitive nature of adolescent sex and sexuality.

WHO2015. Maternal, newborn, child and adolescent health highlights negative health outcomes associated with adolescent pregnancy include anemia, malaria, sexually transmitted infections (including HIV), post-partum hemorrhage, obstetric fistula, and mental disorders such as depression. The report further shows that 23% of the overall burden of disease due to pregnancy and childbirth is borne by adolescent girls, although they only account for 11% of all births globally. The study was commissioned seeking to provide interpretation to behavioral and cultural practices that perpetuate child marriage.

KEY WORDS: Marriages, Child, Girls, education, communities, safe spaces and counties

INTRODUCTION AND BACKGROUND

Nyanza region where the three focus counties are located bears one-third of the national HIV/AIDS burden in Kenya². The region also has the highest HIV prevalence rate among adolescents aged 15–19 at 8%, with females nearly four times as likely to be infected as their male counterparts. The area also hosts the largest proportion of orphans in Kenya at 19%. The region has the highest poverty incidence in Kenya with 65% of the population living below the poverty line, on less than one US dollar per day, Kenya National Bureau of Statistics (2007). Report on the Nyanza Province Multiple Indicator Cluster Survey, conducted in 2011 on status of the world's children show that, child marriage in Kenya is at a prevalence of 25%. It is higher in rural (27%) than urban (17%) areas. UNFPA (2009) shows that one out of four girls is married before their 18th birthday in Kenya. UNFPA (2005) notes that Early and forced marriage is most prevalent where poverty, birth and death rates are high, there is greater incidence of conflict and civil strife and lower levels of overall development, including schooling, employment and healthcare. The prevalence of child marriage in Nyanza region is high with regional disparities. The Kenya National Bureau of Statistics³ shows that prevalence in Homa Bay County at 58%, Migori County 56%, Bondo County 45%, and Kisumu 42%.

The above statistic shows that incidences of child marriage in Kenya is high, despite the fact that Kenya has signed and ratified a number of international and regional legal instruments relating to the protection of children's rights and Kenyan legislation prohibiting marriage before the age of 18. However, the practice under "customary" law marriages and Islamic law sets no minimum age. Child marriage is a life-changing reality for many young girls in the world and indeed Kenya. Young girls are forced to trade their childhoods for a life that denies them basic human rights and their specific rights as children. This practice is mainly rooted in tradition, economic and religious custom. Child marriage is associated with school dropout and poor quality of life for these young mothers and their families.

UNICEF (2012), shows that child marriage hampers education, health and psychological well-being of children both boys and girls. Each year about 14 million adolescent girls globally get married, and others are forced into marriage arrangement by parents yearly, Approximately 70,000 girls die in labor since their bodies are not mature for child bearing, WHO and UNICEF (2012). The report noted that although the proportion of child brides has generally decreased over the last 30 years, in some regions child marriage remains habitual, even among the youngest generations, in rural areas predominantly among the poorest communities. The study shows that internationally, 1 in 3 (or 70 million) of young girls were married despite the fact that they were children and around 1 out of 9 (or 23 million) entered into marriage or union before achieving 15 years of age. Though the biggest number of child brides resides in South Asia, nations with higher rates of early and forced marriages are in Africa, UNICEF, (2005).

Child marriage is a practice that traps millions of girls a year⁴ into a cycle of poverty, ill health and inequality, and which hindered the achievement of six of the eight MDGs. This practice will affect the achievement of the Sustainable Development Goals (SDGs) 3, 4 and 5: to ensure healthy lives and promote well-being, for all at all ages, Ensure inclusive and equitable quality education and promote lifelong learning opportunity for all and achieve gender equality and empower all women and girls respectively. Child marriage also undermines progress towards reducing maternal and infant mortality.

The KDHS (2014), gives evidence of the extent of teenage fertility, fifteen percent of women age 15-19 have already had a birth while 18 percent have begun childbearing (had a live birth or are pregnant with their first child). The survey shows that the rural-urban differences are small, indicating that early childbearing is nearly the same across place of residence. Prevalence of early childbearing is highest in the Nyanza region followed by Rift Valley and Coast; it is lowest in Central and North Eastern region. This is attributed to whether the women were living in rural areas and among those with low levels of education or no education at all. Women from poor families also recorded higher birthrates.

African Journal of Reproductive Health (2012) suggests that Sociological, cultural, economic, traditions and religious, factors interrelate to keep the children especially girls at risk of child marriage in sub-Saharan Africa. Child marriage is an effective mechanism for transferring a father's patriarchal rights over his daughter to an often time older male in the community. The underlying causes of child marriage include poverty, lack of educational or employment

opportunities for girls, and traditional notions of the primary role of women and girls as wives and mothers. Religious and cultural practices have often been used to justify the preference for Child marriage by both fathers and mothers with an aim of reinforcing the family's social status and consolidate economic relationships.

Poverty is another major trigger of child marriage. Poor families may regard a young girl as an economic burden and her marriage as a necessary survival strategy for her family. Her marriage relieves the family financially and socially (ICRW, 2007). In some cases, parents willingly marry off their young girls to receive payment of bride wealth in order to increase the family income (UNICEF, 2001). According to the 2014 Economic Survey Report on the poverty level indicated Siaya (38.2%), Kisumu (39.9%) and Homa Bay (48.4%).

Early pregnancy has also significantly contributed to child marriage. KDHS, 2014 show that 15% of women age 15-19 are already having children, while 18 percent have had live births or are pregnant with their first child. Prevalence of early childbearing is highest in the Nyanza region followed by Rift Valley and Coast. With this background in focus the study sought to determine the extent of child marriage in three study areas of Homa Bay, Bondo and Kisumu.

Human rights instruments lay down standards to be considered in marriage these standards include minimum age, consent, discrimination, equality within marriage and the personal and property rights of women. Such instruments include, Universal Declaration of Human Rights, (UDHR 1948), which recognizes consent as "free and full" when one of the parties involved is not sufficiently mature to make informed judgment about life partner (UDHR, Article 16). This implies that marriage should only suffice when involved parties are 18 years of age, of sound mind. The caucus on abolition of all kinds of segregation against women (2012) emphasized protection from child marriage. Article 16 emphasizes to betrothal and marriage of a child shall have no legal effects given a child's inability to make informed decisions on family unions.

Other legal instruments include, the UN Convention on the Elimination of Discrimination against Women (CEDAW, 2011), and the UN Convention on the Rights of the Child (UNCRC, 1989). For instance, Article 12 of the UNCRC highlights the rights of children to participate in decisions that affect them. This therefore means that before they are married off, they should be allowed to give their own opinion. Article 1 of the UNCRC defines Child marriage as any marriage of a person below the age of 18. The UN declares it a violation of

children's rights and a direct form of discrimination. It deprives children, and particularly girls, who are the most affected, the right to health, education, development and fair treatment.

The Sustainable Development Goals (SDGs) underscore the need for interventions on child marriage. Target 5.3, 'eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations', under goal 5 'Achieve gender equality and empower all women and girls' The UNCRC does not explicitly mention child marriage, however, the UN Committee on the Rights of the Child, mandated with monitoring the Convention's implementation, has stated that Child marriage is a harmful practice that negatively affects girls' sexual and reproductive health and strongly recommends that all states parties develop minimum age of marriage legislation. Child marriage of girls undermines a number of rights guaranteed by the Convention on the Rights of the Child: Some of these rights include;

- The right to education (Article 28).
- The right to be protected from all forms of physical or mental violence, injury or abuse, including sexual abuse (Article 19) and from all forms of sexual exploitation (Article 34).
- The right to the enjoyment of the highest attainable standard of health (Article 24).
- The right to protection against all forms of exploitation affecting any aspect of the child's welfare (Article 36).

