



Exploring rationales of NGO discourse and interventions on *child marriage* in its diverse nature: Case of Child Line Kenya

A Research Paper presented by:

Chantal Umuhoza

(Rwanda)

In partial fulfillment of the requirements for obtaining the degree of

MASTER OF ARTS IN DEVELOPMENT STUDIES

Major:

Social Justice Perspectives (SJP)

Specialization:

Gender

The Hague, the Netherlands December 2014

Members of the examining committee:

Dr Silke Heumann

Dr Wendy Harcourt

Disclaimer:

This document represents part of the author's study programme while at the International Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

Inquiries:

International Institute of Social Studies
P.O. Box 29776
2502 LT The Hague
The Netherlands

t: +31 70 426 0460
e: info@iss.nl
w: www.iss.nl
fb: <http://www.facebook.com/iss.nl>
twitter: [@issnl](https://twitter.com/issnl)

Location:

Kortenaerkade 12
2518 AX The Hague
The Netherlands

“Cultural and historical studies of sexuality offer much in the way of exploring the complexities of sexual practices and their implications, while social studies of science and development offer refreshing insights into the often mundane programs that frequently function as the instruments through which neocolonial, nationalist and identity politics are articulated. We believe that it is necessary to look closely at the actual situated dynamics of these relationships in a way that goes beyond the simplistic notion of a ‘confrontation’ between modern and indigenous values”-Vincanne Adams and Stacy Leigh Pigg 2005

Table of Contents

Disclaimer.....	ii
Acknowledgements.....	vi
List of Figures.....	vii
List of acronyms.....	vii
Abstract.....	viii
Chapter 1: Introduction.....	1
1.1. Research issues.....	1
1.2. Context of research issue.....	3
1.3. Research Objective & Questions.....	5
1.4. Organization of the paper.....	5
Chapter 2: Case study, Research Objective, questions and methodology.....	6
2.1. Introducing case study.....	6
2.2. Methodology, dilemmas. Limitations, ethical considerations and scope.....	8
Chapter 3: Conceptualizing child marriage.....	11
3.1. Introduction.....	11
3.2. Marriage discourse: Exploring different practices, meanings and purposes.....	11
3.3. International Human Rights discourse: Which is the good culture?.....	13
3.4. Young people’s sexuality: Intersecting with concepts of age and gender.....	14
3.5 Interaction among the three streams of discourses.....	15
Chapter 4: CLK’s rationale for its discourse and interventions on child marriage.....	17
4.1. Introduction.....	17
4.2 CLK’s interventions on child marriage.....	17
4.3 CLK’s rationales for discourse on child marriage.....	22
4.4. Conclusion.....	23

Chapter 5: Cases of child marriage: Varying environments of cases and lived experiences of girls..	25
5.1. Introduction	25
5.2. Cases of child marriage and their situations.....	25
5.3 Scenario one: Experiences of girls in marriage in which their parents/relatives played a role.....	30
5.4. Scenario two: Experiences of marriage in which the girl decides	31
5.5 Conclusion	32
Chapter 6: Conclusion	33
6.1 Highlighting heterogeneity of child marriage experiences and re-thinking discourse and interventions.....	33
6.2 Some recommendations	34
REFERENCES.....	36

Acknowledgements

I would like to extend my deepest gratitude to my supervisory team, Silke Heumann and Wendy Harcourt for their support and guidance during this research from the beginning to the end.

I highly recognize and thank Rutgers WPF, ISS's Sexuality Research Initiative and Child Line Kenya for support, guidance and facilitation especially during fieldwork. I thank Liesbeth and Marieke, Martha and Kigen

I would like to thank Sthandiwe Yeni, Irene Nyamu and Laura Santamaria as my discussants for their constructive comments throughout the research process. I highly appreciate many other ISS colleagues who dedicated their time and gave me support and encouragement during this research journey

I thank Nicholas Karugahe Mugabe and Grace Magambo for their endless love and support

My gratitude goes to my only living sister, Grace Uwera, who plays many roles in my life, as my mother, father, friend and more, who has bravely endured my absence and whose love has given me comfort during hard times.

I dedicate this work to my late parents Gratien Rurangwa and Therese Yarara Niwemwana. You are the loss that shall never be replaced but you are also the force that drives me to work harder every day, knowing that it is what you would have wanted me to do. RIP!

List of Figures

Figure 1: SRHR Alliance's theory of change

Figure 1: CLK'S helpline Monitor

Figure 2: Research methodology in summary

Figure 3: Visualizing theoretical framework

Figure 5: Types of cases of child marriage received at CLK

Figure 4: Status of cases of child marriage at CLK

Figure 5: Places of referral for child marriage cases

Figure 6: Type of case in relation to their referrals

Figure 7: Categories of callers at CLK

Figure 8: Age of girls in cases reported as child marriage

Figure 9: Age of girls reported in cases of child marriage in relation to types of cases

Figure 10: Types of cases of child marriage in relation to categories of people reporting

List of acronyms

AIDS	Acquired Immune Deficiency Syndrome
CLK	Child Line Kenya
HIV	Human immunodeficiency Virus
KHS	Kenya Demographic Health Survey
NGO	Non-Governmental Organization
SGBV	Sexual and Gender Based Violence
SRHR	Sexual and Reproductive Health and Rights
UDHR	Universal Declaration of Human Rights
UNFPA	United Nations Population Fund
UNICEF	United Nations International Children's Emergency Fund
CEDAW	Convention on elimination of all forms of Discrimination against Women
CRC	Convention of the Rights of the Child
CLK	Child Line Kenya
HR	Human Rights
IPV	Intimate Partner Violence
DCO	District Child Officer

Abstract

There is global concern about young people who get married or live in unions before reaching the legal minimum age, an issue commonly referred to as ‘child marriage’. Through various interventions, non-Governmental organizations have embarked on the fight against child marriage using different strategies. However, the rationale that informs the discourse and the interventions on child marriage carries problematic assumptions about the issue itself as well as the position and needs of these young people.

Using a case study of Child Line Kenya, a Kenyan NGO, the research on one hand unpacks some of these rationales and their assumptions from an NGO’s perspective. On the other hand it gives voice to the people affected by child marriage drawn from cases of child marriage reported to the NGO, from interviews held with those people as well as the NGO staff.

This research mainly highlights the implication of contested notions on the meanings and purposes of marriage in the Kenyan context, on the objectification and use of Human Rights approaches and the silent aspects of young people’s sexuality in relation to child marriage.

In conclusion, I provide personal reflections and thoughts on alternative ways of thinking and addressing child marriage beyond dominant discourses.

Relevance to development studies

This research seeks to contribute to the body of knowledge that seeks to bridge the gap between development studies and post-colonial studies. By exploring the issue of child marriage, it is inevitable to implicate formalized systems of social organization as legacies of colonization.

This research contributes to the existing literature within ‘gender and development’ and feminist post-colonial standpoint theories and knowledge on issues of identity, sexuality and body politics.

Factors/key words: child marriage, NGO interventions, Human Rights, sexuality, marriage, Kenya.

Chapter 1: Introduction

1.1. Research issues

Marriage is one of the issues in development debates that is contested and regulated in policies and laws in different ways. Young people getting married, something commonly termed as ‘child marriage’ is one of the common aspects of these debates. It is defined differently in different contexts but mainly International and regional conventions on human rights define child marriage as any marriage in which one or both of the parties to a marriage are below 18 years (CEDAW, UDHR).

UNFPA has reported that about 14 million girls are affected by child marriage every year. Sub-Saharan Africa is reported to have the second highest rates of child marriage after south Asia, of about 37% (UNFPA 2013, Nour 2006:1644, UNICEF 2014).

Child marriage is widespread in Kenya as well. According to UNICEF, the percentage of marriage in Kenya by age 15 is 6.2 and by age 18 it is 26.4 (UNICEF2002-2012) and according to the Kenyan Demographic Health Survey, 12% of women between the ages of 15-19 are in a union (KHDS 2008-2009:79). In 2012, Incidences of *child marriage* were very high as 43.3% of females were married as children while 11.6% males were married as children. (Kenyan country Report 2012)

Following such statistics, child marriage is an issue that raises concerns in global development today and in different ways. For example, it is linked to Gender Based violence (CEDAW, UNFPA) and quite recently, to violation of human rights (Merry 2006:40). In developing countries, it also crosses paths with the discussion on achievement of the famous Millennium development goals (MDGs) for instance regarding its link with achieving universal access to primary education (Sherman 2014) and other related goals.

Globally, the overwhelming concern about child marriage is related to its impact on development and thus it’s more linked to ‘macro’ aspects of development (Harcourt 2009:5). In this respect, past related studies on child marriage mainly highlight health and social consequent of child marriage. For example, child marriage has been placed within debates on population control because it is argued that it leads to early debut in reproduction (Bruce and Bongaarts 2009), linked to increased health risks like early birth (Haberland N et.al 2005), increased risks to HIV (Clark S. 2004, ;Clark S, Bruce J, Dude A 2006) and increased risks to marital rape and domestic violence (Erulkar A 201, Nour 2006, Ikamari 2005, padmadas 2014, Wirth M.E etal 2006).

These studies together with international human rights discourses on child protection form the dominant meanings of child marriage. In addressing child marriage, Non-Governmental Organizations (NGOs) adopt in their programs from such dominant definitions and meanings of child marriage. NGOs are increasingly perceived as active agents in development work especially with the decreasing autonomy of states in different aspects as a result of the current global arena setting.

For instance, NGOs commonly use Human Rights based approaches in program interventions. However, one of the challenges of using HR approaches in different contexts is that “...people and groups of people in those societies are unevenly positioned” (Hyndman 1998:242).

In addition, one of contested notions about child marriage in theory and practice is the issue of fixed age as opposed to evolving capacities of people. Child marriage and forced marriage tend to be used synonymously in reports (UNFPA 2013) and there are concerns that global statistics can conflate all child marriages as forced marriages despite the possibility that this might not always be the case especially for some older children and considering that the line between “old” and “young” is never clear in reality (Chantler 2012)

The setting of a legal minimum age for marriage in many state laws as adopted from the Convention on the rights of the Child (CRC) carries the assumption that anyone below 18 years of age is not mature enough to make decisions like consenting to marriage thus translating into the perceptions that all child marriages as

forced. However, consent in general, even for people above the age limit, is never a black and white, rather, it is "...context bound and embedded within power relations rather than an act of pure agency." (Anitha & Gill, 2009; Chantler et al., 2009 in Chantler 2012:177).

In line with the assumption of lack of maturity or agency to make decision is for people below 18 years, is another less popular aspect of child marriage i.e young people's sexuality. Sexual legitimacy varies in different contexts and depends on different values (Miller & Vance 2004:7) but specific to most African contexts, is the sensitivity around the topic young people's sexuality. However, young people, below 18 years of age can make decisions regarding their sexuality and marriage can be one of such a decision. Restricting marriage for people below 18 years therefore, can be seen as a strategy to regulate young people's sexuality as well.

Different communities and people attach different meanings and purposes to marriage and it might not always be for individual needs but for a family or community in general. This is more common in developing countries. However, this might be overlooked in interventions especially those that focus on individual liberty and freedom.

In dominant discourses on child marriage, it is usually attributed to patriarchal systems and societies in which women are less valued. Whereas unequal gender relations can contribute to child marriage, in some developing countries, this might not be the worst form of oppression faced especially when gender inequality intersects with other forms of oppression e.g. class and race i.e. the double jeopardy suffered by women (Kameri-Mbote 2003: 1)

Therefore, experiences of child marriage cannot be homogenized to have similar meanings and cannot be addressed using similar interventions due to its diverse nature. However, there is little attention paid to analyzing the nature of child marriage itself or questioning the rationale behind the dominant discourse and the drawn interventions on child marriage and implications of these in as far as addressing child marriage is concerned.

Child marriage is mainly looked at as a development issue and less from notions of body politics, objectification of culture, sexuality etc. In most post-colonial contexts, the discourses that have shaped the meanings on child marriage in development work are majorly influenced by political, scientific and medical languages and interventions are generally hybrids of different meanings and values that emanate from colonial legacies about what is right and what is wrong.

My interest in this topic begins from personal and professional engagement in development work specifically in working with NGOs in Rwanda on issues about sexual and reproductive health and rights (SRHR) where I started as a peer educator and later as an activist at local and International level. Most of the time during this engagement, I rarely reflected on wider forces that shape meanings and practices around SRHR issues.

At different conferences and workshops on SRHR issues, there are times when I shared a story of about my sister who got pregnant when she was 18 years of age and our family had to arrange for her to get married. I have always been quick to blame Rwandan society in general for holding on to taboos and restrictions on young people's sexuality by not providing information on how to prevent unwanted pregnancies and the stigma around giving birth out of wedlock. But when I look back to the time my sister became pregnant I now realize that getting married was something she actually preferred at the time as opposed to having a child out wedlock. Having been raised by our aunt, she did not have a supporting family to accept and to assist her in raising her child, she would not be able to withstand the stigma and embarrassment from her peers and schoolmates at that particular, and she needed to be with her longtime boyfriend. The minimum age for marriage being 21 years in Rwanda, she could have been 1 girl less from the statistics who is not married below 21 years, but by not getting married she would have had more to lose including her self-esteem.

After sometime, her life story made me see that there can be multiple experiences, meanings, assumptions and perceptions on child marriage issues and different positions for people and how NGOs in development projects addressing issues like child marriage might carry problematic assumptions about people's

experiences and may not consider broader forces that give meanings, norms and values despite different contexts.

This research is inspired by the theory of ‘activism as a discursively produced concept’ (Maxey 1999:201). It asserts that activism cannot be separated from other aspects of people’s lives and thus this research serves as a form of activism to rethink interventions on child marriage beyond dominant notions that might be reinforcing systems of oppression. I unpacks rationales of some discourses that inform NGO interventions and perceptions on child marriage and critically analyzes cases of child marriage and experiences of people *affected* by child marriage in relation to these rationales in post-colonial Kenyan contexts. It seeks to contribute to Feminists’ ground breaking work of deconstructing “dominant discourses and recover the voiceless subjects of these discourses” (Hyndman1998:243) from a feminist postcolonial standpoint.

This research holds that child marriage tends to be addressed as a remedy and out of its context due to wider and dominant discourses that inform its wrong and problematic assumptions.

