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Family Assets

Understanding and Addressing Child Marriage in Turkana



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FAMILY ASSETS: Understanding and Addressing Child Marriage in Turkana
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Foreword

Right at the heart of the Turkana County Integrated Development Plan (CIDP) 2013-2018 the blue print that guides the county and other stakeholders in realizing the citizens' aspirations—is the need to put in place a robust child protection system that appreciates the context and the dynamism of the Turkana pastoralists. In order for my government to realize the access to basic social services and adequate infrastructural development, investment in the most disadvantaged, especially girls and women is key.

Girls experience varied challenges including the adverse effects of harmful cultural practices like child marriage. The girls who are married early are majorly denied their rights to access quality basic education and are not in a position to offer meaningful development to themselves and their community. The 2015 UNICEF report on Child Marriage has found that one third of women in Turkana today were married before the age of 18, while still children. Many of these girls had no choice in getting married and the emerging trend indicates some of them are forced to drop out of school to start a family. Also from this report Child Marriage is observed as a critical child protection issue among the Turkana pastoralists—that heavily contributes to violations of the rights of the girl child.

While nomadic pastoralist families are the hardest to reach, including the hardest to involve in management of social services, or law enforcement; this report will be a key resource to the County Government in putting in place a necessary legislative and protective framework to provide for consultation among the key stakeholders (especially pastoralist parents) and coordination of programmes that seek to eliminate the negative indicators on child marriage in Turkana. The county will support all efforts that will enable residents of Turkana County to understand the rights of girls, and mobilizing all duty-bearers in ensuring violations against the girl child (including child marriage) is eliminated through a participatory process and supportive policies and legal frameworks. Hence, though the findings and recommendations outlined in this report, Turkana County intends to use the report to guide appropriate solutions for preventing and addressing child marriage and the rights violations linked to it.

The Turkana County Government is committed to ending child marriage in Turkana, but we call upon our development partners and communities to pull together in addressing this problem. I strongly believe, it is possible to create an enabling environment where a Turkana girl survives, thrives, and succeeds by accessing her rights. That way, a dream of a just, equitable and prosperous Turkana County will be realized for all citizens, especially girls and other vulnerable adolescents.

I wish to thank UNICEF Kenya for the commitment and effort to get baseline information on child marriage, as outlined in this report. I hope now UNICEF and other stakeholders will support the County Government in implementing the stated recommendations programmatically—ending child marriage in Turkana; Saying No to Child Marriage!

H.E., HON. Josphat Koli Nanok

The Governor, Turkana County Government
Lodwar, Kenya

Prologue

Let me start by telling you a story. In a very small village in Turkana, there was a girl who always wanted to go to school. Her parents kept promising to agree, while their agenda was only to ensure she would safely 'mature' for marriage. At the tender age of thirteen she was married to a frail seventy year old man, in the age set of her paternal grandfather, who already had several wives. After three years he died, leaving this girl widowed at the age of sixteen. In that short period as a wife, she endured sexual harassment and abuse from the sons and grandsons of her husband, endured humiliation and slavery from the older co-wives, and suffered the health issues of being sexually active at such a young age. What followed her husband's death was not release but rather her inheritance by his younger brother, a 65-year old man. This was necessary for her parents to keep the bride price – large numbers of animals – that had been paid to them by the first husband. So again she became a prisoner, of another family. This girl was denied her childhood, her adolescence, the right to decide her future, the right to go to school, and the right to a better life. She was helpless to the decisions of her parents, the very persons entrusted by nature and by law to safeguard her.

Has the story moved you? Do you wish you could have taken action? Do you wish you understood better what this girl and many others like her went through, and why? Are you involved in child protection, education, legislation, law enforcement, policy and advocacy? Or do you simply believe in child rights and wish you knew what might lessen such suffering and violation of child rights? If so, this paper should be read by you, and is important to you.

The discussion in this paper provides a basis and essential data for understanding legislations in Kenya designed to protect children from early and forced marriages. It discusses possible interventions, for instance incentivizing girls to go to school—and parents to send them to school—by offering bursaries and job opportunities. It explores the crucial need for legal deterrents alongside these incentives, including measures for punishing parents and guardians who endorse early and forced marriages.

Kenya ratified the Convention on the Rights of the Child in 1990 and has progressively been improving its legislation in regards to child care and protection. This includes: the Bill of Rights (2010), enshrined in the Constitution, which protects marginalized and vulnerable groups including children; the Marriage Act of 2013; the Victim Protection Act of 2014; and laws that protect against domestic violence.

UNICEF is a key partner of the Government of Kenya in this regard, and its efforts for child protection and education in Turkana have supported both government and development partners in terms of resources and technical support. Awareness-raising and understanding is also a critical area of support. I believe this paper will be an eye-opener for many agencies and people who work for the welfare of children in Turkana and other pastoralist areas in the region. The paper has so accurately captured the 'child marriage' phenomenon that there is no doubt it will be expedient even for researchers and specialists.

Finally, as someone who personally hails from Turkana and was a victim of early marriage and consequently a defender of child rights in various capacities and in different organizations including CBOs, NGOs, government and the UN, I hold this subject very close to my heart. It is my hope and belief that if all stakeholders adopt the spirit, letter and practice of this study, early marriage will be a practice of the past in Turkana.

Honourable Joyce Akai Emanikor, HSC

Member of Parliament for Turkana County, Kenya National Assembly

Nairobi, Kenya

Preface

Imagine how many girls in Turkana are dreaming of getting a quality education, of developing themselves and their community, and of leading the life of their choice. Now consider that one third of women in Turkana today, including the little girl Honourable Joyce Emanikor brings our attention to in the prologue, were married before the age of 18. Many were forced, tricked or simply blindly led into marriage. Those met during this research remember seeing a handful of animals exchanged, feeling fearful, and being unable to refuse or insist on staying in school, family or childhood.

This report explains child marriage in Turkana from the perspective of those directly affected by it. It shows that child marriage is not an anachronism, practised only by ignorant and remote communities; rather it is widespread across society in Turkana, for a myriad of reasons that we cannot ignore or dismiss as ‘harmful culture’. Child marriage is a critical child protection issue—and also one that reaches well beyond that, into a broad range of child rights violations. These include a child’s right to protection from sexual exploitation, violence, child labour and separation from parents. And a child’s right to a family environment, leisure and play, education, even survival and development.

In showing that child marriage in Turkana is driven by a diversity of factors ranging from insecurity and lost livelihoods to the short reach of the law and lack of faith in schools’ ability to protect or provide for girls, this report makes plain that many actors are needed to address it. UNICEF stands committed alongside government, partner agencies and communities to address this problem, and calls on the support of other agencies working in areas including livelihoods, social protection, law and justice, and peace and security.

Through its findings and recommendations, we intend this report to guide appropriate solutions for preventing and addressing child marriage and the rights violations linked to it. It is a demonstration of the corporate commitment of UNICEF and its partners to ending child marriage wherever it occurs—in Turkana and Kenya, in the wider region, and across the world. We hope many will join us in making this happen.

Madhavi Ashok, Deputy Representative
(2011-2015)
UNICEF KENYA

Acknowledgements

This research began with UNICEF Kenya's staff in Turkana, who felt that the issue of child marriage deserved better understanding and more comprehensive solutions. The Head of UNICEF's Turkana Office and a Turkana himself, Philip Aemun, led this research from its inception. UNICEF Turkana colleagues and partners contributed and shaped the research at every step, and will lead the operationalization of solutions suggested. Particular thanks are owed to Patrick Karanja, Miriam Nawet, Kentaro Shimada and Brendan Ross (now UNICEF Somalia Support Centre) who took part in the research and defined the recommendations it made. Special appreciation to Eugenie Reidy who led the fieldwork and wrote this report when she was a staff member in the UNICEF Eastern and Southern Africa Regional Office.

After fieldwork, this report benefited from wide review by all UNICEF Kenya colleagues listed above, as well as Anna Berg, Jeannette Wijnants and Joanne Bosworth, and Cristina del Valle and Sandra Olsson from the West and Central Africa Regional Office. Sincere thanks are due to former UNICEF Kenya's Deputy Representative Madhavi Ashok, who showed instant and lasting commitment to this issue and the research.

Most importantly, the research would not have been possible without the open and generous participation of its informants, not least girls and women affected by child marriage themselves. Their stories are moving and illuminating, and their recommendations are wise and well-placed. All those who crafted this report hope it does justice to their time and inputs.

As well as girls and women in Turkana, key informants included representatives of the Kenya and Turkana County governments (including from the Ministry of Education, Children's Office, Gender and Social Development office, County Services, Chiefs, and the County Women's Representative), faith-based organizations (including the Diocese of Lodwar and St Patrick's Nomadic Girls Centre), service providers (primarily teachers and nurses), legal and community development agencies (including The Cradle, Turkana Women Advocacy and Development Organization (TWADO), the Children's Welfare Society of Kenya), community organizations (local groups, women's groups, elders groups known as *eluk toliasi*), and a number of other champions of girls rights in Turkana.

To all these, sincere thanks are offered, along with the hope that they will continue to stand by UNICEF and its partners—the governments of Kenya and Turkana, legal and development stakeholders as well as communities themselves—so that lasting solutions can be found to address child marriage in Turkana.

Executive Summary

The problem of child marriage in Turkana rests on the economic and social value of the girl. Enduring perceptions of girls as assets rather than rights-bearing individuals underpin the high levels of child marriage in Turkana. However the issue needs also to be understood in a wider context of development and education failures, as well as the livelihood pressures and insecurity making many families increasingly desperate.

