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CHILD, EARLY, AND FORCED MARRIAGE: A Political Economy Analysis of Kenya

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Iris Group

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I. EXECUTIVE SUMMARY

In 2020, Iris Group conducted a political economy analysis (PEA) of the issue of child, early, and forced marriage (CEFM) in Kenya to contextualize the work of the Child Marriage Learning Partners Consortium¹ and to offer a high-level view of the environment for CEFM programming in the country. Through a desk review and key informant interviews, this analysis found the following:

| ANALYSIS PILLAR | KEY FINDINGS | IMPLICATIONS |
|---|--|--|
| <p>Foundational Factors</p> <p><i>(e.g., embedded structures, such as geography, class, ethnicity)</i></p> | <ul style="list-style-type: none"> • Child marriage prevalence and drivers in Kenya vary significantly by region and between urban and rural areas • On average, women in the lowest economic quintile got married four years younger than women in the highest (18.3 – 22.6); poverty affects ability to stay in school post pregnancy • Girls are seen as an economic burden because gender inequality limits their perceived value; girls seen as property of husbands and fathers • Child marriage is embedded in cultural traditions of Kenya’s ethnic groups | <ul style="list-style-type: none"> • Programming needs regional/sub-regional focus to target hotspots, address regional drivers that can vary by culture • Poverty alleviation efforts targeting girls and women may help change calculation about post-education chances for economic independence • In communities that have deeply engrained rites of passage, support for alternative rites can help preserve cultural traditions while supporting girls’ rights |
| <p>Rules of the Game</p> <p><i>(e.g. laws, international commitments, policies, social norms)</i></p> | <ul style="list-style-type: none"> • Child marriage has been illegal since 2001. Surveys show high awareness of the law, but enforcement challenges limit its relevance • Kenya has ratified major conventions against child marriage, but has not adopted its draft national action plan on ending child marriage • Legally, schools are required to permit pregnant girls to attend school • One in ten girls aged 15-19 had first sex before 15, but only 1.6% of these girls were married by 15 • In some areas, there is little premarital sex, but high female genital mutilation (FGM) and CEFM. Girls who are cut at ages 12-14 are seen as ready to marry. | <ul style="list-style-type: none"> • Investment in enforcement should be directed to high prevalence counties, but accompanied by norms-changing activities • Kenyan government may need more encouragement to take bolder stands on an international level and to fully implement its commitments on ending child marriage • Addressing teen pregnancy is essential to reducing child marriage, but difficult due to social norms and gender inequality • In communities where FGM happens just before marriage, interventions that tackle both can be more effective |

¹ The Child Marriage Learning Partners Consortium was convened to facilitate coordinated action and learning among seven research, advocacy, and implementation-oriented partners. The Consortium includes: The GIRL Center at the Population Council, UNICEF, Girls Not Brides, Iris Group, Fraym, the University of California San Diego’s Center on Gender Equity and Health, and Unchained At Last.

| ANALYSIS PILLAR | KEY FINDINGS | IMPLICATIONS |
|---|---|---|
| <p>Here and Now</p> <p><i>(e.g., current events and circumstances)</i></p> | <ul style="list-style-type: none"> • Key government actors include Department for Children’s Services; Ministry of Gender; county governments • End Child Marriage Network is coordinated by 13 organizations; active since 2017 • Education programs focus on getting pregnant/parenting girls back in school • Conditional cash transfer has been effective in helping families transition girls from primary to secondary; enrolling unschooled girls • Ministries are conflicted on access to contraception for unmarried adolescents • Students were out of school for months due to COVID-19; fears that teen pregnancy is increasing due to lack of access to services | <ul style="list-style-type: none"> • Devolution has shifted responsibilities to county governments, but not necessarily resources to address child marriage • Active civil society has history of feminist organizing, but only recently tackling child marriage in harmonized way • Programs in Kenya address child marriage reduction from an economic, educational, FGM, or teen pregnancy angle – or a combination. • Access to contraception continues to be politically challenging, especially in more conservative areas • Poor families may be struggling in particular with economic burden of having students at home during COVID-19 |
| <p>Dynamics</p> <p><i>(e.g., interplay among the other pillars)</i></p> | <ul style="list-style-type: none"> • There have been recent improvements in data collection and management, with more accessible subnational data • Gains in political will on gender and women’s issues more generally; grassroots engagement • Programmatic diversity has given insight on what works in different contexts • Increased resources, National Action Plan and greater will at county level are important • Government and civil society organizations (CSOs) don’t coordinate on CEFM | <ul style="list-style-type: none"> • More information is needed about cost effectiveness of interventions • Need longer term investments to effectively tackle norms and taboos that limit progress • A subnational approach is critical to address specific drivers and prevalence • COVID-19 poses challenge; requires a gender-intentional response |

The findings of this PEA support the following conclusions and recommendations:

Case for Investment

- **Kenya’s pathways to marriage can provide lessons elsewhere.** Girls who get married before 18 in Kenya typically are either pregnant or subjected to FGM prior to marriage, with poverty and inequitable gender norms as underlying factors for both pathways. An investment in understanding how best to address these layered pathways would be of benefit to programming elsewhere.
- **COVID-19-related economic and schooling crises may create spikes in CEFM.** Timely investments may not be able to stop these spikes in the short term, but could prevent the normalization of increased CEFM.

- **Donors can build on investments on gender, and key relationships with national leadership.** A direct investment in CEFM efforts can build on donors' influence, credibility, and understanding of critical stakeholders, seeding greater political commitment and a cohesive strategy to address CEFM.

Key Points of Leverage in Kenya on CEFM

- **Kenya's civil society network can drive cohesive advocacy and programming.** The development of a network of international non-governmental organizations (INGOs) and CSOs focused primarily on child marriage is very promising, especially given its extensive reach into counties and its centering of young women's leadership.
- **The National Plan of Action to End Child Marriage can be an accountability tool and roadmap.** Kenya's government has yet to adopt this plan drafted in 2016, reflecting its lack of strategic focus on the issue.
- **Improved subnational data collection can be leveraged for programming and advocacy.** Better data collection has given insight on subnational and subregional child marriage prevalence hotspots. Data can be better leveraged to identify and pursue targeted strategies at the county and sub-county level.

Turning Gaps into Opportunities

- **The Kenyan government can demonstrate increased commitment to ending CEFM.** Marshalling increased government commitment on CEFM is essential to addressing the issue effectively and efficiently.
- **CEFM could be an emphasis of COVID-19 recovery with a gender lens.** A gender-intentional approach to post-COVID-19 recovery should ensure girls can return to school, access youth-friendly sexual and reproductive health (SRH) information and services (in line with the National ASRH Policy), address any gender-related learning gaps caused by the digital divide, and invest in the economic empowerment of girls and young women.

II. INTRODUCTION AND METHODOLOGY

In 2020, Iris Group conducted a political economy analysis (PEA) of the issue of child, early, and forced marriage (CEFM) in Kenya to contextualize the work of the Child Marriage Learning Partners Consortium² and to offer a high-level view of the environment for CEFM programming in the country. The ultimate purpose of this analysis is to provide macro-level context for the findings from learning consortium investments.

Iris Group adapted an existing framework for applied political economy analysis from the 2018 USAID PEA Guide for Practitioners (Menocal et al., 2018) to identify the underlying context for CEFM. The team performed a desk review of grey and peer-reviewed literature and conducted five semi-structured interviews with eight key informants on the topic. This PEA was gender-intentional, examining how Kenyan society understands and enforces male and female roles and responsibilities, and how Kenyan political dynamics have shaped the narrative around the equal rights of women and girls. This gender intentional focus was incorporated into our interview guide for key informants and our analysis of the findings.

Iris Group assessed the findings using four angles of analysis:

- **Foundational Factors:** Embedded structures that are difficult or impossible to change, such as geography, class, ethnicity, gender inequality
- **Rules of the Game:** Laws, international commitments, policies, and social norms
- **Here and Now:** Current events and circumstances
- **Dynamics:** Interplay among the other pillars

This report presents the CEFM context in Kenya, summarizes the findings within each pillar of analysis from the desk review and interviews, and provides recommendations based on these findings for potential responses to CEFM in Kenya.

² The Child Marriage Learning Partners Consortium was convened to facilitate coordinated action and learning among seven research, advocacy, and implementation-oriented partners. The Consortium includes: The GIRL Center at the Population Council, UNICEF, Girls Not Brides, Iris Group, Fraym, the University of California San Diego's Center on Gender Equity and Health, and Unchained At Last.

III. CONTEXT

Kenya's steady economic growth and political reforms have laid the groundwork for President Uhuru Kenyatta's second term emphasis on his "big four" agenda: Universal Health Coverage (UHC), food security, housing, and manufacturing (World Bank, 2020b). Kenya has successfully reached many Millennium Development Goal targets and is closing in on universal primary school enrollment (Ibid). Education disparities have been reduced, with 47.4% of girls and 53% of boys attending or completed secondary school (Ministry of Labour and Social Protection of Kenya, 2019). However, the country's growth is projected to slow significantly in 2020 due to COVID-19, threatening social gains and the economic survival of the country's farmers and informal sector workers, who make up the vast majority of laborers (Donovan & Zhu, 2020; World Bank, 2020a).

Kenya's political situation is also somewhat fragile, as ethnicity has shaped the major parties since independence in 1963, and "voting in Kenya whether parliamentary, civic or presidential is almost entirely along tribal lines" (DW, 2017). The 2007 elections resulted in 1,000 deaths in ethnic-based clashes. Campaigns for the ruling and opposition parties tend to focus on economic issues and corruption, with social issues playing a minor role (Kivoi & Nduvi, 2017).

Kenya's 2010 constitution enshrined critical social protections, including for women and girls, but many of these promises have been ignored or poorly funded (Kimani, 2020). The constitution also devolved many of the national government's powers to 47 counties in the hopes that such changes would enable better service delivery and more appropriate policy solutions to suit Kenya's geographical and ethnic diversity (World Bank, 2012). Devolution resulted in progress on social issues in some counties, but in others, poor technical capacity, anemic public consultation, and lack of sex disaggregated data have led to poor results, particularly on the issues that contribute to gender inequality (Kimani, 2020).

Rates of child marriage have fallen in Kenya, with under-15 marriage appearing to decrease significantly. Among 15–19-year-old girls surveyed in the 2014 Kenya Demographic Health Survey (KDHS), just 1.6 percent reported being married before 15. The rate was 4.4 percent among 20-24 year old women, and 9.3 percent among women 45-49 (Kenya National Bureau of Statistics, 2014). Among 20–49-year-old women, 27.4 percent were married by 18, while among the youngest segment of that group (20-24), prevalence drops to 22.9 percent.³ For men aged 20-54, only 3.3 percent were married before age 18, with a prevalence of 2.5 percent among the 20-24 segment (Ibid). One informant said that qualitative research suggests "significant underreporting" of child marriage (Interview, 7/23).

³ The recent Violence Against Children Survey (VACS) (Ministry of Labour and Social Protection of Kenya, Department of Children's Services, 2020) reported that just 8.7 percent of 18-24-year-old women had been married before age 18. Its 2010 report found a rate of 12.8 percent. UNICEF and other international bodies refer to the KDHS statistics in their materials, and a UNICEF representative indicated that the VACS does not use the same questions as the KDHS and do not validate their findings (personal conversation, 10/9)

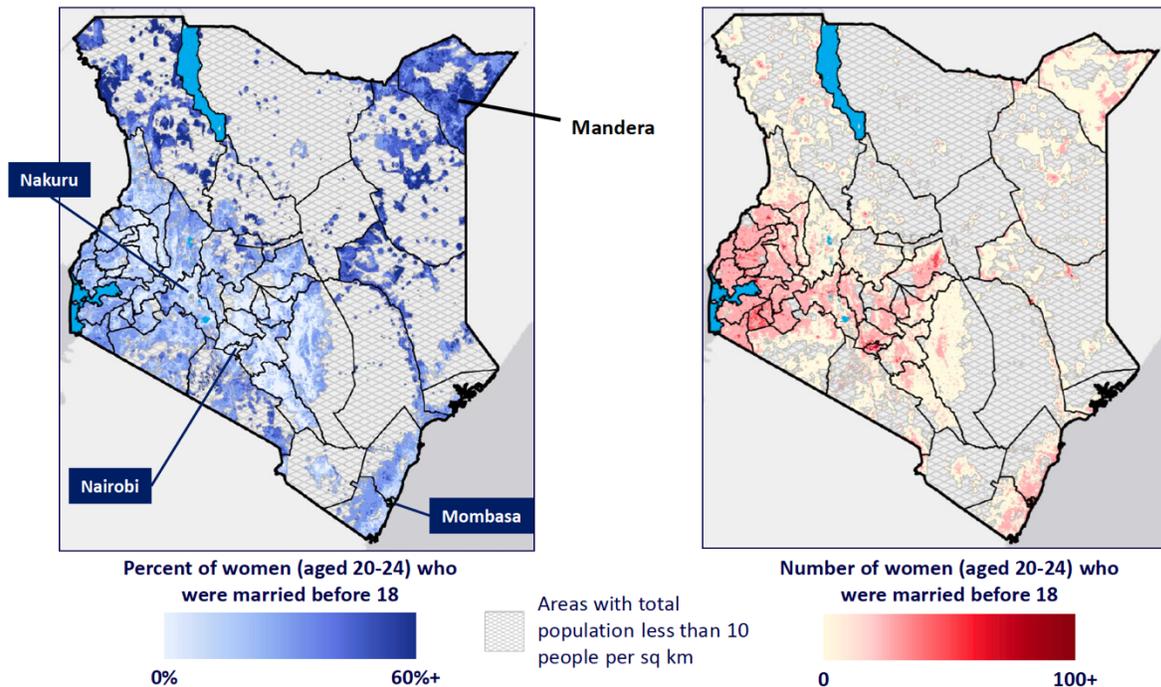
IV. FINDINGS

A. Foundational Factors

This section explores embedded or fixed structures that affect CEFM. Embedded structures are those that do not quickly change and should be considered as constants in any CEFM strategy. The table below summarizes the key findings that are explored in this section, and implications of these findings for CEFM strategy.

| KEY FINDINGS | IMPLICATIONS |
|--|---|
| <ul style="list-style-type: none"> • Child marriage prevalence and drivers in Kenya vary significantly by region and between urban and rural areas • On average, women in the lowest economic quintile got married four years younger than women in the highest (18.3 – 22.6); poverty affects ability to stay in school post pregnancy • Girls are seen as an economic burden because gender inequality limits their perceived value; girls seen as property of husbands and fathers • Child marriage is embedded in cultural traditions of Kenya’s ethnic groups, tied in some cases to female genital cutting | <ul style="list-style-type: none"> • Programming needs regional/sub-regional focus to target hotspots, address regional drivers that can vary by culture • Poverty alleviation efforts targeting girls and women may help change calculation about post-education chances for economic independence • In communities that have deeply engrained rites of passage, support for alternative rites can help preserve cultural traditions while supporting girls’ rights |

Child marriage in Kenya varies significantly by region, both in terms of prevalence and influencing factors. In Northern Kenya, a slight majority of girls are married before 18 (56 percent), with the coast region (41), Nyanza (32), Rift Valley (30), and Western region (27) also above the national prevalence rate of 22.9 (Kenya National Bureau of Statistics, 2014). Nairobi has the lowest rate of child marriage in the country at 7 percent, and urban women marry on average two years later than women in rural areas (Kenya National Bureau of Statistics, 2014).



Source: Fraym, KDHS 2014, WorldPop 2014

Poverty and economic class are important drivers of child marriage, with age at first marriage four years higher among women of the highest wealth quintile compared to the lowest (Kenya National Bureau of Statistics, 2014). The poorest girls in Kenya are twice as likely to marry before they turn 18 than higher income girls (Ministry of Public Service, Youth and Gender Affairs, 2016). For poor families, child marriage is often seen as a transaction, “to pay debts or overcome financial burden” (Gitau et al., 2016). In communities with the tradition of bride price (where marriage includes a payment in cash or livestock to the bride’s family), younger girls are expected to get a higher price, driving up the practice in poorer areas (UNICEF, 2017). Poverty also makes it more likely that girls will leave or not return to school as a result of a pregnancy, as poor families don’t have funds for childcare or the social capital to push back if school principals exclude them (despite laws permitting pregnant and/or parenting girls to stay in school) (Interview, 7/22). Moreover, families experiencing economic constraints may not be able to send girls to school in the first place because they cannot afford it (Interview, 7/22).

CEFM is heavily influenced by ethnic or religious beliefs in communities where cultural traditions enforce early marriage as a custom and sign of respect for elders (Lilian et al., 2015). Among the nomadic Turkana people, “girls are a second source of family wealth” after herds (Reidy, 2016). A baseline study conducted by UNICEF in Rendille, Maasai, Pokot, Samburu and Somali communities found very high levels of child marriage among the Pokot (64%) and Rendille (54%) ethnic groups. Child marriage is also high among Pokot boys, at 38 percent (UNICEF, 2017). Several groups practice female genital mutilation (FGM) as a prerequisite for and immediate precursor of marriage (Ministry of Public Service, Youth and Gender Affairs, 2016). One informant contrasted the area near the border with Somalia – with conservative

values, low premarital sex and high rates of FGM – with other areas where teen premarital sex and pregnancy drive CEFM (Interview, 7/22)

The primary driver for CEFM across class, regional and ethnic lines is gender inequality, as girls are seen as an economic burden with little possibility to become economically independent

“Because many people view and treat women and girls as children, harmful cultural practices continue without any questioning”

– Interview, 7/23

(Petroni et al., 2017). According to UNICEF’s baseline study, child marriage across ethnic groups is “a manifestation of gender inequality and embedded in complex socio-cultural, economic and political structures” (UNICEF, 2017). Kenyan gender norms reinforce this inequality, rejecting the idea that women have the right to decide when and whom to marry (UNICEF, 2018). One informant said, “Gender inequality is a massive driver. Because many people view and treat women

and girls as children, harmful cultural practices continue without any questioning” (Interview, 7/23). Kenyan political leadership, while embracing the rights of women and girls on paper, has failed to operationalize these precepts adequately. While the 2017 general elections resulted in gains in women’s representation, women hold just 172 of Kenya’s 1,883 elected positions (NDI, 2018).

B. Rules of the Game

This section explores Kenya’s formal and informal rules regulating individual, community, and government actions related to CEFM, which include national laws and policies, international commitments, and social norms. Key findings explored in this section and their implications for CEFM strategy are:

| KEY FINDINGS | IMPLICATIONS |
|--|---|
| <ul style="list-style-type: none"> • Child marriage has been illegal since 2001. Surveys show high awareness of the law, but enforcement challenges limit its relevance. • Kenya has ratified major conventions against child marriage, but has not adopted its draft national action plan on ending child marriage • Legally, schools are required to permit pregnant girls to attend school • One in ten girls aged 15-19 had first sex before 15, but only 1.6% of these girls were married by 15. • In some areas, there is little premarital sex, but high FGM and CEFM. Girls who are cut at ages 12-14 are seen as ready to marry. | <ul style="list-style-type: none"> • Investment in enforcement should be directed to high prevalence counties, but accompanied by norms-changing activities • Kenyan government may need more encouragement to take bolder stands on an international level and to fully implement its commitments on child marriage • Addressing teen pregnancy is essential to reducing CEFM, but difficult due to social norms and gender inequality • In communities where FGM happens just before marriage, interventions that tackle both can be more effective |

Kenya’s Marriage Act of 2014 reinforced the minimum age of marriage at 18, as first established in the 2001 Children’s Act. The 2014 law made it illegal to witness or perform any child marriage (The Marriage Bill, 2014, 2014). The 2010 Kenyan constitution also guarantees protection from harmful cultural practices. There are also complementary laws and policies

related to child marriage in the Kenyan context, including a ban on FGM (UNICEF, 2018) and recognition of the right of pregnant and parenting students to return to school (Interview, 7/22).

Surveys have shown high awareness of the law against child marriage, but “a general lack of understanding about the harmful effects of child marriage among the public, including officials” (UNICEF, 2018). Devolution has meant that enforcement is focused at the county level, but as one informant said, “county governments often depict gender-related issues as solely a national responsibility (Interview, 7/23). UNICEF attributes lack of enforcement to reluctance by married children to support prosecution, community fears of retribution if they testify against those engaged in child marriage, political leaders interfering with enforcement for political gain, and lack of resources to support enforcement (UNICEF, 2017). One informant who works to get parenting girls back to school said that principals often do not understand the policy that protects girls’ rights, so they use their own discretion – excluding poorer girls disproportionately (Interview, 7/22).

Kenya launched the African Union Campaign to End Child Marriage in 2017 and has ratified the Convention on the Rights of the Child, Convention on the Elimination of Discrimination Against Women, and Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriage. But informants indicate that the government has not sufficiently followed through on its commitments. With UNICEF support in 2016, the government drafted, but never adopted, a National Action Plan to End Child Marriage (Equality Now, n.d.). Chile, Canada, and Norway urged Kenya to move forward with the plan’s implementation during the Universal Periodic Review in 2020, but the process is still stalled (Personal Communication, 7/30).

Kenyan social norms on sexuality and marriage contribute to CEFM and vary by ethnic group. Relevant norms include:

- **Early pregnancy and parenting – especially among unmarried girls – are taboo across regions.** However, premarital sex is common in most of the country, with 10.7 percent of 15-19-year-old girls having intercourse before age 15 (but only 1.6 percent of them married) (Kenya National Bureau of Statistics, 2014). It is typical for unmarried girls who get pregnant to get married soon after, whether voluntarily or by force (Interview, 7/22).
- **Use of contraception by unmarried adolescents is not generally accepted.** Parents tend to limit access to contraceptive information and services due to a fear of teen premarital sexuality (Petroni et al., 2017). Unmarried girls don’t often seek services and information proactively because they are not engaging in regular or planned intercourse, and because they believe they should not be sexually active (Interview, 7/22).
- **FGM is an accepted rite of passage to marriage in parts of the country, despite its illegality.** Child marriage is more common in communities where FGM is more common, as it is seen as a prerequisite to marriage in many cultural traditions in Kenya. According to UNICEF, “For communities who cut girls aged 12-14, child marriage is the next step after the cut (UNICEF, 2018).

- **Families view child marriage as protective in times of crisis or to fortify social networks.** Marriage is also seen as protective against rape or other sexual assault during ethnic conflict (UNICEF, 2018).
- **Girls may seek marriage themselves due to social pressures.** In the UNICEF survey of different Kenyan ethnic groups, a substantial proportion of girls and women responded that girls “demand to be married off before reaching the age of 18, possibly in following established norms” (UNICEF, 2017).

In Samburu communities, three in four girls are estimated to be subjected to beading - a practice that designates girls as young as 9 for sexual activity with a man from the warrior caste (McLay, n.d.). This is not regarded as a marriage, and any resulting pregnancy is terminated (UNICEF, 2018). This has driven FGM to earlier ages as a protective mechanism against beading, as girls who have been cut are eligible for marriage, not beading (McLay, n.d.). Additionally, early marriage as a social norm may be driven by the lack of other viable alternatives; for example, the high cost of secondary schooling is cost prohibitive for many families, making child marriage a more attractive option than pursuing further education (Interview, 7/22).

C. Here and Now

This section examines the current state of affairs surrounding CEFM in Kenya, describing stakeholders, assessing strategic links to related issues, and gauging the impact of COVID-19. The most relevant factors in the *here and now*, and their implications for CEFM strategy, are:

| KEY FINDINGS | IMPLICATIONS |
|--|---|
| <ul style="list-style-type: none"> • Key government actors include Department for Children’s Services; Ministry of Gender; county governments • End Child Marriage Network (Girls Not Brides) is coordinated by 13 organizations; active since 2017 • Education programs focus on getting pregnant/parenting girls back in school • Conditional cash transfer has been effective in helping families transition girls from primary to secondary; enrolling unschooled girls • Ministries are conflicted on access to contraception for unmarried adolescents • Students are out of school until January due to COVID-19; fears that teen pregnancy is increasing due to lack of access to services | <ul style="list-style-type: none"> • Devolution has shifted responsibilities to county governments, but not necessarily resources to address child marriage • Active civil society has history of feminist organizing, but only recently tackling CEFM in harmonized way • Programs in Kenya address child marriage reduction from an economic, educational, FGM, or teen pregnancy angle – or a combination. • Access to contraception continues to be politically challenging, especially in more conservative areas • Poor families may be struggling in particular with economic burden of having students at home during COVID-19 |

CEFM Stakeholders

| STAKEHOLDERS | ROLE/POSITION ON CEFM |
|---|--|
| Federal Government | <ul style="list-style-type: none"> • The Department of Children’s Services (DCS), Ministry of Education, Ministry of Health and Ministry of Gender have engaged on different ways in child marriage issues, with DCS as the lead; Minister of Gender has named child marriage as a priority (Interview, 7/17) • Ministry of Health favors addressing teen pregnancy with access to contraception through schools, Ministry of Education is more conservative – difficult to get them to coordinate (Interview, 7/22) • President Kenyatta has highlighted gender-based violence and disempowerment of girls, particularly in context of COVID-19; added a gender advisor to COVID-19 response committee (Interview, 7/17) • First Lady has led on FGM, maternal health issues (Interview, 7/17) |
| County Governments | <ul style="list-style-type: none"> • Decentralized gender funding: “It is up to counties to accurately allocate resources for improvements” on gender equality; as a result, many actors are “poorly coordinated, under-resourced, under-empowered” (Interview, 7/17) |
| Private, Bilateral and Multilateral Donors (partial list) | <ul style="list-style-type: none"> • UNICEF works on child marriage from a child protection angle; funded development of National Plan of Action to End Child Marriage (Equality Now, 2019) • The Bill & Melinda Gates Foundation funds a gender advisor role in Cabinet, and supports projects aligned with Pres. Kenyatta’s focus on the health sector (maternal, neonatal, and child health, HIV, nutrition), financial services for the poor, and water, sanitation, and hygiene; focuses on movement building for gender equality advocacy nationally (Interview, 7/17) • Netherlands Ministry of Foreign Affairs funds the YES I Do alliance in Kenya, with mix of interventions on child marriage, FGM, and teen pregnancy, 2016-20 (Gitau et al., 2016) • UN Women “working well to create a bridge between government committees and civil society” (Interview, 7/17) |
| International Non-Governmental Organizations (INGOs) (partial list) | <ul style="list-style-type: none"> • Equality Now, Plan International, AMREF, Population Council work on child marriage (and FGM) from different angles. Equality Now promotes a rescue/legal approach, Plan focuses on schooling; Population Council has a multi-dimensional approach (health, conditional cash transfer for education, violence prevention, and promoting school re-entry for parenting girls); AMREF manages a program that integrates FGM and child marriage prevention (Interviews, 7/21-7/23) |
| Civil Society Organizations (CSOs) (partial list) | <ul style="list-style-type: none"> • End Child Marriage Network started in 2017 as a Girls Not Brides network. Steering committee of 13 organizations, regional coordinators liaise between members from different regions; Gets them “out of silos” ((Girls Not Brides, n.d.); Interview, 7/22) • Samburu Girls Foundation focuses on rescuing girls from beading and child marriage • KMET advances girls’ health and rights through integrated programming in Kisumu • Women’s rights organizations have focused more on political representation than other issues, but starting to shift with younger, more intersectional activists (Interview, 7/17) |

| STAKEHOLDERS | ROLE/POSITION ON CEFM |
|-------------------|--|
| | <ul style="list-style-type: none"> Equality Now works with grassroots women’s organizations that have centered child marriage for years; points to passion on women’s and girls’ empowerment within communities (Interview, 7/23) |
| Religious Groups | <ul style="list-style-type: none"> No informants discussed efforts to engage religious groups above the community level While there is some opposition to movements to reduce FGM and CEFM, because they are illegal, it isn’t very vocal/organized (Interview, 7/23) |
| Individual Actors | <ul style="list-style-type: none"> Teachers do not appear to be widely engaged as stakeholders on CEFM and FGM, but they may be helpful in tracking girls who have left school and may be vulnerable to not returning At the community level, local religious leaders have influence and are engaged on child marriage sporadically by Equality Now, others Men are engaged as community leaders in some interventions, but not typically as fathers or potential grooms in behavior change interventions |

Strategic Links with Other Issues

CEFM in Kenya is most commonly addressed alongside interventions to tackle teen pregnancy and FGM, as the three issues are seen as intertwined, with common causes, consequences and potential interventions (Gitau et al., 2016). Efforts to address poverty and keep girls in school are used as means to lower child marriage, FGM and teen pregnancy. Equality Now’s legal/rescue approach uses a system of shelters and community education to address FGM and CEFM.

| | Opportunities | Challenges |
|----------------------------------|---|--|
| FGM | <ul style="list-style-type: none"> Strong link between FGM and CEFM; girls in places that have high rates of FGM are often CEFM soon after (Gitau et al., 2016) Both are rooted in gender inequality, conservative sexual mores, and parental desire for “good” marriage Both are illegal practices sustained by poverty, poor enforcement President has goal of ending FGM by 2022 | <ul style="list-style-type: none"> May be difficult to track (both FGM and CEFM) due to fear of reporting County political leaders and community elders may not want to tackle two controversial issues simultaneously; potential for community backlash Goals are not necessarily interdependent; could potentially reduce FGM in a community without changing CEFM if taboos about girls’ sexuality remains |
| Teen Pregnancy and Contraception | <ul style="list-style-type: none"> High consensus that teen pregnancy is a social problem (Interview, 7/17) Teen pregnancy is a common precursor to child marriage; in one informant’s program, 92% of teenage mothers felt that the early pregnancy that drove their early departure from school also prompted their early marriage (Interview, 7/22) | <ul style="list-style-type: none"> Access to contraception for unmarried adolescents is highly controversial (Interview, 7/22) Girls may be unlikely to access contraception, as sex is frequently coerced/unplanned (Interview, 7/21) |

| | Opportunities | Challenges |
|-----------------------|--|---|
| Education | <ul style="list-style-type: none"> Kenya has universal primary education and high political will on schooling (Interview, 7/17) Policies and programs support staying in/ return to school for pregnant or parenting girls (Interview, 7/21) (Ministry of Education, 2020; Ministry of Education & Ministry of Health, 2018) School attendance – especially transition to secondary school – is correlated with reducing child marriage (Ikamari, 2005) Addressing safety, transportation, distance to school can help prevent girls’ sexual activity (Gitau et al., 2016) | <ul style="list-style-type: none"> Hard to reach girls who are out of school Secondary school costs, such as travel and supplies, may be prohibitive for many families (Psaki, n.d.) Parents in poor communities may not see value from educating girls due to limited job opportunities (Petroni et al., 2017) Keeping girls in school may help them avoid pregnancy, but those who get pregnant may not be able to continue due to economic and time burdens of parenting, social pressure to marry |
| Economic Approaches | <ul style="list-style-type: none"> Poverty is a main driver of both teen pregnancy and child marriage (Gitau et al., 2016); Interventions may not work without addressing poverty (Interview, 7/22) Documented success among young adolescents in supporting transition to secondary school through conditional cash transfers (Austrian et al., 2018, 2020) Can provide an alternative to exchanging sex for money, goods, sanitary supplies | <ul style="list-style-type: none"> Economic interventions must be targeted appropriately to address each community’s paths to early marriage (Interview, 7/22) Unconditional cash transfer program (Kenya Cash Transfer for Orphans and Vulnerable Children) reduced teen pregnancy by 5% but did not reduce early marriage (Handa et al., 2015) |
| Legal/Rescue Approach | <ul style="list-style-type: none"> Rescue centers exist in different counties Can be combined with efforts to engage leaders/community education on girls’ rights. (Interview, 7/23) | <ul style="list-style-type: none"> Requires resources for housing and support for education and development Can fracture relationships between girls and parents; between families May only reach girls already willing to push back on community norms |

Effects of COVID-19 on CEFM

In October 2020, the Kenyan government restarted school for students in grades 4, 8, and 12 through the remainder of the school year, which ends in November. Plans to restart other grades were scrapped due to an increase in COVID-19 cases (Nyaundi, 2020). While media reports have alleged a rise in teen pregnancies and child marriage as a result of the pandemic, it is too early for clear evidence, and high teen pregnancy rates have predated the crisis (Interview, 7/22). Emerging evidence does not find a notable increase in child marriage prevalence in the first year of the pandemic (Mwabe et al., 2021). At the same time, without the protective factor of schooling and with low access to health services and extreme economic

crisis, “worry about teen pregnancy is valid” (Interview, 7/22). In June, Population Council conducted a survey of adolescents in five informal settlements in Nairobi, finding that a large majority intend to return to school, but over half – and more girls than boys – believe that they may not be able to afford school fees on reopening. Girls also may be falling behind more than boys, as there is a gender digital divide (Mwabe et al., 2021; Population Council et al., 2020). One informant said that girls in poor families are at higher risk of marriage because their families rely on school feeding programs. Their families have the additional burden of providing regular meals on top of COVID-19-related economic crisis (Interview, 7/21). Rescue shelters that provide protection from FGM and child marriage are closed, and temporary shelters lack resources (Interview, 7/21).

D. Dynamics

This section analyzes the interactions among the previous three pillars of PEA analysis (Foundational Factors, Rules of the Game, and Here and Now). In the areas of advocacy, research, and programming, we assess where and how progress on CEFM in Kenya has evolved, and where the literature and informants identified threats and obstacles to progress.

| KEY FINDINGS | IMPLICATIONS |
|--|--|
| <ul style="list-style-type: none"> • There have been recent improvements in data collection and management, with more accessible subnational data • Gains in political will on gender and women’s issues more generally; grassroots engagement • Programmatic diversity has given insight on what works in different contexts • Increased resources, National Action Plan and greater will at county level are important • Government and CSOs don’t coordinate on child marriage | <ul style="list-style-type: none"> • More information is needed about cost effectiveness of interventions • Need longer term investments to effectively tackle norms and taboos that limit progress • A subnational approach is critical to address specific drivers and prevalence • COVID-19 poses challenge; requires a gender-intentional response |

Areas of Progress

Kenya’s government and civil society have not made CEFM a top priority,⁴ but there have been modest declines in prevalence rates since 2008. Surveys also indicate that Kenyans understand that child marriage should not continue. The *Yes I Do* baseline survey in Kajiado found that respondents thought the ideal age of marriage was 23 for women and 25 for men, and 85% agreed that girls should never be forced to marry (Gitau et al., 2016). ICRW and KMET’s qualitative research in Kisumu found that girls’ expressed aspirations regarding age of marriage contrast sharply with the realities of marriage in the region (Steinhaus et al., 2016). The UNICEF survey in different ethnic groups found fewer than 1 in 5 women and girls supported continuing child marriage, except in the Somali community (26% support). This support among boys and men was 1 in 3 in the Pokot community, but lower among boys and men of other ethnic groups

⁴ After this report was drafted, the Kenyan government made several political and financial commitments as part of the Generation Equality Forum, pledging to end GBV (including CEFM) and FGM by 2026.

(UNICEF, 2017). Anti-child marriage advocacy, programming and research efforts may be able to capitalize on these beliefs.

Advocacy from CEFM opponents and international pressure has helped drive policies on the issue, including a strong national law. President Kenyatta has walked a fine line of promoting gender equality, while avoiding any statements or actions to provoke backlash (Interview, 7/17). A new gender advisor in the cabinet helps to raise the profile of gender issues (Interview, 7/17). The relatively new End Child Marriage Network has a promising approach that prioritizes youth voices and works through regional mechanisms to ensure appropriate county-level coordination (Girls Not Brides, 2018; Interview, 7/21). Kenya has both an emerging young feminist movement comfortable with discussing rights and sexuality and established grassroots women's groups who bring an authentic voice to anti-child marriage advocacy (Interviews, 7/17; 7/23). Groups working on gender issues are beginning to combine forces to engage on the intertwined issues of gender-based violence, FGM and CEFM (Interview, 7/17). Advocates also are becoming more sophisticated in using data and stories to influence local officials and ensure budgets include attention to CEFM (Interview, 7/21).

"Kenya is rich in making policies."

– Interview, 7/21

While Kenya doesn't have large scale **programs** targeting CEFM as a primary outcome, several smaller scale interventions are tackling the interrelated issues of child marriage, teen pregnancy and FGM through multisectoral approaches. The Yes I Do alliance targets the three issues by engaging community members on the issues, promoting awareness of and access to sexual and reproductive rights, advancing educational and economic empowerment, and advocating for laws and policies on child marriage and FGM (*Yes I Do (YIDA)*, 2019). Population Council's work in two very different geographies – highly conservative, rural Wajir and the urban settlement of Kibera in Nairobi – provides insights into the effectiveness of different packages of interventions on delayed childbearing, including violence prevention, education, health, and wealth creation (Austrian et al., 2018). Their theory of change hypothesizes that delayed marriage in Wajir and delayed sexual debut/use of contraception in Kibera will reach their desired outcomes. Their midline assessment concludes that "supplementing household economic incentives with additional social, health, and asset building for girls themselves, provides the best value for money when looking across education, health and economic outcomes (Ibid). Programs like Equality Now and Samburu Girls' Foundation provide shelter for girls subjected to child marriage and FGM, connecting them to schooling and counseling, while educating the community about the impact of harmful practices ((Samburu Girls Foundation, 2015); Interview, 7/23).

Research and data collection at the subnational level on CEFM have improved in recent years, which is critical for tracking programmatic success and advocating for increased resources for CEFM (Interview, 7/22). The 2019 Census added gender indicators and gender-friendly language, and the Kenya National Bureau of Statistics has improved its collection and tracking of girls in rural settings in particular (Interview, 7/17). Between 2012 and 2017, Measure Evaluation worked with the Kenya government to improve its digital database and national

coverage, in part to better track child marriage rates (MEASURE Evaluation, n.d.). Population Council is generating its own subnational data and conducting implementation research (Interview, 7/22).

Obstacles to Progress

Headway on CEFM requires **advocacy** for additional government commitment and resources – especially at the county level – yet advocates fear that COVID-19 will both exacerbate CEFM and undercut funding to address it (Interview, 7/17). Devolution has opened possibilities to shape local solutions, but also means that advocates must convince county leaders to carry out national commitments. Some of these leaders “aren’t supporters – they are the ones convincing the communities to marry girls off,” according to one informant (Interview, 7/21). Informants agreed that policies are good, but implementation lags due to lack of resources and political will to tackle difficult issues. National women’s group leaders have had an “obsession” with gaining the promised political representation, which “took a lot of energy and focus from other gender-issues, such as FGM and CEFM” (Interview, 7/17). There is no government agency focused on child marriage like there is for FGM, and no official government involvement in a coordinating body (Interview, 7/21). Four years after it was drafted, the National Plan of Action to End Child Marriage is still not adopted, despite international pressure. This Plan could presumably be an important tool for civil society to hold national and county governments accountable on CEFM.

Programs to date have been small and relatively brief, lacking the funding, scale, and duration to make a notable dent in areas where CEFM is highest. One informant said, “We need longer investments instead of focusing on short-term solutions to prevent girls from getting pregnant or married young” (Interview, 7/17). There does not seem to be significant programming coordination or cohesive strategy between civil society and government to tackle the issue (Interview, 7/17). Engagement of men as fathers or potential sexual partners and/or husbands does not appear typical. In one baseline survey, a Maasai man said, “For any project to succeed, both men and women should be included. Otherwise they would end up bringing problems with families” (Gitau et al., 2016).

Intervention **research** is still needed on the varied approaches to CEFM in different communities to better fit the right intervention with the relevant pathways to marriage. Post-COVID-19, researchers will need convincing data to show the cost-effectiveness of economic interventions on CEFM in particular. While subnational data is increasingly available, research may need to delve into subcounty data to find and track child marriage prevalence hotspots.

V. CONCLUSIONS AND RECOMMENDATIONS

The findings of this PEA support the following conclusions and recommendations:

A. What is the case for investment in CEFM in Kenya?

- **Kenya's pathways to marriage can provide lessons elsewhere.** Girls who get married before 18 in Kenya typically are either pregnant or subjected to FGM prior to marriage, with poverty and inequitable gender norms as underlying factors for both pathways. These pathways are not uncommon elsewhere in sub-Saharan Africa and globally. An investment in understanding how best to address these layered pathways would be of benefit to programming elsewhere.
- **COVID-19-related economic and schooling crises may create spikes in child marriage cases.** Kenya's lockdown threatens the livelihood of a significant proportion of Kenyan families and will keep students out of school for months. The legal prohibition of child marriage means little for families on the edge of survival, and girls may not see a future other than marriage if the crisis continues. Increases in teen pregnancy, in part driven by disruptions in adolescent SRH programming, may also drive up CEFM. Timely investments may not be able to stop these spikes in the short term, but could prevent the normalization of increased child marriage.
- **Donors can build on investments on gender, and key relationships with national leadership.** Investments in Kenya have supported both movement-building on gender issues and President Kenyatta's agendas on health, agriculture, and financial services for the poor, as well as efforts to reduce teenage pregnancy and ensuring girls' return to school regardless of their parenthood status. A direct investment in CEFM efforts can build on this influence, credibility, and understanding of critical stakeholders, seeding greater political commitment and a cohesive strategy to address CEFM. There appear to be fewer donors invested in CEFM in Kenya in comparison to other high prevalence countries, giving donors an opportunity to play a significant role in an uncrowded space.

B. Where are the key points of leverage on CEFM in Kenya?

- **Kenya's civil society network can drive cohesive advocacy and programming.** The development of a Girls Not Brides network of INGOs and CSO focused primarily on CEFM is very promising, especially given its extensive reach into counties and its centering of young women's leadership. This network can provide an ear to the ground on CEFM spikes while holding national and county leaders accountable to their commitments. Grassroots women-led organizations are essential for informing community-based programs and providing connections to key leaders. Supporting this network of organizations can strengthen its voice with government leaders.
- **The National Plan of Action to End Child Marriage can be an accountability tool and roadmap.** Kenya's government has yet to adopt this plan drafted in 2016, reflecting its lack of strategic focus on the issue. Having a coherent plan is essential to hold political

leaders accountable, coordinate action, and monitor progress. Devolution has increased local government control, but county governments may not feel they have clear responsibility, direction, resources, or capacity – or may need political cover to show why they are taking action. At this point, the plan may need updating to reflect current trends, and civil society should be consulted to support its final drafting and implementation.

- **Improved subnational data collection can be leveraged for programming and advocacy.** Better data collection has given insight on subnational and subregional child marriage prevalence hotspots, but this data has not been used to its full advantage because there are limited resources – particularly at the county level – dedicated to CEFM programming. More implementation research can help Kenyan stakeholders fine tune approaches to CEFM and related issues.

C. Where can investment/influence turn gaps into opportunities?

- **The Kenyan government can demonstrate increased commitment to ending CEFM.** Marshalling increased government commitment on CEFM is essential to addressing the issue effectively and efficiently. In addition to adoption of its National Plan, Kenya can create an official body or technical working group for government-civil society collaboration and coordination. It should also consider creating an agency on child marriage to more consistently engage ministry officials on the issue and ensure integration of CEFM priorities across sectors.
- **CEFM could be an emphasis of COVID-19 recovery with a gender lens.** Kenya will be looking to improve its safety net to ensure economic survival and a return to growth in the wake of COVID-19. A gender-intentional approach to post-COVID-19 recovery should ensure girls can return to school, address any gender-related learning gaps caused by the digital divide, and invest in the economic empowerment of girls and young women.

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APPENDIX A. KEY INFORMANT INTERVIEW GUIDE

Introduction: *Thank you so much for taking the time to speak with me. Iris Group is conducting Political Economy Analyses on Child, Early and Forced Marriage. Our purpose is to develop a high-level analysis of the CEFM context in each of eight countries. You have been recommended as an expert in Kenya on this issue, and we greatly appreciate your input in this process. Your responses will help shape a contextual understanding of CEFM in Kenya, which in turn will contribute to recommended responses. Your specific responses will not be attributed to you without your consent. We are very grateful for your honest responses.*

First, can you give me a brief summary of your work in Kenya related to CEFM?

Foundational Factors

From what you know based on your work or experiences, what are the most important factors driving **regional differences** in CEFM in Kenya? (probe for geographical, environmental differences)

In what ways, if any, does **economic class** influence CEFM rates and practices in Kenya?

How have **ethnic differences** shaped CM and other gender issues in Kenya? Do different regions track to different cultural values and/or ethnicities?

How has historical gender inequality affected CEFM?

Rules of the Game

How does Kenyan law affect CEFM?

How do international commitments affect laws or policy in Kenya on CEFM?

What are the most common social norms related to CEFM? How much do these differ among different ethnic groups?

Have there been **any recent norms changes** related to gender, fertility desires, familial responsibility and sexual debut? Have these been reflected in CM rates?

Here and Now

Who are the **key stakeholders and actors on CEFM**? (probe for donors, CSOs, policymakers, advocates)? Are there any outstanding champions on this? Does the National Alliance to End FGM/C and Child Marriage include civil society?

What role do Kenyan women's rights and youth SRHR groups play on the issue?

Who is **empowered to act** and what help do they need to be effective?

What influence do **international NGOs, institutions and donors** have on CEFM in Kenya?

What are the limitations of their influence?

Is CEFM progress **driven mainly by actors outside Kenya or inside Kenya**? Is there tension between external and internal actors? Do communities see it as a domestically-driven issue?

What role does **media** in Kenya play in CEFM?

What **global, regional or national events** have been important to CEFM in Kenya in the past couple years?

How do you think **COVID-19** affects CEFM and efforts to combat it?

Is CEFM linked with other issues at the national level (e.g. education, economics, sexual rights and reproductive health, HIV, HTP etc.) or addressed as a separate issue?

Are there any actors who have an **economic interest** in change on CEFM? Any who have an economic interest in keeping things the same?

Dynamics

What **progress** has been made on CEFM in Kenya? (*probe for programmatic, research, advocacy*)

What and who are the **biggest obstacles** for current CEFM efforts in Kenya? (*probe for programmatic, research and advocacy challenges*) Have these changed over time?

How is CEFM being monitored and what are the challenges to doing so?

Where are the gaps (in programming, research, advocacy)?

Is there anyone else you think it's important for me to speak to about this issue? Are there any materials you can share that might help us understand these contextual issues better?