Article 1 of CEDAW indicates the state parties are bound to eliminate discrimination against women in all spheres of life. This includes eliminating practices that are intended to constrain women's human rights. Article 16 (1) prescribes equally for men and women: (i) the same right to enter into marriage; (ii) the same right freely to choose a spouse and to enter into marriage only with their free and full consent. It further provides that the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for (marriage Article 16 (2)).

Regional Instruments

Regional treaties also emphasize the need to protect girls from child marriage. Article 6 of the Protocol on the Rights of Women in Africa and the African Charter on Human and Peoples' Rights, states that, "the minimum age of marriage for women shall be 18 years," and the full and free consent of both parties is required. The African Charter on the Rights and Welfare of the Child 1981 (ACRWC) explicitly prohibits the marriage of persons under eighteen years old. Article 21 provides: "Child marriage and the betrothal of girls and boys shall be

prohibited, and effective action including legislation shall be taken to specify the minimum age of marriage to be eighteen years.

National Instruments

The Constitution of Kenya 2010 section 53 (1) d :Every child has a right- to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhumane treatment and punishment, and hazardous or exploitative labour. For statutory marriage, the minimum age for females and males under the Marriage Bill, 2013 defines marriage as the voluntary union of a man and a woman whether monogamous or polygamous and registered in accordance with the Act. The parties to a marriage have equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage. The bill sets the minimum age of marriage at 18years.

Enacted in 2001 the Children Act seeks to domesticate the CRC and the ACRWC and consolidate all the previous statutes regarding children. Children Act 2001 is the primary legislation highlighting role and obligations of duty-bearers in realization of the rights of all children. Article 2 of the Children's Act entitles all children to free, basic, and compulsory education. Article 14 stipulates that "no person shall subject a child to female circumcision, child marriage or other cultural rights, customs, or traditional practices that are likely to negatively affect the child's life, health, social welfare, dignity, or physical or psychological development" (FIDA, 2009).

The Sexual Offenses Act 2006 deals with most forms of gender based violence which, previously, did not receive much attention. The Act criminalizes all acts that amount to child sexual abuse such as penetration into the child's genital organs or anus, unlawfully and indecently touching a child's sexual organs or manipulating their own or a third parties' sexual organs as defined in sections 3 through to 19. It also criminalizes child sex tourism, child prostitution, child pornography and child sex trafficking In conclusion, despite the ratification of International, Regional and domestication of the legal instrument, research still shows that child marriage is persistently being practiced; The Constitution of Kenya clearly prohibits child marriages.

MATERIALS AND METHODS

A mixed methods study design was adopted for this task. It involved a combination of qualitative and quantitative data collection methods. Quantitative data was collected using a

structured survey questionnaire designed to capture data on age specific groups and in generating study variables, objectives and results. In total 630 respondents were reached across the three Programme Units. In each of the Programme Units 210 (105 males and 105 females) were reached. In regards to qualitative data, 20 key informant interviews were conducted in each of the programme units thus leading to a total of 60 key informant interviews. A total of 24 Focus Group Discussions were conducted, 8 in each Programme unit. There were also case studies that were undertaken based on interest and details of the emerging stories of experience from the children and adults. The study methodology was based on rigorous triangulation of sources and validation by existing secondary data from authentic government and other official literature. Quantitative data was subjected to SPSS analysis where upon descriptive statistics including averages, frequencies and percentages have been used to give meaning to the results and study variables and objectives. Qualitative data was subjected to content/thematic analysis and findings thereof in cooperated as verbatim citations to give credence to the quantitative figures. The report findings were also validated in Siaya, Kisumu and Homa Bay Counties, where various stakeholders and children participated and confirmed that, the report findings reflect the true picture and situation on the ground.

Research Design

A mixed methods descriptive survey design was adopted for this task. It involved a combination of qualitative and quantitative data collection methods.

Sampling Design

The study adopted a mixed sampling design including probability and non-probability methods of sampling. Multi-stage Cluster sampling method was used during household survey, since in most instances a complete list of beneficiaries does not exist in the study.

Calculating Sample Size for Cluster sampling per county

The exact number of target population was unknown so the consultants used a sampling formula that assured the largest and robust sample; the team used the estimation formula for sample size calculation as shown below.

$$n = \left[\frac{(z^2) * (r) * (1 - r) * (f) * (k)}{(p) * (\bar{n}) * (e^2)} \right]$$

Where

n is the parameter to be calculated and is the sample size in terms of number of households to be selected

z is the statistic that defines the level of confidence desired; (1.96 for 95% level of confidence)

r is an estimate of a key indicator to be measured by the survey; (it is estimated that the prevalence of child marriage is 30%)

f is the sample design effect, deff, assumed to be 2.0 (default value);

k is a multiplier to account for the anticipated rate of non-response; (approximately 20% in sensitive surveys in Kenya)

p is the proportion of the total population accounted for by the target population and upon which the parameter, r, is based; (approximately 45% of the Kenyan population constitute the 15 – 45 age group)

n is the average household size (number of persons per household) (approximately 5);

e is the margin of error to be attained (recommended to be set at 10% of r, i.e. e=0.1r)

Substituting the recommended values gives

$$n = \left[\frac{(1.96^2) * (0.3) * (1 - 0.3) * (2) * (1.1)}{(0.45) * (8) * (0.03^2)} \right] = 548$$

Thus the computed sample size arrived at is approximately n = 548. The sample size was adjusted to 630 and equally divided across the three areas thus we interviewed 210 households in each unit (Homa Bay, Bondo and Kisumu) This sample size took recognition of the diversity of households including single mothers, widow headed households, children headed households among other unique characteristics.

Survey instruments

Household survey Questionnaire

Household survey was conducted using 3 separate questionnaires in 630 sampled households in Bondo, Kisumu and Homa Bay programme Units. The three categories of respondents at the household level were as follows;

- i. Parents of adolescent children 9 – 18yrs
- ii. Adolescent children 9 – 18yrs from households in (1) above
- iii. Married boys and girls 9 – 24 yrs.

The respondents were selected in the villages surrounding the schools selected in stage 1 of multi-stage cluster sampling. The tools were designed by the consultants and reviewed by

implementing agencies before finalization. The questionnaires were then translated into local language (Luo) and back translated into English to ensure no meaning was lost.

Literature and Documentation Review

A number of documents were reviewed, some of them received from the project Country office (Project document and list of indicators), more literature were received from Kisumu, Homa Bay and Bondo PUs, Children's and youth department in Kisumu, Homa Bay and Bondo counties and sub-county. The team also reviewed various documents from like-minded organizations and other relevant documents that added value to the process from the relevant ministries at national and county government levels.

Key Informant Interviews (KIIs)

The respondents who participated in the KIIs were identified by the project teams and the consultants. Key informants Interviews were conducted per area, targeting representatives of Ministry of Education, Ministry of youth and social development, County child protection desk, Area Advisory Council (ACC), various schools head teachers, Local Provincial administration, Community leaders and other relevant stakeholders). Structured questionnaires based on child marriage context were used during this process. The team ensured that female and male leaders were purposively sampled and interviewed to bring out gender dimension and inclusivity.

Focus Group Discussion (FGDs)

Focus Groups Discussion was facilitated by moderators and note takers in groups of between 6 - 8 discussants per target group. The discussions were guided by pre-set themes and sub-themes from FGD guidelines based on issues of child marriage. A total of 8 FGDs were conducted per county. The following was taken into consideration; age, gender disaggregated (adolescent girls, adolescent boys)

Case studies

This is a form of qualitative descriptive research that was used to look at individuals, and small groups of participants. The team carried out interviews and direct observations that were used to develop a case study. For the purpose of this study, Exploratory (or pilot) Case Studies was adopted. The documentation of case studies was guided by clear gender sensitive questions.