Ultimately a transformation in gender roles will be required in Turkana, to free girls from marriages which bring significant economic benefits to their families. However, if the governments of Turkana County and Kenya are to eliminate this illegal practice, it is essential that a long-term strategy be developed which recognizes and addresses the various push or pull factors. Such a strategy must:

1. Strengthen the role of girls and women as rights-bearing individuals;
2. Ensure quality, relevant and safe education for girls in Turkana;
3. Support alternative role models and mentors for girls; and,
4. Take steps to address the development failures and insecurity (of livelihoods as well as people and property) affecting families in Turkana.

The context

Semi-nomadic pastoralists, the Turkana people occupy a vast, dry landscape with sparse vegetation and little rainfall in north

western Kenya. The Turkana are among the country's most impoverished people, and their region, also called Turkana, is the most undeveloped. They suffer from a relative lack of human and livelihood security, and virtually no formal welfare or protection. Looming resource projects—oil and gas exploration, alternative power generation, gold mining and regional road networks—will most certainly add strain to power dynamics between foreign and local, traditional and modern, and young and old.

For the Turkana, wealth is traditionally measured by the size of their herds. Girls are a second source of family wealth. Fathers arrange the marriages of their daughters—a cultural tradition that is deeply rooted and remains widespread among all social classes. Such marriages require the payment of bride wealth to the family of the girl, who is commonly still a child. Recent MICS data¹ shows that 32 per cent of Turkana women currently aged between 20 and 49 were married before 18; 14 per cent of 15-19 years olds are married; and almost 10 per cent of girls were married before the age of 15. The same survey also reveals that 102 in every 1000 women in Turkana had given birth by age 19.

The choice

This research found many Turkana girls (and parents) feel they face a choice between marriage or schooling that rarely yields relevant or useful skills, and can expose girls to unintended risks,

1 2014 Multiple Indicator Cluster Survey (MICS) – Government-implemented survey supported by UNICEF. In review for publication

including pregnancy. These options serve neither them nor their communities well. Pre-pubescent girls are neither psychologically nor physically prepared for marriage. While bride wealth may benefit their families, to be married when pubescent or even younger into a polygamous household with hierarchies of wives and their children, is devastating to a girl's rights and potential. The alternative of a low quality education that seems to offer little hope of bringing economic advantage and high likelihood of school drop-out, poverty, community isolation and early pregnancy, is equally unattractive.

The impact

In Turkana (and in general) girls who marry under age are at higher risk of sexual and reproductive health problems, and both infant and maternal mortality. They have less control over their fertility and their lives, are more likely to be denied education, and have reduced literacy, life skills, and job prospects outside a traditional economy. At society level, child marriage perpetuates the lower status of women, and promotes gender inequity. It hinders the development of a community as a whole, under-using the economic potential of women and pushing inter-generational cycles of poverty. In the long-term this is sure to significantly slow the developmental progress of the wider Turkana County.

Kenyan law

Kenya's Sexual Offences Act makes Early, Child and Forced Marriages (ECFM) illegal, as does the 2014 Marriages Act. While the law is effective when applied

– among other examples, the researchers heard how an Assistant Chief was sentenced to 20 years for marrying a minor – it appears that many authority figures and influence-leaders are directly involved, complicit or indifferent to child marriage. As more community-based paralegals are trained to promote awareness, the legal deterrent may grow. But today, evasion of this law remains the rule rather than the exception across most of Turkana.

Strengthening family bonds

The payment for a bride can be considerable, ranging from a handful of goats or sheep to hundreds, along with cattle, camels and donkeys. The payments are high even compared to other communities in Kenya or beyond who practise child marriage (a factor which increases men's marrying age). They can be transformative for families, and bride wealth can be critical to the survival of families that have lost their entire herd to raids, drought or disease. Life is hard and fortunes are fickle in Turkana: the marriage of a daughter can literally save the rest of the family from poverty and/or starvation.

The economic gain of marriage is indivisible from social or political benefits. Kinship ties created enhance protective social networks. A traditional marriage can also offer a woman protection, respect and a voice within the community. Her offspring share the respect she is accorded, described locally as "children of the home (*ng'ide awi*)" – in contrast to the so-called "children of the field (*ng'ide akeor*)."

Development failures

Many parents are obliged to make a fateful choice—one child for school, the next to help care for the herds—because of both economic need and the laws requiring that they educate their children. Many Turkana parents have seen little evidence that education for children is a social or economic good. Those chosen for school may gain an education, but they often lose their place within their families, while the employment and income opportunities that are to come from schooling go unfulfilled. Several issues undermining the credibility of education in Turkana include:

- A lack of education facilities in rural areas—as a consequence children are sent to boarding schools and are removed from community and parental protection;
- Poverty and lack of protective structures make girls in school vulnerable to sexual exploitation and abuse, frequently resulting in early pregnancy;
- Poor quality schooling results in few children succeeding at school. Very few (19 per cent, MICS 2014) transition to secondary school, and even less to higher levels;
- School-going girls are often alienated from their communities and abandoned by their families (even if they have succeeded)—they are derisively called “children of the government” or worse, prostitutes.

Thus an unsafe or ineffective education system may be encouraging parents to arrange marriages for their female children. They may accept that schooling is inevitable, but rarely see its tangible benefits.

Summary recommendations

Kenya’s government and partners (including UNICEF) have largely not delivered quality education, economic safety nets, social welfare systems, job opportunities and development to Turkana. On most development indicators, Turkana ranks in the lowest percentile in Kenya². Rural families are highly vulnerable to risks including drought and conflict, with limited formal safety nets or protection. This often results in distorted prioritization of the financial benefits of marriage: a girl becomes an economic asset for the bride wealth she attracts. Child marriage may be traditional, but its persistence today is justified by contemporary vulnerabilities. Recommendations for addressing it include:

1. Distinguish traditional marriage from unlawful child marriage

In the long-term traditional rites of passage for Turkana, including marriage and child bearing, will evolve. Traditions, in many forms, will remain positive for individuals and communities. Yet in the meantime, steps must be taken to **ensure that no child enters marital union**. All children should have the opportunity to fulfil their rights and potential.

² Poverty in Turkana is 94.9 per cent compared to a 45.9 per cent; national average (Basic Report on Well-being in Kenya KIHBS 2005/06); Literacy is 18.1 per cent compared to 66.4 per cent (Commission for Revenue Allocation, Kenya County Fact Sheets, published by UNICEF 2013)

2. Strengthen civil registration systems rapidly

In the immediate term, strengthened **efforts to register births and marriages** will help to accurately monitor compliance of the law. This will reinforce efforts to ensure that children are not married, forced into sexual intercourse or child-bearing before the age of 18.

3. Improve schools – quality, relevance, protection, community engagement

Faith must be restored in the education system. **Quality** of schools must improve—alongside relevance in terms of an enabling livelihood or employment opportunities—so girls can succeed, move to higher education, and secure livelihoods. Schools must **protect girls** from being preyed upon by boys and men (including teachers), while directly addressing boys and men as agents of change in this. **Community engagement** is key: the education system must be closely linked with Turkana people and culture for it to have the necessary relevance and safety.

4. Improve safety nets and protection for rural livelihoods in Turkana

The National and County Governments, agencies, investors and civil society must deliver **effective economic safety nets** for pastoralists and other rural Turkana livelihoods.

5. Strengthen women’s leadership and empowerment programmes in Turkana

The continued **engagement of women in political, civil and economic spheres** will reinforce alternative life choices—and development opportunities—for Turkana girls.

6. Establish a girls rescue and rehabilitation centre

In Turkana, where many social services are delivered by the Catholic Church, access to condoms, emergency contraception and family planning is limited. A **Child Protection Centre (with a girls rescue component and appropriate outreach services)** would offer temporary rescue to girls who have run away from marriage, plus mentorship and life skills or other support, in a stigma-free environment. Such a centre would also limit vulnerability of girls in urban areas to further harm and negative coping strategies such as prostitution and crime.

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Methodology

This study was undertaken at the request of the UNICEF Kenya's Lodwar Office. Staff felt that addressing early, child and forced marriage (ECFM – hereafter child marriage) should begin with understanding it, and wanted to use long-standing relationships with communities across the county to guide participatory research whose findings could be shared far more widely than Turkana, or even Kenya. As well as giving voice to affected communities, the idea was to reality-check an issue typically regarded as a 'negative cultural practice' to be dealt with by child protection actors. By seeing it as part of a much broader reality—linked to livelihoods, education, security and development in general—the hope was (and is) that this research could guide a broader set of solutions, more appropriate and effective than those which currently exists.

Against that background a small research team assembled and travelled across Turkana County over two weeks in late 2013. The researchers included several staff members from UNICEF's Nairobi and Lodwar Offices with backgrounds in child protection and community development, and a staff member from UNICEF's Regional Office for Eastern and Southern Africa with a background in anthropology.

The methodology was participatory and qualitative, composed of semi-structured interviews and group discussions (5-15 people) with a broad range of informants. At local level these included girls themselves, women, mothers and fathers, and community elders or representatives. Service providers were consulted, primarily teachers and health workers, and also faith-based organizations including the Diocese of Lodwar and St Patrick's Nomadic Girls Centre. Legal and community development agencies consulted included The Cradle, TWADO, the Children's Welfare Society of Kenya, while community organizations included a number of local groups, women's groups, and elders groups known as *eluk toliasi*. Key informants from both Kenya and Turkana County governments were from the Ministry of Education, Children's Office, Gender and Social Development Office, County Services, Chiefs, and the County Women's Representative. In total about 100 people were consulted for this research, in interviews or group discussions.

