

KENYAN ADVOCACY ON CHILD AND FORCED MARRIAGE:

A guide for faith leaders



WHO WE ARE

The Inter-Religious Council of Kenya

The Inter-Religious Council of Kenya (IRCK) is a national coalition of all major faith communities in Kenya that works together to deepen interfaith dialogue and collaboration among members for a common endeavour to mobilize the unique moral and social resources of religious people and address shared concerns. IRCK comprises of nine Religious Coordinating Bodies (RCBs) including; Evangelical Alliance of Kenya (EAK), Hindu Council of Kenya (HCK), Kenya Conference of Catholic Bishops (KCCB), National Council of Churches of Kenya (NCCCK), National Muslim Leaders Forum (NAMLEEF), Seventh Day Adventist Church (SDA), Shia Ithnasharia Muslim Association Supreme Council of Kenya Muslims (SUPKEM) and Organization of African Instituted Churches (Oaic Kenya). IRCK also comprises 38 Local Interfaith Networks (LINs) across different counties in Kenya, the Kenya Women of Faith Network (KWFN) and Kenya Interfaith Youth Network (KIYN). The RCBs, KIYN and KWFN have national coverage with structures that reach out to grassroots levels at the Counties.

Walk Free

Walk Free is an international human rights group working to accelerate the end of all forms of modern slavery. We are the creator of the Global Slavery Index, the world's most comprehensive dataset on modern slavery. We use this data to mobilise powerful forces for change against these human rights abuses. We work with governments and regulators, businesses and investors, faith and community leaders to drive systems change and partner directly with frontline organisations to impact the lives of those vulnerable to modern slavery. We work with survivors to build the movement to end modern slavery, recognising that lived experience is expertise and they are central to identifying lasting solutions.

Global Freedom Network

Global Freedom Network (GFN) is the faith-based arm of Walk Free. We recognise that faith can play a vital role in fighting modern slavery because faith leaders are in a unique position to see into the hearts of their communities. With a philosophy built on interfaith collaboration, GFN has worked since its inception in 2014 with faith leaders around the world to build bridges between survivors and law enforcement, cooperative connections with governments, social workers and survivor support groups, especially in countries of strong faith and high prevalence of modern slavery. By building relationships and collaborating with faith leaders and faith-based organisations we believe we can increase awareness, understanding, impact, and action.

ACKNOWLEDGEMENTS

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> *Cover Image:*

Woman hands holding candle light. Symbol of hope, peace and love. Photo credit: Baona via Getty Images.

ABOUT THIS GUIDE

Guidance

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TERMINOLOGY

Modern slavery

Modern slavery covers a set of specific legal concepts including forced labour, debt bondage, forced marriage, slavery and slavery-like practices, and human trafficking. Although modern slavery is not defined in law, it is used as an umbrella term that focuses attention on commonalities across these legal concepts. Essentially, it refers to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power.¹

Forced marriage

Forced marriage refers to situations where a person has been forced to marry without giving their consent.² A forced marriage might occur under physical, emotional, or financial duress as a result of deception by family members, the spouse, or others, or by the use of force or threats or severe pressure. These marriages are prohibited by several international conventions.³ Child marriage, where at least one of the parties is under 18 years of age – is considered a form of forced marriage, given that one and/or both parties cannot express full, free, and informed consent due to their age.⁴

Read more on other forms of modern slavery here: walkfree.org/what-is-modern-slavery/

FOREWORD



I wish to proudly present to you, Kenyan advocacy on child and forced marriage: A guide for faith leaders.

Forced marriage refers to situations where a person has been forced to marry without giving their consent. Child marriage is considered a form of forced marriage, given that a person under 18 cannot consent.

Many communities continue to practice child and forced marriage in Kenya, despite the negative social and health outcomes it causes, including persistent poverty and inequality. Not only is the practice unlawful – it is not consistent with our religious beliefs.

There is a need to sensitise faith communities to the adverse impacts of child and forced marriage, to advocate for greater government action to address the issue, and to strengthen our collective efforts to eliminate the practice. It is within this context that this project was conceived.

With support from Walk Free, and in deep consultation with theologians and faith leaders, the Inter Religious Council of Kenya (IRCK) developed this guidance to provide a clear framework for faith leaders to engage with their communities and the Kenyan government to address child and forced marriage. As custodians of their faiths and pillars of the communities they serve, faith leaders can truly make a difference.

As the umbrella body of main faith communities in Kenya, the IRCK is committed to supporting faith leaders to conduct advocacy to improve the national response to child and forced marriage, including through legal and policy reforms that strengthen protections and address the underlying socio-cultural norms and structures that allow the practice to occur. Central to this effort is the need for community-based education, training, and empowerment.

We recognise the central importance of survivor leadership, and commit to using a survivor-centric approach and promoting opportunities for meaningful survivor engagement.

A handwritten signature in black ink, appearing to be 'J. Mutie', written over a horizontal line.

Rev. Fr. Joseph Mutie
Chairman
Inter-Religious Council of Kenya

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EXECUTIVE SUMMARY

Forced marriage, including child marriage, is a form of modern slavery – a situation a person cannot refuse or leave due to threats, violence, coercion, deception, or abuse of power. It constitutes a fundamental violation of the human right to enter into marriage with free and full consent, as enshrined in international law.⁵

All countries have committed to eliminating forced and child marriage by 2030, in line with the 2030 Agenda for Sustainable Development, and positive action to address the issue can be observed in many countries around the world.⁶ However global progress is slow, and the impacts of crises – including conflict, climate change, and the COVID-19 pandemic – threaten to undermine what little progress has been made.⁷

An estimated 22 million people around the world were living in a forced marriage on any given day in 2021.⁸ This estimate is conservative – not least because it does not include all child marriages. Forced marriage occurs in almost every country, and Kenya is no exception. In fact, Kenya has among the largest populations of child brides in the world, falling within the top 20 countries globally.⁹

While Kenya has a relatively strong legal framework to combat forced marriage, existing laws are insufficiently enforced and several critical gaps in legislation remain, allowing the practice to persist.

Faith leaders see into the hearts of their communities, and are uniquely placed to support people living in a forced marriage to regain their freedom and advocate for positive change. IRCK and Walk Free, in collaboration with faith leaders, have developed this guide to support faith leaders to conduct advocacy to end forced and child marriage in Kenya. This guide can be used by the faith community to engage with the Kenyan government to meet its commitments under the SDGs and progress action to eliminate forced and child marriage.

Understanding child and forced marriage in Kenya

Child marriage is considered a form of forced marriage. While there is limited official data on the prevalence of forced marriage in Kenya, the 2014 national Demographic and Health Survey estimated that nearly one quarter of women (23 per cent) and three per cent of men aged 20 to 24 were married as children.¹⁰ There are several complex and intersecting drivers of child and forced marriage in Kenya, including poverty, lack of education, low social and economic value placed on girls, and the influence of religious and cultural norms and practices.¹¹ These drivers vary across communities, and risk is often exacerbated in the context of crises, including natural disasters, conflicts, and epidemics.¹²

Those living in a forced marriage are exposed to a number of adverse social and health impacts,¹³ which has implications for not only themselves, but for their families, communities, and society as a whole. Ultimately, forced marriage undermines equality, freedom, and human dignity – essential elements of a thriving society. While there are several myths and misconceptions surrounding forced marriage – including, for example, that it is a cultural practice that must be respected, or that it is a religious problem – the reality is that forced marriage is a global problem that cuts across countries, regions, cultures, and religions. It is a fundamental violation of human rights and is condemned by all major faiths.

