



Because I am a Girl

KENYA COUNTRY REPORT 2012

Study of the Factors Influencing Girls' Access, Retention and
Completion of Primary and Secondary School Education



Plan

Executive Summary

Background

Plan International is a child centered organization working in fifty (50) developing countries across the world in Africa, Asia and the Americas to promote child rights and lift millions of children out of poverty. Founded 75 years ago, Plan is one of the oldest and largest children's development organizations in the world. **In Kenya**, Plan has been working with the rural and urban poor communities for over thirty years (since 1982) in her endeavor to enhance realization of the rights of the child. Currently Plan works in eight counties also known as Program Units in Kenya namely Kwale, Kilifi, Tharaka, Machakos, Kisumu, Homa Bay, Bondo (Siaya) and Nairobi Program Units (PUs).

For the last five years, Plan has been researching and releasing annual reports on the *"state of the world's girls"*. These reports have shown that girls in Kenya and other developing countries of the world are among the most disadvantaged people on the planet. Beginning in early childhood and especially prominent during adolescence, girls face multiple intersecting unique barriers to completing secondary education, to gaining the life skills needed to transition successfully to decent work; and to enjoy their rights. These reports suggested a range of assets that girls need at specific stages throughout their lifecycle in order to become empowered and to realize their rights. These assets

include personal, social, physical assets such as life skills, peer networks, safe spaces, role models, financial literacy, vocational skills, opportunities to participate in public life and material assets (like text books).

Plan international launched a global campaign called "Because I Am A Girl" (BIAAG) on 11th Oct. 2012 with the main focus of addressing **both** the intersecting barriers and multiple assets towards facilitating girls' holistic empowerment. The campaign is based on a comprehensive approach which seeks to achieve changes at multiple levels of rights-holders (girls) and duty-bearers (both moral and principal). Specifically, the Campaign seeks to work with:

- **Girls** to build their capacity and **agency to make meaningful choices and** act as agents of change;
- **Families and communities** to change socio-cultural norms, values and attitudes toward girls; and
- **Institutions** to implement laws, policies and public services that support and protect girls.

Study justification and methodology

To contextualize the campaign in Kenya, Plan (Kenya Country Office) commissioned three studies focused on the girl-child to establish the prevalence and underlying/structural factors of the three key barriers to Girls Education. The studies were undertaken in Nairobi, Coastal, Nyanza and Eastern counties where Plan operates. The three barriers which were studied were:

- a. Child marriage;

- b. Sexual exploitation of under age children, in particular transactional sex
- c. Child domestic labor.

The studies included primary collection of both quantitative and qualitative data in the study sites as well as a review of relevant secondary data at the national, regional and international levels. Primary data collection consisted of household surveys, key informant interviews and focus group discussions.

Key findings and recommendations

The findings of the three studies summarized in this report generally point to a dire situation that requires concerted remedial action from all actors around the girl-child including the parents/caregivers, learning institutions and the government as the principle duty bearer. The key findings and recommendations were:

- Incidences of **child marriage** were very high as 43.3% of females were married as children while 11.6% males were married as children. Additionally, the report revealed that those married as children had very low education achievements; nearly 70% had only primary level of education.
- Incidences of **Transactional sex amongst children** were recorded in all the 4 study sites (Bondo, Homabay, Kwale and Kilifi). Kilifi and Kwale registered the highest prevalence as 15% of children aged less than 18 years were to have engaged in the vice; girls were more involved in the practice than boys. The key causal factors cited as fueling the vice were the non-provision of basic and schooling items by parents/guardians which leads to these children seeking the items from non-relatives some of who demand for sex in return.

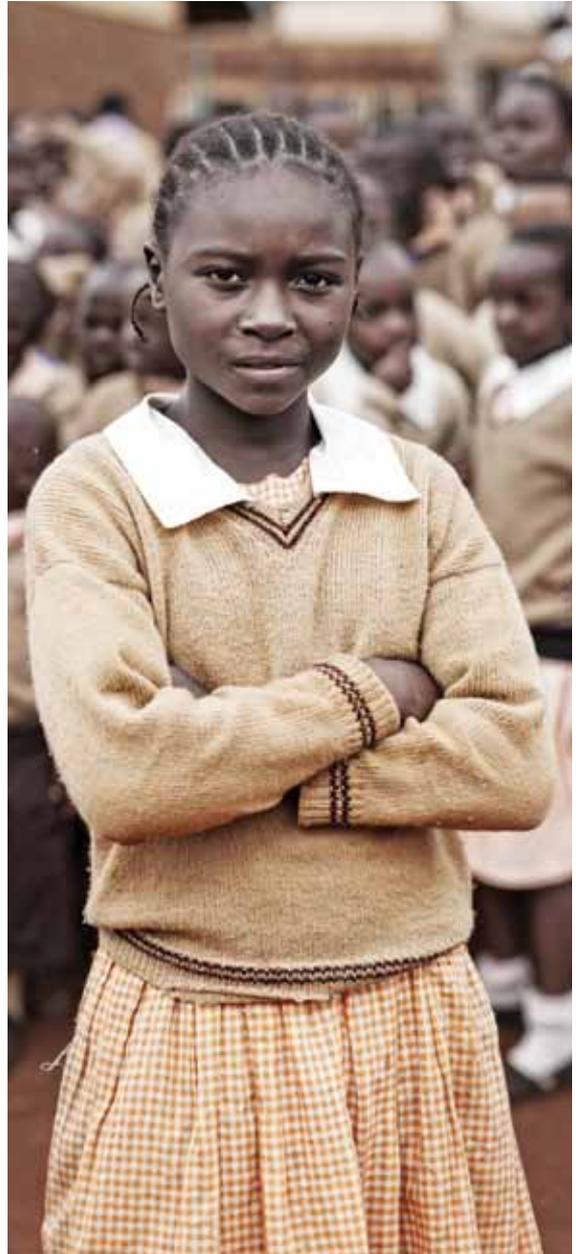


- The study on **child domestic labor** revealed a worrying trend where an increasing number of the girls are actually engaged in child labour within their household. Girls were particularly found to be taking up responsibilities of their absentee parents.