The research also included a desk review of academic, development and media resources related to child marriage in Turkana or other contexts—and was backed by secondary quantitative data where possible.



1

UNICEF and Child Marriage

Empowering girls and women and ensuring girls and boys are healthy is at the core of UNICEF's mission. Globally, UNICEF is committed to efforts to end child marriage, defined as a formal marriage or informal union before age 18, recognizing that it can lead to a lifetime of disadvantage and deprivation. UNICEF seeks to use its global leadership position, its mandate to provide data and evidence on child marriage, and its broad field-based programming in various sectors to bring about change on this

issue. In 2012, UNICEF was instrumental in organizing the inaugural International Day of the Girl Child³, which had child marriage as its theme. The event raised awareness of the issue and helped refocus attention on this harmful practice. Since then UNICEF efforts to address child marriage have gained pace at country and regional levels. Among these is the agency's foremost role in the African Union's 2014-15 campaign to end child marriage – one motivated by the fact that Africa is home to 15 out of 20 countries with the highest rates of child marriage.

UNICEF's 2009 report, **State of the World's Children**, showed that:

- Girls who marry before they turn 18 are less likely to remain in school, more likely to become pregnant, and more likely to experience domestic violence, abuse and exploitation.
- A mother under the age of 18 is more likely to die due to complications in pregnancy and childbirth than a woman in her 20s; her infant's risk of dying in its first year of life is 60 per cent greater; and her surviving infant is more likely to suffer from low birth weight, under nutrition and late physical and cognitive development.
- Child marriage often results in separation from family and friends and lack of freedom to participate in community activities, which can all have major consequences on girls' mental and physical well-being.

3 Child marriage is a reality for boys and girls, although girls are disproportionately more affected.

UNICEF's 2014 report, **Ending Child Marriage**, showed the following:

- Worldwide, more than 700 million women alive today were married as children.
- More than 1 in 3 – or some 250 million – were married before 15.

The data also shows that while global prevalence has decreased slightly over the past three decades, progress needs to be scaled up dramatically to mitigate an ongoing and widespread deprivation of child rights. Also, while the median age at first marriage may be gradually increasing, this has been limited primarily among girls in higher income families around the world. More intensive, sustained action is needed to prevent hundreds of millions more girls suffering profound and permanent harm:

- If rates of decline seen in the past three decades are sustained, the impact of population growth means the number of women married as children (more than 700 million) will remain flat through 2050.

- Doubling the rate of decline would bring the number of women married as children down to 570 million by 2030 and 450 million by 2050.

This report focuses on a single region in Kenya, exploring the breadth of local factors that contribute to the perpetuation of child marriage in order to support more effective ways of addressing it.

2

Prevalence of Child Marriage in Turkana – Wide and Unseen

Early, child and forced marriage is marriage or cohabitation with a child – defined as illegal ‘defilement’ by Kenyan law⁴. In Kenya’s Turkana County, as in other countries, it is proscribed by culture, expressed in ritual, and defined by payment of bride wealth and formal agreement between two families.

Child marriage is a critical social issue in Turkana. Many teachers, health workers, politicians, administrators and members of civil society are acutely aware of it and regularly see it: indirectly in school drop-out rates and health facility registers; more directly in encounters with brightly beaded girl brides in roadside wedding parties.

Child marriage cuts across social boundaries in Turkana—from the rich and powerful attached to tradition, to the poor and desperate looking to escape poverty. Despite its prohibition in Kenyan law and the prevailing international view that it constitutes a form of archaic child abuse, it reaches right into the elites:

“ It cuts across society. It’s deeply rooted even among the intellectuals. They can’t speak out against it because people will point at them and ask when they married their own wife, or their daughter, or at what age their brother married. Even the chiefs are practising this.” [Official, Department of Gender and Social Development]

A recent MICS survey⁵ shows that 32 per cent of Turkana women aged between 20 and 49 were married before 18; 14 per cent of 15-19 years olds are married; and almost 10 per cent of girls were married before the age of 15. The same survey reveals that 102 in every 1000 women in Turkana had given birth by age 19. While this data is compelling, statistics on child marriage rates are often viewed as under-estimates.

First, low awareness of the law certainly leads to its under-reporting—including by authority figures, such as administrative chiefs, who might be held legally accountable or complicit if the number of cases were known.

4 In the Children’s Act of 2001 this is defined in Part 11 Section 23 on parental responsibility, and in a later section on child care and protection; in the Marriage Act of 2014, Section 87 prohibits marriage to a person under 18 years.

5 2014 Multiple Indicator Cluster Survey (MICS) – government-implemented survey supported by UNICEF. In review for publication.

Second, means of reporting are not available to the whole population, especially in remote rural parts of Turkana. Traditional formal marriages are not accounted for in marriage registers. Nor, for that matter, are accurate records kept of births and deaths. Some indicators can be gleaned from health facility records on the age of the mother and her marital status, but not all mothers deliver in a health facility. Indeed, in traditional communities, where child marriage occurs most commonly, women are culturally averse to delivering in a health facility because it suggests weakness and the supine birthing position favoured

by medical professionals is considered less effective than the squatting position.

Finally, traditional Turkana families may not know their daughter's age in years (or view age in calendar years at all). They consider her fit to marry based on physical and emotional maturity. As a mother in Turkana North explains,

“ We can see when a girl becomes an adult, and when she is mature, and when she is ready to marry. A mother doesn't even know how old her daughter is in number of years.”

3

Traditional Marriage – Strengthening Wealth and Society

Traditional marriage in Turkana has high economic and sociocultural value. Bride wealth is significant, ranging from a few goats or sheep to hundreds of them, plus dozens of larger animals including cattle, camels and donkeys. Supported often by wider kin or clan, these marriage payments are considered higher than those given by most traditional/pastoralist groups in Kenya and other contexts⁶.

The assets are transformative for many families. Poor can become rich. They are not only given to a girl's father but also to many other clan members or family associates. Brothers and other male relatives are likely to use the animals gained to pay their own bride wealth. The economic gain is inalienable from social or political ones. The kinship bond created with another family consolidates a social network that can protect the whole family in difficult times.

“ When you are paying bride wealth you are not just paying between the parents of those who are marrying, you are making payments between both clans. And when animals are paid, no matter how few, they will reproduce – so they are valuable assets.” [Turkana woman, Lodwar]

Female relatives also benefit: in-laws and co-wives (in the polygamous homes of many traditional Turkana⁷) gain materially and domestically, because a new wife shares the burden of herd and home.

A 'traditional' and 'formal' Turkana marriage is generally initiated by the male suitor and his family. If there is agreement by the girl's father and male relatives, negotiations are undertaken until bride wealth is agreed, payment completed (either in instalments or all at once) and

6 Turkana bride wealth is referred to in contemporary anthropology as 'exorbitant' and 'inflated', and equivalent to 'hundreds' of livestock (SOURCE: Broch-Due, V., 2000, *The Fertility of houses and herds: Producing kinship & gender amongst Turkana Pastoralists*. In Hodgson L. D. ed., *Rethinking Pastoralism in Africa: gender, culture & the myth of the patriarchal pastoralist*, James Currey Publ.)

7 2014 MICS data [under review for publication] found that 30 per cent of Turkana women aged 15-49 were in polygynous unions.

a bull slaughtered to signify the marriage has formally begun. Much importance is attached to this marriage transaction and ritual. Many described how vital it is for the ongoing respectability and identity of families and clans, for example this community representative from Turkana Central:

“ If bride wealth has not been paid, commitment to the marriage by the man is not there, nor respect. The man does not respect the woman, and the woman does not respect the man, until bride wealth has been paid”

3a. The prestige of traditional marriage

The status of a traditionally married woman – one whose marriage was arranged and ritualized as above – has enduring social value in Turkana. Even in towns, and among educated persons, a woman will commonly be seen as having lower status if she has not had bride wealth payments made to her family. Even ‘modern’ educated Turkana women in towns describe the humiliation and loss of social status due to non-payment of their bride wealth. Charity, an impressive woman in regular employment in Lodwar (see case study 3), spoke of this as an inescapable stigma:

“ People are always aware of which women have had bride wealth paid for them, even in towns. It doesn’t matter how educated you are – if you are not traditionally married you have lower status and you will not be listened to. I need to have my bride wealth paid so that I can have a voice”

This was echoed by another professional Turkana woman whose career has involved advocating for education. Despite her own success and recognized professional and political role, she feels she lacks the status needed to be able to speak publicly in front of people – both men and women – and be respected:

“ When bride wealth is paid, a woman has some social status. This is the same for any Turkana girl, no matter how educated she is. I have talked to communities about education and been told off. They have confronted me, ‘*You, who are talking to me – is your bride wealth paid?*’”

The prestige attached to marriage applies to girls too. Describing the teenage, married mothers who attend her clinic’s ante-natal care services, a non-local nurse in rural Turkana spoke of their unexpected confidence: “‘I am married, the bride wealth has been paid, I’m a wife!’ is what they’re thinking”.