Laws, gaps, and opportunities

Kenya has a relatively strong legal framework to combat child marriage: it is one of few countries around the world to explicitly prohibit the marriage of children under 18 with no exceptions, pursuant to the Marriage Act, 2014.¹⁴ However, gaps in the legal framework mean not all forms of forced marriage where consent has not been given have been criminalised. Further, many protections enshrined in national legislation are not fully enforced. Such gaps represent key opportunities for faith leaders to advocate for a stronger national response to forced marriage.

Advocacy strategies for faith leaders

As pillars of their communities and custodians of their faiths, faith leaders can play a pivotal role in driving a stronger government response to forced marriage. This guide recommends several advocacy strategies for faith leaders to use to advance collaboration and coordination to end forced marriage in Kenya by 2030, in line with the SDGs. Proposed advocacy tools include writing policy briefs, letters, and submissions; convening high-level interdenominational forums; participating in processions and annual commemorations; conducting advocacy campaigns using traditional and social media; and using the pulpit to disseminate messages.

How to use these guidelines

This guide is intended to be used by faith leaders to support their advocacy on child and forced marriage. It consists of three sections:

- Section A: Understanding child and forced marriage in Kenya
- Section B: Laws, gaps, and opportunities
- Section C: Advocacy strategies for faith leaders

Key advocacy messages that draw on Christian, Hindu, and Islamic religious teachings are highlighted throughout this guide and can be used by faith leaders to conduct advocacy to address forced and child marriage.

Theological reflections are mainly drawn from the following:

Christian theological reflections:
The Bible biblegateway.com

Islamic theological reflections:
The Quran quran.com

Hindu theological reflections:
The Bhagavad Gita bhagavad-gita.org/



> Faith leaders attending a workshop on strategies to end child and forced marriage in Kenya. Photo credit: IRCK.

INTRODUCTION

According to the 2022 Global Estimates of Modern Slavery, an estimated 22 million people were living in forced marriage on any given day in 2021.¹⁵ This is an increase of 6.6 million people living in forced marriage since 2016, when the last estimates were released.

Forced marriage occurs in all regions of the world. Nearly two-thirds of all forced marriages – an estimated 14.2 million people – are in Asia and the Pacific, followed by 14.5 per cent in Africa (3.2 million). It is a highly gendered practice, with over two-thirds of those forced to marry globally being women and girls.¹⁶

Walk Free's 2023 Global Slavery Index estimates that on any given day in 2021, 269,000 people were living in modern slavery in Kenya (5 people per every thousand people in the country).¹⁷ This includes people in forced labour and forced marriage. The drivers of forced marriage – including child marriage – in Kenya vary widely across regions and communities, yet common factors include poverty and low economic value placed on girls, lack of education, traditional cultural practices such as female genital mutilation/cutting (FGM/C), and adolescent pregnancy.¹⁸

Ultimately, forced marriage constitutes a harmful practice that deprives people of their fundamental human rights and freedoms, and undermines the social fabric of society. While Kenya has made great strides to eliminate the practice, including by setting a minimum age of marriage at 18 without exceptions,¹⁹ critical gaps in the response remain.

> People are seen outside a mosque in Mombasa, Kenya as Muslims prepare for the holy month of Ramadan on May 16, 2018. Photo credit Recep Canik/Anadolu Agency via Getty Images.



Eradicating forced marriage

Kenya has committed to eliminating forced and child marriage in line with the SDGs, yet if its commitments are to be realised by the year 2030, a strong multifaceted approach is needed. This requires:

- Enshrining trauma-informed and survivor-centered measures in legislation to strengthen legal protections against forced and child marriage;
- Norms change across national, community, and household levels to ensure that harmful norms that perpetuate risk are dismantled;
- Empowering vulnerable communities to be resilient in the wake of shocks that spur risk of forced marriage; and
- Programs to address underlying drivers such as poverty and the lack of alternatives to child marriage.

Faith leaders, as the moral and spiritual guardians in their communities, can play a vital role in championing this effort, as they are in a unique position to see into the hearts of their communities and influence positive change. IRCK and Walk Free, in collaboration with faith leaders, have developed this guide to support faith leaders to conduct advocacy to eliminate forced and child marriage in Kenya. An abridged version of this guide is available in the GFN smartphone application, Faith for Freedom: walkfree.org/projects/faith-for-freedom/

Guidance structure

This guide consists of three sections that introduce faith leaders to the issue of child and forced marriage in Kenya and support them to conduct advocacy to strengthen the government's response.

Section A: Understanding child and forced marriage in Kenya. This section examines the context of child and forced marriage in Kenya, its causes and consequences, and outlines key messages for faith leaders to conduct advocacy to eliminate the practice.

Section B: Laws, gaps & opportunities. This section outlines the existing laws and policies on child and forced marriage in Kenya, as well as gaps in the government's response. It highlights key advocacy opportunities and recommendations to strengthen the national response to child and forced marriage.

Section C: Advocacy strategies for faith leaders. This section provides guidance on strategies for faith leaders to develop policy asks and conduct advocacy to improve action to address child and forced marriage in Kenya.

The role of faith leaders

Faith leaders are a central pillar of the communities they serve. They act as counsellors, sources of information and education, and their places of worship become fixed landmarks in their communities. These various roles are underpinned by the moral standing provided by their ordination and training, which places them in a vantage position to respond to societal issues such as child and forced marriage. The trust bestowed upon faith leaders by their communities makes them well-placed to lead advocacy efforts to positively transform societal values and practices. Religious scriptures provide the basis for faith leaders' advocacy.

KEY ADVOCACY MESSAGE:

All major faiths prohibit slavery – everyone has a responsibility to identify and discourage modern slavery, including child and forced marriage.

Our faiths prohibit slavery, including child and forced marriage. In Christianity, the Bible says:

“But if out in the country a man happens to meet a young woman pledged to be married and rapes her, only the man who has done this shall die. Do nothing to the woman; she has committed no sin deserving death. This case is like that of someone who attacks and murders a neighbour.”

(Deuteronomy 22:25-26 NIV)

In Islam, the Quran demands action against the oppressor, just like perpetrators of early and forced marriages, Prophet Muhammad SAW said:

Narrated Abdullah Ibn Abbas

“A virgin came to the Prophet (PBUH) and mentioned that her father had married her against her will so the Prophet allowed her to exercise her choice.”