Empirical evidence for this research is drawn from Child Line Kenya, a local NGO in Kenya working on child marriage. Following my work experience with NGOs in Rwanda I had connections with International NGOs working on issues related to SRHR such as the Dutch based Rutgers WPF, from which I learnt of some of their partner organizations in Kenya like CLK, a country that is reported to have high child marriage rates in East Africa.

The theoretical framework for this research draws from 3 streams of discourses which are also reflected in the analysis of findings described in chapters 4 and 5. These are marriage, international Human rights and young people’s sexuality discourses.

1.2. Context of research issue

Kenya has about 42 different tribes including Nomadic groups each with different practices, values and norms. Some are large while others are very small, the six largest tribes in Kenya are Kikuyu, Luo, Luyia, Kamba, Gusii, and Mijikenda-chiefly Digo.

Regarding marriage customs, in some tribes, they practice initiation, which is the rite of passage from childhood to adulthood in which they are circumcised as a sign of crossing over to maturity. In different tribes, marriage customs differentiate between marriages that are accepted and marriages that are not accepted. For example in the Luo tribe even though they do not practice initiation, they have two main forms of marriages i.e. *Por* and *Meko*. The first is what is commonly known as elopement, in which the “accepted” customs and ceremonies are not followed by the couple, it is when sexual intercourse is performed before the ‘proper’ customs have taken place e.g. giving of bride-wealth. In the second form, *por*, bride-wealth can still be given but it is usually less than if the couple involved their family to negotiate like it happens in *Meko* (Pritchard 1950:133).

For tribes that practice initiation ceremonies to mark the rite of passage from childhood to adulthood which includes circumcision for both males and females, marriage is sanctioned any time after someone has gone through the initiation phase because the initiation ceremonies also insinuate that a person is ready for adulthood roles, including marriage. Apart from circumcision, initiation is also an event in which girls and boys are supposed to get information about adult roles and responsibilities and about their sexualities. (Kameri-Mbote (2000)

More often though, females get married earlier than males. In the Massai tribe for example, one of the reasons for this is that after passage to maturity, males have to be trained as *Morans* i.e. warriors/soldiers which might take some time and thus they are not expected to get married as early as their female age mates. Another reason could be the importance attached to marriage as mainly for procreation, thus requiring females to get married earlier than males. Following one of the purposes of marriage as a means of

strengthening of ties between families, some families can promise their children to each other in marriage even before the children are born or when they are still young i.e. betrothal, and it becomes the duty of adult family members to observe those promises when the children grow up, sometimes even when their parents died before fulfillment of the promise.

In some tribes, parents and relatives may have a role in arranging marriages and choosing marriage partners but in others, they have a less role but only to support the new couple once they decide to get married e.g. in Luo a couple can be in courtship for some time and only inform their parents/ relatives about their decision to get married later and a girl reject a suitor suggested for her to marry or one who is pursuing her (Pritchard 1950:135).

In the customary marriage practices, parents or elder's judge when children are mature enough to get married and girls or boys may as well start courtship before they are 18 years. However, people in such cultures may not perceive it as 'child marriage' as it is widely described in dominant discourses. They are just different from the commonly ascribed or notions of marriage and for different purposes that fit in their contexts and social needs.

Marriage practices and meanings keep on being shaped by different factors and eras like colonialism, globalization, intermarriages and migration etc. However, customary practices still go on this day and the current laws in Kenya on marriage also recognize customary marriages (The marriage Act 2014) which co-exist alongside 'modern' notions of marriage. Sometimes there is no clear cut distinction between practices or what purposes of a marriage and can be a blend of different practices.

In Kenya, the first attempt by the government to look into marriage issue was in 1966 and was in relation to improving the status of women. The government set up a commission on the law of marriage and divorce , however, some suggested amendments like criminalizing wife beating were declined by the then parliament (Kameri-mbote 2000:4). Some NGO workers attribute the debut of debates on child marriage specifically to post-Beijing which well profiled women's rights issues and brought them to the attention of the international community. (Personal conversation with NGO worker in Kenya 22nd August 2014).

Kenya being a signatory of a number of international conventions, laws relating to child marriage have been revised to align with commitments described in these interventions. For example, the Bill of rights under the Kenyan constitution provides for the rights of the children (Bill of rights act 53: 6-7), the 2014 Marriage Act also condemns marriages of people below 18 years of age with no exceptions (The Marriage Act 2014) and terms like 'harmful traditional practices' are explicitly used in policy language. For example, the Children's Act which provides for the right of children stipulates that "No child should be subjected to female circumcision, early marriage or other cultural rites, customs or traditional practices that are likely to negatively affect the child's life, health, social welfare dignity or physical development" (The Children's Act cap. 586).

Today, it at the backdrop of this legal environment which adopts from dominant international framings of what child marriage is and the related assumptions, that the Kenyan government and NGOs design interventions aimed at ensuring that children below 18 years are protected from abuse and violence including child marriage.

In Kenya, policies related to people below 18 years are under the ministry of gender, children services and social development which has established the national council for children's services with a department for children services. In 2011, a framework that coordinates all government and stakeholders in the field of child protection was established and is in charge of defining the roles of each stakeholder. Different International and National NGOs are also part of this framework. The objective of the framework is to define the structure of national child protection system and actors' roles. (Palmer 2011) as stated below:

"The framework goes a long way in assisting the country to have a functional child protection system and is in line with Kenya's commitment to the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child" (Palmer 2011)

However, while this framework aims to coordinate all efforts for child protection in order to avoid interventions that single out child protection issues e.g. child labor (Palmer 2011). However, it still singles out 'child protection' from other young people's issues related to their lives and there is no linkage made e.g. to livelihoods, to sexuality etc.

1.3. Research Objective & Questions

Given the context of a developing and post-colonial context, this research gives an analysis of how CLK understands and handles *child marriage* i.e. from their perspectives and interventions and gives insights into the experiences of child marriage from the perspectives of some girls, their parents, guardians, relatives etc.

The research answers the following questions:

1. What are CLK's perspectives and interventions on child marriage?
2. What assumptions lie behind CLK's interventions?
3. What are experiences of child marriage from the perspectives of some girls, their parents, guardians, relatives

1.4. Organization of the paper

The Research Paper is organized as Follows: In chapter 2, I introduce the case study for this research, research Objective, and question then followed by methodology and techniques for data collection. In chapter 3, I explore three different streams of discourses related to child marriage discourse from NGO interventions perspectives and while articulating the different conceptual, theoretical and analytical frameworks which will also be further reflected on during analysis. In Chapter 4, I analyze CLK's work from the organization's perspective on child marriage to interventions. Chapter 5, I analyze different cases of child marriage and present some life stories of people who have experienced child marriage. Lastly, chapter 6 is the conclusion in which I discuss re-imaginings of child marriage, rethinking interventions then I provide some recommendations, share some personal reflections and suggest some areas for further study.

Chapter 2: Case study, Research Objective, questions and methodology

2.1. Introducing case study

This research was mainly been facilitated by Rutgers WPF¹, a leading agent of the Sexual and Reproductive Health and Rights (SRHR) Alliance² of which the case study for this research is a part of. In Kenya, the alliance was first established in 2010 under the alliances ‘united for body rights’ (UFBR) and later the ‘Access, services and knowledge (ASK) programs which seek to transform gender notions as part of SRHR NGO programs. In Kenya, the alliance brings together 17 organizations³ which had past working relationships with Dutch NGOs. The image below shows the overall theory of change of the alliance.

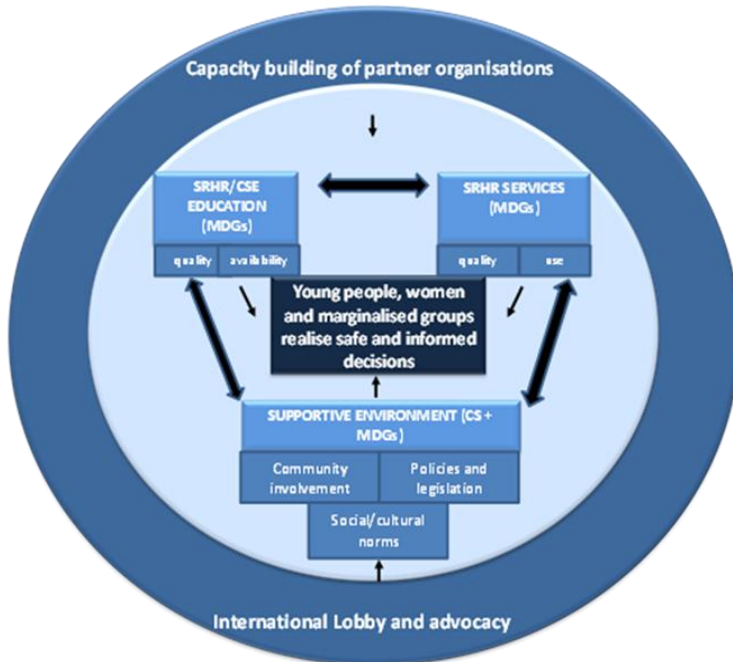


Figure 11 SRHR Alliance’s theory of change (Adopted)

This theory of change which envisions advancing SRHR stipulates that for SRHR should be interlinked with to be achieved, knowledge, services and environment. One of the alliance’s learning agenda’s objectives is to study “successful approaches of mainstreaming Gender and sexual & gender based violence in existing interventions” (SRHR Alliance).

The alliance, like in most development work, recognizes that “a great part of the current SRHR risks – such as sexual & gender based violence and HIV/AIDS infection rates - is directly related to unequal gender relations and the low status of women and marginalized groups including people with an other than heterosexual sexual orientation” and thus embarks on “...mainstreaming the reduction of sexual and gender based violence and attention for sexual diversity/gender identity” as key strategies” (SRHR Alliance).

¹ A Dutch based NGO with extensive expertise in SRHR policies, programs and advocacy.

² At International level, the Alliance consists of 5 NGOs i.e., AMREF flying doctors, CHOICE for Youth and Sexuality, dance4life, Simavi and Rutgers WPF. It works with 52 organizations in Asia and Africa. Kenya is one of the 9 countries in Africa that are under this alliance.

³ SRHR Alliance members in Africa are: Africa Alive (AA), Africa Medical Research Foundation (AMREF), Anglican Development Services (ADS) Nyanza, Centre for the Study of Adolescence (CSA), Clinton Health Access Initiative (CHAI), Child Line Kenya (CLK), Family Health Options Kenya (FHOK), Great Lakes University of Kisumu (GLUK), Kisumu Medical Education Trust (KMET), Maximizing facts on AIDS (MAXFACTA), Nairobi Trust, Network for Adolescence and Youth of Africa (NAYA), National Empowerment Network of People Living with HIV/AIDS in Kenya (NEPHAK), Support Activities in Poverty Eradication and Health (SAIPEH), World Starts With Me Alumni Youth Advocacy Network (WAYAN), Women Fighting AIDS in Kenya (WOFAK) and UNESCO.

The objective of this research is aligned with this learning agenda's objective. By exploring rationales behind discourse and NGO interventions on child marriage and how child marriage is experienced, the research highlights crucial and discreet aspects and areas of child marriage from the Kenyan context.

Child Line Kenya (CLK), the case study fort his research is one of the 17 partner organizations of the alliance in Kenya. It is a local non-governmental organization that founded by three organizations i.e. Plan International, the Kenya Alliance for the advancement of children and SOS Children villages Kenya which has been operating since 2006. I selected CLK because it is s the only organization among the rest that works directly with people *affected* by child marriage.

Its main work is centered on operation of a national child helpline comprised of a toll free telephone line 116 and a web based helpline service in three centers in the country, in which people can call to report any kind of violence and abuse to Children and young people below 18 years of age. From their statistics, 59% of reported cases of abuse are those affecting girls (Child Line Kenya).

CLK handles cases of abuse and violence of 10 categories i.e. child neglect and abandonment, child abduction, child labor, child trafficking, child prostitution, early/forced marriage, emotional abuse, female genital mutilation, physical abuse and sexual abuse. From CLK's reports, in 2012 the 'early/forced marriage' category had the fifth highest reported cases after child neglect and abandonment, physical abuse, sexual abuse and child labor with 302 cases reported in that year. (Child Line Kenya 2012).

CLK provides online counseling, refers cases to different services in their network, and has safe houses where people who need safe temporary shelter can stay until they are able to return to their homes. In addition, the organization has an outreach program in which the ASK program which aims at breaking the silence on child abuse in general and providing SRHR to young people in schools (Child Line Kenya). The organization makes use of Information, Technology and communication systems to provide a medium for reporting of child abuse cases. The helplines are attended by trained counselors 7days/week and 24hrs a day. The image below shows an example of a CLK's monitor at one of their helpline centers indicating calls being attended to, those on queue etc.

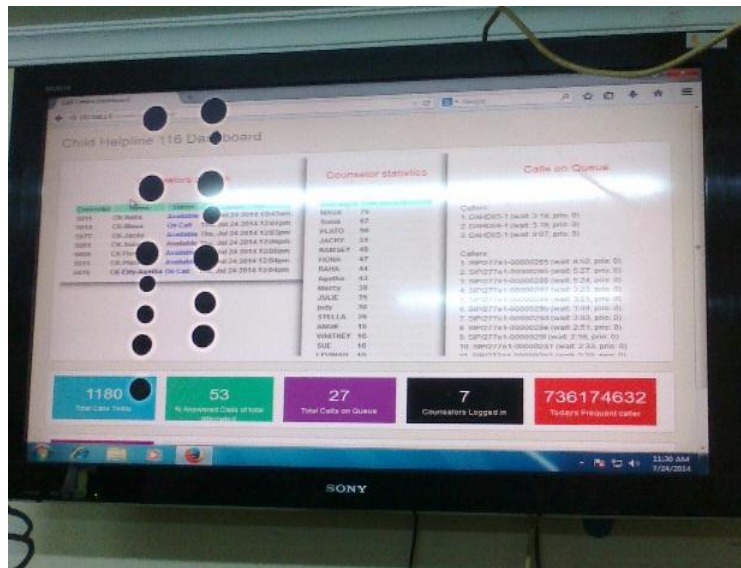


Figure 12: CLK'S helpline Monitor (photo taken 25th July 2014)

2.2. Methodology, dilemmas. Limitations, ethical considerations and scope

Introduction

During data collection and throughout the development of this paper, I found the feminist standpoint theory very useful. “Standpoint methodologies have been perceived as one way that research projects can turn disadvantaged social positions into powerful intellectual and political resources.” (Harding and Nordberg 2005:2013). Specific to this topic, is the feminist post-colonial standpoint. I highlight silent aspects of child marriage main discourse like identity and body politics from a post-colonial point of view

The analysis of cases of child marriage reported at CLK together with voices of the people I interviewed form the backbone of this research. One hand, young people who have been placed in a ‘vulnerable’ social positions and analysis of their cases backed by their own experiences serves to highlight and inform the general discourse. On the other hand, some data analyzed follows the approach of ‘studying up’ which asserts that “By studying up, researchers can identify the conceptual practices of power and how they shape daily social relations. Understanding how our lives are governed not primarily by individuals but more powerfully by institutions, conceptual schemes, and their “texts,” which are seemingly far removed from our everyday lives, is crucial for designing effective projects of social transformation” (Hyndman 1998: 242).

