



Iris Group

# CHILD, EARLY, AND FORCED MARRIAGE:

## A Political Economy Analysis of Kenya

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Stock Photo, Kenya

In 2020-21, Iris Group conducted a series of gender-intentional political economy analyses (PEA) on the issue of child, early, and forced marriage (CEFM) in eight countries. This brief is a summary of the full PEA report on CEFM in Kenya.

### INTRODUCTION

Kenya's steady economic growth and political reforms have laid the groundwork for many development gains, particularly with reaching many Millennium Development Goal targets.<sup>1</sup> Kenya's 2010 constitution enshrined critical social protections, including for women and girls, but many of these promises have been ignored or poorly funded.<sup>2</sup> The constitution devolved many of the national government's powers to counties,<sup>3</sup> which resulted in progress on social issues in some counties but poor results in others.<sup>2</sup> Rates of child marriage (particularly under-15 marriage) have fallen in Kenya. Per the 2014 KDHS, 22.9% of women and 2.5% of men aged 20-24 years were married before the age of 18, while 4.4% of women and 0.3% of men in the same age group were married before the age of 15.<sup>4</sup> Among Kenyans aged 20-49 years, 27.4% of women and 3.4% of men were married before the age of 18.<sup>4</sup>

The political economy analysis of CEFM in Kenya consisted of a desk review and key informant interviews, with findings within the following four pillars 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

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1 Child, Early, and Forced Marriage: A Political Economy Analysis of Kenya

## FINDINGS

### Foundational Factors

- Child marriage prevalence and influencing factors vary by region, with higher rates in northern Kenya and rural areas.<sup>4</sup>
- On average, women in the lowest economic quintile got married four years younger than women in the highest quintile.<sup>4</sup> Poverty affects girls' ability to stay in school post pregnancy, drives the belief that child marriage relieves families' financial burden,<sup>5</sup> and exacerbates the practice due to higher bride price for young girls.<sup>6</sup>
- Gender inequality limits girls' perceived value; they are seen as an economic burden and as the property of husbands and fathers.<sup>7</sup>
- Ethnic or religious beliefs drive child marriage in communities where cultural traditions enforce early marriage as a custom, a sign of respect for elders, a source of family wealth, and the next step after female genital mutilation (FGM).<sup>6,8-10</sup>

### Rules of the Game

- Kenya's Marriage Act of 2014 and 2001 Children's Act stipulate the minimum age of marriage as 18 and have made child marriage illegal.<sup>11</sup> Surveys show high awareness of the law but there are enforcement challenges.<sup>12,13</sup>
- Kenya has ratified major conventions against child marriage but has not adopted its draft National Action Plan to End Child Marriage.<sup>14</sup>
- Social norms on sexuality and marriage contribute to the practice of child marriage: it is common for unmarried girls under the age of 18 to get pregnant and get married soon after, whether voluntarily or by force; unmarried adolescents' use and access to contraception is limited due to parents' fear of their premarital sexuality;<sup>7</sup> though illegal, child marriage is common where FGM is practiced;<sup>13</sup> families believe that child marriage is protective during crises; and girls may seek early marriage due to social pressures.<sup>6</sup>
- Early marriage as a social norm may be driven by the lack of other viable alternatives, such as secondary schooling, which is cost prohibitive.

### Here and Now

- Key government actors that influence Kenya's child marriage agenda include the Department for Children's Services, the Ministry of Gender, and county governments.
- The End Child Marriage Network is a steering committee of 13 organizations with members from different regions.<sup>15</sup>
- Education-focused child marriage programs help pregnant and parenting girls go back to school.<sup>16,17</sup> Conditional cash transfers effectively help families transition girls from primary to secondary school and enroll unschooled girls.<sup>18,19</sup>
- Ministries are conflicted about providing unmarried adolescents access to contraception.
- Students have been out of school due to COVID-19 and informants fear that teen pregnancy - and, consequently, child marriage - are increasing due to the lack of access to services.

### Dynamics

- **Progress:**
  - Research and data collection at the subnational level on child marriage have improved, which is critical for tracking programmatic success and advocating for more resources.
  - Political will has been growing to combat child marriage and on gender and women's issues generally. Emerging feminist movements, grassroots women's and gender-focused groups, and local/ regional networks aid in these efforts.
  - Diverse programmatic approaches -provide insight on what works in different contexts.
- **Obstacles:**
  - Additional progress on CEFM requires adoption of the National Plan of Action and additional government commitment and resources at the county level.
  - There does not seem to be significant programming coordination or cohesive strategy between civil society and government on the issue.

## RECOMMENDATIONS

### 1. 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.
- **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.

### 2. Key Points of Leverage on CEFM

- **Kenya's civil society network can drive cohesive advocacy and programming.** The development of a network of international non-governmental organizations and civil society organizations 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 a 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 hotspots. Data can be better leveraged to identify and pursue targeted strategies at the county and sub-county level.

### 3. Turning Gaps into Opportunities

- **The Kenyan government can demonstrate increased commitment to ending child marriage.** Marshalling increased government commitment on CEFM is essential to addressing the issue effectively and efficiently.
- **CEFM could be an emphasis of post-COVID-19 investing with a gender lens.** A gender-intentional approach to post-COVID-19 recovery should ensure girls can return to school, improve access to youth-friendly sexual and reproductive health 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.

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