(Abu Dawood 2091)

Narrated; “Khamisa Bin Khitam said my father married me to his nephew and I didn't like this much so I complained to the Messenger of Allah (PBUH). He said to me accept that your father has arranged, I said I do not wish to accept what my father has arranged. He said then this marriage is invalid. Go and marry whomsoever you wish, I said I have accepted what my father has arranged but I wanted women to know that fathers have no consent in their daughters' choice (they have no right to force a marriage on them)”

Sharh Buhari (5138)- Ibn Majah(1/602)

The Hindu religion encourages parents to support the girl in choosing her husband:

“King Janaka of Mithila organized a grand swayamvara of his beautiful daughter, Sita. A swayamvara was a ritual where kings and princes from far and near would visit the king's court to ask for the princess's hand, but only the bravest would be selected. King Janaka announced that he had a mighty bow, which was blessed by Shiva. The one who could string the bow would marry Sita. Many princes tried but all failed. Nobody could even move the bow. Rama and Laxmana were also present. All eyes went to Rama, when his turn came. Rama easily lifted the bow with one hand and strung it with a thunderous twang. The bow broke into pieces. Then, Sita walked up to Rama and garlanded him. The wedding was celebrated with great joy.”

(Ramayana- Sita Swayam Var)



Section A:

UNDERSTANDING CHILD AND FORCED MARRIAGE IN KENYA

> A 12-year old girl hangs laundry in the courtyard of a safehouse, where a rescue center relocated her after she was raped in an informal settlement on July 9, 2020 in Nairobi, Kenya. School was declared "null and void" for the year 2020, placing children at increased risk of violence and child marriage. Parents questioned the value of education versus the alternative of marriage as schools closed due to the pandemic. Photo credit: Alissa Everett via Getty Images.

PHOEBE'S STORY

In Kenya, Phoebe* attended primary school until Grade Five when, at the age of 12, she was told by her father, a local Chief, that she was no longer allowed to go as he believed that being able to read and write her name was a sufficient education. He also arranged for Phoebe to undergo female genital mutilation. Phoebe laments her lack of choice in the process.

“I wanted people to listen to my opinion that girl’s mutilation was as good as death. There was nobody to listen to me, I had no voice.”

Soon after, Phoebe was told that she was now ready to become a wife and was to be married the same day. Phoebe tried to stop the marriage by going to the police. Instead of helping her, the police referred the matter to another Chief who called Phoebe’s father and sent her back home.

“I thought the police would help me, but they didn’t, I thought the other Chiefs would also help me, but they didn’t... I couldn’t trust anybody. I didn’t know who to run to.”

Phoebe’s father threatened to kill her if she did not marry, so she reluctantly agreed to become the wife of a stranger at the age of 12. When her husband’s family came to collect her, Phoebe remembers how painful it was for her. Her mother and siblings would not stop crying. During that moment, she thought of the words of Kenyan actress, Lupita Nyong’o, during her Oscar acceptance speech: “... no matter where you’re from, your dreams are valid.”

Yet, Phoebe remembered feeling as if these words were no longer true. “I knew that my dreams were gone the moment I boarded the motorbike.” At her husband’s home, Phoebe was hidden away and all of her movements were closely monitored. One day, an organisation came looking for someone who could translate for them at a women’s workshop. As Phoebe was the only one with the language skills needed to help, she was allowed to leave home to attend the workshop. It was there that Phoebe met a woman whom she trusted enough to share her story with. She gave Phoebe a phone number to call and told her she would rescue her from the marriage, but when Phoebe called that evening there was no answer. However, her husband’s family became increasingly suspicious, and eventually forbade her from attending the workshops. Phoebe grew despondent and gave up thinking that her life would amount to anything.

A year later, Phoebe was left alone while her husband’s family were out shopping, and she saw her chance to escape. Leaving the homestead, Phoebe walked for hours through the bush until she reached her aunt’s home. “I was tired and weary. It was a long walk without food and water. I had decided that it was forward ever, and backward never.” From there she was able to go back to her parent’s homestead, only to discover her mother was no longer living there and her father wanted to send her back to her husband. Phoebe hatched one last plan to escape, waking early to walk to her sister’s house, and they arranged for their brother to take Phoebe to live with him in another county.

“I was going far away from my problems. I couldn’t control my tears, the tears of joy running down my smooth cheeks.”

Phoebe stayed with her brother during her final years in high school, and lived her dreams of getting education.

**Name has been changed*

> A woman and a child walk to a water point in the town of Laisamis, Marsabit County, Kenya, Aug. 26, 2022. Photo credit: Dong Jianghui/Xinhua via Getty Images.



PREVALENCE OF CHILD AND FORCED MARRIAGE

Walk Free’s 2023 Global Slavery Index estimates that 269,000 people were living in modern slavery in Kenya on any given day in 2021 (5 per every thousand people in the country).²⁰ This includes people in situations of forced labour and forced marriage.

KEY ADVOCACY MESSAGE:

Communities in Kenya are affected by child and forced marriage.

There is no publicly available official data on the prevalence of forced marriage in Kenya, however the prevalence of child marriage was last reported in the 2014 Kenya Demographic and Health Survey (KDHS), as shown in Table 1. The survey found that almost one quarter (23 per cent) of women and nearly three per cent of men aged 20 to 24 years old were married before the age of 18 in Kenya, while four per cent of women and less than one per cent of men in the same age group were married before the age of 15.²¹ Kenya falls within the top 20 countries globally in terms of the total number of women aged between 20 and 24 who were first made to marry as children (580,000).²²

Table 1: Prevalence of child marriage in Kenya

Age of marriage	Female	Male
Under 18	22.9%	2.5%
Under 15	4.4%	0.3%

Source: 2014 Kenya Demographic and Health Survey

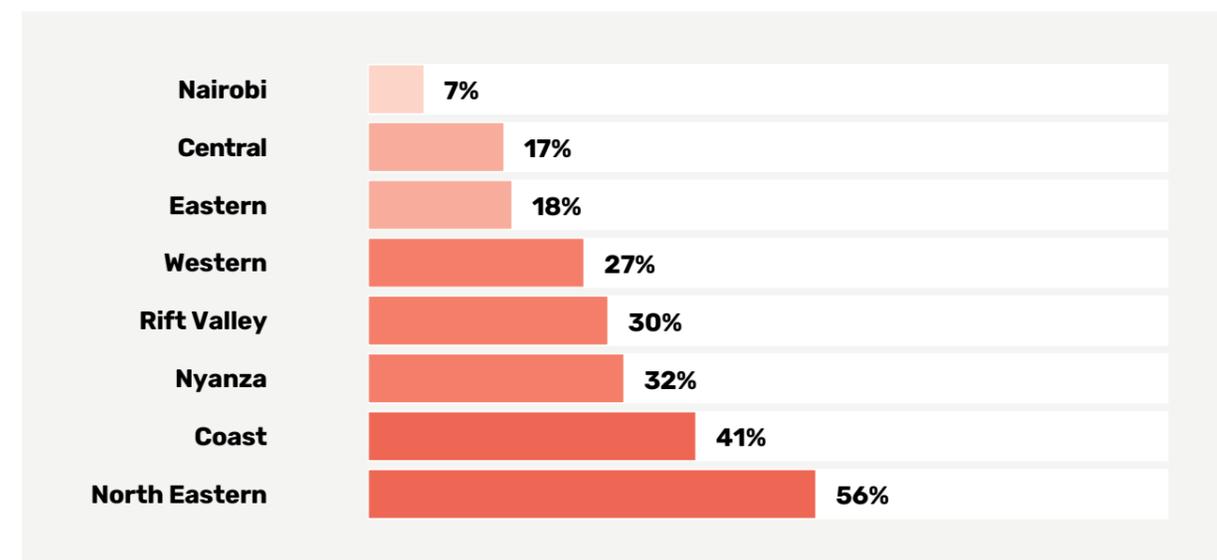
Figures in Table 1 refer to the percentage of those aged 20 to 24 in Kenya, who were first married as children – before they reached the age of 18. The United Nations Children’s Fund (UNICEF) assesses the prevalence of child marriage among girls in countries around the world as a percentage of women aged 20 to 24 years old who were first married or in union before the age of 18. The data is based on Multiple Indicator Cluster Surveys (MICS), Demographic and Health Surveys (DHS), and other national surveys.