Qualitative Data Analysis

For the qualitative study, each team comprised of a note taker and a facilitator. The teams had a set of two recorders for note taking. Prior to and following the discussions, the team leaders (facilitators) reviewed the hand written materials (notes) for completeness and complete any missing information. Qualitative data accruing from this was transcribed in Ms Word then analyzed through triangulation, content analysis with key gender and cultural issues are corroborated to address the assignment objectives. Where applicable, verbatim quotations was extracted to justify and augment key study findings.

Quantitative data

Data was captured in a pre-designed SPSS interface. To ensure high quality data is entered, checks were built into the data capture interface. Before analysis commenced, the data entry manager checked for quality by sampling 10% of the entries and confirmed with the questionnaires. If the data quality falls below the acceptable level of 95%, then entire set by the entry clerk was redone. The training, mock pre-test and field testing was used to confirm the skip patterns and quality checks. Data was processed in a systematic way, disaggregated appropriately by gender and by county. Data analysis by objectives and desired outcomes Confidence Intervals (CI) was calculated for each indicator for use during subsequent evaluations to establish whether or not the change achieved is significant. Odds ratios were also calculated for selected indicators by identified disaggregation to identify risk factors associated with the outcomes measured. These will inform priority effective strategies for better programmatic results.

Validation of study Findings

The study findings were validated in; Siaya, Kisumu and Homa Bay Counties, where various stakeholders and children participated. Some of the stakeholders who attended the Validation meeting were drawn from; ministry of education, magistrate courts, CSO, children department, ministry of youth and gender, the police, paralegals, girls' advocate and representatives of local communities. The stakeholders confirmed that the study findings reflect the true picture and situation on the ground.

FINDINGS AND RESULTS

Awareness of existing child protection mechanisms

The survey sought to establish the awareness of the existing child protection mechanisms. Discussions with various respondents including parents, children and various key informants in the three counties indicated that knowledge and awareness of the child protection mechanisms were varied depending on various factors. These factors included; education levels, whether they were in urban or rural set up, exposure to various medium including radios, presence of child focused CSOs and effectiveness of the AACs. According to the County Coordinator for Children (CCC) Kisumu, child protection should be a concern for every person or organization interacting with children at whatever level, the county government is yet to recognize its role in the child protection framework; the Kisumu County assembly for example has not enacted any laws or developed any policy on child protection, the county government has not allocated resources for child protection. These sentiments were expressed by his counterparts in Homa Bay and Bondo Counties. The officers felt that both the national government and county governments' understanding of child protection end with the cash transfers for orphans and Vulnerable Children (OVC).

“The county government does not even recognize our role as children officers...” —CCC, Homa Bay.

“We are trying to lobby the Bondo County assembly to develop a policy on child protection; this is yet to be done even though we have held sensitization meeting...” —CCC Bondo.

3.13 Functionality of Area Advisory Council

Lack of Awareness of parents and children on AAC indicated that very few respondents across the three counties have heard of AACs and therefore the composition, membership and roles of the AAC were not known. The teacher from Aluor primary in Homa Bay interviewed as a key informant said she had not heard of the AAC. However, the Programme Manager Amurt in Bondo noted that the AAC is “A council that oversees the activities of children issues in the county, sub-county and Location level to ensure children are protected from any form of abuse.” In addition to this, interview with AAC members from Kisumu noted that the AAC consists of people from various sectors in the community including government, nongovernmental organizations and faith based organizations. The survey established that though Location and County level Area Advisory Councils (AACs) have been formed and in some cases trained, majority of the Location AACs have largely been inactive in the three counties. It was further noted that the AACs are majorly being supported through resources allocation and capacity building by the child protection NGOs such that in the areas where there are no active NGOs the AACs are dormant or non-existence.

“We have not heard of any such structures but sometimes through support groups, children are offered counseling services, CHVs also offer medical and counseling services to the children who may require them”. Female parent Arito health centre; Kisumu

“The location AAC in Bondo Township was very active; however it was dogged by leadership wrangles that have seriously affected its operation...” Sub County Children Officer Bondo. These sentiments were similar in Homa Bay as was indicated by the VCO Ndhiwa.

‘Some AAC members are not aware that they have constitutional mandate to protect children.... conflicts in the execution of duties and referrals....for instance, some members of the council go overboard by not involving children office adequately when handling child abuse cases Sub County Children officer; Homa Bay.

Interviews with the local AAC members, the Sub County Children Officer, County Children officers and representatives of CSOs indicated their dissatisfaction with the current performance level of the LAACs and to some extent the sub county AACs who have the responsibility of coordinating child protection programmes at the Location, Sub County and County level. They mentioned that the AACs remain largely ineffective since members of AAC have other responsibilities this makes it difficult for them to perform their roles. Despite resources spent to enhance their capacity through training and provision of various materials. The major concern from the children officers is the limited resources allocated to this structure to ensure they are functional.

“Though the National Council for Children Services (NCCS) allocates some resources for AAC function, these resources can barely meet the day to day operations....” —County Coordinator Kisumu,

“...for this structure to function as is envisaged there is need for the government to factor their operations in the annual budget rather than leave it solely for partners to support....” — The Homa

FGD with Male parents from Harambee chief’s camp Kisumu established that there are nyumba kumis and Advisory committees available within the locations and sub-locations. There are also Paralegal, FIDA agents in the locations, Child right committees, CHVs that have been put in place by the Government and some NGOs like plan to protect the children this was also the case in Homa Bay. Parents of adolescents were asked if they have ever participated in activities addressing issues of child protection including child rights, campaigns against child marriage, child exploitation etc. Majority (61.1%) from Homa Bay mentioned they have participated in activities especially on child rights while Kisumu and Bondo had 33% and 39% respective. Of the parents who had participated majority mentioned the meetings were discussing the rights of children and how they can protect their children. It was however evident that child marriage was mentioned but no significant campaign or efforts to create awareness around have been

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conducted in the three counties by various Nongovernmental organizations and Department of children services.

“In these meeting we are just warned that if we are marrying off our children we will be arrested.....Not much is discussed. They should have realized that threats will not make

the community members change their mind...educating them on alternative sources of income and the consequences of marrying off their children is a better strategy” Parent Kisumu

“We have not invested in carrying out specific campaigns on child right even though it is a major problem, it is discussed when we talk about children’s right to education but thus as far as it is mentioned and sometimes in chief baraza’s parents are warned against child marriage...” Children officer; Homa Bay

Parents participated in a community activity addressing child rights, child marriage, exploitation, violence

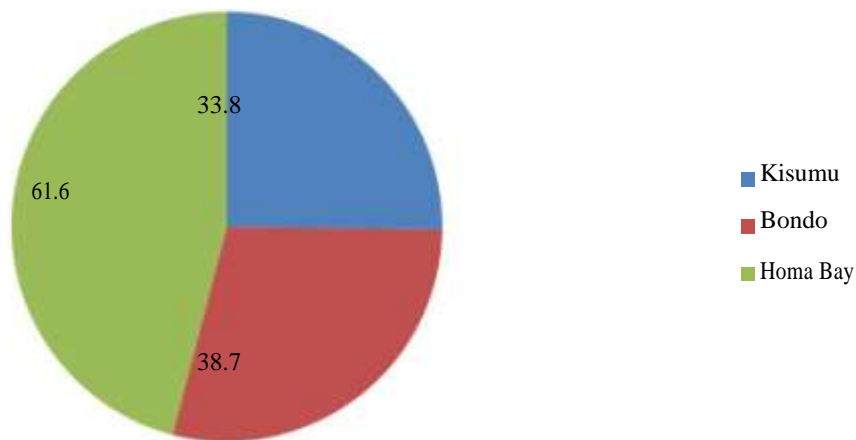


Figure 7: Involvement in awareness creation activities

This survey also shows that the government has established a link on child protection through the AAC which is the community child protection structure. It is however clear from the survey that the structure in the three counties is largely dysfunctional due to the challenges enumerated above. There are challenges on its composition, roles and capacity including resources thus affecting its service delivery. The key informants, who were aware of how the structure should function, mentioned that it is a structure that should be enhanced to help deal with issues like child

marriage that was affecting especially young girls. It was evident that the composition should be reviewed to ensure more community members are members since they understand the environment in which this children live and will be able to easily identify and deal with all child protection issues.