Although, the child domestic labor study revealed that the number of underage 'live-in maids' is negligible, it noted that there are children who live with their parents, attend school and still go out to clean clothes and take care of other children; though a fairly invisible facet of child domestic labor, this is an area that needs more research.

- Gender targeted social protection programs should be initiated to safeguard girls from falling into the vulnerability traps that which were identified to be predisposing them to transactional sex leading to early pregnancy and marriage. Appropriate measures should be taken by the Government in partnership with NGO's and other stakeholders to cushion the vulnerable community members from extreme poverty. There is need for more education and sensitization on targeting the youth on issues of sex and sexuality and the dangers that associated with teenage sex.
- Improving access to education for both girls and boys and eliminating gender gaps in education are important strategies in ending the practice of child marriage across the five program units and the country as a whole. Increasing the level of free and compulsory education may be an effective tactic as it would prolong the period when a girl is unavailable

for marriage. Communities, parents and school committees should be re-orientated to support girls who conceive or have children before adulthood to pursue their education after delivery.



Section 2: Child marriage:

Background

In 2004 a UNICEF statistical study estimated that more than 100 million girls in the developing world would be married before the age of 18 by 2015 (UNICEF Early Marriage, 2005). That UNICEF study found child marriage to be a common practice in Africa with over 42% (though this over 60% in parts of East and West Africa) married before they reached the age of 18 years. While both boys and girls are affected, child marriages impact on girls in far larger numbers and with more intensity. From the literature review, it was clear that it is very difficult to get accurate data locally on the true extent of child marriages because many such marriages are not officially registered, and where they are, parents tend to falsify the girls' ages. Such acts are easier in rural areas where birth certificates are often non-existent or not properly recorded. Available data are often outdated and inadequate to support meaningful policy and programme development.

International human rights instruments such as the UN Convention on the Rights of the Child (CRC) and the Convention on the Elimination on All Forms of Discrimination against Women (CEDAW) recognize a child as a human being aged below 18 years and stipulate 18 years as the minimum age for marriage for males and females. This is the minimum age when young people attain

“full maturity and capacity to act” (IAC, 2003). Child marriages are considered forced marriages since the consent of the child is seldom considered, and even when considered, the child has no capacity to grant it before the consummation of the union.

The Kenyan constitution is aligned to these instruments and stipulates that marriage is only possible between consenting adults of opposite sex. The Children's Act of 2001 outlaws child marriage which it defines as “marriage or cohabitation with a child or any arrangement made for such marriage or cohabitation”.

Study Methodology:

The child marriage study was conducted in the month of September 2012 in order to document the prevalence and causes of child marriage and recommend relevant interventions and areas for further research. The study was conducted in five program units namely Bondo, Homa Bay, Kilifi, Kwale and Tharaka. The study involved the use of household interviews triangulated with Focus Group Discussions (FGDs) and Key Informant Interviews (KIs). Lot Quality Assurance Sampling (LQAS) was employed to draw appropriate samples for the household interviews in each of the 5 Plan program counties. Each Plan program unit was zoned into five sections and from each 19 respondents were selected. Thus 95 respondents were drawn from each of the five program units giving a total of 475 (112 males and 363 females) respondents for the household interviews. The household survey targeted young people aged between

18 to 24 years, both male and female who are married or had ever been in a marriage relationship. There were also 25 FGDs in which 259 respondents participated and another 45 respondents were interviewed as key informants across the five program units.

Key findings:

Among the 475 respondents interviewed in the household survey, 29.3% were aged between 18 and 20 years while 70.7% fall between 21 and 24 years of age. In terms of marital status concerned, 49.7% were married, 32.2% were in cohabitation relationship, 16.4% were separated, 1.3% were divorced while 0.4% were widowed. Regarding level of education completed, 4.6% had not gone to school, 66.9% had primary level education, 23.4% had secondary level education, 4.8% tertiary

college level education while 0.2% had attained university level education.

The study established that 35.5% of all (male and female) the household respondents across all surveyed Plan program units got married when they were below 18 years while 47.6% got married aged between 18 and 20 years and 16.6% got married aged between 21 and 24 years. The proportion of respondents that got married while below the age of 18 years (child marriage) was higher (43.3%) among females than among males (11.6%). These proportions were higher than the national prevalence of child marriage that stands at 34% for females and 1.4% for males (KDHS 2008/2009).

Across Plan’s program units, Kilifi recorded the highest prevalence of child marriage 47.7% followed by Homa Bay (38.9%), Kwale (37.9%), Bondo (29.5%) and finally Tharaka at 25.3%.