That status extends to a woman’s children. By contrast, children born to informal marriages have a lower status in the eyes of the community and their father’s family. They are ‘children of the field’ [*ikoku akeor*] rather than ‘children of the home’ [*ikoku awi*]. We heard from several informants how compared to ‘formal children’ who belong to their father, these children have a lower position in the family and community – and they can even suffer less attention, and more demands to do work.

The enduring prestige of marriage across all contexts of Turkana means that campaigns focused on the illegality, negative impacts and ‘backwardness’ of child marriage cannot hope to engage communities, or girls and women themselves, without considering the respectability of traditional marital status for many. Education and professionalism increasingly offer an alternative status for many women. But even educated, employed women feel they suffer a lack of respect from not being formally married. It remains an important prerequisite for leadership.

Development in Turkana is not well reconciled with culture and its norms. Locally-suited services are much needed, starting with adapted education that brings communities and schools closer. Indeed, communities across Turkana are discussing how traditional marriage, with bride wealth, might also be an option for the rising numbers of schooled women and girls—who would typically be exempt from a traditional, formal marriage. A Turkana education advocate, who herself feels rejected because of unpaid bride wealth, argues that this is a way for education to be fitted to culture. She suggests that bride wealth should be paid for educated girls, whether in livestock or other assets (including cash):

“ If we are to ‘sell’ education to the traditional pastoralist—who is still three quarters of the Turkana population—we need to assure them that bride wealth can still apply to educated girls. That’s how we can convince parents to send their children to school, by showing role models who are educated, employed, whose husbands paid formal bride wealth, and who supported their parents with food from town when the animals died in drought. Men who have paid bride wealth for educated women must also be held as role models, for fulfilling the traditional obligations of a man in today’s society.”

Whether this is actually feasible is likely to remain a mostly Turkana debate. The educated woman in favour of this has not yet convinced her own husband to follow the logic of her argument. As a town-based professional, he considers himself exempt from paying bride wealth and feels he has the backing of local churches and development associations who prefer instead to promote complete abolition of bride wealth payments.

4

Vulnerability and Protection

– Drivers of Child Marriage Today

4a. Child marriage and vulnerability

This research began with the generalization of child marriage as a persistent ‘negative cultural practice’ needing to be brought in line with the modern world. Instead, it found that for many families it is a hard economic choice and a very contemporary coping strategy. Stories and evidence of girls forced to marry as children, girls who ran away, parents behind child marriage, or actors against it revealed a complex portrait of a society in transition.

First, the welfare and security of daughters is of paramount concern to parents, families and communities. The research showed that most families place a high value on the protection and welfare of their daughters, want them to find good husbands and homes and to prosper through their marriages. Many families do wait until a good husband is found, and until they feel their daughter is ‘mature’ – not judged by any standard moment, but by when she shows physical as well as mental and behavioural maturity. Many parents and families emphasized how carefully girls are looked after until this point, and their protection (or purity)

ensured. Brothers and male relatives are responsible, with heavy punishments and a fixed fine [*ekichul*] imposed on anyone who violates an unmarried girl:

“ There are punitive measures if a boy sleeps with an unmarried girl—he will be seriously beaten! If somebody sleeps with an unmarried girl and she gets pregnant there is what is called *ekichul*, a kind of compensation fee for what has been lost—the virginity of that girl. *Ekichul* is always 31 animals—30 goats and one big animal—and a boy’s family has to pay that. If the girl is not booked [for marriage] they may decide to start paying bride wealth for the boy to marry the girl. Even if they do, they will still have to pay the *ekichul*. They have to do things properly.” [Community representative, Turkana South]

At the same time, catastrophe or poverty may force a family to marry a daughter at an early age. In those circumstances, bride wealth acts as a safety net in a region that offers little human, social and livelihood security, and a relative absence of (non-local) social welfare or

protection. For example, a family that loses its entire herd to a raid⁸ may marry off an under-age daughter to support the rest of the family, as might a family whose unvaccinated cattle die of disease, or one whose uninsured herd dies during drought. A male elder at a traditional *eluk toliasi* gathering near Lodwar explains this:

“ Because of the changing weather patterns, and drought, livestock are limited and many people have few left; if a family has a girl it is a chance to replenish that livestock. If the girl is younger, even ten years, a family might give her in marriage if they need the livestock.”

Unaccompanied or isolated girls – including orphans or victims of conflict – may also be at risk of child marriage, accepted and then ‘married off’ at a young age for the acquisition of animals in bride wealth. This was explained by an official in Turkana’s Department of Gender and Social Development:

“ Girls who are orphaned or separated from their families will often be married early. Someone will take care of such a girl, take her into the family, and then marry her off – perhaps when very young – to get animals.”

Girls vulnerable to marriage at a very young age, then, tend to be victims of wider development or security failures. Conflict mapping could help show when the risks are particularly acute. For example, certain raids on the Turkana by the Merille (or Dassanech) across the border in Ethiopia occur at times of the year coinciding with Merille male initiation (a ritual requiring large numbers of cattle). Similarly, the raiding patterns of Pokot / Karamojong / Toposa / Jie / other traditionally hostile neighbouring groups, are determined by both seasonal (food security) and ritual calendars. Beyond conflict and food insecurity, there may be other patterns of household vulnerability whose mapping could inform preventive approaches to reducing the incidence of child marriage.

By contrast, among well-off families under little or no economic/security pressure, the arranged marriage of a daughter may happen later, possibly much later. One informant – a professional Turkana woman now based in Nairobi and engaged in politics – even saw this as a problem, if a girl from a well-off family becomes frustrated by the lack of pressure for her to marry:

“ Girls from wealthy families may be overgrown, 25 and above, before being married. Their marriage is for their parents to re-stock, but if a father has thousands of goats and hundreds of camels then why would he rush to marry off his daughter?”

8 Raiding in this context refers to theft of livestock from a pastoralist household or group; for men to acquire livestock as bride wealth and thus marry, or out of revenge, or for commercial gain (cattle raiding in Kenya’s ASALs is increasingly linked to markets).

At the same time, the practice of marrying girls under-age cannot always be ascribed to vulnerability and may persist as a cultural norm. Child marriage might be more of a threat for girls in families under economic or other pressures, but girls from better-off families may also be married 'under-age' by both legal and local definitions. This is particularly true in parts of Turkana far from schools, towns, and outside laws, places often marked both by large herds, insecurity, and strong attachment to traditional culture.

On a more individual basis, child marriage may happen more frequently where there is pressure from a suitor (who may have betrothed a girl at a young age), or even pressure from a girl herself to set up a marital home (or marry a man she has chosen).

In summary, traditional, formal child marriages are more likely to happen in:

- Traditional contexts, among girls who have not been to school, but were instead chosen by their parents to herd animals and support domestic tasks.
- Nomadic or semi-nomadic families that live further from towns and roads
- Pastoralist families under economic pressure—who see their daughter as an opportunity to re-stock for the sake of the other children and the family at large
- Situations where there is pressure to marry from a suitor or a girl herself
- 'Conventionally vulnerable' groups—including orphans or separated children who can be sexually as well as economically exploited, i.e. used to elicit bride wealth.

4b. Child marriage viewed as 'protection' from schools

Another and less anticipated driver of child marriage is that some parents view it as a means of protecting their daughters from the risks posed by exposure to schools and towns. Many informants spoke of the education system's inability to protect girls from sexual abuse and early pregnancies. As a rural mother leading a traditional pastoralist life with her children explained:

“Today some parents fear their daughter will go and choose for herself a man in town, and marrying a town man is often not good for the girl or the family.” [Mother, Turkana North]

Others explained how parents fear their daughters going to town for school but ending up in bar work and even prostitution. “Parents would rather marry their daughters off than risk them dropping out in town”, and “they prefer an early marriage, with payment of animals, because at the end of the day they feel their child has some security”, were the views of two Turkana women working in Lodwar.

The economic effects of this vulnerability were plainly felt in the number of girls and their babies returning to their families without bride wealth.

“Girls who go to school will go to towns, the iron sheet roofs attract them, and then they return home pregnant. Their father might try to follow up for *ekichul* – maybe he'll get a little compensation, like just five goats, but he'll have to look after that girl and the baby.” [Community representative, Nayu'u]

“It is a waste because we bring them up, we feed them and care for them and then they just go away. I have three daughters who've all gone to town, and I've never got anything back from them.” [Old man, Nayu'u]

“In the old days a girl might go to school and then come back to us; today she is more likely to just choose her own husband, and you find out later. Or she comes home and tells you she married, and maybe she gives you fifty bob...” [Old man, Nayu'u]

In these and other comments, rising conservatism among parents was linked not only to the perceived failure of the education system to protect girls, but also to more general shortcomings of accessible education in Turkana. For example, the scarcity of schools for rural populations, the inappropriateness (especially for younger children) of boarding schools that separate children from their families and culture, and of course the many associated costs even at primary level (from uniforms and exam fees to soap and sanitary towels).

But informants also emphasized shortcomings in the *effectiveness* of education, many of them speaking of the first generation of children for whom the promised dividends of school – employment, prosperity, well-being and more – had not materialized. For many parents, schooling stands in direct opposition to the traditional way of life. With abundant stories of poor grades, dropping out and early pregnancies, girls in particular are seen as less likely to succeed in school.