While Kenya is among countries with the highest numbers of women forced to marry as children, the prevalence rate varies substantially from region to region. Overall, child marriage is more common in rural areas, and among those with lower education levels and from lower income households.²³

The rate of child marriage is highest in North Eastern Kenya (56 per cent), followed by the Coast Province (41 per cent) and Nyanza (32 per cent, see Figure 1).²⁴ In terms of counties, Tana River has the highest prevalence at nearly 60 per cent, followed by Turkana (57 per cent), Wajir (53 per cent) and Isiolo (53 per cent, see Figure 2).²⁵

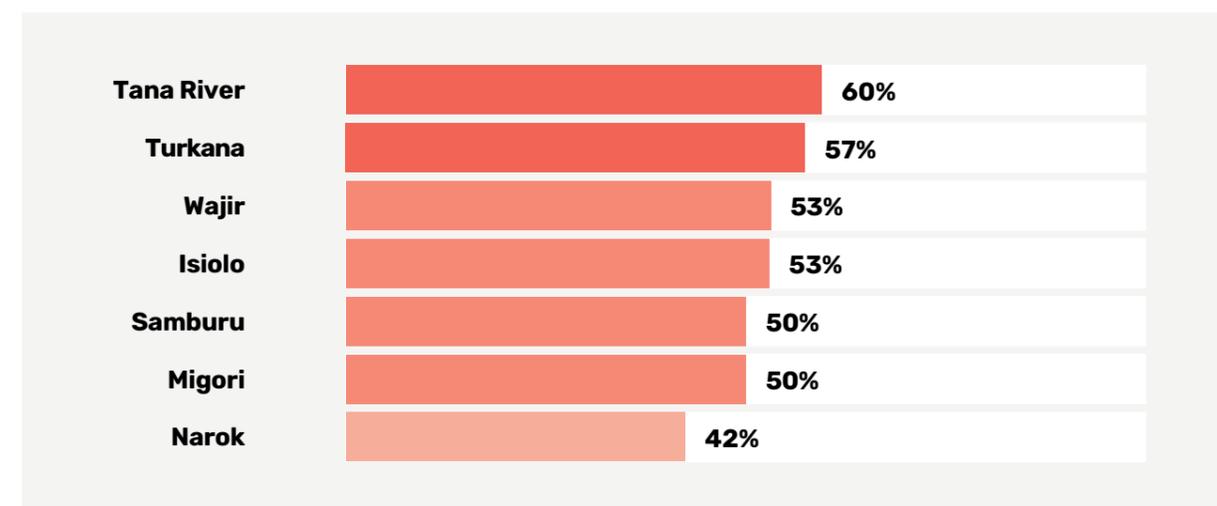
In a separate 2017 UNICEF study on FGM/C and child marriage among the Rendille, Maasai, Pokot, Samburu and Somali communities in Kenya, it was found that 68 per cent of all married or once married female respondents were forced to marry before their 18th birthday.²⁶ The highest rate of child marriage was found in Sook, West Pokot (82 per cent), followed by Wamba, Samburu (76 per cent), Habaswein, Wajir South, and Laisamis, Marsabit (58 per cent), Balambala, Garissa (50 per cent), and Kajiado Central, Kajiado (46 per cent). Among girls aged between 10 and 17 years old who were surveyed, the highest rate of child marriage was found in Sook (64 per cent), followed by Habaswein (58 per cent), Laisamis (44 per cent), Kajiado Central (28 per cent), Wamba (22 per cent) and Balambala (15 per cent).²⁷ Meanwhile among girls surveyed, 64 per cent of Pokot respondents, 54 per cent of Rendille respondents, 38 per cent of Somali respondents, 28 per cent of Maasai respondents, and 17 per cent of Samburu respondents reported being married under the age of 18. Child marriage was also reported among male respondents, however the prevalence rate was much lower.²⁸

Figure 1: Percentage of women aged 20 to 24 who were married as children in Kenya, by region



Source: 2014 KDHS cited in UNICEF 2017, *Situational Analysis of Children and Women in Kenya*.

Figure 2: Percentage of women aged 20 to 24 who were married as children in Kenya, by county



Source: 2014 KDHS cited in National Council for Population and Development 2020, *The State of Kenya Population 2020*.

WHAT ARE THE DRIVERS?

There are several complex and intersecting drivers of child and forced marriage in Kenya, including poverty; low social and economic value placed on girls; lack of education; patriarchal norms and stigma; influence of religious and cultural norms and practices such as FGM/C, beading and bride price, and crises including natural disasters, conflicts, and epidemics.

Poverty represents a key driver of child marriage in Kenya. Girls from lower income households, and who have attained a lower level of education, are more likely to be married as children.²⁹ This is fuelled by the lower economic value placed on girls, and widespread views of girls as financial burdens: girls may be married off by their parents to ease financial strain on households, or in exchange for payment of bride price.³⁰ According to a 2017 UNICEF study, poverty and the higher bride price attached to younger girls were primary reasons for child marriage. Other common drivers cited by respondents included personal choice, pressure from fathers, or pressure to conform to social expectations, and traditional requirements.³¹

A 2021 study found that some girls in Kenya married adult men to increase their social and economic standing, while parents reported the marriage to authorities.³² In a 2022 study of child marriage in pastoral communities in North Eastern Kenya, several gender norms were found to sustain child marriage, including the expectation for girls marry early, to abstain from pre-marital sex, and to bear many children.³³ The desire for many children was linked to the expected contribution of children to economic activities in the context of poverty and the impact of climate change on the nomadic lifestyle. Meanwhile, there were limited perceived roles for women outside of marriage and raising children.³⁴

Harmful traditional practices such as beading and FGM/C also drive child marriage. In many communities, FGM/C signals a girl's readiness for marriage and reportedly attracts a higher bride price.³⁵ Beading is practiced by the Samburu community and involves girls as young as nine being given traditional beads by older male relatives to allow a temporary sexual relationship. Girls who have undergone FGM/C are not eligible for beading, therefore parents who do not want to bead their daughter may subject them to FGM/C, leading to child marriage.³⁶ Such practices are rooted in patriarchal norms that devalue women and girls. Similarly, adolescent pregnancy may result in child marriage as a means to protect family honour and prevent negative perceptions associated with sex outside of marriage.³⁷ Concerningly, age is rarely verified at the time of marriage.