The figure below summarizes the research methodology and techniques used.

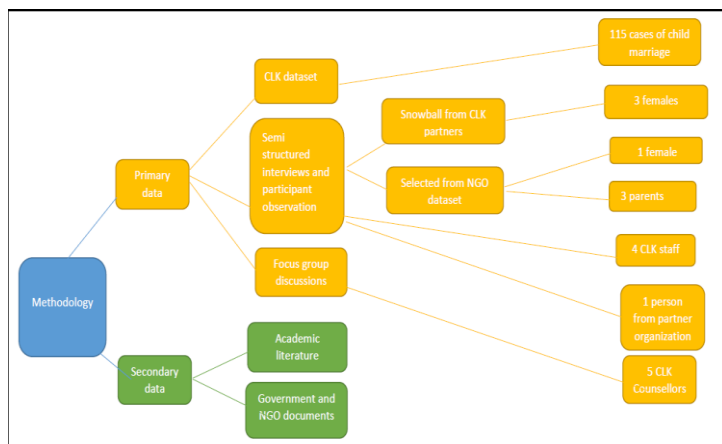


Figure 13: Research methodology in summary

Primary data

Primary data in a research enables to get “custom built” information (O’leary 2010:180). In this research I used mixed approaches i.e. quantitative and qualitative data. A mixed methodology helps ‘capitalize on the best of both traditions and overcome many of their shortcomings; allow for the use of both inductive and deductive reasoning” (O’leary 2010: 128). The question driven perspective of this approach is what made it useful. The intention was to get the most credible data to answer my research questions and not that any of the tradition is better than the other. Therefore, combination of both qualitative and quantitate data helped me to compare findings and to strengthen my arguments.

Primary qualitative data was collected mainly through interviews, focus group discussion and observations while during fieldwork. In total i conducted 12 interviews and 1 focus group discussion (FGD) i.e. 4 with girls/women from different settings and tribes who married when they are below 18 years of age, 3 interviews with parents of girls who got married when they were below 18 years of age, 4 interviews with CLK staff, 1 person from a partner organization of CLK and 1 FGD with 5 CLK counselors. I chose to have a FGD and rather than interviews with the counselors because I wanted to be able to see their

agreements and disagreements on different topics related to child marriage. An FGD enables a researcher to ‘draw out depth of opinion that might not arise from direct questioning’ (O’leary 2010; 196).

For both the interviews and the FGD, I used a semi-structured guiding questionnaire with a few questions to guide the boundaries of the research since a researcher’s job is to ‘talk only enough to facilitate someone else’s ability to answer’ (O’leary 2010:194) with questions divided into two categories. On the side of CLK and one of staff from their partner organization, I asked about their definitions of child marriage, origins of those definitions, causes of child marriage, perceptions of child marriage and their interventions. On the other side, interviews with the girls/women and the parents were largely unstructured because information from them was collected using oral life stories method. I found the use of oral life stories more suitable for this research because “oral history...tells us less about events than about their meaning”, (Portelli in Baker 1995:30). This approach gives a unique way to understand, and analyze relationship between individuals and collective identities, social settings, family issues etc. in a more detailed way, to be able analyse the issue from a wider perspective of their lives, reason why interviews with girls/women and parents were conducted at their homes or near their homes, an arrangement which was advantageous since it made the respondents comfortable and at home. Having interviews at or near their homes was also another way for me to learn more about their lives from within their living environments.

Another source of primary data that informs this research is the information from cases of child marriage reported to CLK’s from January 2013-2014. A dataset of 115 cases of child marriages reported to CLK from January to June 2014 and their case descriptions referred to in this research as ‘case stories’ is used. These cases were selected because the more recent the cases the easier it was to obtain full information of a case and reach the people involved in a case. Three of girls interviewed were reached using snowball method, from a contact of CLK and four (3 parents and 1 girl) were identified from this dataset basing on their availability and willingness to be interviewed.

Secondary data

The advantage of using secondary data in research is that it “minimizes the relationship between the researcher and the researched.” (O’leary 2010: 208). In this way, existing knowledge can be explored and analyzed without having participated in its production. This research thus benefited from secondary data sources like academic literature (books, online articles, published and unpublished), Kenyan Government legal documents and policies, NGO websites, NGO reports and other documents have been reviewed and used to form the body for literature review, for theoretical framework and analytical frameworks.

Data analysis

Information from all interviews and the FGD was recorded and transcribed. Some respondents preferred to speak in Swahili, a local language spoken in Kenya, and given my modest understanding of Swahili, interpretation during interviews and translation afterwards was used when required.

Due to a small dataset and relatively small number of interviews and FGD held, for analysis I used manual qualitative analysis. (QDA). This was done by organizing transcribed work according to the categories of questions asked and under themes. I later used narrative analysis as a strategy. This strategy is more preferred because it helps in ‘story building’ during analysis (O’leary 2010: 270) and builds on or contradicts secondary data used.

Quantitative data is presented graphically using descriptive and inferential statistics. Given a simple dataset used in this research, descriptive analysis helped to “describe the basic features of...in a manageable and intelligent form” On the other hand, inferential statistics allowed me to test relationships between different variables. (O’leary 2010:237-240) for further analysis of the data.

Dilemmas, limitations, ethical consideration and scope of research

One of the dilemmas especially during field work was about deciding and revealing my positionality either to CLK or to respondents. To CLK, I had to avoid taking a higher position to them i.e. to be seen as an “evaluator” from their donors, so I had to make it clear to them that it was an independent research. During interviews with other respondents apart from CLK staff, I introduced myself as a Rwandan but partly

working with CLK for the purpose of the research. Introducing my self as part of a follow up team form CLK gave the respondents confidence and trust to open up about different issues due to different expectations they have from the NGO in meeting their needs and being a non-Kenyan also made them comfortable with me. For some people, it is easier to express themselves freely to a stranger than to one familiar especially regarding personal issues. I just had to make sure i did not make any promises as regards to solving their issues but i informed them it was a research that will enable CLK to adress their needs better in the future.

Another dilemma was about compensation of respondents. Even though respondents willingly decided to be interviewed and did not expect any compensation, I realized that some respondents had to travel long distances to come meet me and in 2 cases the respondents had to put their businesses on hold to come for the interviews. I therefore had to find a way to compensate some respondents and not others depending on the situation. In order to avoid having the compensation affect or bias the information they offered, this was done after completion of the interviews.

Limitations

The only way to contact people involved in a case was to call the phone numbers recorded when each individual case was first reported. Even though this first seemed relatively straight forward since I had a reasonable number of cases of child marriage recorded by CLK in the dataset and a CLK staff was going to make the phone calls as part of routine case follow-up, it turned out to be challenging once the process of contacting people . The number of individuals available for interview was limited because some cases had no contact information, some people were not willing to be involved in follow up of cases for different reasons, some phone numbers were not in use anymore, and some people with contact information had no idea about the case (in situations where a phone had been borrowed to report a case). In addition some cases were reported originating from parts of the country which I was not able to reach due to long distance and insecurities in those areas.

Ethical considerations

One of the researcher's responsibility is to ensure "the rights and well-being of those involved with your study are protected at all times" (O'leary 2010:27).

Therefore, during collection of primary data, ethics regarding seeking permission and involvement of people as respondents were considered. CLK sought permission on my behalf from people who are interviewed in this research. During interviews, I also obtained permission from respondents to reveal or hide their identity (names, location etc) and this has been respected.

Regarding secondary data, I signed an agreement with CLK also related to their child protection policy and the data provided by them has only been used for the purpose of this research and cannot be used beyond in a way that can harm respondents in this research or the NGO.

Scope of study

This research only serves to highlight some of the foundations for present day discourse and interventions on child marriage while giving insights on the diverse nature of the issue. It does not go against efforts to end child marriages and maintains that child marriage can have negative impact on people and society in general, instead it seeks to make explicit some geopolitical forces and knowledge that inform the discourse on child marriage while questioning their intensions and the ability of their approaches to respond to the diverse nature of the issue and highlighting some muted aspects of child marriage.

This paper is not an evaluation of CLK's work but a critical analysis of their principles and approaches to child marriage. In addition, the findings of this research do not provide a general view of child marriage in Kenya, given the use of one case study and a limited number of child marriage cases. It only gives some insight into what constitutes the diverse nature of the situation.

Chapter 3: Conceptualizing child marriage

3.1. Introduction

In this chapter I discuss three streams of discourses in relation to child marriage discourse i.e marriage, International Human Rights and young people' sexuality. These are only some of informants on the discourse on child marriage that I choose mostly because of their relation to NGO interventions on child marriage specifically to the case study for this research. My standpoint on these discourses is partly inspired by María Lugones' theory of modern/colonial Gender system and its use of hierarchical, dichotomous and categorical logic (Lugones 2007). The selection of these three streams is also part of my own engagement in SRHR issues as a development practitioner and activist, thus they reflect my positionality and lens in this research.

Like Bazz asserts, experiences and identities can be given meanings through discourse (Bazz 2005). Therefore, from the Kenyan context described in chapter 1, I explore the debates from these three angles mainly to analyze how child marriage in post-colonial states like Kenya has come to be understood as out of 'modern'.

3.2. Marriage discourse: Exploring different practices, meanings and purposes

Chantler (2012) expresses a concern about research on marriage issue in different contexts by saying that "such research needs to be conducted with due regards to socioeconomic and cultural contexts to ensure that Euro-American norms regarding love and marriage do not overly determine research agendas" (Chantler 2012:181). This is why in this research I let people and their perceptions and experiences determine what marriage means to them and what its purpose is without imposing on them what marriage should be like. By marriage, I refer to any kind of union between two or more people that might be categorized as legal or illegal according to laws, more or less accepted socially, for a long time or temporary and at different ages.

Marriage as an aspect and/or expression of sexuality is "linked to practically every aspect of our lives: to please, power politics and procreation, but also to disease, violence, war, language, social roles, religion etc... marriage and the family (for which read procreation) were (and in many ways still are) viewed as the basis of society" (Tamale 2005:9&18). Linking marriage to procreation and viewing it as basis for society explains why the institution of marriage can be characterized by regulations and inseparable from ideologies of control and social organization.

Today, marriage is practiced and experienced differently and so is choosing of a partner for marriage or the purpose of any union in different parts of the world. "Some parents see the choice of future spouse as primarily a matter for themselves or the wider family, and others would be pleasantly surprised if they were even consulted" (Phillips and Dustin 2004:533). For both males and females, when it's a personal decision to get married, at different ages there are different reasons which might include pressure from family or society to marry, materialistic reasons, respect for parents/relatives wishes, as a survival strategy, as an expected role from one's community, to evade giving birth out of wedlock due to stigma for girls/women who get pregnant when they are not married, for love and companionship etc. like other life choices, there are countless reasons for marriages.

Historically, in Euro-American contexts "between mid-eighteenth century and mid-twentieth century, the social functions and internal dynamics of traditional marriage were transformed. The older system of arranged, patriarchal marriage was replaced by the love-based male breadwinner marriage with its ideal of lifelong monogamy and intimacy". For example, Coontz (2006) asserts that In Europe, dowry giving was a treasured tradition especially among the upper class people till around 18th Century. The love-based

marriage became popular up until 19th century especially in Western Europe and North America but before, there existed a clear distinction between marriage and love (ibid)

The love-based marriage though has been questioned as well, explaining the regulations in the institution of marriage today. From laws to policies, interventions etc. This is because individual liberties in the marriage institution raise questions about social organization and on moralities (Coontz 2006)

Consequently, the institution of marriage and related policies and laws are different in different parts of the world and are largely linked to a context's demographics and macro policies than about individuals. For instance when "The United Nations kicked off twenty-first century with a campaign to raise the age of marriage in Afghanistan, Asia and Africa" (Coontz 2006) This campaign is linked to concerns of population increase. As marriage systems have been transforming, it is those that have not completely adopted the "modern" way that get to be labeled as "harmful traditional practices".

Practices and purposes of marriage have been changing over sometime and largely influenced by globalization and other factors. The 'modern' or love-based form of a marriage advocates for individual decision making for when to get married and to whom. Padilla et al (2007) asserts that just like Gender categories, a love-based form of marriage is also a social construct that is used in social organizing and with effect of globalization, it has transformed human interaction all over the world on issues of gender, intimacy, marriage etc. (Padilla et al 2007). The ideology of having two genders each with its own defined roles fits in perfectly with the modern way of marriage, a system that is currently also more prominent in post-colonial contexts i.e the hierarchical dichotomous system (Lugones 2010)

The notions of 'western' image of what marriage/union is however, may carry gendered notions and conflicting norms and values on sexuality and gender as well. Ingraham has explained the link of a love-based marriage to white wedding notion, and how this normalises heterosexuality (Ingraham 2008), thus showing how love-based marriage has potential to reinforce binary gendered notions which also tend to result in dictation of gender roles that can reproduce gender inequalities.

Introduction of this individualistic, 'modern' and formalised system of marriage as a result of colonialism brought in a new image of marriage in Kenya. Until today, the 4 main marriage systems in Kenya today contain the "English philosophy of life and christian doctrine" (Mucui-Kattambo et al 1995:5), systems which have also reinforced women as subordinates within the family (Kameri-Mbote 2000:4).

Therefore, it is from these historical and political ideologies of social organizing and controlling for the institution of marriage that some forms of marriage get to be labeled as legitimate or illegitimate, child marriage being one of them especially in contexts that have not yet completely adopted the 'modern' individualistic form of marriage.

NGO interventions rarely reflect and compare contexts from which addressing child marriage is done and this inevitably impacts on individuals about how they are positioned by these discourses.

These 'illegitimate' forms of marriage are currently also viewed as violation of human rights. But "as a creature of liberal individualism, the rights agenda tends to serve the interests of the propertied and the powerful" (Holland and Gilles 2001:192). These authors discuss the implication of human rights based approaches in development work in 'survivalist' African contexts in which purposes and meanings of marriage may still mean more to community as a whole.

Further to this, even when child marriage is addressed as a result of unequal gender relations in young girls can be forced into marriages, it is still important to consider that "awareness of the social-historical, political and cultural context of women's lives, and their location at the intersection of several vectors of inequality, is crucial to understanding the relationship between consent and coercion in matters of marriage" (Gill&Anitha 2009:180), one of the reasons why "western feminists have been challenged to recognize that

categories of gender, race, class and sexuality intersect in the creation and maintenance of power relations” (De Jong 2011:2).

Even for some people below 18 years of age, I realize that they can at some times exercise their agency in ‘complex and often contradictory ways as they assess the options that are available to them, weigh the costs and benefits of their actions...’ (Gill&Anitha 2009:181)

3.3. International Human Rights discourse: Which is the good culture?

The human rights discourse has generally been characterized by “intense debates between Universalists and relativists” since the 1990s, regarding application of Human Rights tools (Merry 2006:40). The universality of Human Rights today is affected by the fact that historical concerns of racial equality came before those of gender equality and thus a universalizing approach of the “family of nations” still rules. She argues that the UN is thus operating in a discourse which is “past its prime” (Hyndman 1998:246).

Some concern with the universalistic approach of Human Rights is that there is a risk they can be used as a political tool for stigmatization and political struggles in advancing other political agendas, a position that some authors who have explored issues of forced marriage in UK agree with (Wilson 2007; Gill&Anitha 2009; Fekete 2006; Razack 2004; Chantler 2012) which does not address the situations that give rise to issues like child marriage. In addition, approaching an issue like child marriage using a culturalist argument poses the risk of obscuring other factors that give rise to systems that continue to subordinate women (Razack 2004:129).

Relativists are generally against the “universalizing” of values in different cultural contexts. Mutua (2001) tracing the role of international nongovernmental Human Rights organizations (INGOs) in implementing the “universalizing project” argues that “ Although the founders of the INGOs did not explicitly state their “mission” as a crusade for the globalization of these values, they nevertheless crafted organizational mandates that promoted liberal ideals and norms” (Mutua 2001:153). Whereas I agree with Mutua that Human rights have values and norms originating from the ‘west’ and while I am not discussing whether these values are good or bad regarding the topic of this research, I only seek to explore the implications and applicability of Right based approaches in a certain context i.e Kenya. Like Merry (2006) states, it is not to question whether human rights are good or bad, but rather to explore the impact that they make contextually (Merry 2006:39).

NGOs tend to adopt Human Rights approaches in interventions to address different issues. This is even more common for interventions on issues that have been framed largely as violence and are condemned and criminalized in state laws and at international level. This is because even though “Human rights are Eurocentric in origin and inspiration...at the same time; they are some of the only tools available to struggle for rights of the disenfranchised” (Merry 2006:49).

Whereas international instruments can be important in ensuring protection from violence to people who need it in different contexts, the universalizing effect of these instruments is problematic when applied in different contexts that still uphold different values (Hyndman 1998: 242)

Human rights approaches tend to deal with issues as though they are “...independent phenomenon... and can therefore be fixed by applying appropriate legal and policy measures...” (Ayiera 2010:12). In this way, the international human rights discourse can “simplify a complex problem and propose simple solutions, without problematising fundamental assumptions and ideologies that underpin the approach to sexual violence” (Ayiera 2010:12) thus HR tools can not be used simply and solely as liberating tools.

Apart from the issue of how HR approaches are applied, Tamale also has highlighted how HR themselves are cultural, starting from the notion that we are all cultural beings and HR are not ‘value-free’ but originate from western experiences which are obviously not similar everywhere (Tamale 2008:50-51), but they are used to shape meanings in interest of overall political agendas.

Regarding child marriage, the convention on rights of the child is largely adopted in interventions aiming at ensuring child protection. The CRC provides for different rights of children and also responsibilities of governments and adults to make sure children exercise those rights which includes punitive laws for 'perpetrators'. One can only wonder if "harm and not difference is being sanctioned" (Miller&Vance 2004:7). The dual approach of laws such as those that set the legal minimum age of marriage should ensure "protection from harm and creation of conditions for enjoyment of rights" (ibid 2004:10). In practice, laws might instead punish difference i.e in values

In application of Human Rights approaches to issues like child marriage, the notion of individuality and acting alone goes against collectivity. "In the two cultures in question, rights are embodied in the community, which also lays powerful claims on all its members, including the claim of body ownership. Individuals are thus more likely to seek and realize their rights within the communal space, rather than by standing alone" (Chimaraoke etall 2008), likewise in some communities like in Kenya, realization of rights as stipulated by CRC could be more claimed in community setting than at individual level.

Therefore, it remains up to the NGOs in their program interventions to reflect on all these aspects which might be crucial in designing programs in different contexts.

3.4. Young people's sexuality: Intersecting with concepts of age and gender

Through dominant discourses on young people's sexuality and regulation, moralities can be externally constructed by "Political arrangements, health programs, concepts of biology and reproduction, and nationalisms" (Pigg & Adams 2005). These authors discuss the 'hidden moral trajectory' of interventions of development projects. They argue that "the idea of 'sexuality' as an autonomous ratified realm of human life emerged within the context of the restructuring of production and reproduction under capitalism and through the emergent medicalization of sexual practices" (ibid). Today, it is from such constructions that normal/abnormal, legal and illegal notions of sexuality derive.

Different communities have varying degrees of acceptance of young people's sexuality. "The standards of sexual legitimacy, the organizing principles that members of a culture use for ranking, vary greatly and might include procreation, intimacy, consent, heteronormativity, personal fulfillment, or religious duty" (Miller & Vance 2004:7). Where sexual legitimacy bases mostly on procreation, young age can generally be associated with conceptions of beauty and fertility (Coumans 2013). In such communities, young people's sexuality mostly females can be argued to be accepted and normalized.

One of the implications resulting from the divergence between development studies/work and colonial legacies in post-colonial contexts as highlighted by Bazz (2005) is the less attention paid to the aspect of young people's sexuality in child marriage discourse.

Despite various norms and values in multi-cultural Kenya, sexuality discourses are still largely hybrids of political, scientific and medical languages. There are clear boundaries and distinctions between which sexual relations and identities are legitimate and those that are not, those that are problematic and those that are not. Foucault refers to two types of deployment of sexual relations i.e. by sexuality and by alliance. It is in the first one that sex has become an area of politics, scientists, and experts to create meanings of what is good and bad regarding sexuality as a strategy for social control. The latter one is related to marriage and has also been an area of regulation (Sawicki 1988:182) and has 'connections to hierarchies (Miller & Vance 2004:6). In addition to Foucault's theory of deployment, Gayle Rubin's concept of sexual hierarchy in looking at sexuality in relation to child marriage is also important. The importance of using these analytical tools is that they highlight the definitions, perceptions and experiences related to child marriage that have been labeled 'legitimate' or 'illegitimate'.

Young people’s sexuality raises concerns everywhere and especially among ‘adults’. Age has become a determining category of maturity. Like Gender categories, I find different set minimum age parameters limiting because “...Life is a continuum; only, we, in our stupidity and blindness have chopped it up into little pieces and kept all those little pieces separate” (Maggie Kuhn 1905-1995 in Coumans 2013). Although these are set for easy, “rational order and efficiency” (Scott 1998: 80) they are restrictive and can have negative implications. Thus despite the continuum nature of age, fixed age parameters continue to be used to shape policies and interventions in social justice issues as well.

Even worse, application of legal minimum age in policies tend to have “double standards” when it comes to issues of sexuality and gender due to moral judgments (Coumans 2013:11). Similarly, child marriage can sometimes be synonymous with regulating young girls’ sexuality.

Morals on sexuality are influenced by different powers. “Religion and secular frameworks have played a role in shaping the current international and national laws regarding regulation of sexuality...” (Miller & Vance 2004:9). This is even worse in post-colonial contexts in which religion plays a big role up to today in policies and people’s lives. Young people who are sexually active thus become ‘attached’ in such contexts.

Agency such as “...the ability of an individual to make effective choices and having a degree of free choice; in the sense that the actor could have acted otherwise” (Bourdillon et al. 2010: 134; Giddens 1984) can be possessed by young people as well, and it happens that as an expression of sexuality, young people can also decide to get married.

However, when it’s about people below 18 years of age, it becomes a muted aspect of child marriage discourse and might rarely be considered during interventions and when it is considered, it can be in a sense of “protection” and not accepting. For instance, CRC does not make any linkage to young people’s sexuality and only focuses on their protection.

But “remedies and interventions honed with the innocent in mind often ignore the much larger group of individuals-sexually experienced, knowledgeable, often compromised in terms of harsh judgments of sexual respectability- who deserve human rights protections...advocates unthinking preference for innocence inadvertently confirms and conforms to the power of the sexual hierarchy rather than challenging it” (Miller&Vance 2004:11).

3.5 Interaction among the three streams of discourses

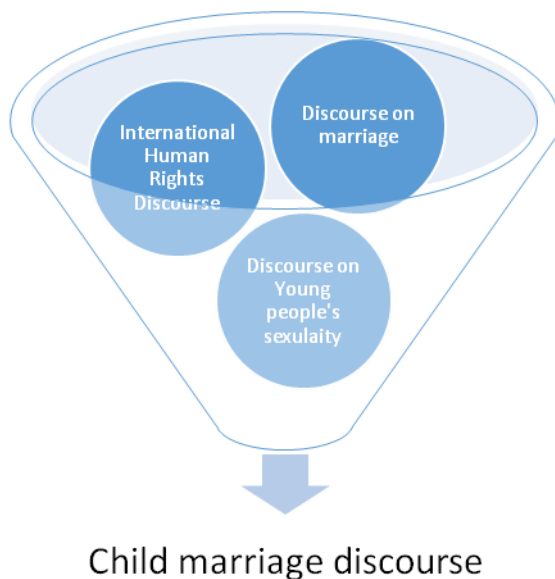


Figure 14: Visualizing theoretical framework

As discussed above, child marriage can be looked at from different angles. From this framework, I see that child marriage discourse as a blend of at least these three streams. International Human Rights discourse inform laws and policies in most post-colonial countries, but also meanings and perceptions. Discourses on institution of marriage and young people's sexuality are not outside of the International Human Rights discourse as they are also part of development discourses but they also inform meanings and perceptions on child marriage in different ways. Interventions on child marriage thus can be originating from the different historical and political ideologies that inform these discourses. These will be further reflected on during analysis.

Chapter 4: CLK's rationale for its discourse and interventions on child marriage

4.1. Introduction

In this Chapter, I analyse CLK's perspective on child marriage by analyzing their discourse and interventions on child marriage through a deconstructive analysis of the organisation's documents and web based information. In addition, an analysis of interventions is also done assess cases of child marriage. Quantitative and qualitative data from 115 cases of child marriage reported to CLK from 2013-June 2014 (all females) and interviews with CLK staff are also analyzed.

From the dataset, information per case recorded includes, status (open, closed, referred), category (abuse), sub category (Early and forced marriage), case priority (critical and non-critical, referral site, counselor's name and identification, source of information of the helpline, caller's name, sex and age (adult/young), phone contact, caller location, age and sex of the child affected, his/her location, information of the child's family and who the 'perpetrator' is. Given that some cases did not have all the information listed above and in relation to the objective and question of this research, information presented and analysed here serves two purposes i.e. to understand CLK's interventions and to study the cases reported and the situations around them, the latter is in chapter 5. An understanding of CLK's interventions portrays its perspective on child marriage.

4.2 CLK's interventions on child marriage

CLK define themselves as an NGO that works in the child protection sector. CLK's vision asserts that "...child abuse and violence against children have no place in our society" (Child Line Kenya). The helpline was started in 2006 as a way to create awareness of children's rights first and foremost. At its establishment, CLK's main objective was to create a "channel through which children's voices can be heard" (Child Line Kenya) and then followed by the Right to be protected from abuse and violence through "provision of services to abused children and those in need of care and protection" (Child Line Kenya). *"Childline Kenya raises awareness on child rights as defined in the United Nations Convention on the Rights of the Child"*⁴

Thus addressing child marriage for CLK is in the sense of these two rights but also seeks to contribute to other rights of children as stipulated in CRC, an understanding that some CLK staff also express. *"We are signatories of international charters and conventions which have set the age of 18. This is because by 18 we expect that the children have completed school"*⁵

CLK's general approach to child marriage here illustrates that it takes it in general as an acceptable behavior, in form of abuse. Its use of HR to address child marriage conforms to Ayiera's (2010) argument of how legal and policy measures are adopted as solutions.

CLK's interventions regarding child marriage stem from 2 main programs i.e. the helpline and the outreach programs. The helplines play the role of providing space for reporting of cases through helpline/call centers, a service which also includes offering online counseling and through web chatting, referring of cases for further help for those that need it, following up cases to monitor that cases got the help they needed and provision of safe environments for people in situations of danger by providing safe houses when necessary. While doing so, they also engage people involved in cases like the girls themselves, parents, relatives or other people in dialogues during follow up and 'rescue missions'. The helplines thus serve 2 purposes i.e. responsive role and preventative role. The outreach programs play the preventative role by raising awareness

⁴ Child Line Kenya website <http://www.childlinekenya.co.ke/>

⁵ Interview with Helpline Children officer , Nairobi 25th July 2014

on child abuse and services available mainly in schools with teachers and students to raise awareness on issues of child abuse and violence⁶. (Child Line Kenya).

To give a clearer picture of CLK’s interventions, below I present the main types of complaints as types of cases received at CLK. From the dataset, most cases have descriptions in form of a short story. From these stories I grouped types of cases into eight categories for easy analysis. I categorized cases as ‘attempt’ for cases in which a caller reported that parents or relatives were trying to coerce a girl into marriage but it had not happened yet, as ‘follow up’ in which a caller was seeking or giving information on a case, as ‘general concern’ for cases in which people called to report that they had witnessed cases of child marriages in their neighborhoods but no specifics on any particular case, as ‘IPV’ (Intimate partner violence⁷) for cases in which a person themselves below 18 years or another person called to report that a girl was in a situation of abuse by their partner, as ‘married off’ in cases where it was reported that a girl had been married off already against her will, as ‘runaways’ for cases in which a girl leaves her parents/guardians/relative’s home against their will to go live with a partner, as ‘other’ for cases reported as child marriage but do not have clear information on the nature of situation and blank category for cases that lacked complete information.

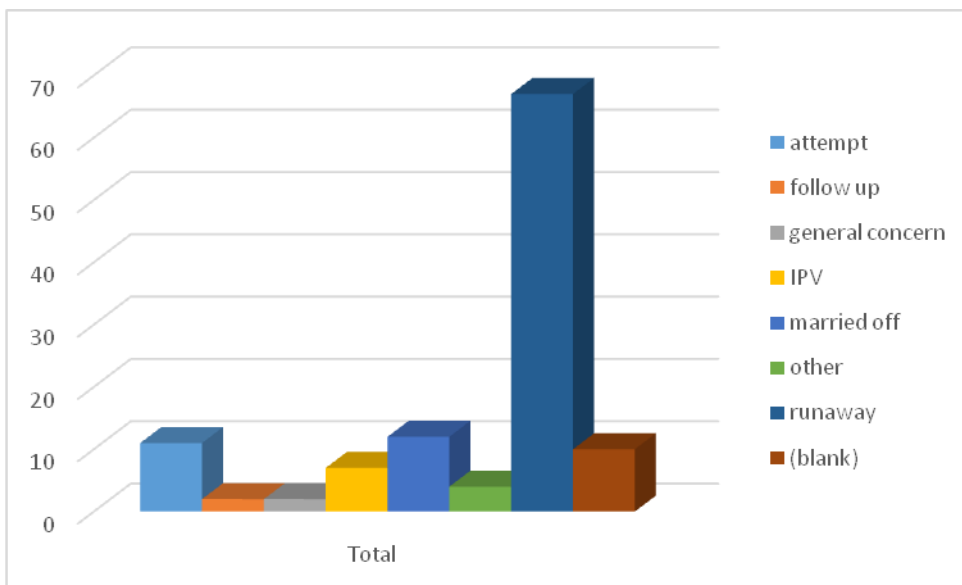


Figure 15: Own construction from CLK 2013-2014 data

From the graph above, most cases reported to the helplines are for situations where girls below 18 years decide to go live with their partners. The following most reported cases are ‘married off’ category, then ‘attempt’ and lastly IPV cases. For CLK, all these cases are grouped under a category called ‘abuse’ and sub category called as ‘early and forced marriage’. This categorisation portrays CLK’s assumptions on child marriage. There is no distinction made between early and not forced, and early and forced marriages.

CLK thus homogenizes all cases into one category. This shows how despite the different nature of cases, CLK might address them in similar approaches. Its discourse thus gives same meaning to different experiences (Bazz 2005)

During interviews, staff expressed different views on whether all early marriages are forced or not but mostly they emphasized that anyone below 18 years are not mature enough and cannot decide by themselves to get married.

⁶ Through a programme called ASK (Access, Skills and Knowledge)

⁷ Intimate partner violence (IPV), otherwise known as *domestic violence*, is a pattern of physical, sexual, and psychological attacks that adults or adolescents use to control their intimate partners

‘Its circumstances that force them...not themselves’⁸

Here, CLK assumes that people below 18 lack agency, which is not always the case. As the graph shows, most girls reported in the cases received at CLK decide to get married.

From the nature of cases described in CLK’s dataset, there are two main scenarios discovered from the case stories i.e. cases in which girls have been ‘coerced’ or are being ‘coerced’ to get married for different reasons against their will and cases in which girls express their agency by deciding by themselves to get married or at least attempt to do so and the later scenario in the most common one in the case of CLK. This confirms to Chantler’s (2012) concern that statistics tend to conflate all such cases as forced marriages.

This conflation is attributed to the assumption that as long as they are below 18 years, they are ‘vulnerable’ and all they need is protection.

For cases in which some kind of ‘coercion’ is used and a girl is not in agreement, CLK becomes crucial space for reporting such cases for them to give help and protection. However in those cases, which are the most reported ones, in which a girl is the leading decision maker, CLK’s services for protection can be the least needed. It shows that some young people can make their own decisions as a form of agency or a sign of resistance of positions in which society has placed them in, as Foucault (Sawicki 1988) according to his analysis of power. This group of young people could have various meanings or values for marriage that contradicts those that are ‘legitimate’ in the Kenyan society.

CLK’s assumptions regarding why young people may act like this are different as elaborated in one interview with a staff

At CLK’s helplines, once a case is reported, a counselor can provide online counseling and reports it as ‘closed’ case when the counseling is given and its deemed enough, as ‘open’ for cases that needs more information and follow up or as ‘referred’ for cases that needs to be referred to relevant partner or authority for further assistance as illustrated in the figure below:

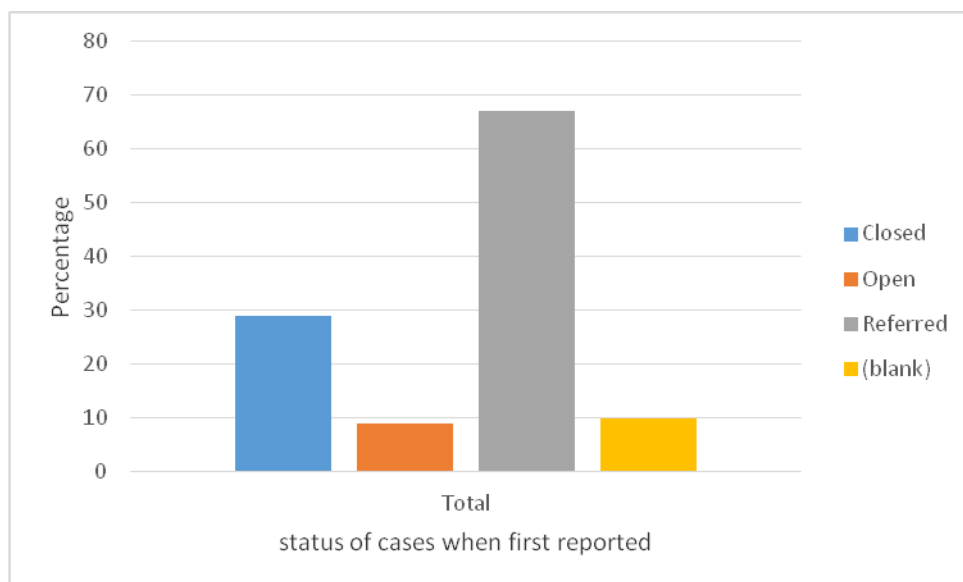


Figure 16: Own construction from CLK 2013-2014 data

More than 60% of cases received at CLK are referred elsewhere for further help/action. This shows that CLK’s main intervention role is receiving cases and referring them for further help. This is in line with CLK’s main objectives i.e. providing a forum for reporting of cases of child abuse and for ensuring

⁸ Interview with Helpline Children officer , Nairobi 25th July 2014

protection. However, since most cases reported are for “runaways” referring the cases elsewhere for help and to get protection from “abuse” brings in the question of the kind of help that these girls in question get in the end. This shows tht CLK’s solution is seen solely as protection from abuse.

The figure below shows places where cases are referred.

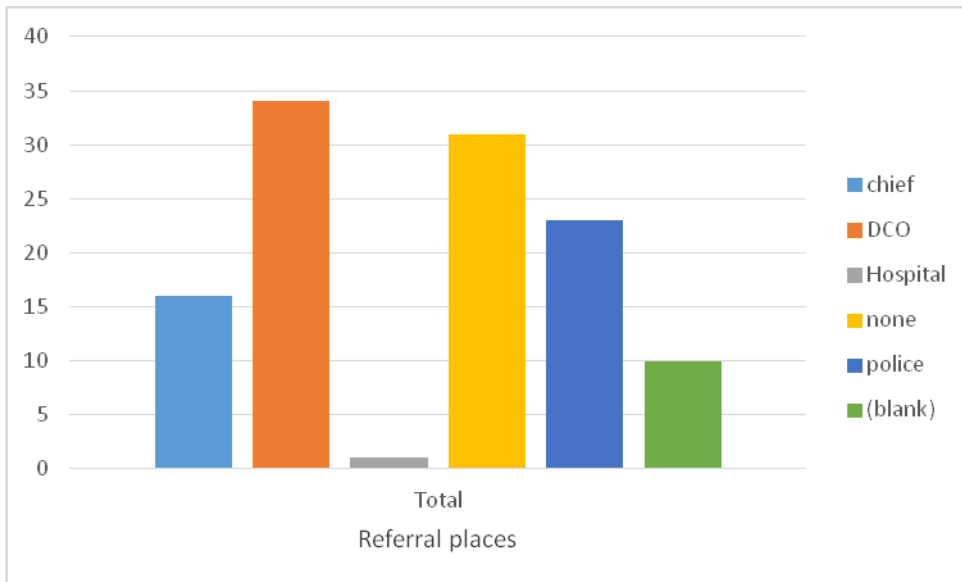


Figure 17: Own construction from CLK 2013-2014 data

Most cases are referred to District Child Officers (DCOs), to Police or to village chiefs, all three of which are government structures. During interviews with CLK staff, they explained further that. *“We refer out cases depending on the nature of the case, how urgent, who is near to help etc”*⁹

Given that most cases reported to CLK are of ‘runaways’ and most of them are referred to mainly government structures which are usually more likely to handle cases according to laws in place, there is limited chance that the context of a case is put into consideration during enforcement of laws. Reporting to government authorities could also be due to the laws obliging reporting of cases. It is an offense when one “celebrates or witnesses a union purporting to be a marriage where that person knows or should know that at least one of the parties to the marriage is below the age of eighteen” (The marriage Act 2014 article 92a).

Ensuring that ‘harm and not difference is sanctioned’ (Miller&Vance 2004) might be the opposite for the ‘runaways’ who might be sanctioned for difference i.e involvement in illegitimate behaviours (marriage before 18)

Referring cases mostly to government authorities however can be helpful for cases in which a girl needs urgent protection from being forced to marry against her will, depending on their situations.

The figure below shows the types of cases reported at CLK in relation to where they are referred.

⁹ Interview with CLK staff, Nairobi 27th July 2014

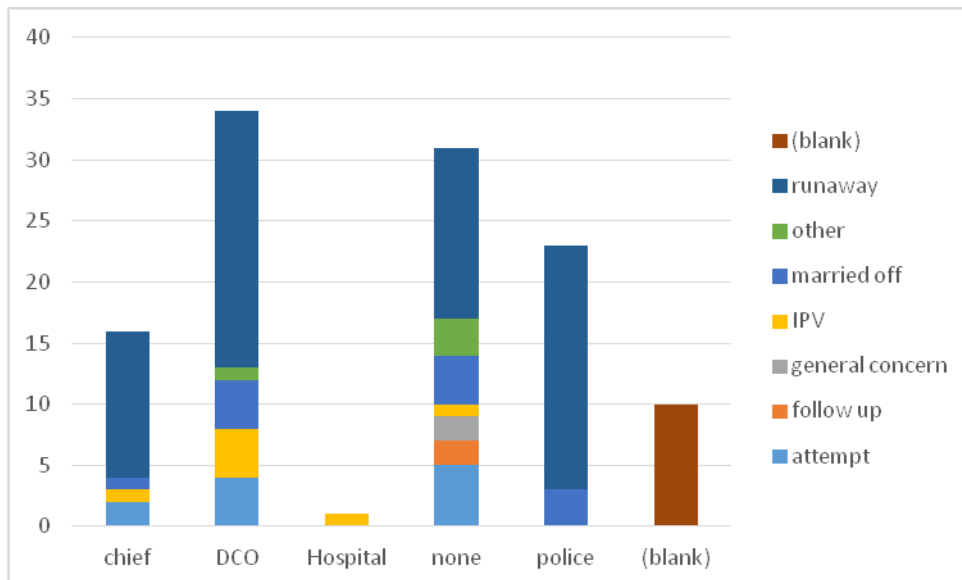


Figure 18: Source: Own construction from 2013-2014 CLK data

Cases in which marriage is reported to be against a girl’s will i.e. “attempt’ and “married off’ categories, are mostly reported to police. It thus shows that police is seen to be the urgent authority to stop or end a forced marriage, which gives immediate protection to the girl in question. IPV cases have been referred to hospital, portraying the nature of violence in cases of IPV reported. This is why the complaint in these cases is not child marriage but more emphasis is on calling for help mostly in cases of physical abuse. However, these are the less reported cases at CLK . “runaway” cases are still referred to DCOs, police and chiefs as well.

The story below is extracted from CLK’s dataset. It illustrates the handling of a typical case of a runaway as reported by a counselor

The caller called the child helpline concerning her daughter Emily Amunga who is 14 years old and in Embakasi girls. Emily eloped with her neighbor by the name Steve Kamau. Joyce has tried calling Steve and he has refused to bring Emily back home. Emily called her mother on 15th Jan 2014 saying she will not come back home and that this boy has said he is going to marry her. I referred Joyce to the DCO but i also requested her to find out where they could be and report to the police station so that they can go take him by force. I requested her to call back to keep us posted.¹⁰

This illustrates the implication of referring “runaway” cases to government authorities. The first action is to stop or remove the girls from where they are married, sometimes by force, with less focus on why she decided to get married because no “legitimate” reasons can be accepted for a girl under 18 to be married.

The scenario in which a girl is being ‘coerced’ into marriage against their own will are the less reported cases but also need to be studied to understand the environments in which this happens, the values and meanings that these girls’ parents/guardians/relatives attach to marriage.

CLK’s principles are not explicit on what form of marriage is recommended but by using a human rights approach, it promotes the idea of individualism in which people are encouraged to ‘exit’ their structures i.e. cultural values and norms on marriage, and make their own decisions regarding choice of partners but only once they are above 18 years.

¹⁰ CLK dataset 2013-2014 case story

In enforcing laws, CLK ignores the implication of different cultural meanings and purposes of marriage. *“It doesn’t matter what a community’s culture says, we go by the country’s law...if the culture is not considering the best interest of the child”*¹¹

CLK does adopt a culturalist approach to addressing child marriage, which tends to ignore other socio-economic and political factors that may give rise to such situations (Razack 2004)

Whereas child marriage intersects with notions of sexuality as discussed above, CLK’s work on child marriage does not recognise this aspect. Sensitisation of negative consequences of early marriage in their outreach programs could impact young people’s sexuality. Since marriage can be an aspect of sexuality, focusing on negative consequences reinforces a protectionist view on young people’s sexuality.

*“Children don’t see the future, they see the present, so that’s why we talk to both children and parents to empower both to educate them about the consequences”*¹²

*“They have no right to decide, so we just give them information about the consequences of getting married early...e.g. risk of becoming single parents at young age when it doesn’t work out, that their parents have not blessed their union, biological/ health issues e.g. fistula”*¹³

In Kenya, like elsewhere, acceptance of young people as sexual beings is still a struggle and it cannot be surprising that condemnation of child marriage originates from such restrictive expressions of sexuality.

CLK considers age as a static category in which once one crosses over the set line, everything else in their lives is assumed to be different. This is against evolving capacities of people i.e. life as a continuum. *“For those above 18 we assume them to be mature, to them I don’t feel sorry for them, because for the under 18 are vulnerable, above 18 they know how to bargain”*¹⁴

In a personal conversation with one staff after an interview, when I asked if they handle cases for child marriage for people above 18, she said *“...once one is 18 we cannot do anything”*-Personal conversation with CLK staff

For situations where parents arrange or try to arrange a partner for their daughter for different reasons, CLK’s dialogue strategy with people involved in cases of child marriage, they assume that an individual can decide to disassociate from getting married, that girls can say no to their parents when faced with such situations.

For cases in which girls decide to get married themselves, CLK like dominant discourse assumes that they are incapable of making decisions, thus that’s why CLK tries to refer “runaways” cases to government authorities, so that they can be stopped. *“CLK tries to see the future for them because the girls at that point they can’t see the future themselves”*¹⁵

4.3 CLK’s rationales for discourse on child marriage

The general approach of CLK’s work on people below 18 years is offering protection from abuse and violence, child marriage inclusive. Consequently, CLK does not have a specific policy on child marriage; rather it operates by a general child protection policy and refers itself to Human rights and convention tools and other national laws relating to the rights of the child. Experiences and needs of girls affected by child marriage are therefore not seen beyond the provisions in these tools. CLK’s child protection policy makes it

¹¹ Interview with Helpline staff, Nairobi 25th July 2014

¹² Interview with Helpline staff, Nairobi 1st August 2014

¹³ Interview with CLK staff, Nairobi 2nd August 2014

¹⁴ Interview with CLK staff, Nairobi 3rd August 2014

¹⁵ Interview with helpline children’s officer, Nairobi 25th July 2014

clear that the protection for children does not discriminate basing on gender, race, religion etc. (Child protection Policy: 2) but there is no further linkage of child marriage discourse in policies to other aspects e.g. to sexuality, gender and only relies on dominant meanings and assumptions of what child marriage is in this legal framework from which they operate, thus children's rights are limited to the CRC definitions.

“Frames are not ideas in themselves but ways of packaging and presenting ideas that generate shared beliefs, motivate collective action and define appropriate strategies of action” (Snow et al 1986, Tarrow 1998 cited in Merry 2006:41). Like Snow et al describes, CLK definitions of child marriage do not originate from context and lived experience in which they operate but from framings of the dominant discourse that defines what child marriage is, which also influences their assumptions and perceptions.

The use of frames can “produce significant change in individual consciousness about an issue or problem or more broadly in a wider domain in a manner similar to religious conversion” (Merry 2006:41). I observed a similar phenomenon among CLK staff where almost all of them consciously carry the same dominant assumptions of what child marriage is.

Therefore, CLK's approach to handling cases can be beneficial for the smaller cases that they receive and even for them, it is only to a certain extent i.e. provision of immediate protection but no step further is done to analyse the contexts and ensure that it doesn't happen again after offering of protection. The lack of services for the most cases received i.e. 'runaways' is problematic and shows the narrow perception on the issue of child marriage by CLK in their interventions. Child protection here is assumed to be a solution to diverse cases that have various backgrounds and contexts but have been homogenised into one group who have same needs and deficiencies. The two scenarios of cases reported at CLK may require different intervention approaches. Cases where girls decide by themselves to get married give insights for the need to look at child marriage beyond the issue itself but also its environment (Gill&Anitha 2009).

Having shown how problematic dominant assumptions on child marriage can be, the implication of CLK adopting from them to make their 'own' discourse, interventions and implementation is that child marriage is given a wrong image in totality which is narrow. They rebuild on the 'modern' form of marriage despite contradicting contexts and risk suppressing young people's sexuality or other aspects of marriage for the cases mostly reported to them.

4.4. Conclusion

CLK plays a central role of providing space where possible cases of abuse to people below 18 are reported. Its interventions are no different from its discourse and rationale on the issue of child marriage. It is “...more common for people to adopt human rights frameworks pragmatically and strategically than though conversion” (Merry 2006:44). CLK has adopted a pragmatic approach to the application of early and forced marriage in their interventions. There is compliance to set international norms and “focus on individual injury and cultural oppression rather than structural violence” (Merry 2006:48).

Almost 70% of cases reported at CLK are those in which a girl for different reasons decides to live with a partner and more than 60% of these cases, once reported, are referred mainly to DCOs, police or village chiefs who are expected to help “rescue” these girls and educate them about the dangers of getting married when they are below 18 years. Whereas offering of protection and giving information to these girls and/or their caretakers might be useful in some cases, most cases may need something completely different. For example, in some cases that are recorded as “early and forced marriage”, the actual story is reporting of IPV issues who might need marital counseling like other married couples or other ways of survival and not necessarily prosecuting their partners.

Addressing child marriage from child protection perspectives obscures the fundamental causes of child marriage and leaves little room for considering the contexts from which child marriage takes place and thus the various needs of people who are involved in situations of child marriages, as observed in implementation

of their interventions. Consequently, there is limited acceptance of young people's agency and possible enjoyment of their sexuality in a safe environment or attention to other factors that lead to girls deciding to get married when they are in stages in which marriage can affect their lives. In the next chapter I explore young people's perspectives regarding issues of child marriage and analyse how they define themselves from their lived experiences.

The above analysis of how reported cases of child marriage are referred, where they are referred and how they can be handled once referred is an example of how right from the assumptions behind an issue i.e. child marriage, it is not only in discourse but also portrayed in interventions and implementation. Child protection here is assumed to be the solution to a group of cases that have various backgrounds and contexts but have been homogenised into one group who have the same needs and deficiencies

Chapter 5: Cases of child marriage: Varying environments of cases and lived experiences of girls

5.1. Introduction

This chapter presents an analysis of girls’ narratives as extracted from interviews and life stories. I will present and analyse their experiences on issues of marriage and identity in the environments where they are situated. Data explored and analysed in this chapter is from the life stories of three women, who got married when they were below 18 years. The life stories are divided into two scenario categories i.e. experiences in which the girl played the main deciding role and others in which the girl was less involved in the decision to get married. In addition, information from interviews with three parents whose daughters married while below 18 years is also explored.

But first, to provide a clear understanding of situations surrounding cases of child marriage I analyse types of child marriage cases reported to CLK in relation to other aspects i.e. who reports the cases, the age of girls reported to be affected by child marriage, relationship between the age of the girls and type of case reported about them/by them and type of case in relation to whom.

5.2. Cases of child marriage and their situations

CLK’s helplines are free of charge, thus anyone who knows about the helpline can call and report cases of child marriage. The graph below shows different people that report cases of child marriage to CLK.

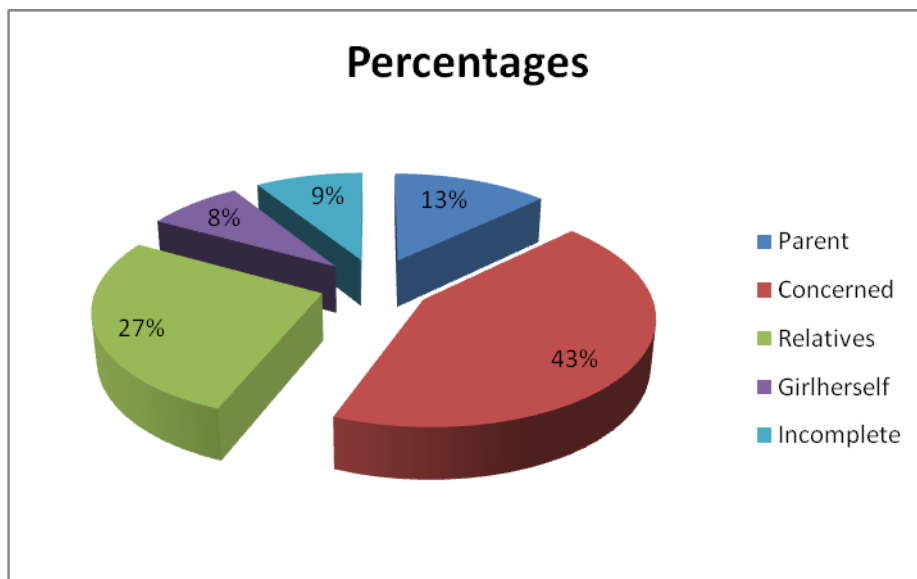


Figure 19: Categories of callers at CLK

From the case stories, i grouped categories of people that report cases of child marriage as parents, relatives, girl herself or concerned. The category of ‘blank’ is for cases in which there is lack of information on who reported. The last category includes people like teachers, neighbours, pastors, friends, passersby and other people who could be related to the girl being reported but do not want to disclose their relationship. The pie chart shows that most cases (43%) are reported by this group labeled ‘concerned’.

The motives behind why people report cases vary, in some stories the individual reporting the case clearly expressed concern about the girl in question. Some of the motives besides concern for the girl included seeking financial help like child support;

Grace from Kibera called the helpline to report the case of her daughter who is married but most of the times the girl is sent back to her. She said the girl is 17yrs, was in form one secondary before dropping out. She said she reported the case to Kibera District officer and the girl said she wants to be married. She asked if it was right to her to be paid back the school fees she used for the girl at school. The client is told that it is her right to be educated by her¹⁶

During an interview I had with Grace, she explained why she called the helpline:

“After her disappearance and her getting a baby and being chased from her husband’s home I decided to call you people because I needed help in raising her and her baby and her husbands’ people were not supporting us, we needed child maintenance”¹⁷

Another reason might be due to government instructions (Interview with Helpline staff) to report child marriage cases e.g. by teachers when girls drop out of school. This could be due to the fact that The Marriage Act states that it is an offense when one “celebrates or witnesses a union purporting to be a marriage where that person knows or should know that a) at least one of the parties to the marriage is below the age of eighteen, b) a notice of intension to marry where required has not been given...” (The marriage Act 2014:66).

There are also desperate situations in which girls might find themselves;

Veronica called to report that her husband Evans had kicked her out and she slept in the streets. She is sixteen yet she is 3months pregnant. She cannot contact any of her family members because they do not know where she has been and she has blacklisted them. She met Evans her husband in town as she was on her way to her sister's place and she decided to go with Evans though she had never met him before. She lied to her sister that she was at a friend's place. Now that she has nowhere to go she wanted a solution though she still wants to get back with Evans. I told her she can either go back to her home in Nakuru, her sister's place or back to the home of Evan’s parents¹⁸.

The reasons why different people report illustrates how people expect different forms of ‘protection’ or help from CLK and it gives insights into how the issue of child marriage can be situated in complex social economic factors, that provision of protection to the girl might be the least urgent need for either the girl herself or other people related to her, again, highlighting the gaps in CLK’s interventions.

The figure below shows the age of girls for cases reported at CLK.

¹⁶ CLK dataset 2013-2014 case story

¹⁷ Interview with Parent, Kibera, 1st August 2014

¹⁸ CLK dataset 2013-2014 case story

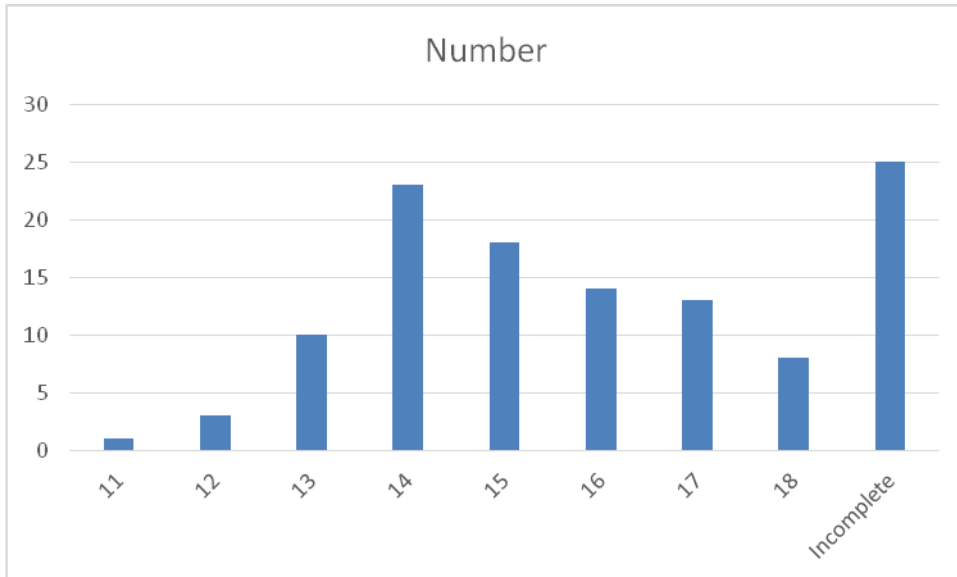


Figure 20: Age of girls in cases reported as child marriage

Most of the cases were for girls at 14 years then 15, 16, 17 and lastly at 18 years. The ‘incomplete category’ category is for cases that lacked complete information and those in which age of the girl wasn’t specified but estimated to be below 18. Just like for other age groups who are reported by people who do not know the girl well enough, most of them could simply be estimated ages provided by the people reporting. ‘older’ young people being the main cases illustrates various needs.

The graph below reflects the relationship between the age of the girls and the type of case.

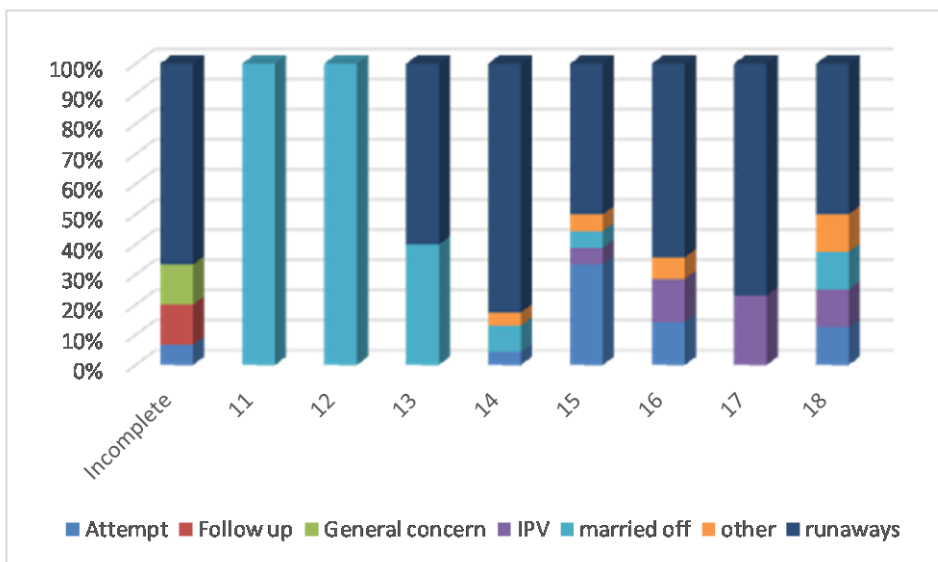


Figure 21: Age of girls reported in cases of child marriage in relation to types of cases

The complaint of ‘runaways’ are among the biggest number of cases reported for girls between 14-18 years old. Cases where girls are reported to be forced by their parents/ relatives are more common for younger girls i.e. between 11-13, thus showing that it is usually ‘older’ young people that express their agency in deciding about marriage and it usually ‘younger’ ones who are faced by situations of ‘coercion’ from their caretakers for different reasons.

Cases in which violence i.e. IPV, is observed are usually among 'older' girls i.e. 16 to 18, suggesting possibility that they were already in relationships knowingly as 'minors' but only reported the case when they were abused by their partners.

Recognizing these diverse situations in responding to child marriage is crucial to tailor the kind of services or help that these different young people may need and from their different contexts.

Empowerment for girls to make own decisions risk to remain abstract if enabling environment to exercise their empowerment is not available. To me, being empowered would mean knowing that they can be protected but being able to not be punished for when they choose otherwise.

The graph below shows relationship between type of case and the caller

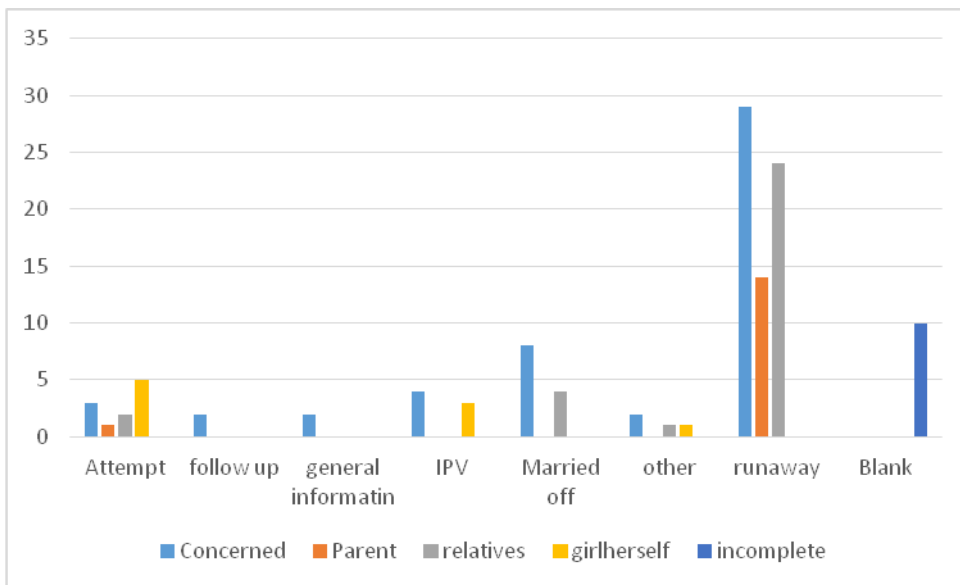


Figure 22: Types of cases f child marriage in relation to categories of people reporting

From the graph, it can be noted that cases of runaways are mostly reported to CLK by people labeled as ‘concerned’ since they are either not related to that person or do not want to say what their relationship is, followed by relatives then parents.

In cases where a girl herself reported the case, it was either because it is an IPV case or when there is an ongoing pressure from parents or relatives to get her married against her will.

Therefore, ‘runway’ cases cause concern among other people who find it wrong that they chose to live with partners and thus seek help to stop them. Girls themselves are more likely to report when they are in abusive relationships or when their parents/relatives are coercing them to get married against their will. In either situations, protection could be a remedy and not a permanent solution to their situations.

One of the reasons why less cases of actual ‘forced’ marriages are reported is the fear of being ‘culturally insensitive’ by people aware of it for cases where its linked to ‘cultural practices’. *“People don’t want to report for fear of repercussions for those involved. Some are not scared and can even testify with police but others don’t want to be involved after reporting, which is a challenge”*¹⁹

This can explain why it is easier to report cases of ‘runaways’ when its situations where parents/guardians or relatives are not happy with it, but for cases where a girl is actually coerced into marriage they are less reported because parents/guardians or relatives are involved and those against it do not want to create conflict within the family. It becomes easier to report ‘runway’ cases and responding to them because of shared notions on legitimate marriages and suppressed acceptance of young people’s agency and sexuality from dominant discourses persisting in post-colonial Kenya.

Nonetheless, there are still reasons why family members find it useful that a girl gets married and these have to be understood and not only judged.

¹⁹ Focus Ground discussion with CLK counselors, Nairobi 26th July 2014

5.3 Scenario one: Experiences of girls in marriage in which their parents/relatives played a role

The experience relating to marriage varies from person to person. Here I present and analyse lived experiences of 2 women i.e. Elizabeth and Agnes. Information here is extracted from life stories that I compiled from interviews I had with them while I was in Kenya. The parents/relatives of Elizabeth now 28 years and Agnes now 34 years arranged their marriages. Agnes was 16 years old and Elizabeth was 15 years old when they got married, they both live in Eastern Kenya in a place called Kitengela in Massailand, a place that can be said to be a 'rural' setting.

In their experiences, it was their parents/relatives who judged their maturity level and arranged for them to get married. For Agnes she says; *"I was told casually that I was to get married"*

At the time of marriage both of them were not going to school because their parents/relatives could not afford school fees.

Both their partners were chosen by their parents/relatives from families they knew.

*"What I know is that my father was friends to my husband's father hence the reason he married me off to my husband. They talked but I do not know what they talked about"*²⁰

*"I don't know why they chose that family but the people who chose knew his family very well"*²¹

There are different reasons why parents/relatives of some girls want them to get married. Whereas Agnes is from a tribe that practices initiation for young people from childhood to adulthood in which marriage is usually the step that follows after initiation especially for girls, Elizabeth on the other hand is from a tribe that does not have similar practice.

*. "In our culture the girl can decide when to get married but in my case it was because I did not have anyone to take care of me"*²²

From their cases, marriage was a source of income for their parents/relatives who also wanted them to find other ways of surviving. Their experience of marriage is more related to their livelihood than their sexuality. Marriage in their case is also a way to strengthen bonds between families that know each other.

Whereas both Agnes and Elizabeth did not have much say in deciding when to get married or in choosing a partner, they did not contest it because it was the norm in their contexts within which they are expected to respect their parents/relatives choices for them.

*"I had no choice, you were told so and so got married and have not left her husband so you too go and stay in that marriage, do not shame us"*²³

When I talked to these two women, they both repeatedly expressed discontent about the partners they ended up with because they were either not old enough or not rich enough. They barely concealed discontent about the fact that their parents arranged for them to get married or about them being "too young" were still 'young' for marriage, instead they relied on their parents/relatives to find them 'better' partners.

"If you get married to a man who is older than you can live better than getting married to someone who is not mature"-²⁴

²⁰ Interview with Elizabeth

²¹ Interview with Agnes

²² Interview with Elizabeth

²³ Interview with Agnes

²⁴ Interview with Elizabeth

“I was happy with him before he died...i did not know him before we got married so when I was taken to his home I was surprised because he was not working and was still staying at his parents. I wished I had gotten someone who at least had a job and a house...it would have been better because we would have brought up our children together”²⁵

Another reason why they stayed married to the partners chosen for them, is the choices they had along their lives. Choosing to ‘exit’ is out of the question for them. *“Yes sometimes there are things that can make you want to leave but where do I go? So I have to stay, if I had a place to go I would go”²⁶*

Reflecting on CLK’s interventions on child marriage, one of them is to raise awareness about the dangers of child marriage and encouraging girls to speak out against child marriage. This is to be done by disassociating from family and culture and the ways of life in which they have grown up and to refuse to get married. For Elizabeth and Agnes, this would have been a hard choice given what was and still is available to them in their lives.

Reporting such cases of child marriage is also less likely, because the parents/relatives are involved and the girl herself may also consider it as a survival strategy. If such a case is ever reported and then referred to a village chief for example, the chief might himself be part of a culture that does not see marriage for the girl as a problem and might not go against it. However, if reported to the police, Elizabeth and Agnes’ husbands and parents/relatives can be charged as ‘perpetrators’ of forced marriage and would risk going to prison.

From the above lived experiences of Agnes and Elizabeth, marriage was experienced as an expected role and they performed it, valuing respecting their parents/relatives suggestions for them to get married. It was not their personal decision. More than 10 years after they got married, Elizabeth is still married to the same man and Agnes’ husband passed away but they were still together before he died.

Their experiences can easily be misinterpreted as ‘harmful traditional’ practices from CLK’s point of view and the dominant discourse on child marriage. However, consent in relation to marriage is not a black and white decision, it is a continuum, along which people value their options and choose what they value most or what is beneficial to them. Even though Elizabeth and Agnes live in ‘poor’ conditions today, it is difficult to attribute it to them having gotten married ‘early’. It is also possible that their lives improved because of their marriages at the ages in which they got married.

Thus NGO interventions in this case cannot succeed if they do not take into consideration the importance that people in a context attach to cultural belonging, to different meanings and purposes that marriage serves like essential livelihood needs.

5.4. Scenario two: Experiences of marriage in which the girl decides

As presented in chapter 4, CLK mostly receives calls in which girls ‘runaway’ to go live with their boyfriends/partners. The case analyzed here is one of such a girl who I met when I was in Kenya. Her name is Tabitha and she lives with her partner and their child. They live in an ‘urban’ setting in the same neighborhood as Tabitha’s mother who I also interviewed.

At 17 years, Tabitha decided to drop out of school and started living with her boyfriend who is his twenties who she had also dated for some time. *“We were friends and I had known him for some time... I liked him”* she said

Like most “runaway’ cases of marriage, Tabitha also experienced resistance against her decision. Her mother reported them to police and they were arrested and put in custody for some time. *“We stayed for a week and when we were released my husband was asked to go back to his home but he did not go and we continued living together even after that”*. She said

²⁵ Interview with Agnes

²⁶ Interview with Elizabeth

Her experience contradicts assumptions relating to childhood in which age is treated as a fixed category to simplify social organisation and assumption of inability to make decisions below a fixed age. For her, she expressed to me that she knew what she was doing and why. *“Yes I was ready, I just wanted to be with him”*

People’s behaviours can be shaped or expressed as a mixture of their personalities but also by the environment around them. In which people can conform to the environment or contest it. When I asked her why she got married knowing that there was a law that forbid marriage below 18 years, she said that *“I was just left with a few days to turn 18”*

Tabitha’s mother has now blessed their marriage and at the time of the interview, I observed that there were no tension between them, and her mother was happy to have a grandson. *“I do not have any issue with them as long as they act as grown-ups, their marriage will work”* explains Tabitha’s mother

Tabitha’s experience also contradicts the assumption that young girls decide to get married due to ‘poor’ conditions they live in. Tabitha’s decision to get married was not due to what she lacked at home. *“My daughter comes here every day to take some food to eat. It won’t get to the evening before she comes over and the boy works a few meters from here as a houseboy”*-says Tabitha’s mother.

Like Tabitha’s mother, in interviews with other two parents whose daughters decided to get married before they were 18years, she was not supportive of her daughter’s decision at first and preferred that she stays in school. Education is perceived to be a solution and also as a way for them to not get married. Their daughter’s sexuality and ability to make decisions are not easily accepted and recognized.

For CLK, this is a case of ‘early and forced marriage’ and provision of ‘protection’ and involvement of authorities to stop such a marriage is their first response. However, in Tabitha’s case and in other similar cases, ‘protection’ might only make things worse for these girls.

5.5 Conclusion

In this chapter, I have shown how most cases reported to CLK are reported by other people labeled here as ‘concerned’ parties and shown the different concerns that are not always for the girl in question but can also be due to other reasons like need for financial help. Cases of ‘runaways’ usually involve ‘older’ young people and those in which a girl is forced to marry involve ‘younger’ girls. Girls themselves report cases in which they are indeed affected by pressure from family to get married and in situations of abuse by their partners. Furthermore, lived experiences of Elizabeth, Agnes and Tabitha shed more light on how marriage can be experienced differently, for different reasons. In this chapter, a reflection of CLK’s interventions on child marriage further shows gaps and incomplete consideration of the diverse situations for people in marriages framed as ‘early and forced’.

Chapter 6: Conclusion

The objective of this study was to analyse how issues of *child marriage* are addressed by Child Line Kenya i.e. perspective on child marriage and implication of this. This research has given insights into the complex nature of the issue of child marriage in a post-colonial context and highlights the implication of adopting dominant framings of child marriage and applying a singular approach in interventions. In this final chapter I end by emphasizing re-imagining of child marriage in discourse, re-thinking interventions by providing some thoughts and areas for further research.

6.1 Highlighting heterogeneity of child marriage experiences and re-thinking discourse and interventions

Child marriage is generally imagined in relation to its consequences like health related risks, economic costs and impact on human capital i.e. its impact on development. It is mainly attributed to patriarchal 'harmful traditional practices' and the people affected by child marriage are generally portrayed as 'vulnerable' innocent children that need protection from 'perpetrators'. In Kenya, it is addressed mainly and solely from protectionist perspective using Human rights instruments in relation to protection of children. The implication is that interventions miss out on actual and wider forces that reproduce structures and systems that maintain it.

Cases of child marriage analyzed in this study contest some dominant notions and highlight the different contradicting situations in which these people are situated.

Girls, family members and communities' experiences of child marriage are diverse and show how child marriage cannot be addressed with a single approach and out of its socio-economic and political context.

Just as the 'modern' form of marriage has not always existed in 'western' contexts, meanings and purposes of marriage are also transforming in post-colonial contexts by external forces. However, these meanings and purposes are not limited to intimacy, love, sexuality but also to livelihood, identity, given the context

Overall cases of child marriage reviewed in this study can be divided into 2 categories. Those in which parents/relatives have a stronger role in deciding marriage for a girl and those in which the decision to marry and whom to marry is completely the girl's decision. In the 2 category, experiences are also different from case to case.

For both categories, they can happen both in rural or urban areas, and in both categories, the girls, parents or relatives experience and attach different meanings to marriage depending on their environments.

In some cases in which parents/relatives have a strong say in a girl's marriage, the girls are less likely to choose the 'exit' option because sometimes identity, a sense of belonging, survival etc. can be more valued. This assertion serves to highlight how while addressing issues arising from gender inequality, attention should also be paid to other forms of oppression in a particular context.

Experiences of girls that decide to cohabit/marry/elope also vary. Some do it for love and their decision has nothing to do with being economically disadvantaged. Young people express their agency in different ways which could sometimes be a way of resisting how society positions them. Young people's sexuality is also part of experience for some girls that decide to get married.

The discourse of child protection in relation to child marriage thus obscures different underlying experiences of girls below 18 years and of other junctions of oppressions exposed when gender inequality intersects with other factors like class and age and ignores questioning and challenging some legacies of colonialism like religion in informing moralities and building stronger systems of heteronormativity with its gendered roles that serve capitalism. The implication of this, is that some girls' experiences on child marriage might be interpreted as forced marriages thus criminalizing their partners, parents or relatives even when it's not the case or in situations where livelihood means more to them than abstaining from marriage until they are

above 18. Young people's sexuality might be labeled as immoral when their sexuality is judged to be 'illegitimate'. Some young people might need protection from abuse for being actually forced to marry but they may not get the help and attention needed if they are above 18 years. CLK homogenizes their needs as "need for protection" from abuse and all the different experiences reported as numbers of child marriage raises concerns and wrong assumptions about what child marriage is.

The diverse nature of child marriage as presented and analyzed in this research is not fully reflected in CLK's rationale either for their discourse or intervention on child marriage. Their rationale is adopted from dominant notions which have been shaped and given meaning by wider forces. Consequently, these meanings with their assumptions trickle down to their 'own' discourse, interventions and implementation of activities that are meant to contribute to addressing child marriage.

In addressing child marriage, CLK uses HR approaches i.e. children's rights. Whereas these offer guidance on protection for girls who might be forced against their own will, e.g. through punitive laws for 'perpetrators', this framework is limiting in different ways. Consequently, interventions that are motivated by achieving development goals tend to give less attention to individual lives and experiences and focus on changing behaviors in a direction that meets the set goals.

Child Line Kenya, as an NGO that set out to contribute to child protection generally, is in a position which does not give it much flexibility on focusing extensively on child marriage, being just one of the ten types of "abuse" they handle and address. Whereas it can be difficult for any NGO to address an issue from different aspect, its discourse and perspective play a role in either changing or conforming to dominant meanings prescribed in international documents which can be different from reality.

However as an NGO, it can benefit from being part of a network of many other NGOs working on SRHR issues to address child marriage from all different angles, and use its connection with government to advocate for policies that are cognizant of the diverse nature of child marriage in the Kenyan context.

6.2 Some recommendations

Reflecting on SRHR alliance' theory of change, transforming gender notions in SRHR programs e.g. child marriage interventions is crucial. However, just like child protection is not a complete answer to young people's issues due to different experiences and contexts, Gender transformation should also take into account other aspects of people's lives like class, age that intersect with gender oppression because if they are not considered, these transformations might exist in abstract but not in reality.

CLK can rethink child marriage and its interventions beyond child protection to include an understanding of needs of young people beyond those provided in CRC in their different positionings e.g. young married people, young people in abusive relationships, young people and their sexuality beyond a protectionist model e.g. through linkage with unwanted pregnancies in some cases i.e. where girls get married because they get pregnancy, calls for addressing SRHR needs e.g. contraception, safe abortion, address stigma for giving birth out of wedlock and to integrate an understanding of values and different purposes for marriage beyond the 'modern' image of marriage and realizing of rights in communal environments rather than at individual level. Cultures can have positive aspects from which interventions can build on and not just oppose in totality, to some people, cultural belonging might be more valued.

CLK can contribute to diversifying the meaning of child marriage in discourses by data desegregation and reporting on various experiences that may not be necessarily 'early and forced' and advocating for the needs of these young people

CLK can partner with other NGOs in addressing child marriage from different aspects e.g. through linking up with NGOs that have programs on livelihoods, provision of incentives for young people or re-enrollment of girls in schools after giving birth or when they are married

Personal reflection

This research has been challenging and a process of self-reflection on a personal level. In one way, I have been forced to challenge my previous position on 'traditional harmful practices'. From my previous engagement in SRHR issues, I considered such practices indeed harmful without giving much thought to how they came to be called harmful or on individual experiences.

It has also been challenging to highlight gaps in meaningful interventions, which is not an easy position but by letting experiences of people whose voices are presented here determine the outcome of the research, I hope it can be useful in designing NGO interventions, not only for CLK but other development work.

Further research

The body of knowledge that this research contributes to, SRHR Alliance and CLK can benefit more from further studies on the following areas:

1. An understanding of the causes and effects of girls who decide to marry at a younger age i.e. the 'runaways'
2. Relationships among different issues faced by young people e.g. child marriage and child labor, child prostitution etc.
3. The impact of legal minimum age on young people's sexuality, identity and agency.

REFERENCES

- Alvarez, S.E (1999) "Advocating feminism: The Latin American Feminist NGO 'Boom'" *International Feminist Journal of politics* 1(2): 181-209
- Anitha, s. and Gill, A. (2009) "Coercion, Consent and the forced marriage debate in the UK" *Feminist legal studies* 17: 165-184
- Ayiera, E. (2010) "Sexual violence in conflict: A problematic international discourse" *Feminist Africa: Rethinking Gender and Violence* (14)
- Baaz, M. E. (2005) *The Paternalism of Partnership: A Postcolonial Reading of Identity in Development Aid*. London: Zed Books
- Baker, A. (1995) "History and Myth: Women's Stories of the Moroccan Resistance" *Oral History Review* 22(1): 29-49
- Bill of Rights, The Constitution of Kenya (2010) National Council for Law Reporting with the Authority of the Attorney General
- Bourdillon et al (2010) *Rights and Wrongs of Children's Work*. London: Rutgers University Press.
- Bruce, J and Bongaarts, J. (2009) "The new population challenge," Mazur L, ed., *A Pivotal Moment: Population, Justice, and the environmental Challenge*, Washington, DC: Island Press
- Chantler, K. (2012) "Recognition of and Intervention in Forced Marriage as a Form of Violence and Abuse" *Trauma, Violence, & Abuse*, 13(3): 176-183.SAGE
- Child marriage dataset (2013-2014) ChildLine Kenya.
- Child Protection policy, Child Line Kenya
- Chimaraoke et al (2008) "Who Owns the Body? Indigenous African Discourses of the Body and Contemporary Sexual Rights Rhetoric" *Reproductive health matters* 16(31):159-167
- Clark, S. (2004) "Early marriage and HIV risks in sub-Saharan Africa" *Studies in Family Planning* 35(3): 149-160
- Clark, S., Bruce, J. Dude A. (2006) "Protecting Young Women from HIV/AIDS: The Case Against Child and Adolescent Marriage," *International Family Planning Perspectives* 32(2): 79-88
- Convention on elimination of all forms of discrimination against women (1979), UN General Assembly resolution 34/180
- Coontz, S. (2006) *Marriage, a history: How love conquered marriage*
- Coumans, S. (2013) "How age matters: Exploring contemporary Dutch debates on age and sex work", MA thesis. The Hague. Institute of social studies
- De Jong, S. (2011) "Intersections of Aid: Women NGO workers' reflections on their work practices" *Center for the study of social and global Justice Working Paper NO. 010*

- Erulkar, A. (2013) "Early marriage, marital relations and intimate partner violence in Ethiopia," *International Perspectives on Sexual and Reproductive* 39 (1): 6-13
- Fekete, L. (2006) 'Enlightened fundamentalism? Immigration, feminism and the right' *Race class* 48(1) SAGE
- Giddens, A. (1984) *The constitution of society*. Universtiy of California Press
- Haberland, N. et al. (2005) "Early Marriage and Adolescent Girls," Youthnet: Youthlens on RH and HIV/AIDS, Brief no. 15
- Harcourt, W. (2009) *Body politics in development: Critical debates in gender and development*
- Harding, S. and Nordberg, K. (2005) 'New Feminist approaches to social science methodologies: An introduction' *Signs Journal of Culture and society*, 30 (4)
- Holland, J. and Mohan, G.(2001) "Human Rights &Development in Africa: Moral Intrusion or Empowering Opportunity?" *Review of African Political Economy Vol. 28:177-196*
- Hyndman, J. (1998) "Managing difference: Gender and culture in Humanitarian emergencies" *Gender, place and culture: A journal of feminist Geography* 5(3):241-260
- Ikamari, D.E.M. (2005) "The effect of education on the timing of marriage in Kenya" *Max Planck Institute for Demographic Research* 12(1) 1-28
- Ingraham, C. (2008) *White weddings: Romancing Heterosexuality in popular culture*, Routledge, NY
- Kameri-Mbote, P. (2000) " Violence against women in kenya": An analysis of law, policy and institutions" *International Environmental Law research center*
- Kameri-Mbote, P. (2001) "Gender dimension of law, colonialism and inheritance in Est Africa: Kenyan women's experiences" *International Environmental Law research center*
- Kameri-Mbote, P. (2003) " Gender considerations in constituion-making: Engedering women's rights in the legal process" *International Environmental Law research center*
- Kenya Country Report, (2012) "Study of the factors influencing Girls' access, retention and completion of primary and secondary school education" *Because I am a girl*, Plan International
- Kenya Demographic Health Survey (KDHS) 2008-2013
- Kenya Gazette supplement no. 62 of 6th May 2014. 'The marriage Act 2014'
- Kenya Gazette Supplement no.95 of 4th January, 2001. 'Children's Act 2011,'.
- Lugones, M. (2007) *Heterosexualism and the Colonial / Modern Gender System* Hypatia 22(1)
- Maxey, I. (1999) 'Beyond Boundaries? Activism, Academia, Reflexivity and Research' *Area* 31(3): 199-208
- Merry, S.E. (2006) "Transnational Human Rights and local activism: Mapping the middle" *American Anthropologist* 108(1) 38-51
- Miller M. A, & Vance S.C, (2004) "Sexuality, Human Rights and Health" *Health and Human Rights* 7(20): 5-15, The president and Fellows of Harvard College
- Mucaï-Kattambo, V.W. etal (1995) "Law and the status of women in Kenya" *International Environmental Law research center*

Mulongo, E.M.M. (2006) “Young single motherhood: Contested notions of motherhood and sexuality in policy discourses and program interventions” ISS Working Paper General Series no. 423. The Hague: Institute of social studies.

Mutua, M. (2001) “Human Rights International NGOs: A critical evaluation” *Claude E. Welch (Ed.) NGOs and Human Rights: promise and performance* 151-163

Nour, N.M. (2006) “Health consequences of child marriage in Africa” *Emerging Infectious disease* 12(11)

O’Leary, Z. (2010) *the essential guide to doing your own research project*, SAGE.

Padilla, M.B et al. (2007) *Love and globalization: Transformations of intimacy in the contemporary world*.Nashville

Padmadas, S.S. (2014) “Early transitions to first sexual intercourse, marriage and childbearing among young-adult women in Kenya: Is education delaying its entry?” <http://epc2014.princeton.edu/papers/140952> (accessed 13th September 2014)

Palmer, R. (2011) “The framework for the national child protection system for Kenya” *The national council for childrens services, Kenya*.

Phillips, A. and Dustin, M. (2004) “UK Initiatives on Forced Marriage: Regulation, Dialogue and Exit” *Political studies* 52, 531–551, London school of Economics.

Pritchard, E.E. (1950) “ Marriage Customs of the Luo of Kenya” *Journal of the International African Institute* 20(2):132-142

Quarterly report, (2013-2014) Child Line Kenya

Razack, S.H (2004) ‘Imperilled muslim women, dangerous muslim men and civilized Europeans: Legal and social responses to forced marriages’ *Feminist studies* 12: 129-174

Rutgers WPF website <http://www.rutgerswfp.org/content/srhr-alliance-unite-body-rights> (Accessed May 25th 2014)

Sawicki, J. (1988) *Disciplining Foucault: Feminism, power and the Body*. Rutledge, NewYork.

Scott, J.C. (1998) *Seeing Like a State: How Certain Schemes to Improve the Human Condition have Failed*. New Haven, Conn.: Yale University Press.

Sherman, C. (2014) “ending FGM and child marriage in Kenya” *Plan International* [http://plan-international.org/about-plan/resources/blogs/turning-paper-to-action-ending-fgm-and-child-marriage/?searchterm=child marriage in Kenya](http://plan-international.org/about-plan/resources/blogs/turning-paper-to-action-ending-fgm-and-child-marriage/?searchterm=child+marriage+in+Kenya) (accessed on 10th September 2014)

Tamale, S. (2005) “Eroticism, sensuality and women’s secrets | among the Baganda: A critical analysis” *Feminist Africa Issue* 5, Sexual Cultures

Tamale, S. (2011) “African *sexualities*” A reader, Cape Town, Dakar, Nairobi and Oxford

UNFPA (2013) “Addressing Gender Based Violence” <http://www.unfpa.org/webdav/site/global/shared/documents/publications/2013/final%20sexual%20violence%20CSW%20piece.pdf> (accessed 6th June 2014)

UNICEF (2002-2012) http://www.unicef.org/infobycountry/kenya_statistics.html (Accessed 18th Septmeber 2014)

UNICEF (2014) "Child protection from violence, exploitation and abuse"
http://www.unicef.org/protection/57929_58008.html (Accessed 4th/10/2014)

Universal Declaration of Human Rights, (1946), United Nations.

Vincanne, A. and Pigg, S.L (2005) *Sex in development* (Ed.) in Science, Sexuality and Morality in Global perspectives, Duke University Press

Wilson, A. (2007) "The forced marriage debate and the British state" *Race class* 49(25) SAGE

Wirth, M.E. et al (2006) "Setting the stage for equity-sensitive monitoring of the maternal and child health millennium development goals" *World Health Organization*