However, it is noted that, even after the decentralization of the AAC to the community level from location and Sub County level, and involvement of various nongovernmental organizations in capacity building including development of the AAC guidelines this has not facilitated the AAC in contributing to its goal of protecting children. The services have also not been effectively decentralized to reach the child.

3.14 Child Marriage case management

The survey sought to establish through the household interviews the proportion of cases which were effectively addressed. Homa Bay had the highest percentage (86.45), Kisumu (81.9%) and Bondo dismal third at 64%. It is important to mention that even though the percentages of cases addressed and significantly high in the three counties, this is in relation to cases which are reported which are significantly low. According to the UNICEF's Violence Against Children (VAC) 2010 report, one in ten girls and one in twenty boys had experienced at least one episode of sexual abuse within the year the research was done.

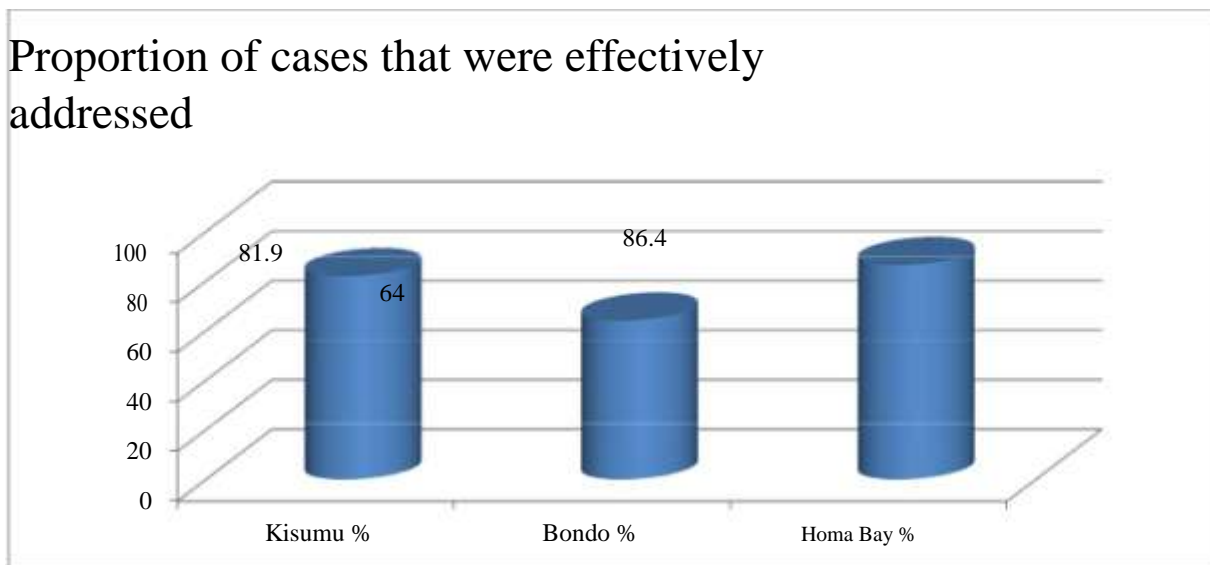


Figure 8: Cases effectively addressed

Review of court records in Bondo law courts indicated that between October 2014 and October 2015, the court dealt with about 97 defilement cases. Most of these cases were withdrawn due to either lack of evidence or the parents were not willing to proceed with the case while others were acquitted and with a few judgments passed with two offenders sentenced 15 and 20 years while a number of cases were still pending others running on for more than two years. Only 5 cases were reported as child marriage in these records. Further review of police monthly filed reports indicated no cases was reported as child marriage while only two defilement cases reported. This clearly shows a gap in documentation of the reported cases.



Records presented by the Siaya County Coordinator indicated that in Bondo Sub County in 2014 they had 18 child marriage cases while in 2015 up to October they recorded 6 cases all of who were females. Occurrence book at the Bondo Children Office recorded 53 defilement cases. Asked the reasons for few cases reported under child marriage the Bondo Sub county children officers indicated that.

“Because of the glaring gaps in law enforcement including knowledge and awareness of categorizing the offences against children, we realized that most of the cases if reported as child marriage would not hold in the court just because proving child marriage is not easy That’s why we currently prosecute such cases and defilement. Defilement is clear and with willing parents and the victims the courts are obliged once we prove the offense” Sub County Children Officer Bondo.

According to Madam teacher, Seme Sub County Children Officer, “the data for 2014 – cases reported indicated 8 child marriage cases while 2015 as at October cases reported were 10.” The chiefs and AACs who are also charged with responsibilities of dealing with child marriage cases have no record. This was observed in the three counties. This clearly makes understanding the magnitude of the problem a major challenge.

The above scenarios indicate a clear gap in documentation and case recording by those legally charged with the responsibilities of handling such cases. As clearly mentioned through KIIs with Children officers across the three counties, case categorization was a major challenge and in most cases, alternative charges were not applied in prosecution of child marriage case.

The survey sought to establish if the respondents were aware of laws against child marriage. FGD with both parents and children indicated that the respondents believed incorrectly that there were no penalties for child marriage when one or both partners to the marriage was below the age they believed to be legal.

Through KII the survey sought to establish how the laws governing child marriage are enforced. Bondo sub county children officer showed that prosecutions relating to child marriage are sporadic since proving child marriage according to the law is very difficult. According to him the prosecutors generally rely on the Sexual Offences Act 2006, and the marriage Act which are not a suitable ground for prosecuting cases of child marriage, as a conviction requires evidence of sexual penetration.

“Even in cases where the law provides for suitable protection, implementation is a major challenge. The bureaucratic constraints, general inefficiency or corruption, discrimination against girl children, lack of awareness and knowledge of the law is a major challenge” CCC, Homa Bay.

The above sentiments therefore confirm that successful prosecution of child marriage cases depends upon the girl’s interest in the marriage. In situation where the girl made a decision that she is getting married or where the girl feels that her basic needs are being met by the man, proving child marriage is not possible based on the current laws. The existing referral system was established as ad hoc, relying heavily on the goodwill of the general public and civil servants. It is not institutionalized, and there are no clear guidelines on who should receive initial reports of child



abuse in the community. Much of the child protection referrals are done informally, without adequate records and documentation, leading to possibilities of frustration and further psychological trauma for the affected children. The above sentiments are confirmed¹⁵ indicating that most of the policy interventions have not been informed by data or statistics, nor have they been consistently documented.