“ We are struggling a lot because the government is telling us to bring all our children to school: that brings us poverty and problems. Some go to school and become successful and benefit their parents, but it is only boys. There is no girl from this village who has been successful from school. When girls go to school they come back pregnant and with babies, and that is a burden.” [Old man, Nayu’u]

Parents of schooled children tend to see themselves as obliged to hand over their children to the government⁹, and greet school failings with passivity. Almost all girls who dropped out of school after falling pregnant spoke of being unguided at home both before and after. Schooled children are often shunned when they return home. Girls seem to suffer the worst, feeling outcast and even reportedly being called prostitutes in their home communities. An educated Turkana woman, who now works as an education advocate, remembered vividly her experience:

“ Today a girl who has gone to school does not enjoy the same attachment to the family as a girl who has had the traditional upbringing. They will say that she is the child of the government – *ikoku emoit*. I went to school and when I visited my grandmother’s place and my family there, they saw me as a foreigner. Girls my age or older would not even see me as a girl, but as a boy. And when you are older they say you are an *amalaat* – available for any man.”

This woman is among many educated girls or women who feel that communities needed to be more involved in formal education, to shape, support and safeguard it rather than simply lament the loss of their children to it. Not only could this increase schools’ appropriateness, effectiveness and ability to protect, but by repairing social cohesion it might reduce the chances of school-going girls falling into informal marriages and pregnancies out of a sense of abandonment. She went on to plead not only for parents to ‘take up their role’ when it comes to the schooling of their children, but also for governments to do the same in providing the necessary diversity of appropriate and accessible school solutions:

“ We need to educate parents on their role, and the government on their role, and the two will meet. We need to take schools to pastoralists, locally when they are small and then in boarding schools near towns when they are older.”

⁹ Kenya’s Basic Education Act (No 14 of 2013) promotes free and compulsory primary and secondary education for every child (Sections 28, 30). Parents who fail to take their children to school are committing an offence (Section 30, subsection 2).

Meanwhile, those who are succeeding in school hope they can be role models – both for education and against child marriage. This was most clearly felt at a mission-run ‘rescue centre’ for girls in Northern Turkana, where the girls enrolled (and given a complete package of support for their quality education) felt sure their own success would drive up the rural enrolment rates of girls, and at the same time work against child marriage. Yet such voices have to be heard with caution, because the chances of succeeding in school—understood as going beyond primary level to secondary or higher, or concretely raising one’s chances of future economic and social prosperity—are slim for many students in Turkana.

Others argue that for vulnerable pastoralists, education will increasingly be seen as a good option in the context of deepening economic and food insecurity. Certainly local demand for education has become more complex—based now on realistic cost-benefit analysis and not just idealized visions about its transformative power—but underpinning this is a firm sense of the inevitability of schooling. For example, a pastoralist mother and grandmother in Turkana North took the long view of schooling for her family, explaining that none of her children had been to school because they were needed to care for the family herds. Nonetheless, she knew that her grandchildren would likely be the first of the family to attend.

5

Informal and Urban Child Marriage

5a. Rising informal marriage

One of the changes brought to Turkana by major droughts and depleted herds is the rise of informal marriages, in both urban and rural areas. It is widely acknowledged that towns, schools and the erosion of customary authority have encouraged this, but also that poverty and drastic herd losses have reduced traditional marriages simply because many men cannot afford to pay bride wealth. Or it may be the case that women choose their own husbands, discarding customary marriage protocol.

Informal marriage has implications for the social status and security of women and their children. Rising rates of abandonment and divorce, particularly in towns, were cited as an expression of this:

“ Today there is a high rate of divorce because of these informal or incomplete marriages. A man might marry a woman but not complete his bride wealth and then go for another woman. Then he could even move to another! This happens often in towns, where the obligations are not so strong, and it leaves women in a very vulnerable position.” [\[Educated woman working in Lodwar\]](#)

Informal marriages affect children as well as their mothers, potentially weakening the parenting, protection and welfare provided to them. For girls who marry under the age of eighteen, this adds another dimension to their vulnerability. Without the security typically afforded by a traditional marriage, they can be easily cast aside.

5b. Urban ‘child marriage’, under-age relationships and pregnancies

The research also identified high numbers of ‘non-traditional’ marriages or unions— i.e. without a customary ritual bridging two families, or payment of bride wealth from one to the other— involving under-age girls in urban or semi-urban areas. A new research theme emerged when countless respondents described an urban version of child marriage that they saw as equally harrowing and urgent. The incidence of girls having under-age relationships, pregnancies and then dropping out of school was described as having reached almost epidemic proportions. The catastrophic effects – limited health, education, social and economic prospects – were made vividly clear. A development worker in a local women’s group felt she saw it everywhere:

“ Here in Lodwar you see a girl with a baby on every corner, and most don’t even know the fathers. It is everywhere! We talk about having a flock that a hyena just keeps coming and taking from – well that is the situation with girls here in towns...”

Some described young people as uncontrollable and linked it to the erosion of customary inter-generational structures and a lack of discipline in schools and towns. Two different informants—one a young working woman, the other a customary elder—who had come from relatively traditional backgrounds and now lived in (or near) Lodwar explained what they saw had changed their children:

“ People used to have a lot of wealth but right now people are very poor. People used to follow culture, it used to be so strong, but nowadays it is not. In towns there are a lot of modern things like videos that distract people...”

“Children in school are under their own control, not under the control of their parents any more. They are in town and they have phones, watch videos, and cannot be controlled by their parents.”

The prevalence of these urban protection issues was described as wide and without borders. A social worker and teacher living in Lodwar told the story of her own three daughters, all of whom got pregnant while still in school and are now under her care with their own children. Others linked it to poverty, describing children sent to towns to sell firewood, charcoal and woven goods and becoming vulnerable there to sexual abuse, pregnancy and HIV and AIDS.

The perceived crisis in early pregnancies among girls in urban areas is symptomatic of wider education, social and development failures, compounded by poverty and rapid, unplanned urbanization. One of the simplest examples of this combination, repeated depressingly often, was a lack of sanitary towels making a girl economically dependent on a man—as explained by a local community worker:

“ In secondary school girls often drop out because they are lacking things, even basic things like sanitary towels. If a man offers them those things they will go with him. They try their own ways to get what they need, and that’s how they get pregnant and drop out of school.”

During the research we sought out examples of these young urban mothers, and found they did not match their stereotype: most were shy and unassuming, giving the impression they were mindful of the impact of what they had done while also carried along by fate and a lack of better options. Many described the vulnerability that had prompted them—for example Cynthia (Case Study 5).

5c. Access to family planning

Hearing over and over how under-age relationships lead almost inevitably to under-age pregnancies raised the issue of family planning and access to contraception. This topic was quickly dismissed in a number of interviews. *“I don’t think it’s morally upright, for a school-going child,”* explained a female staff member in a community development organization whose own three children had given birth while still in school. A young Nairobi lawyer dealing with defilement cases thought all the married young girls she had seen had *“absolutely no idea”* about sexual education, or even HIV, and said *“If you mention protection they’ll say, ‘Oh that’s for prostitutes!’”*

Among some, family planning was felt to be an access issue, but more typically people repeated this moral objection, or spoke of cultural and religious barriers to accessing family planning options. A nurse in northern Turkana who described herself as ‘upset’ and ‘disappointed’ to see so many young girls coming to her clinic pregnant, explained to us the cultural reason why childbearing at any age was not prevented through family planning:

“ People believe children are God-given and nobody should limit them. They also see children as wealth, and feel honoured when they have many.”

It is worth recalling that church-based groups provide a significant proportion of health services in Turkana, including reproductive health, which in Catholic contexts is limited to timing based on forms of menstrual calendars, to avoid conception.

At community level, the ‘zero uptake’ was clear. A woman living near Lake Turkana who had just lamented the number of local early pregnancies, including those of her own daughters, felt that family planning was irrelevant, when asked how this could address the problem:

“ We have never talked about that [family planning] with our children. That doesn’t happen here. And we don’t want to bring that in because we think it could encourage young people to have sex more.”

And a nineteen-year old mother in the same area explained how she had chosen not to use family planning while in a relationship and still in school, despite having access to it:

“ I got pregnant before finishing my second repeat of Standard 8. I didn’t plan this pregnancy, it happened by accident when I was with my boyfriend. We never used family planning. I knew those options were there but I didn’t want to use them. My boyfriend didn’t want to use family planning either.”

In summary, non-traditional, non-formal child marriage occurs most commonly in:

- **Towns**, especially among **schooled** youth, or youth who have dropped out of school. Customary ways of life and systems of protection tend to be more weak in towns where inter-generational structures have broken down and different ethnicities are mixed.
- **Impoverished communities** where traditional ways of life have broken down and economic security is weak. Repeatedly the research heard how children are less willing to listen to parents who are poor, and how those parents have less hold over their children. This is a general rule but also culturally-specific: if a man has not completed the bride wealth for his wife, his children do not 'belong' to him—and one extension of this is that he has less right to discipline them, and they have less responsibility to listen to him.
- **Communities where schooling is poor or inaccessible:** dropping out and 'idling' in towns, or seeking financial support (for education and other costs) through relationships with men, were both commonly cited as routes to teenage pregnancy for unmarried girls.

6

The Role of Law

Under Kenyan law, child marriage is illegal; it is considered a form of defilement (see Box 1, below). In urban and semi-urban areas the law serves as a potential deterrent. But Turkana is large, and its populations mobile. In non-urban areas, child marriage persists:

“There are areas on the borders and in the insecure areas of the country, like on livestock migratory routes, where child marriage is still widely practised. Those people have their own law.” [Elder, Lodwar]

“Nobody will follow up on a person who is marrying an under 18-year-old girl. It’s cultural, and widely accepted, so no one will report it.” [Nurse, Northern Turkana]

It will take considerable time and consistent awareness-raising before the law can reach many rural places or families who are off-roads or on migratory routes. A dedicated child rights legal agency that recently began work in Turkana, has encountered levels of ignorance of the law that took them quite by surprise—as explained by a young female lawyer from Nairobi who founded the Lodwar office:

“When we came here to implement the Sexual Offences Act we had completely underestimated the low levels of awareness of the law against defilement, or child marriage. Now we think we might be starting at the wrong end, that we should be looking more at prevention through raising awareness.”

Yet the law does have ‘teeth’ when applied. Examples of harshly punished ‘defilers’ make a clear difference to community perceptions—the famous case of *‘Bamba 20’*, an assistant chief jailed for 20 years for marrying a minor, was repeatedly raised. At the same time it was widely stated that many chiefs and other influence-leaders are either directly involved, complicit, or indifferent. Legal actors in Turkana acknowledge this is slowing their ‘campaign’ to bring an end to child marriage. As more community-based paralegals are trained to carry out awareness campaigns, and as these spread and take hold, it is hoped that the legal deterrent to child marriage may grow.

Box 1. Laws against Child Marriage

Kenya Sexual Offences Act, No.3, 2006. Section 8, Defilement:

(1) A person who commits an act which causes penetration with a child is guilty of an offence termed defilement. (2) A person who commits an offence of defilement with a child aged eleven years or less shall upon conviction be sentenced to imprisonment for life. (3) A person who commits an offence of defilement with a child between the age of twelve and fifteen years is liable upon conviction to imprisonment for a term of not less than twenty years. (4) A person who commits an offence of defilement with a child between the age of sixteen and eighteen years is liable upon conviction to imprisonment for a term of not less than fifteen years.

Kenya Marriage Act, 2014. Sections 4 and 87:

Section 4 states that both parties must be over 18 to marry; Section 87 prohibits marriage to a person under 18 years (liable to jail for max 5 years or fine max 1 million shillings or to both).

Kenya Children's Act, 2008. Sections 14 and 15:

Sections 14 and 15 describe protection of children from harmful cultural rites and sexual exploitation.

African Charter on the Rights and Welfare of the Child, 1990. Article 21, Protection against Harmful Social and Cultural Practices, Sub-Section 2:

Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.

7

Costs of Child Marriage

A girl who is married early is denied multiple rights, especially those related to education and sexual and reproductive choice. It also affects her health, economic productivity, and self-esteem.

- **A girl's right to education is often denied by child marriage.** The loss of the right to education tends to be the violation felt most keenly by girls themselves—particularly those whose education was interrupted. Many suffer lifelong regret. Child marriage also correlates directly with reduced future economic security.

“We still split our children into those for school and those for home. When we divide them we might dedicate the first for herding, the second for school, the third for herding, the fourth for school – and so on. With girls you might decide on less going to school. It is partly that you fear a girl dropping out of school, but also because you know you can get a bride wealth from her if you keep her at home and marry her traditionally.” [Elder, Ferguson's Gulf]

“Originally I was in Lodwar, in primary school. Then my mother decided to send me to the rural area and there my father put me in beads [signifying availability for marriage]. But I removed

those beads – even though I was only ten – because I wanted to study. I didn't want to be married! I wanted to study! I also thought that if I studied I could help my family.” [Girl living at church refuge centre, north Turkana]

“I knew I had left a very important part of my life when I left school [to be married], and I've been disturbed ever since. There's something lost in me because I wasn't able to finish my education.” [A woman in Lodwar who was removed from school for a traditional life and marriage]

- **Girls married early are psychologically ill-prepared, denied a childhood and suffer sexual violation (legally 'defilement').** The domestic demands placed on a young wife—especially in polygamous households with hierarchies of wives and their children—can also be extreme.

Parents on the whole are aware that an immature daughter risks being sexually-appropriated and domestically-exploited or even abused in the home of a husband and his family. This conforms with data from beyond Turkana: in Kenya, 36 per cent of women married before age 18 believe that a man is sometimes justified in beating his wife, compared to 20 per cent of married women (UNICEF 2005).

When a marriage occurs earlier than a girl and her family would wish – either under pressure from the groom’s family or because the bride’s family face economic stress – provisions are often made for the welfare of the girl, such as assurances of care from her mother-in-law, or promises that the marriage will not be consummated until the girl is mature. In reality, however, most informants felt that a girl married early would be exposed to risk and abuse regardless of such pre-marital assurances.

- **Sexual and reproductive health typically suffers through child marriage.** Underage girls who marry experience a younger sexual debut, are likely to have (and lose) more children, and will have weaker control over their fertility (family planning) and fertility-related outcomes. Giving birth when physically immature can have serious health consequences, including obstetric fistula, increased risk of HIV/STIs, and increased risks of both infant and maternal mortality. All of this is exacerbated by less access to health care. These consequences were quantified in a briefing paper for this research (Hatakeyama, 2013):

- » Maternal health: Childbirth complications are the leading cause of death for girls age 15 - 19 in developing countries. Girls younger than 15 are five times more likely to die in childbirth than women in their 20s (ICRW 2007). Girls who bear children before their bodies are fully developed are at greater risk of obstetric fistula, a debilitating condition often caused by prolonged or obstructed labour (Population Council 2010).
- » Infant health: Infants born to young mothers are more likely to suffer low birth weight, premature birth, and death (PRB 2011). If a mother is under 18, her baby’s chance of dying in the first year of life is 60: greater than that of a baby born to a mother over 18 (Raj 2010).
- » HIV and AIDS: Child marriage increases girls’ risks of HIV and AIDS and other sexually-transmitted infections (STIs). A study in Kenya and Zambia found that of girls aged 15-19 who are sexually-active, being married increased their chances of having HIV by over 75 per cent (Clark 2004). Existing research suggests that married girls may be more vulnerable to HIV because they are less able to change their sexual behaviour in response to HIV knowledge/risk (ICRW 2007).
- » Reproductive health and rights: Girls married before 18 experience earlier sexual debut, give birth to more children and lose more children (Walker 2012). A multi-country study in South Asia suggests that child marriage adds a layer of vulnerability to women that leads to poor fertility control and fertility-related outcomes, and low maternal health care use (Godha 2013).
- » Mental health and suicide: Research from Africa and Asia finds girls married as minors are at increased risk of depression and suicide, often linked to higher gender-based violence (Raj 2010).

Some informants spoke of the difficulties faced by pregnant girls married under-age. For example, they are at risk of obstructed labour and (where possible) caesarean sections caused by narrow hips not ready for childbirth. Rural health workers spoke of their helplessness when it comes to assisting delivery of mothers who are not physically mature. A nurse in rural northern Turkana estimated that a quarter of all the women she sees in a typical ante-natal class would be under 18, and spoke of the dangers they must face during delivery. At the same time she told how few local women and girls actually attend her facility for delivery, given their preference for home deliveries (but also the under-resourcing of rural health facilities):

“ There are few actual hospital deliveries – we are trying but still the majority are home deliveries done out there, where a girl relies on her mother-in-law and her other relatives. Very few underage mothers come to the facility for delivery. We do know that delivery is very difficult for young mothers. Of those that come here, some come with fistulas, and a lot of other complications.” [Nurse, northern Turkana]

Where child marriage denies a girl the right to attend formal school it reduces her literacy and numeracy, formal skills development and job prospects outside the traditional economy – and often also her grasp of vital life skills related to health, nutrition, sanitation. Furthermore, a non-schooled girl who sees the benefits of education in others often suffers lower psychosocial competence and confidence.

- **Child marriage perpetuates the lower status of women, hindering the development of a community as a whole.** At community level, child marriage reduces the collective social status of women, and promotes gender inequity. It not only under-utilizes the economic potential of women but can also propagate inter-generational cycles of poverty. A grave violation of the rights of children, child marriage is also an issue for entire communities, societies, and nations.

8

Challenge and Resistance

Overall, it is very difficult for most under-age girls in traditional, rural contexts to resist the decision of their parents/relatives to marry them. Key reasons for this include:

- There is enormous social and economic pressure behind a marriage, which unites two families and their clans. Many relatives on both sides stand to gain enormously from it. The economic implications of resisting a planned marriage, especially for an under-age girl, are daunting.
- The arranged marriage of girls (and young women) is a well-established social norm with considerable momentum. In traditional contexts girls themselves may be expecting it, even looking forward to it, and in considering it 'normal' would not expect to be rescued from it.
- The practice of child marriage is often normalized among figures of influence and authority such as administrative chiefs.
- The law against child marriage may exist but it has not reached many rural places or families and will take considerable time to do so. There is also resistance to the law. Even in places where it has reached, the normalization and perceived benefits of child marriage in society means there are many who will protect, hide

and continue practising it according to their own culture and law. Promoting the Sexual Offences Act against cases of child marriage in traditional rural areas is, as the research heard, a risky thing to do:

“ We rescued a girl from child marriage and the parents were taken to court, but the government Children’s Officer was threatened by the family and so he didn’t pursue the case. Without that person’s commitment, because he had been threatened, the case could not go far.” [Female Chief, Turkana]

- Many girls who do or might refuse their marriage fear being beaten or ‘cursed’ – and their mothers too, if they are complicit. For young, vulnerable girls, these fears are very real barriers to resisting marriage plans:

“At my home there are other girls who were married off at the age my father wanted me to marry. No one else refused like me. It is difficult to refuse, even if you are desperate to go to school like I was. Your father and your parents will not accept your refusal, and they may beat you. Most girls fear their parents.” [Girl in church rescue centre, Lodwar]

- Most girls who dare to go against marriage plans made for them would have nowhere and no-one to turn to. A girl who runs away to avoid her marriage may not be able to reconcile with her family. Many are forced to live in the care of the church or of sympathetic relatives while they pursue an education, and reconciliation with a father is most difficult since he is likely to have lost substantially through the missed bride wealth and dented social honour. Girls who ran away from their marriage spoke of being ostracized, and of how choosing school meant leaving not just a marriage but a home and family (see Case Study 4) An elder interviewed during the research explained, from a father's perspective, why cases of girls refusing their marriage plans are so rare:

“ There are girls who run away from child marriage. But in a rural set-up a girl won't run away back to her father, because she'll fear the repercussions. She'll run to a sympathetic relative. It's difficult because many have received bride wealth for her marriage. There are very few of these cases in the rural areas because people are not aware of the law, and even if the girl refuses she cannot really run to anyone.” [Elder at Eluk Toliasi gathering, Lodwar]

- Options for resisting child marriage are not simple, or clear. This is true for girls themselves, and also for agencies either navigating a preventive approach to child marriage or finding themselves on the receiving end of 'runaways.'

“ Girls themselves rarely report child marriages. It might be because levels of awareness are so low. Or, girls are aware that they shouldn't be married so young but they really don't know what to do or where to go. And in fact when such cases are brought to us, agencies are not always sure whose responsibility it is.” [Lawyer, The Cradle]

- In many instances a girl may be returned to the community, family and father she fled from – this deters many from seeking outside help:

“ If a child marriage legal case is raised, a girl is likely to be taken back to the same community while it proceeds, and there she would come under a lot of influence from her family – she usually changes or retracts her complaint in that case.” [Child Protection Officer, UNICEF]

Many of these reasons behind the near-impossibility of girls resisting child marriage hinge on the gap between Turkana customs and way of life, and the efforts of outsiders to adjust and change it. This does not relate just to child marriage campaigns, but to development and outsider interventions much more generally. Many have referenced this by pointing out that the Turkana term *emoit* means both outsider and enemy and makes no distinction between the two. Legal efforts to stop child marriage were interpreted by communities – and even affected girls themselves – as anti-cultural. Again, the legal agency working to implement the Sexual Offences Act in Turkana felt this most keenly:

“Children are under pressure not to co-operate with the law; they might testify that they didn’t marry or that they never had sexual relations with a man. I think they feel that we are the people on the wrong side, that the authorities are against their family who are doing things in the proper way. They feel like we are fighting their culture.” [Lawyer, The Cradle]

There are customary, local means to challenge a child marriage that are theoretically open to a girl herself. Working with available options to give girls more agency in their lives must include accommodating such systems. This is explained by a Turkana elder, speaking at a gathering of male elders near Lodwar:

“If a girl is married and realizes that the set-up of that home is not as she wants, or she is feeling abused there, she can decide to run away. She’ll take off her hide apron, her marriage apron, and put it in a tree on her way to her parents’ house. Then her husband’s family will follow that trail and come and talk with her father. A meeting will be held between both sides to try to sort out the problem. If the girl is adamant and the marriage has to end, then all the people in her family who received bride wealth will have to give those animals back.”

9

Recommendations

Addressing child marriage in Turkana requires more than a legal solution and it requires more than simply remedial efforts. This research has shown that the phenomenon can only be addressed by considering the underlying issues driving it, including vulnerability. It has also shown that understanding of the issue must be broadened beyond simply seeing it as a ‘negative cultural practice’.

Solutions must be found to assimilate the traditional beliefs and wedding practices of the people of Turkana with the human rights of girls. Traditional marriage is not mutually exclusive to the rights of girls. There are many factors driving the practice, but the perceived protection of girls is an important factor fuelling the continuation of child marriage in Turkana.

Many Turkana families cannot trust that state-sponsored education will be good for their daughters. They have little reason to believe their girls will be successful at school, and it is difficult for them to protect them there. In the event a daughter does complete school successfully, without succumbing to negative urban pressures or an early pregnancy, there is no guarantee this will give her access to a secure livelihood. Overall, nothing suggests to them that an educated girl will be more prosperous than one married traditionally—at any age—in exchange for bride wealth and a secure role in society.

Understanding the economic benefits of child marriage is critical to addressing it. Prior to devolution, the Kenyan government and its international partners (including UNICEF) had largely failed to deliver quality education, effective economic safety nets or social welfare systems, or adequate job opportunities and development to the people of Turkana. On most development indicators, Turkana ranks in the lowest percentile in Kenya. Rural families are highly vulnerable to drought and conflict, with limited formal safety nets. Against this backdrop, girls are clearly an economic asset for the dowries they attract, or a solution for families whose livestock has been raided or died in drought.

The evidence is, of course, mixed. As explained by certain informants and case studies here, there are families and girls who have challenged traditional marriage practices and become successful economic and political role models within their society. However, there appear to be more girls who have gone to school but have failed to learn or achieve meaningful employment, entered into informal relationships or been abused by men and became pregnant without economic means or familial support. Frequently, these girls have returned to the family in shame and become a burden on their already meagre resources without prospects of future marriage in

the traditional sense. Others carve out a living in the informal sector in Lodwar or other major centres. They have no safety net, they are perceived to have no future, and are considered lost to the community because they have chosen an 'immoral' life beyond the traditional bonds of community.

For many girls in Turkana, the choice is harsh. They can accept the marriage arranged for them by their families, or reject the family and hope to receive sufficient guidance and support from the institutions of the state, civil society and/or the church to achieve their own empowerment. The sad reality is that girls may choose a life where their family (father, then husband) will make all critical decisions on her behalf—such as marriage, education, work and child rearing—rather than risk isolation in a life without the love and support of their families or communities. These girls are described in Turkana as '*ikoku emoit*'—children of the government; and they are '*amalaat*'—available for any man.

In light of this, recommendations for addressing child marriage can be divided into six key areas:

1. Distinguish traditional marriage from unlawful child marriage

Traditional marriage in Turkana can, and often does, include the consent of the woman and is a process supported by husband, wife and both families involved. It is a celebration and union between two people and two families that does not imply the negation of anyone's rights. Traditional marriage is

widely accepted as an appropriate and important process for men and women to undertake in order to maintain customary ties and social relations between families. It is a respected tradition. Traditional marriage in Turkana must be decoupled from child marriage. In the long-term, Turkana families can and will evolve their traditional rights of passage including marriage and child rearing, but in the meantime steps must be taken to ensure that no child is forced into marital union.

2. Rapidly strengthen civil registration systems

Registering marriages as well as births—to be able to identify accurate ages of girls and boys—will improve data on the prevalence of child marriage and the legal enforcement of the Sexual Offences Act against it. This will reinforce efforts to ensure that children are not married, forced into sexual intercourse or child-bearing before the age of 18.

3. Improve the quality and relevance of the education systems in Turkana, and improve the protection of girls in this system

a) Quality & Relevance – girls who choose (or are chosen) to go to school must have every opportunity to be successful there, and afterwards. There must be improvements in funding, teaching, materials, infrastructure and vocational support. Successful models from other regions of Kenya, such as the WISER school in Muhuru Bay¹⁰ or the Northern Kenya Education Trust for girls in the ASALs, may serve as examples for reflection and adoption in Turkana.

10 Women's Institute of Secondary Education and Research (WISER): <http://www.wisergirls.org/about-wiser/>.

b) Protection – a common perception is that girls are not safe in schools. They are preyed upon by teachers, boys and other figures. Communities are currently not involved in ensuring the welfare of girls in schools and play no role in ensuring that schools are safe spaces. There must be an expansion of the child-friendly school model¹¹ to make certain that schools in Turkana are not exposing girls to danger—including by engaging boys and men directly in this issue. Parents must be involved in safeguarding the integrity of the school grounds and immediately alerted to improper behaviour of staff and students.

c) Community engagement – the education system in Turkana must establish stronger links with Turkana society and culture. Schools must be a natural link between Turkana and the Kenyan state, international cultures and beyond. Schools must not divide students from their culture, but strengthen their sense of belonging to and respect for it.

4. Improve safety nets and protection for rural livelihoods in Turkana

The national and Turkana County governments, agencies, private investors and civil society need to identify and deliver effective economic safety nets for livestock (or livelihood) rehabilitation. The government should engage in dialogue with various stakeholders to identify innovative means of insuring livestock and safeguarding against child marriage following economic shocks.

5. Strengthen women’s leadership and empowerment programmes in Turkana

The continued engagement of women in political, civil and economic spheres will serve to reinforce alternative life choices for Turkana girls. Their growing influence will strengthen belief amongst girls and the community at large that it is possible for women to live respectable and important public lives that serve the family and community equally. This must be strengthened by community dialogue—that includes men and boys—to address the role of women and girls. Their rights and protection, as well as empowerment and opportunities, must be an issue for the community as a whole.