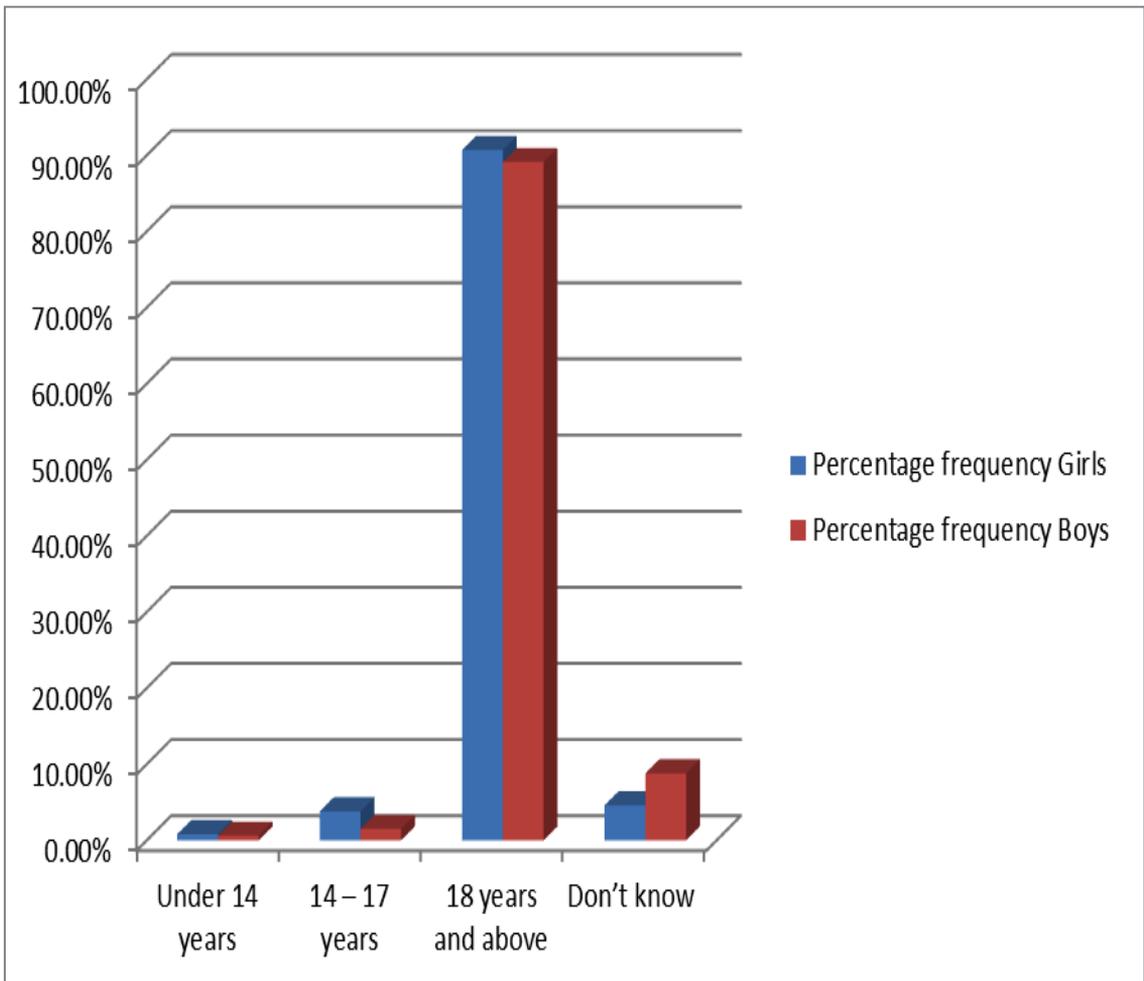
Table 2.1: Marriage age across the five program units

Marriage age	Percentage responses by PUs				
	Bondo	Homa Bay	Kilifi	Kwale	Tharaka
< 18 years	29.5%	38.9%	47.4%	37.9%	25.5%
18 – 20 years	53.7%	46.3%	41.1%	43.2%	53.7%
21 – 24 years	16.8%	14.7%	11.6%	18.9%	21.1%

Knowledge and attitudes related to child marriage:

When the 475 household respondents were asked their opinion on the right age at which girls should get married, 90.7% mentioned from 18 years, 3.8% mentioned between 14 and 17 years, 0.8% mentioned below 14

years, while 4.6% said they did not know. Asked the same question for boys, 89.1% mentioned above 18 years for the marriage age for boys, 1.5% mentioned between 14 and 17 years, 0.6% mentioned below 14 years, while 8.8% said they did not know. This is represented by the graph below.

Figure 2.1

Causes of child marriage:

Parents and guardians adduced a combination of cultural, religious and economic arguments to justify child marriage. Poverty and the lack of economic opportunities for girls in rural areas were cited by parents and guardians as a major factor leading to child marriage. Some (poor) parents view girls as either as an economic burden to be hastily

disposed of or a valued asset exchangeable for goods, money or livestock. It was observable from the study that girls married before the age of 18 were more likely to come from poor families and from rural areas. In some FGD sessions, family stigma attached to girls engaging in premarital sex and bearing children outside marriage were cited as acceptable reasons for pushing girls into early marriage. Other girls got into child

marriages to escape from harsh parents or from the difficulties associated with orphanhood status, or negligence of their parents. Girls that dropped out of school for whatever reason were more likely to end up in child marriages.

In the coastal region child marriage was found to affect both boys and girls (though girls were more affected) and mainly driven by the tradition or cultural practice in which the parents agree and some dowry is paid. The practice seemed so strong that in some cases the child marriages are even solemnised by Imams or in church. FGDs revealed that many parents in Kilifi and Kwale try to marry off their daughters the moment they discover they are pregnant so that they can protect the family status or name. The marriage is arranged not only to conceal the pregnancy and avoid having children who are born out of wed-lock, but also to get both the “dowry” and a “penalty” payment from the man responsible for the pregnancy. Low regard for education by many parents in this region means more children drop out of school and get into these arrange child marriages. In Kilifi majority of the girls got married between the ages of 13 years to 16 years while majority of boys got married between the ages of 17 years to 23 years.