3.15 Knowledge on the child rights

Child rights awareness provides the basic information and knowledge on the nature of rights and the specific rights that children are to enjoy. This shapes the attitudes, values, and behaviors of the duty bearers and children themselves. The survey therefore sought to establish whether the parents have ever participated in a community event/activity addressing child rights, child marriage, exploitation, violence e.g. campaign, rallies and discussions. Kisumu had the lowest with 33.8%, followed by Bondo at 38.7% while Homa Bay had the highest with 61.6%. FGD with parents both male and female in the three counties indicated there have been awareness creations on child rights mainly supported by Nongovernmental organizations through various media including radio, chief barazas, trainings etc.

“NGOs have enhanced levels of awareness on child rights through the chief barazas and sometimes even through radio e.g. Ramogi FM radio station that is aired every Tuesday from 8 am.....” Parent Rangwe; Homa Bay.

“Plan has trained me on child right....” Parent Bondo

“I have seen documents highlighting the rights of children but I have also attended several sensitization meetings and training in my capacity as community health worker” Parent Kisumu

There were however some parents mainly in Kisumu and Bondo who indicated they have never participated in any meeting where child rights are being discussed.

“I have never heard of those rights for children, no one has talked to us about them.....”

Parent Kambajo, Bondo

Household interview with adolescents regarding awareness levels on their rights indicated that Kisumu and Homa Bay counties awareness levels were at 83.3% and 83.6% respectively with Bondo trailing at 77.1%. While awareness levels of boys and girls in school were as shown below; with girls from Kisumu with the highest (91.2%) and boys from Bondo lowest at (73.1%)

Table 17: Children who know their rights

	Kisumu %	Bondo %	Homa Bay %
% of adolescent boys, girls, and women who know their rights and entitlements.	83.3	77.1	83.6
Boys	76.3	73.1	84.8
Girls	91.2	79.5	82.5



“I have learnt about my rights during the child right clubs.....” 15 years old girl Omako Koth primary school; Homa Bay

“We are taught about our rights in school, am aware of right to education, health protection.....” 14 year old boy Jonyo primary school; Kisumu
Posters... 'stop child abuse'girl 13 Aluor primary

The survey indicates relatively high awareness levels on child right among adolescent and children in school in the three counties. This was corroborated through FGD with adolescent and children in school. The high levels of awareness are attributed to child right clubs, and lessons taught especially in primary school.

Although there are significant levels of awareness and knowledge of children's rights in the three counties, the study established that there is not much attention and efforts paid to their value and genuine enforcement. From the above discussions indicates that child rights awareness at the community does not differ based on gender with exception of Kisumu, locality and age, however availability of CSOs was viewed as a major contributing factor to the levels of awareness.

The survey concludes that;

- 1) Child right awareness is basic (ability to list the rights e.g. right to education, health etc) among the caregivers with little awareness on implications of not issuing these rights and what the children's responsibilities are towards those rights.
- 2) Awareness on child rights is relatively low in Kisumu and Bondo among the parents of adolescent boys and girls.
- 3) From the FGD indicated that most male parents were aware of the rights having participated in meetings especially at chief barazas
- 4) The awareness levels on child rights among children and adolescents are high within the three counties.

3.16 Gaps in the child protection Mechanism

The survey identified various gaps within the child protection mechanisms, these included;

1. Membership of AACs: Most AAC members are government officers from relevant ministries who are already over stretched in their offices, this greatly hinders their participation on child protection
2. The FGD with parents and children revealed that they were not conversant with the laws on child marriage. Some respondents felt there were no laws no laws governing child marriage;
3. The findings revealed that the understanding of children rights and child protection in general differs between the community and the stakeholders at different levels. Such disconnect needs to be addressed so as to strengthen the protection of children rights and address child marriage.
4. Poor coordination among various state ministries/departments: According to the CCS Bondo, child protection is undermined by fragmented leadership; lack of clarity on legitimacy and mandates and lack of understanding of roles of each actor at all levels.
5. Provisions in Children's Act: There are provision within the children's Act that may deter cases on child marriage from being report “Section 38 which states that “any person who makes false allegations against another person to the effect that the person committed an offence under this Act is guilty of an offence and shall be liable to



punishment equal to that for the offence complained of.” This is useful in preventing false accusations however; it is a deterrent in reporting the cases on child marriage too.

The children officer Bondo share a case of a mother who reported that her child had eloped with an old man in the neighboring village and need support to rescue her daughter, “When this girl appeared before the court, she denied knowing the man in question leaving her mother with the burden of proving that this said man actually was stay with her daughter. In such a case if the lawyer can prove to the court that the girl does not know the purported husband, then according to this section, the mother will be charged...”

Apparently there were also perceive mistrust and lack of confidentiality with the information.

An adolescent girl thus observed, “Most cases when we share our problems with other people, we just give them topics to gossip about...” – 17 years adolescent girl; Homa Bay. In Kisumu another adolescent intimated, “When you get married and then you have to get back to school, other pupils and even teachers laugh at you and call you names like “odhi oduogo” (A girls whose been married, exited the marriage and returned to their home)....19 years adolescent girl; Kisumu

The survey however ascertained that there is a recent effort for department of children services working with Childline Kenya and peer civil society actors nationally, to have an operational referral system brought about by the 116 help line and the Child Protection Centers. The survey therefore concludes that despite the identified gaps and challenges including inadequate capacity to implement the laws and scarcity of resources available to law enforcement and,implementation. There is a legal and policy framework that addresses the issues of child marriage providing legal mechanisms for the prevention of and response towards child marriage.

3.17 Child Protection concerns

The discussion with all the categories of respondents yielded recurrent opinions that children were affected by multiple risks and harms. In Homa Bay the frequently identified harms by the parents of adolescent during FGD included neglect, early pregnancy, school dropout, defilement, physical and emotional abuse, Child labour e.g. parents sending their children especially boys to work in brick making sites and sugar jaggery sites, young boys going to boda boda business while girls are sent to do casual work. In Kisumu these concerns included; defilement, school drop-outs, common in January after festive seasons, early/child/forced marriages triggered by early and unwanted pregnancies, drug abuse and child labour e.g., sand harvesting, fishing, charcoal burning, mats weaving.

While in Bondo the harmful practices included defilement, child marriage especially along the beaches, high school dropout rates, child labour where boys and girls drop out of school to work along the beaches or engage in domestic work and neglect. The listed harms within the three counties confirm results of other recent child focused research in Kenya.¹⁶ The main harms listed in these reports include; sexual abuse and exploitation, teenage pregnancy, child labour, alcohol and drug abuse and parental neglect (not providing basic needs).

This survey therefore summarizes the major child protection issues in the three counties to include;



Defilement: Reviewed court, police and children officers' report in the three counties confirmed this in Bondo for example the court records between January and November 2015 indicated 82 cases of defilement recorded, while the records at the Bondo Children office indicated 48 recorded defilement cases in 2015. It's noteworthy that these are cases reported in the two offices yet many more are reported at the chief's office (where proper records are not kept) and most of the cases go unreported.

Child marriages: This is fueled by the child pregnancies, school dropout, poverty, parents forcing their children into marriage for financial gain and neglect.

Child labour: was also reported to be very common and affects mostly girls and to a lesser extent boys some girls leave school to engage in this form of employment while many others do this during the evenings and weekends. According to ~~the CSOs working with children~~ as well as the Children services officers in the three counties, children in child headed households, with poor grandparents or children living in generally poor families are likely to be involved in child marriage.

Child neglect: was reported to be another rampant child protection issue in the three counties that causes child marriage. FGD sessions with children in Homa Bay County indicated that neglect by their parents especially in meeting their basic needs was a key driver to child marriage. These sentiments from children were expressed in Kisumu and Bondo with FGD with children, parents and other service providers. Further probing revealed girls opt to get married to the men who are able and willing to meet the needs their parents fail to meet.