Natural disasters, drought, famine, and other climate factors compound risk.³⁸ For example, to cope with climate-related loss of livestock and income, families have reportedly withdrawn their daughters from school and married them off in exchange for gifts, which typically include clothes, milk, and camels.³⁹ The COVID-19 pandemic has also increased risk, as the closure of schools forced girls into marriage earlier than expected.⁴⁰ Kenyan respondents in a 2022 study on the impacts of COVID-19 on child and forced marriage reported that they perceived the practice to be decreasing in Kajiado, Samburu, and Marsabit counties before the pandemic, but believed the pandemic led to an increase in cases – primarily due to school closures, economic loss, and people (including potential victims) staying home longer.⁴¹



> A woman crushes wild fruits locally known as “edung” before boiling it for hour at the Parapul village, in Loiyangalani area where families affected by the prolonged drought live, in Marsabit on July 11, 2022. At least 18 million people across the Horn of Africa are facing severe hunger as the worst drought in 40 years, with over four million in Kenya's north. The impact of drought on agriculture and livelihoods increases the risk of child marriage, as both a means of income and to ease financial strain. Photo credit: Simon Maina/AFP via Getty Images.

KEY ADVOCACY MESSAGE:

Girls should not be discriminated against on the basis of gender – communities should promote gender equity, tolerance and acceptance.

Our faith requires us to respect all people and treat them with dignity as they carry the image of God. In Christianity, the Bible teaches:

“But Jesus went to the Mount of Olives. At dawn he appeared again in the temple courts, where all the people gathered around him, and he sat down to teach them. The teachers of the law and the Pharisees brought in a woman caught in adultery. They made her stand before the group and said to Jesus, “Teacher, this woman was caught in the act of adultery. In the Law Moses commanded us to stone such women. Now what do you say?” They were using this question as a trap, in order to have a basis for accusing him. But Jesus bent down and started to write on the ground with his finger. When they kept on questioning him, he straightened up and said to them, “If any one of you is without sin, let him be the first to throw a stone at her.” Again he stooped down and wrote on the ground. At this, those who heard began to go away one at a time, the older ones first, until only Jesus was left, with the woman still standing there. Jesus straightened up and asked her, “Woman, where are they? Has no one condemned you?” “No one, sir,” she said. “Then neither do I condemn you,” Jesus declared. “Go now and leave your life of sin.””

(John 8:1-11 NIV)

In Islam, the Quran states that:

“He gifts to whomsoever he wants male offspring and he gifts to whomsoever he wants female offspring.”

(Quran 42:49)

“Human Beings we created you all from a male and a female and made you into nations and tribes so that you may know one another.”

(Quran 49:13)

The Hindu religion supports that everyone can and has rights regardless of their gender:

“Shri Krishna explained to Satyabhama that just as the importance of salt is in every kind of food, in the same way, the importance of women is also in every work of the world. Shri Krishna said that a woman is like water, she merges with anyone she meets. Shri Krishna said that a man who thinks that his wife or female partner is only his servant, perhaps does not know how to love their mother.”

(Mahabharata- Khrishna and Satyabhama)

WHAT ARE THE CONSEQUENCES?

Forced marriage creates negative social, economic, and health outcomes for the individuals forced to marry, their families, communities, and society as a whole. It undermines freedom, equality, and human dignity, which are essential for societies to thrive.

Negative health outcomes

Individuals who are forced to marry are exposed to several negative mental and physical health outcomes, including increased risk of physical and sexual abuse and violence.⁴² This can lead to increased risk of HIV infection, adolescent pregnancy, poor reproductive health, fistula, and complications during childbirth, including risk of death.⁴³ Related practices such as FGM/C also carry severe health risks, including bleeding, pain during sexual intercourse, challenges during childbirth, and in some cases, death.⁴⁴

Negative social outcomes

Children who are forced to marry also face negative social outcomes, including lower educational attainment and poor literacy due to being more likely to leave school, lack of decision-making power within the household, and a higher number of adolescent pregnancies.⁴⁵ The effects of this are intergenerational, where the children of those forced to marry early are more likely to marry early, thereby locking families into inter-generational poverty.

Negative economic outcomes

Later in life, victims of forced marriage are often deprived of equal employment opportunities and their right to full economic participation. They may also be vulnerable to other forms of modern slavery, including forced labour and domestic servitude.⁴⁶ The impact on the economy is widespread. The cumulative cost of child marriage from 2014 to 2030 is estimated to be US\$5 trillion. Girls who marry early are likely to have more children, while larger families tend to have less money for each member, which means they are more reliant on the government for basic services. Ending child marriage could save national welfare systems over \$500 billion per year globally by the year 2030 as a result of the benefits of lower population growth.⁴⁷



KEY ADVOCACY MESSAGE:

Children deserve proper physical, psychological and emotional health care, and nourishment.

As faith leaders, we have a responsibility to love our children and raise them as responsible citizens. According to the Christian faith, children deserve proper health care and nourishment during their growth and development stages, as shown in the Bible:

“Fathers, do not provoke your children to anger, but bring them up in the discipline and instruction of the Lord.”

(Eph. 6:4 ESV)

In Islam, Anas bin Malik narrated that the Messenger of Allah said:

“Be kind to your children, and perfect their manners.”

(Ibn Majah) Hadith

“Your children have the right of receiving equal treatment, as you have the right that they should honour you.”

(Abu Dawood) Hadith

In Hinduism, the story of Abhimanyu says:

“Abhimanyu a character in Mahabharata was still in his mother’s womb when he first heard his uncle Krishna telling Subhadra about the secret of the almost impenetrable military formation known as the Chakravyuha. But then Subhadra fell asleep while listening to Krishna’s story, and so the unborn child was able to hear only part of the secret. The story of Abhimanyu points to something that indigenous communities have long known and science has confirmed: that no child comes into the world as a blank slate; that some determinants of a child’s destiny, including layers of consciousness, are formed well before birth.”

(Mahabharata)

> Children from the pastoral Turkana community walk on October 18, 2022 in file as they head to receive lunch rations at a nearby food aid distribution point during a drought-intervention community outreach clinic organised by United Nations International Childrens Education Fund (UNICEF) at Nadoto village. Photo credit: Tony Karumba via Getty Images.

KEY ADVOCACY MESSAGE:

Child and forced marriage denies individuals and society an opportunity to meaningfully engage in economic, spiritual, and social endeavours.

As faith leaders, we should speak up for those who are most vulnerable, as guided by the scriptures. In Christianity, the Bible guides as follows:

“Open your mouth for the mute, for the rights of all who are destitute. Open your mouth, judge righteously, defend the rights of the poor and needy.”