In the Nyanza region the study found that many boys who drop out of school and get involved in the fishing industry ended up in child marriages. Some of these boys get involved in affairs with “older women” who use them as their “joboya” (youth that help them get fish in return for sexual favours)

and end up marrying them. In Bondo and Homabay, the practice of “partying” after funerals through dances or discos were also cited as one of the avenues that lead to teenage pregnancy and therefore compels majority of the girls to drop out of school and seek early marriage. In Tharaka the practice of female circumcision (FGM) as a “rite of passage into womanhood” for girls aged 12 to 14 years included indoctrination that they were “full women” who should immediately prepare for marriage and child bearing responsibility.

4.3 Challenges of child marriage

When the 475 respondents to the household survey were asked the challenges children in child marriages face, 81.7% mentioned lack of financial support from spouse, 68.6% mentioned lack of emotional support from spouse, 63.6% mentioned lack of emotional support from in-laws, 68% mentioned lack of spousal support with household chores, 84.2% mentioned that there are too many family responsibilities and hence there is no time for education, while 75.6% mentioned lack of support with child care.

The main challenge that was cited in all the program units was too many responsibilities with no time for education, except from Homa Bay where lack of support with child care was cited as the main challenge of child marriage. Girls married as children mostly found motherhood as the key focus of their lives, at the expense of other development in areas such as formal education, training



for employment, entrepreneurship and personal growth.

Some of the challenges that were cited in all the five program units include the fact that child marriage leads to early childbearing at an early age for the girl child. According to the key informants early pregnancy poses great health risks to any young woman, and if the pregnancy is carried to term; then to her infant. They also pointed out that these risks are exacerbated by poverty and inadequate access to maternal and child health services.

They also pointed out that girls married before they turn 18 are less educated, have more children and are married to men who are significantly older.

Conclusion and recommendations:

The study showed that the prevalence of child marriages in areas where Plan Kenya operates is higher than the national average and identified the main drivers of this practice as mainly poverty, cultural

practices, boy-child preference, and general apathy towards education for all children. The following recommendations may be considered to address this vice;

- (i) The Government and other stakeholders should target areas of high poverty prevalence and initiate projects that improve the livelihood of the communities while cushioning the more vulnerable community members from extreme poverty. Girls and women who are already married should be supported to fulfil their right to education and equipped with life skills-based training to ensure that they can earn a livelihood.
- (ii) Youth should be sensitized to manage their sexuality and avoid the dangers associated with teenage sex. Development practitioners should consider interventions that delay age of sexual debut and/or improve youth access to effective contraceptive methods.
- (iii) There is need to involve elders of the communities in cultural analysis to identify and strengthen the traditions and beliefs and cultural values that support

realization of children's rights and discard those that are no longer relevant to the communities.

- (iv) Improving access to education for both girls and boys and eliminating gender gaps in education are important strategies in ending the practice of child marriage across the five program units and the country as a whole. Increasing the level of free and compulsory education may be an effective tactic as it would prolong the period when a girl is unavailable for marriage. Communities, parents and school committees should be re-orientated to support girls who conceive or have children before adulthood to pursue their education after delivery.
- (v) Further research is required to explore the impact of child marriage on boys and men. The demand-and-supply relationship of child marriage should be qualitatively explored to illuminate dynamics, such as the reasons why households marry their children and why men prefer younger brides, in order to inform programming strategies.



Section 2: Transactional Sex:

Background

Transactional sex is sex in exchange for money or gifts. It is distinct from prostitution in that the players consider each other as “boyfriends and girlfriends”, and the monies or gifts exchanged are seldom pre-negotiated. Otherwise it also involves casual sex and one may have multiple partners. Transactional sex has often been viewed as a growing informal income generating activity in the developing countries especially sub-Saharan Africa. Many studies on transactional sex have largely portrayed females as recipients and males as donors of money and gifts that are transferred.

Study Methodology:

The study focused establishing the prevalence and causes of Transactional Sex (TS) among young people aged 10-24 years in Bondo, Homa Bay, Kilifi and Kwale Program Units in rural Kenya. The targeted program

units were similar - all are situated along international water bodies (Lake Victoria and Indian Ocean), have a high poverty index, low social status of women, high child and maternal morbidity and mortality rates, and low girl-child education. All the program units also had high prevalence of child marriage, a migrant population and are very rich in tradition and culture.

The target population for this component was children aged 10 to 24 years stratified into three age cohorts; 10 to 14 years; 15 to 17 years and 18 to 24 years. Lot Quality Assurance Sampling (LQAS) was used to enable identification of focus geographic areas within program units and also comparison between program units. A random sample of 95 was drawn for each age cohort in each of Bondo, Homa Bay, Kilifi, and Kwale program units. Thus 285 respondents were included from each program unit making a total of 1140 for the household (quantitative) interviews. The quantitative interviews were triangulated by FGDs (of which five were done in each program unit) and Key Informant Interviews (12 per program unit).

Figure 3.1

Program Unit	Age cohorts and sample size for the household survey			Total
	10 – 14yrs	15 – 17yrs	18 – 24yrs	
Bondo	95	95	95	285
Homabay	95	95	95	285
Kilifi	95	95	95	285
Kwale	95	95	95	285
Total	380	380	380	1,140

Key Findings:

Bondo PU:

General sexual practices among children:

The proportion of children that thought their friends had had sex was about 27% among children aged 10-14yrs, 33% among children aged 15-17yrs, and expectedly 90% among the youth aged 18-24yrs. Asked whether they themselves had ever had sex, those answering in the affirmative were 96% among youth aged 18-24yrs, 36% among children 15-17yrs and 17% among children aged 10-14yrs. Overall, half of the children and youth aged 10-24yrs ever had sex.

Transactional sex among children

The study sought to determine if children aged 10-14yrs engaged in transactional sex by relating sex to some of their common needs such as learning materials, sanitary

pads, school uniforms, and entertainment – especially where such needs were met by non-relatives or relatives other than the child’s parents. Those aged 15-24yrs were asked directly if they had ever received or given material goods, gifts or money for sex.

Over 84% of the children aged 10–14yrs received school learning materials from their parents, and other relatives. Only 6% received gifts from non-relatives like friends and neighbors and though some of the non-relatives demanded for favors from the children, none of the favors were of sexual nature.

Among the 15-17yrs, about 10% reported ever engaging in transactional sex while among the youth aged 18-24yrs the practice was much higher (27%). Overall, the vice occurred to 18% of the respondents.

Table 3.1: Proportion of respondents ever given or received material goods, gifts or money for sex

Sample	Total correct in each supervision area					Total correct	Total sample	Average Coverage	Escalated Average Coverage	Decision Rule
	1	2	3	4	5					
15 – 17yrs	2	2	1	3	1	9	95	9.5%	10%	0
18 – 24yrs	4	4	5	5	8	26	95	27.4%	30%	3
Total	6	6	6	8	9	35	190	18.4%		

The FGDs indicated that transactional sex was increasingly becoming a concern especially among the fishing communities and affected both boys and girls though the girl-child was more affected. Orphaned girls and boys were

particularly involved in transactional sex to meet their economic needs and in some cases those of their families. Boys are targeted by the older women in what is referred to as “fish-for-sex”. **“The boys working in the fishing**

industry are particularly vulnerable”. Young girls are targeted by older men because they are thought to be “clean” (HIV negative), cheap and manageable in terms of the types of gifts and amount of money they are given.

HOMABAY PU:

General sexual practices among children:

Though the proportions of children that thought their friends had had sex was lower in Homabay compared to Bondo, it showed a similar pattern to that in Bondo Program Unit - about 43% among children aged 10-14yrs, 58% among children aged 15-17yrs, and 73% among youth aged 18-24yrs. The proportion of respondents that reported having themselves had sex was 68% among youth aged 18-24yrs; 47% among children aged 15-17yrs; and 21% among children aged 10-14yrs. Overall, 46% of the children

and youth aged 10-24yrs ever had sex. About 1 in 5 of the youth aged 18-24yrs, and 1 in 8 of the children aged 15-17yrs had engaged in sex with multiple partners.

Transactional sex among children and youth aged 10 – 14 years:

Over 88% of the children 10–14yrs received school learning materials from their parents, and only 12% from their siblings and other close relatives. Though 13% received learning materials from non-relatives like friends and neighbours, none of the non-relatives demanded favours from the children.

Among the 15-17yrs, 14% reported ever engaging in transactional sex while the practice was much higher (28%) among the youth aged 18-24yrs. Overall, the practice was 24% among the youth aged 15 – 24 yrs.

Table 3.2: Proportion of respondents ever given or received material goods, gifts or money for sex

Sample	Total correct in each supervision area					Total correct	Total sample	Average Coverage	Escalated Average Coverage	Decision Rule
	1	2	3	4	5					
15 – 17yrs	2	1	3	4	3	13	95	13.7%	15%	0
18 – 24yrs	3	2	6	7	9	27	95	28.4%	30%	3
Total	5	5	9	14	12	45	190	23.7%		

Discussions in focus groups indicated that transactional sex in Homa Bay Program Unit was common at the especially around the town center which houses a fishing beach and in the rural areas. To quote a respondent, **“Yes, there are cases of so many girls being bought sodas, chips, food stuff at the**

center (Ongeng’) and in the end exchange it for sex... and become pregnant”. Like in Bondo the practice of transactional sex affects both boys and girls but with girls reportedly the more affected. Affected girls tend to maintain two sets of “boyfriends”. **“.... a boyfriend of her age, considered the real one, and**

another one older than her but who has money and could buy presents....”

Household poverty was cited as a major driver of transactional sex very much similar to Bondo Program Unit. Parents are unable to provide for their families rendering everyone in the family vulnerable especially so girls. This situation worsens during drought and low business seasons when prices of food commodities go up. Poor parental guidance of their children was also noted as a contributing factor.

Kilifi PU:

General sexual practices among children:

In Kilifi program unit, the proportion of respondents that thought their friends had had sex was 41% among children aged 10-14yrs; 78% among children aged 15-17yrs; and 85% among youth aged 18-24yrs. Those that accepted having had sex were 68% among youth aged 18-24yrs; 28% among

children aged 15-17yrs and 4% among children aged 10-14yrs. Overall one third of all the respondents, children and youth aged 10-24yrs had ever had sex.

Transactional sex among children aged 10 – 14 years:

Most of the children 10–14yrs (92%) received school learning materials from their parents, though about half (48%) also received from their siblings and other close relatives. About 25% (24 children) received such materials from non-relatives like friends and neighbors. The non-relatives demanded favors from 4 of the 24 children, tried to seduce 2 of the children and as a result one child admitted to have had sex.