3.18 Child protection initiatives

The allocation of resources towards child protection Programmes in the country is to contribute to the protection of all children from violence, abuse and exploitation. This is also to support national level legislative and policy work that contributes to strengthening the protective environment for children. These include building capacity of police, health service providers and social workers while linking them up with providers of legal aid, shelter and care.

The survey ascertained through FGD with parents of adolescent, adolescents and children in school that in Homa Bay County, the most commonly mentioned child protection CSOs (in addition to) Plan International included Aphia plus Western, World Vision. Kisumu KII and FGD respondents listed the following organization as focusing on child protection Walter Reed, World Vision, Aphia plus, St. Francis CBO, KDP. In Bondo, the level of community awareness of key players in child protection was established, FGD with parents and Children, KII with various officers and CSO representative identified the following organizations AMURT, ANPPCAN, Compassion, Aphia plus.

The survey established that civil society organizations that are addressing child protection issues in the three counties focus mainly on;

- Awareness creation on child rights in schools and/or barazas
- Support education through school fees, uniforms and books
- Household economic strengthening
- Adolescent Sexual and Reproductive Health education and awareness
- Support acquisition of birth certificates



- Trainings for parents and caregivers
- Supporting Clubs that promotes child to child dialogue
- Engaging community health volunteers to reach caregivers and children through house visitation
- Support day of the African child and world orphan day celebrations
- In Kisumu Bicycle Relief Organization targeting girls who stay far from school and are prey to boda boda riders. Each girl receives a bicycle to reduce the risks of school drop outs
- Kisumu Development Programme also has sporting activities where youth as 14 to 24 years out of school are brought together talks on ASRH held before sports or after sports
- Walter Reed Organization: Trainings and sensitization of stakeholders such as the police, religious leaders, AAC members, and paralegals; supporting birth certificate acquisition, PMCT programme to child mothers, psychosocial support, empowering community resource person to lobby and advocate against child marriage, engaging beach management units to support child protection, establishing partnership with other stakeholders.

Government Initiatives

It was evident that the respondents children, adolescent and parents recognized that there are initiatives that have been supported by the government in the three counties. These include;

- Ensuring children access education and health care
- Legal protection especially in cases of defilement
- Provision of scholarship through CDF, Department of Children and Ministry of education
- Cash transfer to OVC to date the office has enrolled 1967 households that receive Kes 4000/= after two months.' This cash is supposed to facilitate acquisition of birth certificates, updating health insurance cover, basic needs and other scholastic materials.

Community response on child marriage

Through the house hold interviews conducted in the three counties with parents. The community initiatives included awareness and sensitized on child right, guidance and counseling especially by community health workers. Other initiatives are summarized below;

- The girls who are rescued from child marriage are counseled and advised on health issues by the community health workers
- Teachers in school also provide psychosocial support
- The community organizes meetings for awareness creation and education on child rights and the importance of good parenting through chiefs meetings and church functions.

Save the Children Finland & ANPPCAN (2008) observed that whereas violence against children in Kenya is rampant, the responses were sporadic and ad hoc sometimes leading to further violence against children and exploitation of children and families. World Vision (2007) also noted that knowledge of child protection and child abuse is visible in communities but this has not been translated into concrete actions towards creating a protective environment for the child nor support to existing systems and structures and effective monitoring and evaluation of efforts at community levels. What exist are disjointed and stand-alone community initiatives that don't enhance child protection.



3.19 Access to services

3.19.1 Reporting and referral mechanisms

The survey sought to establish organizations or individual community leaders that children facing exploitation and abuse can report to for assistance like referral or handling the case. Majority of this was reported in Homa Bay (73%). Majority of the parents (77%) reported that there is at least a religious leader or community leader that a child who has been exploited can go to for assistance after molestation or exploitation for assistance like referral or handling of the case. This was mentioned more in Homa Bay (86%) followed by Kisumu (82%) while Bondo had the least (64%).

Through FGDs with parents of adolescents regarding reporting on violation of child rights, the findings from the three counties are summarized below

- Village elders/chairman
- Chief/ assistant chief
- School management
- Social workers
- Children's Officer/VCO/paralegals
- Police

The survey established that the above mentioned officers play a significant role in the tracing, rescues of girls involved in child marriage and prosecution of perpetrators of this practice. However, the study established that some of the office bearers are not very clear on the laws that govern child marriage, how these laws are applied and their role on the rescue, psychosocial support, medical support required by these girls. This has a direct effect on how many cases are prosecuted even in the courts and the number of girls rescued and sent back to school.

Across all three Counties, there is no structured, coherent response mechanism that exists to respond to child marriage. It was established through FGD with adolescent girls that the attitudes of various officers including chiefs and police is a major factor that deter them from reporting. KII with children officers and teachers confirmed that it is not common to find children reporting cases of child marriage. Parents of adolescent children felt that it's very difficult to report a case of child marriage for fear of repercussions especially from the girl's family while other parents across the three counties felt that in most cases no action is taken against the perpetrators hence no need to report. The qualitative data revealed reasons why people would not report a case of child marriage to government authorities despite knowing people who can handle such cases. Participants said that it was a waste of time since no action would be taken. "Nothing happened when they reported cases to the Chief, Assistant Chief, or Volunteer Children's Officer..." AAC representative, Homa Bay noted.

The survey established that lack of trust and confidence in formal child protection structures across the three counties. This was established through KII with various officers, FGD with parent, children and adolescent. The police are charged with enforcing the law but the respondent felt that they could not trust them to adequately deal with cases of child marriage.



“I can’t not inform the police even if I know that a child has been married off.....what will the police do?, some of them are married to very young girls....” —Parent; Kisumu

“When we try to rescue these girls the parents persuade us not to take action against the perpetrators saying, “thuol odonjo ekoo” (the snake has entered into milk calabash)... This makes it very difficult to take any action”— Parent, Homa Bay

The study established from Interviews and FGD with all categories of respondents in the three counties that only a small proportion of child marriage cases is reported and investigated, and few perpetrators are held to account. Child marriage is under reported for various reasons. Most girls lack the capacity to report. Children often fear the perpetrators or interventions by authorities including the police and even appearing in court. Sometimes the parents are involved in the child marriage of their children and therefore they will remain silent. “Those are my in-laws and it is culturally not acceptable to report them to the police”, a parent Homa Bay in Homa Bay observed.

The survey established through KII why child marriage cases were not reported. The responses included

- (a) Lack of confidence in the formal child protection and legal system this is attributed to non-action by officers and corruption by the perpetrators
- (b) Lack of clarity in the roles and responsibilities of the Chief’s as to when a matter should be referred.
- (c) Frustration on the duration the reported cases take before conclusion and the cost implications especially attending court
- (d) The formal structures have no office making them very inaccessible to the communities

3.19.2 Availability of safe space for rescued girls

~~The survey defines safe space as~~ a formal or informal place where women and girls feel physically and emotionally safe. The term ‘safe,’ in the present context, refers to the absence of trauma, excessive stress, violence (or fear of violence), or abuse.¹⁷ The survey established that the three Counties had no formal safe space for rescued girls, however Kisumu county had a child protection unit at the Kisumu Police station. The finding revealed that majority of girls still access the informal safe space Kisumu 65.3%, Homa Bay 74% and Kisumu 63%. It was evident, from that Homa Bay and Bondo the county and sub county children officers indicated that a space had been identified but not fully refurbished to be safe for children.

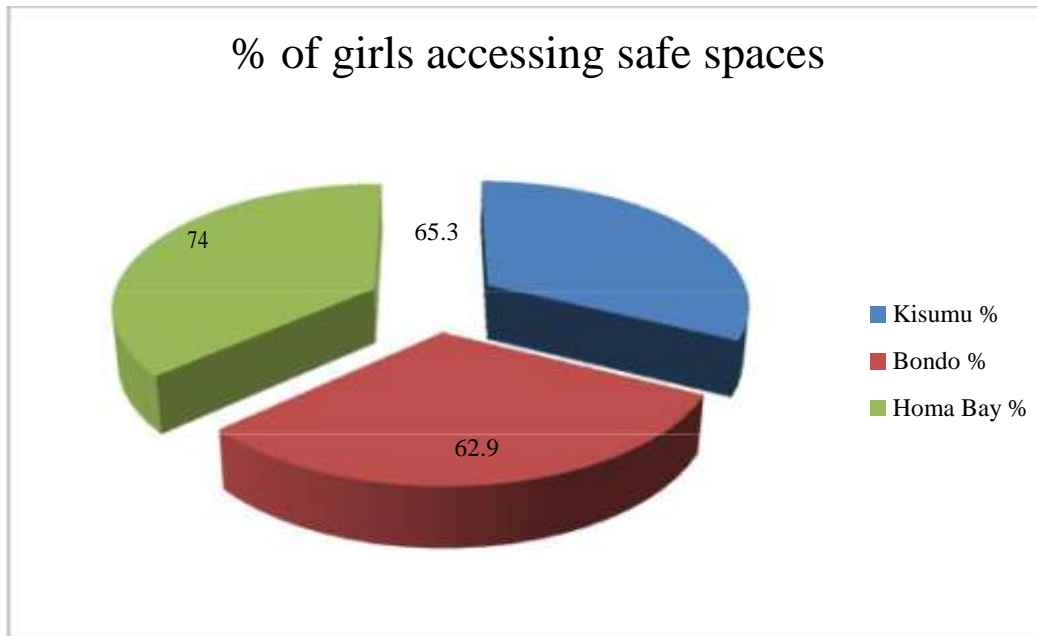


Figure 9: Girls accessing safe space

Cultural practices that perpetuate child marriage

Preference of boy’s education over girl child:
Boys are still preferred over girls according to findings of the study. Remark from a parent in South Sakwa, Bondo explains this observation, “there are some families around here who still believe that girls are “ogwenge” (“wild cats”) who will be married elsewhere and investing in their education is just wasting resources.” Another sentiment for another parent was, “...when resources are scarce, I will pay for my son’s school fees since he is here with us throughout while my daughter will be married and all the investment will go to her husband and her new family.... The husband’s family will end up enjoying all the efforts we have made in our daughter.....” This preference of boys over girls

has been described as propulsive force that pushes girls to early marriages.

Seclusion of older boys: The survey established through FGD that seclusion of the older boys into a small boys’ house known as Simba has been one of the major factors fueling child marriage. Among the luos, an adolescent male is traditionally expected to build himself a ‘simba’, a small house where the boy can host his age mates and female friends who are potential wives. Once established the Simba without supervision by parents become a place where the boy child easily mingles with girls leading to early pregnancies that fuel child marriages.

Payment of bride price: The survey established that parents living in poverty are often tempted to



marry off their young daughters to obtain dowry which they believe will relieve them from economic hardship. Kisumu (81.6%), Bondo (73.6) and Homa Bay (69.8) indicated that poverty and inability of parents to pay school fees was a major cause for child marriage. When parents get promises of returns for bride price they easily sacrifice the girls.

Traditional Night dances: Through FGDs, the survey established that night traditional dances were another social practice that was reported by FGD in the three counties. During the night dances especially during funerals (Disco matanga) the children are un supervised therefore most engage in drinking alcohol and drug abuse, sexually provocative dancing styles, dress codes especially for girls is provocative and indecent this often leading to unplanned sexual activities that ultimately lead to pregnancies.

Constraints in tackling child marriage: Constraints in tackling child marriage included poor coordination of rescue of child marriage survivors between relevant government ministries, department, national and County government in the efforts to protect the survivors of child marriage and supporting them to access justice. The challenges on law enforcement and policy implementation were identified during this baseline survey. Though clear laws exist to curb child marriage, implementation of these laws is still a challenge due to inadequate capacity of the implementing institutions and officers to perform the tasks incumbent upon them. Other factors affecting addressing this problem include poor documentation, referral and support systems at the community level. The survey established that many of the child protection referrals are done informally, without adequate records and

documentation, leading to possibilities of frustration and further psychological trauma to the affected children.

CONCLUSION AND DISCUSSIONS

International, Regional and National legislative frameworks clearly indicated that child marriage is a violation of child and human rights with clear legal repercussions for violators of the laws. The constitution of Kenya 2010 and other relevant laws including the sexual offences act and children act have defined the legal age for marriage. However even though the legal age is known by parents and children, it has been established that the child marriage is still practiced.

This practice is either forced on the child by parents or by choice from the child. Research has shown that both boys and girls are affected; it is also evident that girls are more affected. Child marriage consequences have severe effect on the parents, the girls the boy, and to a large extent the children born from that union. The challenges during delivery, maternal and infant mortality have been established as major health related consequences. Other consequences include school dropout, violence, increased gender inequality. All these factors subsequently perpetuating the poverty circle. Meaning children born out of such union are likely to drop out of school and be victims of child marriage too.

It has been established that there are various drivers of the practice including behavioral, social economic and tradition factors. Therefore efforts to address this practice, should evaluate the root cause of the problem and address those if this initiative of ECM is to be successful. Targeting



those encouraging the practice and the children with information, and engaging the parents, adolescents and married girls on economic empowering venture so that poverty is not used as a reasons and girls are not lured into child marriage because of their circumstances. A joint effort in policy implementation with proper coordination and documentation is therefore needed to ensure this challenge is successfully addressed.

The survey concludes that the various actors on child marriage have failed children at risk and survivors of child marriage. Though levels of awareness on general child protection and child marriage specifically are growing these awareness levels are fatally undermined by widespread complicity in handling child marriages. Interviewees consistently described inadequacy in the part of law enforcers in enforcing laws on child marriage even where the perpetrators have been apprehended. Parents and children themselves also have significantly contributed in harnessing this negative practice, even when marriages are prevented by officials from the Department of Children Services, families and sometimes the children themselves find it easy to lie or bribe in order to let the perpetrators free.

RECOMMENDATIONS

The report findings presented provide a foundation of solutions recommendations for each stakeholder in order to curb child marriage. This survey has established that the causes of child marriage are complex and therefore addressing this practice requires multi sectoral innovative strategies. This survey therefore recommends working at multiple levels and targeting all sectors; community; policy makers and health and

education sectors. The following are specific recommendations for different multi-level stakeholders.

Implementing Agencies

- 1) Build capacity of community resource persons including paralegals who will provide various services including psychosocial support, health and counselling to the child marriage rescued survivors. Where there is no safe space within the community the resource persons should be encouraged to use free buildings in schools, health facilities and homes. Provision of such space will enable the children to deal with the traumatic situations they have been through as well as start a journey to recovery.
- 2) Enhance programmes targeting children to help them develop proper life skills that will prevent them from taking child marriage especially girls as an option to exit to considered 'safe heavens'
- 3) Mobilize religious leaders and community elders who are the decision makers in communities where child marriage is prevalent. Engaging and educating these leaders is key to changing the attitude of a community on child marriage
- 4) Implementing organization should have trained paralegals within the community to support the AACs and the chiefs in dealing with child marriage issues. The paralegal can provide the case management and monitoring to ensure adequate reporting and referrals of such cases
- 5) Through the trained paralegals at the community level duty bearers should support the department of children services in mobilizing and coordinating child marriage rescue



6) Poverty was identified as one of the drivers to child marriage, providing economic support to families may be a way of helping parents who do not want to their daughters to get married early

Other civil society organizations

- 7) The CSOs organizations should have initiatives that seek to empower both boys and girls through capacity building and information sharing regarding referrals systems, their rights and negative effect of child marriage. CSO should also support creation of sensitization forums for community leaders such as chiefs, AAC members, men, women and children.
- 8) CSOs and other law enforcement agencies should enhance promotion of education, taking measures to alleviate poverty through household economic strengthening this will enable the parents to be able to provide basic need and pay for school requirements for their children. This can be done through issuing business start-up capital, Promoting value addition for production that the parents are already involved in, Group marketing especially for products like groundnuts in Homa Bay and mangoes in Bondo
- 9) Engage police administration and local government bodies to raise their understanding of the impact of violence against girls on their education and their future. Discuss the actions that should be taken to create safe spaces free from violence and harassment for girls.
- 10) The CSOs organizations should have initiatives that seek to empower both boys and girls who are survivors of child marriage through capacity building and information sharing regarding referrals systems, their rights and negative effect of child marriage. CSOs

should also support creation of sensitization forums for community leaders such as chiefs, AAC members, men, women and children on consequences of child marriage to the community family and even to the children

- 11) Promote and highlight positive deviance among parents, girls, boys, law enforcement officers, and leaders.

Law enforcement agencies

- 1. Conduct regular training for police and other law enforcement officers regarding the negative consequences of child marriage and the importance of enforcing child protection legislation.
- 2. The existing laws on child marriage should be synthesized into a simpler readable hand book and disseminated to key stakeholders e.g. police, teachers, chiefs, court officials VCOs and church leaders since the levels of knowledge of the law among this actors was identified as a major factor hindering addressing child marriage .
- 3. This study established that though there is awareness on existence of the laws governing child marriage, enforcement of these laws. Poor record keeping and documentation of cases is a major gap, therefore this survey recommends development of child marriage case management flow chart and clear referral and follow-up mechanisms that stipulates how each duty bearer should handle records and refers the case appropriately. The development of this mechanism should bring together the CSOs, Court administrators, police, and provincial administration under the leadership of children officers to enhance coordination.



Department of Children Services

- 1) Support County and Sub County technical working committee and build capacity of members to offer strategic guidance and support the implementation of the child protection policy
- 2) Lobby the county government and CSOs to allocate resources for the construction and equipping the safe spaces for rescued girls where none exists.
- 3) Whereas there is apparently high knowledge regarding the illegality of child marriage, DCS should involve all the players to ensure Coordination and implementation of the law on child marriage. Law enforcement authorities that abet this crime should be identified and involved in reform actions.
- 4) Establish and Promote partnership with elected representatives at county and sub county levels as strong advocates against child marriage through community engagements

Ministry of education

- 1) Facilitate access to, retention and persistence of girls in primary and secondary education through awareness campaigns, refurbishment of facilities (e.g. wash rooms for girls separate toilets for boys and girls)
- 2) Ensure that schools are safe spaces for children by enforcing the code of conduct and ensuring the children understand the existence of the safe reporting mechanisms

The community

1. Parent may know the disadvantages of child marriage; however the survey established that poverty is driving them to accept child marriage to alleviate the economic burden, Engaging in economic activities may be a way

- of helping parents who do not want to their daughters to get married early
2. Men and boys are central to challenging gender norms and changing deeply entrenched traditional practices like child marriage. This survey therefore finds it important that men are educated on the rights of girls and how child marriage can be harmful to her education, health and how child marriage perpetuates poverty. Through education equip men and boys with knowledge to speak out against child marriage.
3. Identify, nurture and promote role models in the community

Boys and girls

- 1) The boys and girls should be agents of change through advocating for their rights. Through the support groups, they can enhance awareness among fellow children on their rights, reporting channels and awareness on existence of safe spaces.

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REFERENCES

- [1] ANPPCAN (2008). Violence against children in Kenya. Nairobi: ANPPCAN.
- [2] Republic of Kenya, Children Act 2001 Kenya
- [3] CRADLE (2005). A Rights-based Community Participatory Assessment of out of School Children and the Right to Free Primary



Education in Suba Sub-County. Nairobi: Concern Kenya and CRADLE.

[4] "Early Marriage." International Women's Health Programme. The Society of Obstetricians and Federation of Women Lawyers (FIDA-K) (2009). Protection against Female Genital Mutilation:

[5] A Review of the Implementation of The Children's Act. Nairobi: FIDA-K. Gynecologists of Canada. Web. 30 Apr. 2010

[6] Federation of Women Lawyers (FIDA-K) (2009). Protection against Female Genital Mutilation

[7] Kenya National Bureau of Statistics (2010). Economic Survey, 2010. Nairobi: KNBS.

[8] National Council for Children's Services (2011). The framework for the national child protection system in Kenya. Nairobi

[9] Plan International (2011). Under age Marriages in Kenya. Nairobi: Africa Science News.

[10] Republic of Kenya. (2006 b). Country Programme Action Plan 2004-2008: UNICEF publication

[11] Republic of Kenya. (2007). The Children Act No. 8, 2001: government printers

[12] Republic of Kenya. (2010). The Constitution of Kenya: government printers

[13] Republic of Kenya. (2009). Situation Analysis of Children, Young people and women in Kenya, securing Kenya's future in the hands of

Children and young people, Kenya: UNICEF publication

[14] Republic of Kenya. (2010b). Mapping and Assessment of Kenya's Child Protection System: UNICEF publication.

[15] Save the Children Finland and ANPPCAN. (2008). Violence against Children in Kenya, Situational Analysis Report: Save the Children publication.

[16] The African Report on Child Wellbeing 2013, forthcoming at the African Child Policy Forum www.africanchildforum.org Accessed 18th December 2015

[17] Republic of Kenya, The Constitution of Kenya 2010

[18] Republic of Kenya, The Marriage Act Kenya 2014

[19] The Child Law Resources, available at: <http://www.africanchildforum.org/site/index.php/resource-centre/child-law-resources-voluemii-english.html>. Accessed on 19th December 2015

[20] Plan International (2011). Under age Marriages in Kenya. Nairobi: Africa Science News.

[21] Plan International, Because I am a Girl--- Kenya Country Report 2012

[22] United Nations Children's Fund (2001). Early Marriage and Child Spouses. Florence, Italy: UNICEF.

[23] UNICEF. (2000). Early Marriage: Whose right to choose? Mission Statement of the Forum on Marriage and the Rights of Women and Girls.UK.



[24] UNICEF (2011). The State Of The World's Children 2011, Adolescence an Age of Opportunity. United Nations Children's Fund, 3 United Nations Plaza, New York, NY 10017, USA Retrieved from http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main Report_EN_02092011.pdf

[25] UNICEF (2005). Early Marriage; A Harmful Traditional practice-A Statistical Exploration www.unicef-icdc.org/publications/pdf/digest7e.pdf. Accessed 20th December 2015

[26] United Nations Children's Fund (2012). Child Marriage is a Death Sentence for Many

Young Girls. Washington, DC: Global Justice Initiative

[27] World Vision (2008) Before She's Ready: 15 places Girls Marry by 15.

[28] WHO. 2015. Maternal, newborn, child and adolescent health: Adolescent pregnancy.

[29] http://www.who.int/maternal_child_adolescent/topics/maternal/adolescent_pregnancy/en/#
[Accessed on 18th December 2015].

AUTHORSHIP AND ORIGINALITY