(Proverbs 31:8-9 NIV)

Islam teaches that Allah will punish those who do not speak against evil such as child and forced marriage, as guided by Prophet Muhammad SAW:

“Indeed when people see an oppressor but do not prevent him /her from doing evil, it is likely that Allah will punish them all.”

(Ibn Dawood) Hadith

In Hinduism, there are many paths to enlightenment, and one should not resort to harmful actions, such as forced marriages, in the pursuit of economic and spiritual goals:

“In whatever way men approach me, even so do I reward them; my path do men tread in all ways, O son of Prtha.”

(Chapter 4, Verse 11)

MYTHS AND MISCONCEPTIONS

Persistent myths and misconceptions surrounding forced marriage inhibit understandings of the true nature and scale of the problem, and hamper efforts to address it. It is the responsibility of faith leaders, as authorities upon whom communities look to for guidance, to raise awareness and to help dispel these myths.

MYTH: “Child and forced marriage doesn’t affect our community.”

REALITY: It is a common misconception that child and forced marriage is an issue that does not affect us; however, it is a global problem that cuts across countries, regions, cultures, and religions: all countries are affected.

MYTH: “Child and forced marriage is a cultural practice, we have to respect and protect it.”

REALITY: In many communities, child marriage has been a tradition for decades, if not centuries – so much so that it is seen as a core part of the culture. However, child marriage deprives those impacted of education and economic opportunities, and puts their health and safety at risk as well as socially isolating the child. The solution is not to condemn all cultures and traditions, but to work together with communities to change harmful practices.

MYTH: “Child and forced marriage is not a religious problem.”

REALITY: Child and forced marriage can happen within religious communities, and faith leaders can play a crucial role in tackling the issue: they can confirm that the bride and the groom are both above the age of 18 before marriage, promote progressive interpretations of religious texts, and help people to understand that their religion does not condone forced marriage. Importantly, religious texts are open to be interpreted, and that interpretation can be open to change, making positive reform possible.⁴⁸

KEY ADVOCACY MESSAGE:

Always understand your culture and traditions in relation to child or forced marriage.

Culture, traditions, and religion play a key role in either promoting or challenging child and forced marriage. In Christianity, the Bible encourages seeking knowledge with regards to your culture and tradition:

“But you must continue in the things which you have learned and been assured of, knowing from whom you have learned them, and that from childhood you have known the Holy Scriptures, which are able to make you wise for salvation through faith which is in Christ Jesus.”

(2nd Timothy 3:14 NKV)

In Islam, the Quran advises faith communities to know their way of faith as in the following:

The Hadith -It is related from Hadrat Abu Hurairah (Radiyah Anhu) that the Prophet, may Allah bless him and grant him peace, said, “A previously married woman should not be married until she has been consulted. A virgin is not married until she has been asked for her permission.”

(Sahih Bukhari, Book of Marriage, Hadith 4843)

In Hinduism, reference can be made from VEDAS with respect to Rishis. In Rig Vedic opinions and classical literature, the commonly described marriage type was Gandharva, where the woman and the man had met each other in their ordinary village life, or in various other places such as regional festivals and fairs, begun to enjoy each other’s company, and decided to be together. This free choice and mutual attraction were generally approved by their kinsmen.

As Atharvaveda suggests, parents usually let the daughter freely select her life partner after verifying his background. Parents of the boy and the girl arrange their marriage, as per Hindu rituals.

MYTH: “Forced marriage only happens to girls.”

REALITY: While women and girls account for the majority of people in a forced marriage, men and boys are also affected – accounting for just under one third of those in a forced marriage globally.⁴⁹ The practice often pushes boys into the workforce and forces them to take on adult responsibilities before they are ready.

KEY ADVOCACY MESSAGE:

Promote equality and education for all children, regardless of gender.

Child and forced marriage can be reduced through promotion of equality and education for all children, regardless of gender. Our faith commands us to bring up our children in the best way possible regardless of their gender. In Christianity, the Bible says:

“These commandments that I give you today are to be on your hearts. Impress them on your children. Talk about them when you sit at home and when you walk along the road, when you lie down and when you get up.”

(Deuteronomy 6: 6-7 NIV)

“So in Christ Jesus you are all children of God through faith, for all of you who were baptized into Christ have clothed yourselves with Christ. There is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus.”

(Galatians 3:26-28 NIV)

This is also supported in Islam:

“Believers stand up for fairness as Allah witnesses even if it is against yourselves, your parents or your relatives, and regardless of whether a person is wealthy or poor, Allah has more right to your loyalty than they.”

(The Quran 4: 135)

“Whoever supports two girls till they grow up, he and I will come on the Day of Judgement like this.”

(Anas Ibn Malik) Hadith

In the Hindu faith, according to the story of Mahabharata Khrishna and Satyabhama, Krishna talked about the bravery of Satyabhama and women, to convey the message to the society that everyone can and has a right to learn regardless of the gender:

“Shri Krishna explained to Satyabhama that just as the importance of salt is in every kind of food, in the same way, the importance of women is also in every work of the world. Shri Krishna said that a woman is like water, she merges with anyone she meets. Shri Krishna said that a man who thinks that his wife or female partner is only his servant, perhaps does not know how to love their mother.”

(Mahabharata- Khrishna and Satyabhama)

MYTH: “Forced marriage is a family matter – it does not concern us.”

REALITY: The consequences of child and forced marriage do not just stay within the family: when individuals are forced to marry, everyone around them is affected. Forced marriage perpetuates cycles of poverty, inequality, and oppression – from one generation to the next. It is one of the most blatant manifestations of gender inequality. Given the vast majority of forced marriages are perpetrated by family members,⁵⁰ it is crucial that victims and survivors have access to support outside the family network.

KEY ADVOCACY MESSAGE:

If you encounter an incident of child or forced marriage, seek support and guidance from your religious leader and/or relevant authorities.

As faith leaders we have a responsibility to defend the defenceless. In Christianity, the Bible states that:

“Because the poor are plundered and the needy groan, I will now arise,” says the LORD. “I will protect them from those who malign them.”

(Psalm 12:5 NIV)

In Islam, as Narrated `Abdullah bin `Umar: Allah’s Messenger said:

“Allah will (on the Day of Judgement) question each person in a position of responsibility about what he (she) was responsible for in this life.”

(Tirmidhi 1705)

In Hinduism Rig-Veda 6-64-6 says, at the time of marriage the woman should preferably choose a man who likes her most and is delighted to see her.

“Parents should give freedom to the young girl to choose her life partner through the institution of Svayamvara, which literally means self-choosing of a husband.”

(R.V 5-47-6 and 1-71-8)

Marriages arranged by parents are also contemplated. However, the institution of svayamvara where the bridegroom has to fulfill certain conditions of expertise, strength, power, knowledge etc., is to be fulfilled as prescribed by the parents of the bride, before finally getting married. This clearly shows the great importance Vedic rsis and munnies gave to women. No dowry system is mentioned anywhere. Vedas leave no doubt those male female relationships are more on the principle of co-equal relationship of the cosmos i.e. between Purusha (the Supreme Reality) and Prakrti (Supreme Mother) and thus provide divinity and sanctity to institution of marriage.



Section B:
**LAWS, GAPS, AND
OPPORTUNITIES**

> Evangelical church in Kayole.
Photo credit: Godong/Universal
Images Group via Getty Images.

KENYA'S LEGAL FRAMEWORK ON FORCED MARRIAGE

Kenya has committed to eliminating child and forced marriage by 2030 in line with the SDGs,⁵¹ and has a relatively strong legal framework to tackle child and forced marriage. The government has ratified the UN Convention on the Elimination of Discrimination Against Women, which obligates states to ensure free and full consent to marriage,⁵² and the African Charter on the Rights and Welfare of the Child, which prohibits child marriage.⁵³ This is enshrined in national legislation through the recently revised Children Act, 2022.⁵⁴

Kenya is one of few countries around the world to explicitly prohibit the marriage of children under the age of 18 without exception. Pursuant to the Marriage Act, 2014, a person shall not marry unless they have attained 18 years of age, and anyone who marries a person below the minimum age commits an offence.⁵⁵ The right to consent to marriage is enshrined in the 2010 Constitution,⁵⁶ which supersedes African Customary Law. However, gaps in the legal framework still exist. For example, forced marriage is not sufficiently criminalised as a distinct offence under the Marriage Act, 2014: article 89 does not cover all cases where consent has not been given, and only applies to parties to the marriage.⁵⁷ Further, the government has not ratified the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages, 1964. While the 2015-2022 National Plan of Action for Children in Kenya recognised that child marriage leads to physical, sexual and emotional abuse of children, it is unclear what actions were taken under the plan to respond,⁵⁸ and the National Plan of Action to End Child Marriage drafted in 2016 is yet to be finalised by the government.⁵⁹

There are also gaps in the implementation and enforcement of existing legislation. More than 60 per cent of Kenyan respondents in a 2022 study believed the criminal justice response to forced and child marriage to be poor or average.⁶⁰ A 2021 study conducted in Homa Bay County, Western Kenya found that some parents of child marriage victims were reluctant to report cases to police in case it would bring shame on their children, while some girls resisted testifying in court after discovering their spouse could be imprisoned,⁶¹ highlighting the need for alternative forms of justice for survivors. While information on forced marriage of adults is limited, domestic violence is rarely prosecuted in Kenya,⁶² and during the pandemic, survivors of domestic violence were reportedly left without government support and protection.⁶³ Further, the national referral mechanism (NRM) to respond to modern slavery cases is not effectively implemented,⁶⁴ making it difficult for victims and survivors to access support.

Refer to appendices 1 and 2 for more information on Kenya's legislative framework on child and forced marriage and a summary of key government actors responding to the issue.

KEY ADVOCACY MESSAGE:

Survivors of child and forced marriage should be supported to find assistance and appropriate justice.

Justice means different things to different people and can take many different forms. Justice for survivors may not always be obtained through the formal criminal justice system, as not all victims and survivors want to prosecute, especially when family members are involved.

Our faiths require that justice be given to those who are vulnerable, that their rights are protected, and that they be protected from harm.

In Christianity, the Bible states:

“Give justice to the weak and the fatherless; maintain the right of the afflicted and the destitute. Rescue the weak and the needy; deliver them from the hand of the wicked.”

(Psalm 82:3-4 NIV)

In Islam in the Hadith, Prophet Muhammad SAW said:

“Indeed when people see an oppressor but do not prevent him /her from doing evil, it is likely that Allah will punish them all.”

(Ibn Dawood) Hadith

In Hinduism, Bhagavad Gita Chapter 1 Verse 37 illustrates the care and protection that Arjuna, the hero of the Bhagavad Gita, took to assess the situation on the battlefield before engaging in battle, demonstrating his concern for justice and avoiding unnecessary harm to others.

> A worshipper of Adundo Messiah church gestures before the Sunday church service in Kisumu. Photo credit: YASUYOSHI CHIBA/AFP via Getty Images.



GAPS AND OPPORTUNITIES FOR FAITH LEADER ADVOCACY

Faith leaders and their communities can play a vital role in transforming attitudes around forced and child marriage and supporting efforts to eliminate the practice.⁶⁵



> Kenya Women of Faith Network representatives looking at highlights of the MOU signing ceremony between IRCK and GFN. Photo Credit: IRCK.

Table 2 summarises key gaps in the national response to forced and child marriage, and opportunities for faith leaders to call on the government to take action. Faith leaders can use the key advocacy messages highlighted throughout this guide to support their advocacy efforts.

Table 2: Gaps and opportunities to improve the government response to forced and child marriage

Gaps	Opportunities for faith leaders
<p>Not all forms of forced marriage are criminalised</p> <p><i>The Marriage Act does not explicitly criminalise the act of marrying someone who does not consent.</i></p>	<ul style="list-style-type: none"> Engage with the Kenyan government to amend the Marriage Act, 2014 to explicitly criminalise the act of forcing someone who does not consent to marry, regardless of age. Advocate for the introduction of a suite of trauma-informed and survivor-centred measures in legislation, including civil protections that are independent of other legal proceedings, and protect the individual from marriage without having to penalise the perpetrators, who are often family members.
<p>Lack of a national strategy</p> <p><i>The National Plan of Action to End Child Marriage, drafted in 2016, is yet to be adopted.</i></p>	<ul style="list-style-type: none"> Foster increased collective commitment to call on the government to finalise and adopt the National Action Plan to End Child Marriage. Foster increase commitment to ending forced marriage at the community level – involve men and boys in this effort and sensitize community members to report cases to authorities.
<p>Lack of enforcement of laws and policies</p> <p><i>Despite the existence of robust laws and policies on child and forced marriage, these are not fully implemented in practice.</i></p>	<ul style="list-style-type: none"> Develop advocacy strategies targeting the Presidency, relevant Cabinet Secretaries, County Government, Regional and County Commissioners, Chiefs and local leaders. Led by IRCK, collaborate with the government to adopt a consolidated, collaborative, and multi-sectoral approach to address child and forced marriage involving faith leaders. Advocate for equitable access to education, employment, and support services and the removal of structural barriers that drive child and forced marriage. Support the implementation of programs focused on the enforcement of laws against forced and child marriage, including provision of training and resources for law enforcement and frontline responders. Advocate to strengthen civil registration systems, which record births and marriages, to improve efforts to prevent child marriage.
<p>Lack of systematic data collection and centralised database</p> <p><i>Data on forced and child marriage is not collected systematically nor stored in a centralised database, hampering the establishment of trends for programming and advocacy purposes. The 2022 KDHS survey does not include data on age at first marriage.⁶⁶</i></p>	<ul style="list-style-type: none"> Engage with the Kenya Bureau of Statistics to ensure that data collection for the KDHS includes child and forced marriage indicators. Advocate for the government to conduct survivor-centered, trauma-informed research on the nature and scale of child and forced marriage in Kenya and appropriate responses. Advocate for the government to annually publish official statistics related to forced marriage, including the number of reported cases, arrests, investigations, prosecutions, and convictions.
<p>Ineffective coordination among government and non-government actors</p> <p><i>Limited coordination between state and non-state actors results in disjointed efforts to address child and forced marriage. The National Referral Mechanism for in Kenya is not fully implemented.</i></p>	<ul style="list-style-type: none"> Encourage faith leaders to familiarise themselves with the NRM Advocate for the government to strengthen implementation of the NRM and work collaboratively with faith leaders to support its implementation.⁶⁷ Collaborate with local leaders and other relevant stakeholders such as civil society, other faith-based organisations, and the UN agencies in promoting the rights of young people, including through education-in-culture (learning through a cultural lens) and culture-in-education (embedding culture in learning) and raising awareness of reporting mechanisms and referral pathways.
<p>Inadequate resources (including community capacity)</p> <p><i>Despite strong will among various stakeholders to address child and forced marriage, lack of resources hinders efforts.</i></p>	<ul style="list-style-type: none"> Led by IRCK, mobilise a pool of resources through convening a donor roundtable to share a vision for a country free from child and forced marriages. Advocate for the improvement of access to youth-friendly sexual and reproductive health information and services. Advocate for religious schools to educate children to know and exercise their rights with regard to child marriage, develop skills to support their own life plans, and to have opportunities to connect with their peers and support each other. Sensitize communities on the existing legal framework and referral pathways for child and forced marriage.



Section C:

ADVOCACY STRATEGIES FOR FAITH LEADERS

> Faith leaders advocate for the development and implementation of laws, policies and programs that address forced marriages in Kenya. Photo Credit: IRCK.

THE ROLE OF FAITH IN TACKLING CHILD AND FORCED MARRIAGE

Faith leaders play a critical role to tackling child and forced marriage. They can change attitudes and provide solace to survivors. This section provides guidance for faith leaders on how to conduct advocacy for stronger action to address forced and child marriage in Kenya.

Why should faith leaders get involved?

Modern slavery, including forced marriage, involves the exploitation of people for profit or personal gain. It constitutes a fundamental violation of human rights, and undermines the core principles of our faiths. Yet faith leaders are uniquely placed to make a difference – as custodians of their faiths and pillars of the communities they serve, faith leaders can play a vital role raising awareness and transforming attitudes to engender lasting positive change.

A CALL TO ACTION FOR FAITH LEADERS

- Talk and pray about forced and child marriage in your place of worship.
- Create a safe space where concerned people and potential victims/survivors feel comfortable reaching out.
- Raise awareness on forced and child marriage in your community.
- Collaborate with other faith leaders and other relevant stakeholders to transform attitudes and systems that promote forced marriage.
- Adhere to the Marriage Act, 2014 when officiating marriages, for it does not contradict faiths.
- Advocate for the amendment of the Marriage Act 2014 to criminalise forced marriage in all cases where a party does not consent to the marriage.
- Work with the government to strengthen the response to forced and child marriage.

Child and forced marriage survivor engagement

Survivors have invaluable insights when it comes to developing solutions to child and forced marriage, yet often, efforts to address modern slavery are designed and developed without their input. Survivor involvement is important as it recognises that lived experience is expertise. It refers to the development or delivery of a process or project that is being carried out ‘with’ or ‘by’ survivors rather than being ‘for’ or ‘about’ them. Faith leaders should both seek to engage survivors in their own advocacy plans, and should advocate for survivor inclusive government responses. Survivor involvement must always be safe, supportive, trauma-informed, and consensual.

Faith leaders may also find themselves in a position to respond directly to an instance of modern slavery – as trusted members of the communities they serve, they are well placed to identify and support victims and survivors. When responding to modern slavery, faith leaders should use a trauma-informed, survivor-centered approach. Ensuring survivor safety and the right to information, non-discrimination, consent, privacy, and confidentiality is paramount. Faith leaders should refer reports to the relevant authorities. More information is available in the Faith for Freedom smartphone app.

More resources on trauma-informed approaches and survivor engagement are available at: survivoralliance.org/survivor-engagement-resources.

KEY ADVOCACY MESSAGE:

Faith leaders should provide support to survivors and conduct advocacy to strengthen the government response.

In the Christian faith; the Bible states that:

“Everyone must submit himself to the governing authority for there is no authority except that which God has established”

(Romans 13:1, NIV)

“My brothers, some from the Chloe’s households have informed me that there are quarrels among you”

(1st Corinthians 1:11 NLV.)

In Islam; the Quran states that:

“And do not stand for that of which you have no knowledge verily the hearing, the sight and the heart are all of these for which you will be questioned”

(The Quran 17:36)

The Quran emphasises the importance of obeying Allah and the Prophet, as well as those in authority among Muslim:

“Obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result”

(Surah Al-Anfal, verse 46)

“And those who have been given knowledge see that what is revealed to you from your Lord is the truth, and it guides to the path of the Exalted in Might, the Praiseworthy”

(The Quran Surah Saba, verse 6)

In the Hindu faith, the Bhagavad Gita Chapter 3, Verse 21, Lord Krishna says:

“Whatever action a great man performs, common men follow. And whatever standards he sets by exemplary acts, all the world pursues.”

This verse suggests that great leaders and individuals in authority who act with wisdom and compassion can inspire others to follow their example and work towards creating a better society and those who get inspired in turn promote common good.

> Religious leaders commit to ending child and forced marriages in Kenya as the IRCK and GFN leadership observes. Photo Credit: IRCK.



HOW TO CONDUCT ADVOCACY

Faith leaders can follow the steps outlined in Figure 4 to develop an advocacy plan to champion action to end forced and child marriage.

Figure 4: steps in the advocacy process

Identify the issue

What is the issue you seek to address?

1

Collect information

Build your understanding of the issue, its causes and consequences, and the environment in which it occurs.

2

Set your goals, objectives, and indicators for success

What is your desired outcome and how will you know it has been achieved?

3

Identify your target audience

Map the relevant stakeholders – *who are the decision makers with authority to bring about the desired change?*

4

Develop your message

Consider why you want to address the issue, who you are trying to reach with the message, and what action you want your audience to take. Clearly state your asks.

5

Who are the advocates and collaborators – *those who have access to and are able to influence the decision makers?*

6

Identify Channels of Communication

Consider the best way to communicate your message. Advocacy communication should inform, persuade, move to action, or maintain relationships and support.

Implement

Carry out your advocacy plan.

7

Evaluate

Monitor and evaluate the results.

8

Advocacy tools and approaches

In addition to the steps outlined above, some specific actions faith leaders can take include: writing policy briefs, letters, and submissions; convening high-level interdenominational forums; conducting advocacy campaigns using traditional and social media; participating in processions and annual commemorations; and using the pulpit to disseminate messages.

Policy briefs, letters, and submissions

Policy briefs, letters, and submissions calling for increased action to end forced and child marriage are an effective way to communicate your message to government stakeholders. Such efforts should be informed by evidence, draw attention to areas where further action is required, and recommend solutions (for example, those highlighted in Table 2). Papers can be presented to relevant government institutions such as the Minister, Permanent Secretary, Constitutional Commissions, and Regional and County administrators, with a view to influencing policy and lawmaking. