

KENYA COUNTRY SPOTLIGHT

In this Spotlight, the main focus is on children in remote geographic areas and communities.

INTRODUCTION

Kenya experiences greater inequality than any other country in East Africa. According to the world inequality statistics, Kenya was ranked 103 out of 169 countries making it the 66th most unequal country in the world. This inequality has its roots in the country's history, economics and social organization, with the net result being lack of access to essential services by the affected communities, with children bearing the greatest burden. Noteworthy, no other regions of the country are worst hit by manifestations of inequality like the urban slums and the Arid and Semi Arid Lands (ASALs).

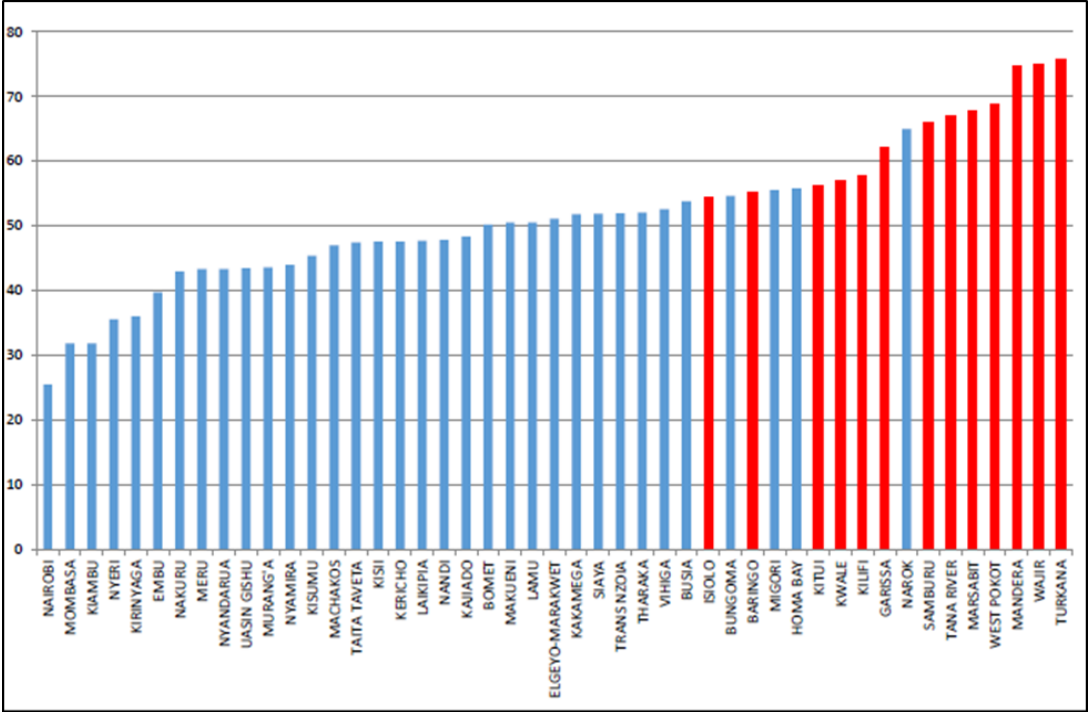
OVERVIEW OF SOCIAL EXCLUSION

Living conditions in informal settlements and the ASALs particularly, present heightened risks to children's enjoyment of rights. Children in urban slums have 3 times the national rate of diarrhoea; one in two children in the slums are chronically malnourished. When full immunization coverage for children under one year in the country stood at 74% in 2013, it was only 48% in arid West Pokot and 53% in Samburu. County level survey estimates show that the highest levels of child deprivation are in Mandera, Marsabit, Turkana, Wajir and West Pokot, while the largest numbers of deprived children are in Bungoma, Kakamega, Kilifi, Mandera and Turkana.

Primary school net enrolment ratio in 2012 was 95.3% nationally. The North Eastern region, in contrast, posted a net enrolment ratio of just 40.3%, meaning that the number of out of school children surpassed that of children enrolled in school. Significant disparities also exist in access to qualified health personnel between rural and urban areas. According to the Economic Survey 2014, poverty incidences across the country range from a low of 21.8% in Nairobi to a high of 87.5% in Turkana. This implies that 2 in every 10 people in Nairobi live below the poverty line compared to approximately 9 in 10 people in the county of Turkana. Granted, Kenya is a country of massive inequalities that do not augur well for the realization of children's rights. Allocations to healthcare still do not meet the 15% of national budget threshold set in the Abuja Declaration. Last year, the health sector received 46.7 billion Kenya shillings. This translated to only 5.6% of GDP and 4.6% of government expenditures. The current financial year has healthcare allocated 47.3 billion Kenya shillings, with only 4.3 billion shillings going to maternal and child health.

With the increased risk of discrimination facing certain groups of children, there is a corresponding urgent obligation for duty bearers to intervene. The government has, in a bid to address the manifest inequalities, taken measures. These include school feeding programmes in the ASALs and informal settlements, increased social assistance to Orphans and Vulnerable Children (OVCs), establishment of mobile schools targeting nomadic children, prohibition of female genital mutilation and prohibition of child marriages. The Constitution has established an "Equalisation fund" under article 204 to provide basic services including water, roads, health facilities and electricity to marginalised areas with the aim of bringing the quality of services in these areas to the level generally enjoyed by the rest of the nation. It is expected that counties in the ASAL regions will be the biggest beneficiaries.

FIG 1.0 COUNTY INEQUALITIES



POLICY CONTEXT

The Constitution of Kenya 2010 has broken new grounds by making provision for socio-economic rights including guaranteeing every person the right to the highest attainable standard of health, accessible and adequate housing, and adequate food of acceptable quality, clean and safe water, social security and education. Kenya has ratified several International and Regional Human Rights Instruments including the United Nations Convention on the Rights of the Child (UNCRC) and at the regional level the African Charter on the Rights and Welfare of the Child (ACRWC) amongst numerous others.

Kenya has also domesticated human rights principles through the new Constitution and a host of other local legislations. Children rights are expressly provided by Article 53 of the Constitution. The preamble of the Children's Act stipulates that the Act gives effect to the principles of the CRC and the ACRWC. The legislation expressly protects children besides guaranteeing them several rights. Other legislation promoting and protecting children's rights include The Basic Education Act (No. 14 of 2013), the Prevention, the Prohibition of Female Genital Mutilation Act, 2011, the Employment Act, the Refugees Act among others. The Government has also formulated policies to enhance the enjoyment of rights for the people of Kenya and make the Bill of Rights a reality for the majority. These include the Children's Policy and Action Plan, the National Gender and Development Policy, the Kenya Education Policy, the National Special Needs Education Policy, the HIV and AIDS Policy, the National Disability Policy, the National Food Security and Nutrition Policy and the National Policy on the Abandonment of Female Genital Mutilation.

If these legal and policy frameworks are properly implemented, children will immensely benefit from the progressive realization of socio-economic rights.

WHAT NEEDS TO CHANGE?

Increased and equitable public investment in quality essential services for children

The fulfilment of children's basic rights requires substantial financial resources and public attention and, as governments enjoy the power to allocate public resources they effectively determine the value, scope, and predictability of the development, protection and survival of children, and the attainment of their rights. Therefore, children's rights and welfare are intrinsically linked to public budgets. Children do not enjoy a strong political voice, like women and youth, and so budgetary decisions are rarely in their favour. Governments often cite tight budget restraints as factors in cuts to the social programmes that children rely on.

Accelerated and improved implementation of existing policies

Kenya has made significant progress in the realisation of the rights of children since it ratified the United Nation's Convention on the Rights of the Child (UNCRC) in 1990 and the African Charter on the Rights and Welfare of the Child in 2001. The Constitution of Kenya 2010 is now in place, thus providing ample legal ground to review a host of other national legislations to bring them in harmony with international and regional standards. The Constitution has also broken new grounds by making provision for socio-economic rights including guaranteeing every person, including children, the right to the highest attainable standard of health, accessible and adequate housing, and adequate food of acceptable quality, clean and safe water, social security and education. Similarly, children have their rights guaranteed under article 53 of the Constitution. Article 29 on the other hand prohibits corporal punishment in all settings, including homes and institutions. Besides the Constitution, several pieces of legislations have been enacted to give effect to the rights, including the Children Act, the Basic Education Act, the marriage Act and the Sexual Offences Act just to mention a few. If properly implemented, children will benefit immensely from the robust policy and legal provisions.

ASK

The Campaign will work with the national and county governments, Civil Societies, communities and children to ensure that the progressive legal and policy provisions are properly implemented. The campaign will focus on working with both the national and selected county governments to lobby for increased and equitable allocations to child specific sectors, including education and health. The campaign will go beyond allocations and will work with the national and county governments to ensure that the allocated funds are put into proper use.

Achieving the basic right to access education is a challenge in Turkana

Aule, nine, is from a family of seven children in Turkana County, Kenya. Aule is the only one of his school-aged siblings who does not attend school. Instead he works herding livestock every day. His family sees this as necessary as it provides them with essential income. Aule says he would like to go to school but has never considered it to be a real possibility.

Aule's story in his own words



Aule, nine, watches over livestock in the arid pastures of Turkana, Kenya. Photo: Colin Crowley. December, 2014.

Every day I take care of the animals. From morning until night I watch after them, then I take them back safely in the evening. I take them out to places where there are green plants to eat.

Sometimes when I'm taking care of the animals, I go far away from home and there are foxes. Sometimes I get afraid that my animals will get attacked. Sometimes when I am out with the animals all day I get hungry because there is no food to eat.

I went to nursery school when I was younger, but I stopped going to school when I was small. My older sister goes to school and my younger siblings do too.

I would like to go to school and get some education and have a good life, but I've never thought that chance could come. It is not something I even think about.

Turkana County is located in the northwestern corner of Kenya and borders Uganda, South Sudan, and Ethiopia. Turkana is an arid region and is one of the driest counties in Kenya. It experiences very high temperatures throughout the year and the average yearly precipitation is less than ten inches. Successive droughts have increased poverty levels and decimated the livelihoods of a large portion of Turkana's traditionally nomadic pastoralist communities.

Aule's family live in a traditional hut in a semi-arid region where the soil is sandy and there is sparse vegetation. The morning we visited Aule, he took us out to the pasture where he herds goats. He walked around with a large stick while the goats fed on the foliage and grass in the area. The sun was extremely hot even by 9am when we were there.

Project information and major issues:

Only 50% of primary school-aged children in Turkana County are enrolled in school; far below the national average in Kenya of 92%. The adult literacy rate in the county is about 20%, while nationally it stands at 61.5%. The nomadic lifestyle of the Turkana community, high illiteracy levels among adults, chronic poverty and recurrent droughts, and a lack of awareness of the value of education among parents all serve to disrupt children's education and compound the vulnerabilities of households in Turkana County.

Michael Keem Emuria, the Head Teacher at St. Michael's Kawalase Primary School in Lodwar, says "In most cases, people in our communities have not understood the value of education – especially people who live in the most remote areas. That is where we find some resistance to children being brought to school. But those who have felt the value of education, especially those who have had the chance to take their children to school and see the value, those people are really positive and we see enrollment in higher numbers."



Michael Keem Emuria is the Head Teacher at St. Michael's Kawalase Primary School in Lodwar

Save the Children is aiming to increase the number of boys and girls accessing quality basic education in Turkana County by working with the government, communities, and schools to address this situation.

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