33% of the youth aged 18-24yrs and 14% of the children aged 15-17yrs reported ever engaging in transactional sex. Overall, the practice was 24% among the youth aged 15 – 24 yrs.

Table 3.3: Proportion of children ever given or received material goods, gifts or money for sex

Sample	Total correct in each supervision area					Total correct	Total sample	Average Coverage	Escalated Average Coverage	Decision Rule
	1	2	3	4	5					
15 – 17yrs	2	1	2	6	3	14	95	14.7%	15%	0
18 – 24yrs	4	4	9	7	7	31	95	32.6%	35%	4
Total	6	5	11	13	10	45	190	23.7%		

T10% of the youth 18-24yrs and 4% of the children aged 15-17yrs gave material goods, gifts or money in exchange for sex in the

past 12 months, 15% of the youth 18-24yrs and 10% of the children aged 15-17yrs were recipients.

From the qualitative discussions, transactional sex was said to be a common practice especially in the rural areas and at the coastal leisure beaches. Both girls and boys are affected, however, the girl-child was found to be more affected due to her many biological, emotional and gender related needs. Household poverty, poor parental guidance of children, and inadequate accommodation for families were cited as some of the factors fuelling the practice. The children said that some of their parents and teachers engage in transactional sex, and therefore some children would view it as an acceptable practice.

Kwale PU:

General sexual practices among children:

About 25% of the children aged 10-14yrs, 60% of the children aged 15-17yrs, and 81% of the youth aged 18-24yrs thought that their friends had had sex. The majority of youth aged 18-24yrs (55%) reported to have ever had sex while this was reported by 20% of the children 15-17yrs and 8% of the children aged 10-14yrs. , about reported to have ever had sex as summarized in table 6.8 below. Overall, 27% of the children and youth aged 10-24yrs had ever had sex. Almost 15% of the

youth aged 18-24yrs and 4% of children aged 15-17yrs had engaged in sex with multiple partners.

Transactional sex among children and youth aged 10 – 24 years:

Only 10% (9) of the sampled children aged 10–14yrs received school learning materials from non-relatives like friends and neighbors. The non-relatives demanded favors from 5 out of these 9 children, tried to seduce 4 of them which resulted into 2 of the children engaging in transactional sex.

About 13% (12) of the children aged 10 – 14yrs received basic necessities from non-relatives like friends and neighbors. The non-relatives demanded favors from 5 of the children, tried to seduce 4 of them and had sex with 3 children.

Among the older age groups, 33% of the youth aged 18-24yrs, and 14% of the children aged 15-17yrs, reported ever engaging in transactional sex. Overall, 23% of the youth aged 15–24yrs engaged in the practice. 17% of the youth aged 18-24yrs and 13% of the children aged 15-17yrs had engaged in the practice in the last one year.

Table 3.4: Proportion of children ever given or received material goods, gifts or money for sex

Sample	Total correct in each supervision area					Total correct	Total sample	Average Coverage	Escalated Average Coverage	Decision Rule
	1	2	3	4	5					
15 – 17yrs	3	1	2	2	5	13	95	13.7%	15%	0
18 – 24yrs	10	3	4	6	8	31	95	32.6%	35%	4
Total	13	4	6	8	13	44	190	23.2%		

Qualitative interviews revealed that, like in other three program units which participated in this study, household poverty was a major driver of transactional sex in Kwale. Most households are unable to meet their basic household needs including food. Another contributing factor mentioned was a state of vulnerability brought about by orphan hood and having old or ailing parents, a situation that makes the children to assume their parents' responsibility to provide for the family. An example was given of an un-named 13 year old boy who is taking care of his ailing parents

with proceeds from transactional sex with rich women.

Traditional practices such as funeral discos and night wedding ceremonies were found to provide the children with undue opportunities for engaging in transactional sex. An example was given of a night weddings where men sponsor girls to attend by paying their bus fare and at night when the celebration is at its peak the young girls pays back by engaging in sex with their sponsors failure to which they will be forced to walk back home.



Section 3: Child Domestic Labour in Nairobi:

Child Domestic Labour was identified as an area of interest under the BIAAG initiative. The study on the child domestic labour in Nairobi sought to establish its prevalence and the underlying causes. The findings recommend areas of further research and/or interventions.

Child labour in Nairobi

Child Labor is defined as

- (i) 1 hour of economic labor or 28 hours of domestic labor for children 5 – 11 years per week;
- (ii) 14 hours of economic labor or 28 hours of domestic labor for children 12 – 14 years per week, and
- (iii) 43 hours of economic or domestic labor for children 15 – 17 years per week.

The *Child Labour Analytical Report* (KNBS 2009) which is the most recent and comprehensive data on child labour indicates that in Kenya overall, **8%** of children aged 5-17 (1.01 million children) are child labourers. Of this number 90% are in rural areas while 10% are in urban areas. These figures indicate a drop in child labour from a 1999 ILO study which recorded 1.9 million child labourers. The drop is attributed to interventions by the government and its partners. The same report indicates that the prevalence of child labour in Nairobi is **2%** which is lower than the other provinces

where it is mainly driven by engagement of children in agricultural work.

High prevalence of child labour has been cited in certain localities such as the Dandora dump site however no census of the children population at the site has been carried out ANPPCAN (2012). A report by CESVI (2012) notes Embakasi, Kayole and Njiru as areas with child labourers who are mainly engaged scavenging and domestic labour; the study focused on areas with worst forms of child labour (WFCL). Although there is anecdotal information that there are children engaged in domestic labour in Nairobi, reliable statistics as to the magnitude are not available.

Regulations and policies on child labor

Core conventions that deal with child labour have been domesticated in the Kenya Constitution - Article 53; the Employment Act 2010; the Children's Act 2001(Revised 2007); Education Act, Cap 211 2009; Labour Relations Act 2007; Sexual Offences Act, 2006 (Revised 2009); and supportive policies and strategies such as the National Child Labour Policy and the National Children Policy.

Study Methodology:

This was based on (i) literature review, (ii) interviews with 20 key informants all from Nairobi (DEOs, DCOs, AAC members, DLOs and relevant CBOs/NGO officials) and (iii) 1,204 household interviews with principal care givers who were proportionately

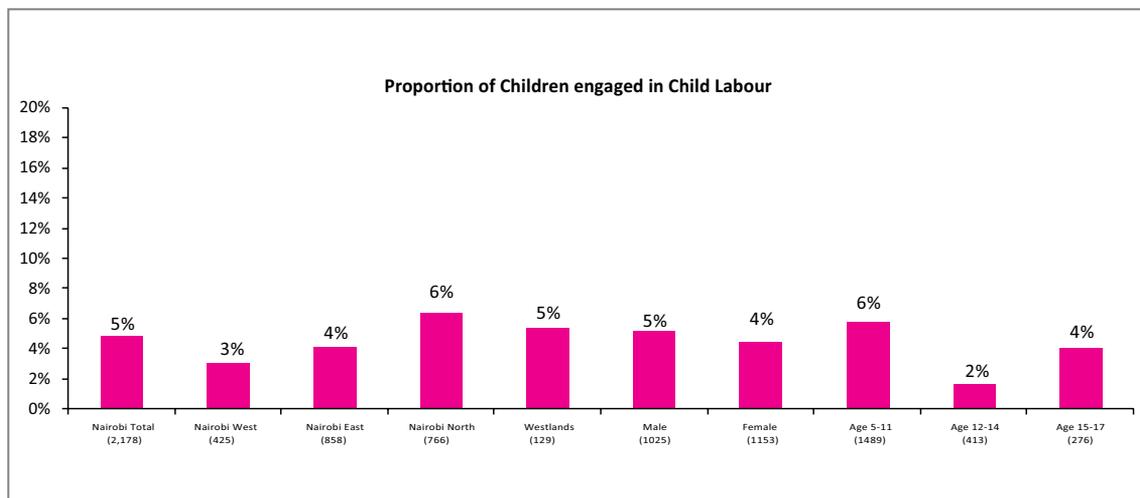
selected from each of the four districts of Nairobi based on their relative population sizes.

Key findings

The principal care givers provided information on 2,178 children aged 5-17 years. 53% of who were females and 47% males. Two thirds (68%) of these children were aged 5-10 years while 11-14 years and

15 – 17years accounted for 19% and 13% respectively. Most of the children (89%) were off-springs of the household head, while 6% were children of other relatives. Only 7 children aged 5-17 were reported as live-in maids. 4% of the children were recorded as currently not in school while 20% of all children had been missing school owing to non-payments with the incidence highest amongst the 15-17 year-olds.

Figure 1.1



5% of all children (5-17 years) were engaged in child labor. This is comparable to the 2% for Nairobi recorded in the *Child Labor Analytical Report* (KNBS 2009). Of those in child labor, 59% were involved in household-owned small retail businesses and 39% in doing household chores for other households. The proportion of children engaged in child domestic labor was higher among the 5-11yr and 15-17yr age groups.

Based on the definition of child labor above, 2% (46) of the 2178 children were engaged in child domestic labor either in someone else’s or own household. Of these 46 children 26 are found in Nairobi North. Majority (36 children) worked in domestic chores in someone else’s household, while 10 work in their own households. Out of the 46 children engaged in domestic child labor 27 were girls.

Many of these children were in school meaning they come from school and still have to put in substantial hours of domestic work mainly in someone else's household. The majority came from households where livelihood options (casual work, self-employed) were likely to result in unstable incomes.

Generally speaking principal care givers were aware that child domestic labor is harmful to the child. Based on an open-ended question, they had a notion that when domestic chores affect school, growth, play, sleep or exposes the child to bodily harm then it becomes harmful. However, they did not articulate child domestic labor in terms of hours of domestic work.

Concerning reporting of child domestic labor incidences, 48% of the 1,204 principal care givers interviewed stated that if they were to become aware of a child who is not attending school owing to domestic chores, they would talk to the parents/guardians of the child (the perpetrators of child domestic labor). 46% of them stated that they would report such cases to an authority. Of the principal care givers that would report cases of child domestic labor to an authority 62% stated their preferred authority would be the chief.

Twenty Key Informants including District Education Officers, District Labor Officers, NGO/CBO officials and probation officers amongst others were interviewed to gauge their knowledge and perceptions on the communities' knowledge on domestic labor. Nine of them used the phrase "*gainful/*

economic employment" to describe child labor and only 4 of them specifically mentioned domestic labor as a component of child labor. This suggests they did not deem child participation in domestic chores as a facet of child labor and they are therefore likely to ignore or underrate child domestic labor especially where children work and reside in the same households. None of the key informants mentioned child labor in term of hours of work.

15 of the Key Informants were of the opinion that the community does not know much about domestic labor. They attribute the low community knowledge on weak community sensitization on the Legal statutes (Acts) since these have not been simplified for general public's comprehension. The remaining 5 Key Informants felt that the communities know enough, but are unwilling to openly discuss or deal with the issue.

Key informants were concerned that communities generally perceive child domestic labor as acceptable - that it is right for children to put in substantial hours in domestic chores in reciprocity for basics provided by caregivers and as part of the socialization process.

They perceived child domestic labor to be more prevalence in informal settlements and in the low income residential estates of the city such as Nairobi north with its large informal settlements such Korogocho and Mathare, and Eastlands. According to them the factors responsible for child domestic labor included poor parenting and parental negligence; poverty and unstable household

livelihoods; exploitation by urban-based relatives; peer pressure from other child domestic laborers; and role modeling by parents engaged as domestic workers.

Trends in Child Domestic Labor

Asked to comment on the trend in child domestic labor over the last two years, 17 of the 20 key informants felt that it was on the increase. The increase is driven by factors such as:

- Poverty which is on the increase, causing some caregivers to withdraw their children from school to work in domestic chores periodically to bridge the household expenses. In other cases, parents have to work longer to cope with the rising cost of living, and older siblings have to shoulder the household chores.
- Escaping harsh realities of living in informal settlements: A child sharing a single room with parents may opt to be live-in domestic helps in other perceived wealthier households as they seek some semblance of privacy for self or their parents.
- Attractions of quick cash: Girls who do not transit to secondary school may opt to be domestic workers as it provides quick cash for their increasing needs e.g. sanitary pads, beauty products.
- Weak regulatory framework to protect children from domestic work: Although child protection issues are domesticated in various statues and acts, it is difficult to monitor and enforce regulations





especially in cases where children resort to domestic labour as a result of neglect by parents.

- Minimal sensitization: whereas child domestic labor is a reality, there is little public sensitization on the ground, as such the trends will continue to increase. "There are no campaigns on it. No one talks about it." (*AAC Member Nairobi East*).

Interestingly while the key informants were of the opinion that child domestic labour is on the increase, 52% of the principal care givers felt that it is on the decrease, while another 33% felt the trends have remained constant.

Initiatives to address child domestic labor: None of the key informants had initiatives to address child domestic labor per se but 16 had some initiatives to address child labor in general. The interventions included (i) sensitization (ii) briefing on better parenting (iii) case monitoring, and (iv) skills training for vulnerable children. Although community sensitization was the most widespread, such activities were lukewarm in some localities due to poor reception by communities. Only 13% of the 1,204 principal caregivers of 5-17 year olds were aware of any community initiatives to address child labour and attributed these to government institutions and NGOs/CBOs.

According to key informants, interventions on child labour face various challenges.

There is a sense of apathy not only from caregivers but also from the local leaders and cases of child domestic labour encounter a lot of interference. Community members fear being victimized for reporting such cases, while some are blinded to such issues owing to ignorance. Child domestic labour interventions are poorly funded and duty bearers are struggling to offer realistic solutions to domestic labour yet alternatives available (especially to poor households) are costly. Despite anecdotal information that domestic labour is a concern, there is little data for duty bearers to use as a basis for decision making.

In the year 2011 only about 12 cases of child domestic labour were been prosecuted. Such prosecutions are difficult with family members unwilling to cooperate and at times threatening those gathering the needed evidence. Under duress the victims (children) give contradictory statements. The duty bearers are unable to offer much security to these children during these procedures. Lack of resources hinders effective follow-up of these cases especially in the informal communities where populations are highly "migratory" and could move houses to avoid follow up. There are also contradictions in legislation, for instance the Labour Law allows minors to work, (vulnerable orphans 15 years onwards should be allowed to work for sustenance) while the Constitution does not necessarily close all loop-holes for child domestic labor offenders.

Conclusion and recommendations

There are localities such as informal settlements, which are potential “hot-spots” for child domestic labor that need to be investigated further through targeted qualitative and quantitative studies.

Whereas the number of underage live-in maids noted in the survey is negligible, the survey notes that there are children who live with their parents, attend school and still go out to clean clothes, take care of children, putting in substantive hours in such chores such that their educational outcomes may suffer. The plight of such is fairly invisible since they do not live with their employers. Also, as more people get to know that domestic labor is illegal, they might avoid live-in under age maids but still get them to come in every day. These are areas that require more research.

Most children work out of real necessity and interventions must be realistic and sustainable. Key informants are baffled as to how best to tackle the issue; it is no wonder that communities are hostile towards those investigating child domestic labor cases, as they are deemed as seeking to disrupt a revenue stream without offering realistic solutions.

Parents in rural areas need to be sensitized on child domestic labor so they can begin to

question the opportunities that are available to their children when they send them off to the city to live with relatives/friends while pursuing education, jobs, or for extended visits.

Since cases of child domestic labor occur in the privacy of individual households exposing affected children to violence, exploitation and abuse, communities are best placed to cost effectively address it. The communities should be sensitized and linked to state and non-state structures for referrals and technical support. Community structures could have the added advantage of providing updated data on child domestic labor.

Conclusion and recommendation:

Gender targeted social protection programs should be initiated to safeguard girls from falling into the vulnerability traps that which were identified to be predisposing them to transactional sex leading to early pregnancy and marriage. Appropriate measures should be taken by the Government in partnership with NGO’s and other stakeholders to cushion the vulnerable community members from extreme poverty. There is need for more education and sensitization on targeting the youth on issues of sex and sexuality and the dangers that associated with teenage sex.



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because I am a Girl