6. Establish a Child Protection Centre for integrated support to vulnerable or married girls

Girls who run away from marriage, drop out of school, become pregnant, work or migrate in search of opportunity often have little or no access to rescue, protection, family planning or support services. A model adopted by the Government of Kenya, the Child Protection Centre, would offer integrated prevention and response services such as refuge and legal aid, psychosocial support, recreation and referral to other services including health care. It would link with support for life skills and education, and would limit the vulnerability of girls in urban areas to further harm and negative coping strategies such as prostitution and crime. Centres are non-residential,

¹¹ Child-Friendly Schools are defined by UNICEF as “inclusive, healthy and protective for all children, effective with children, and involved with families and communities - and children” (Shaeffer, 1999) – more information exists online at http://www.unicef.org/lifeskills/index_7260.html.

but are linked to local safe havens/rescue homes if available for acute cases. There is currently no Child Protection Centre in Turkana.

10

Conclusion

This research was undertaken to gather ideas to be developed alongside the newly devolved Turkana County Government, and its partners, in order to address child marriage in ways that are preventive and curative, as well as culturally-appropriate and effective. Just as there is a broad set of factors driving a continuation of the practice of child marriage in Turkana today, so too there must be a broad set of solutions. These range from rescue and rehabilitation to long-term strengthening of education and protection systems, and true integration of local perspectives and participation.

This research spoke to girls, mothers, elders, teachers, social workers and champions. Their words, and the case studies in the following section,

are the bedrock of this report. While the research was based on strong relationships already in existence, it also built new ones by sharing time and conversations with people. Maintaining meaningful community engagement, and using this to shore up comprehensive understanding, is fundamental. So is time. Some solutions may be more immediate, but addressing child marriage is a long-term, generational issue. Most of all it will require close collaboration between the state and its partners and the Turkana community, to allow girls to choose a life path without risking the love and membership of their family and community. Child rights do not need to be in conflict with traditional culture, and it is community-led solutions to development which will champion them.

Annex 1: Case Studies

(Please Note Real Names Are Not Given)

1. Akai

My name is Akai, and I am about 18 years old. I have one child, who is 4 years old, and I am pregnant with a second child. I live in a rural area, I never went to school, and I was married about five years ago. My in-laws came and talked to my father. They negotiated at my father's place and then I was given as his wife. I didn't know the man. My father had just been raided near Todonyang by Merille raiders [from Ethiopia] and lost all his animals, so when he was approached with an offer of bride wealth for me he could not refuse. The bride wealth would support my other siblings, the rest of the family. I never suspected anything at the time, I thought they were just visitors of my father. When I was told, I knew there was bride wealth coming to my family so I could not refuse. They have finished the payment now. It was 20 goats.

I will take my children to school. They will have a different life to mine. This is because there is a law where if you don't take your child to school you will be punished. I hope that in future they can look after themselves.



2. Mary

It might have been good if my parents had kept me at home until 18 and then married me, as the law says. I would have had a better understanding of what was happening. My mind would have opened up and I would have seen and understood things a bit better—like what was going to happen to me.

My parents had split their children, as all pastoralist parents do, into those who would go to school and those who would stay at home and. So I knew that this would happen to me. My parents did not fear the law, because they had some children in school as the government wanted. Those children who were selected to go to school went on to get jobs like a teacher and a clinical officer. But for me I was chosen to look after the animals and I knew that eventually I would be married for them to receive bride wealth from that.

I was in a pastoralist place near Lokitaung with my family, taking care of the animals. One day the uncle of my husband came, and he spoke to my father. I was not in school but I was about nine years old. I had not yet got my first period.

I remember that visit of my husband's uncle to my father's home. I don't know why they chose me but the families knew each other, I even knew the boy because he was my neighbour. After they had talked my father asked for me and handed me over to my husband. I was taken to my husband's home and I stayed there. I was full of fear at that time, I didn't know what was ahead of me. I was kept in my husband's parents' home until my first period. Then I was given my own hut and I started living with my husband and conceived my first child. Now I have six children, including twins.

This story happens a lot in pastoralist communities like the one I grew up in. It doesn't happen so much in towns because of the law. The law is a bit strict around Lokitaung town, but it doesn't reach my community.



3. Charity

My father and two of my sisters were killed by Pokot, so I was raised by just my mother. A Good Samaritan sponsored my school but with conflict and the lack of jobs I met a man and followed him to Lodwar. We didn't have a wedding but we now have two children. My mother would have liked some animals paid as bride wealth, but this man had nothing. Many people used to have a lot of wealth but are now very poor. There is nothing to give to parents, and parents have nothing to give to you. So you are picked by any man, off the street.

That life of pastoralism is a good one. Sometimes I think it would've been better than the life of school and town. Your parents get animals when you marry, can buy things they need, and have milk and meat to live on.

For me, having been given for free to a man is a problem. It's bad to just go for free. The man should appreciate your value by paying animals to your parents, and he has to show he appreciates your parents. I cannot feel pride when I am not seen as a married woman, or an asset to my parents. Because a woman has lower status and won't be listened to, if she has not had bride wealth paid for her. People are always aware which women have had bride wealth paid for them, even in towns. It doesn't matter how educated you are—if you are not traditionally married you have lower status and you will not be listened to. And people know. Nowadays, a woman in Turkana who has been traditionally married will be listened to. One who has not been traditionally married may even be told to sit down. I need to have my bride wealth paid so that I can have a voice.



It is a curse to not be married, and that curse follows my children too. When you are not formally married, your children are not their father's. They belong to your parents, and anything they receive like sponsorship or bride wealth will also belong to your parents. Their father is different to a father who has paid everything for them, and owns them; he might be there, and he might provide security to them, but they belong to their mother's family because he has not contributed anything for them. He might even be paying their school fees, and he might have had a church wedding—but if he has not married in the traditional way, where he pays animals and slaughters a bull, then his wife and the children are not considered his. According to Turkana, he is a weaker father—so weak. If he can, he might pay everything, to own them, because Turkana people value children and want to own them. And children want to be owned by their father; they know who owns them. My husband will try to pay for my children later.

Many men today in towns are rude. They might be able to pay bride wealth, and know that they should, but they don't. They ignore it. Whereas in the rural context it is a must that a man pays. If he doesn't, the woman's relatives come and push for that payment, or even just take everything, to cover the bride wealth. The problem is if the woman's relatives are not there, or not strong. I hope my father's relatives will push my husband for bride wealth! It will change things for me—after that I will be able to stand firm.

Maybe in some towns, among people who have gone to schools, you will be respected for who you are. But in most places, and even in most towns, your status and your voice comes from people knowing you are traditionally married. We must follow our culture. This is true even in towns. It is a must. People in the interior need to know about rights, especially rights of girls, and about the importance of education—but we also need to know about the culture and its importance.

Look at this woman passing us—you can see she is traditionally married. She is wearing the brass neck ring over her beads. I wonder if I would like that life—it is hard for sure, but it is a good thing to have the marriage completed and to have a wedding where a bull is slaughtered.

4. Veronica

A year ago, when I was about 11, my parents took me from Lodwar to a rural area so that I could put on beads and be married. They wanted me to be given to a man, so I couldn't look like a girl from town—I had to put on traditional clothes and beads and look like a rural girl. My parents would have got something from this man, if I had married him, but I didn't want to.

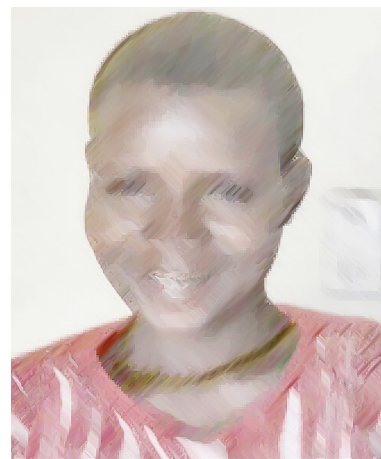
My aunt is a woman from town and knows about education, so she sided with me and agreed that I should go to school. This caused conflict, my parents were not happy. But with my aunt's help I was able to leave, go back to Lodwar with her, and go back to school.

My parents stayed in that rural place when I refused to be married. I don't go to stay with them, I don't even want to talk with them... I am afraid they might still try to take me. And I want to complete school.



5. Cynthia

I was in school and I loved going to school. Then one day, two years ago, my father asked me to marry an old man. I told him no, I can't marry an old man, because I am in school. But when I came back from school that day my father beat me and insisted that I get married. He said to me, *'Cynthia, you don't need to continue with school; only boys need to continue with school.'* My brother told me I should disappear, he told me to be careful because I was still young and if our father got hold of me he would force me to marry the old man. He had seen that the man my father had chosen was a much older man.



The next day my father came home and told me again I would get married. He called the man, who brought animals. I was taken to the old man's home, but I ran away at night. I found a vehicle going to Lodwar and got a lift even though I had no money. I didn't know anyone there but I went into a primary school and asked to see the head teacher. I told him the whole story. He called someone from the Diocese who took me home. We went to the old man, who said my father forced him to marry because he wanted animals. Then we went to the police station, and finally back to Lodwar where I could continue my education.

At home other girls were married at the same age; no one else refused. It's difficult to refuse, even if you are desperate to go to school like I was. Your parents will not accept your refusal, and they may beat you.

My plan is to finish school and then to be a nun. I remember how my father gave me to a man; I want to be a nun because I don't want to associate again with men. And I don't want to marry and have my father say, 'Why did you refuse to marry the man I chose, and now you've chosen another to marry?' I'd rather keep off men, and live my life. If I'm a nun, no man will be able to disturb me.

We should tell girls how important education is. And parents who try to stop their children going to school should be taken to the police to learn the hard way about the importance of education.

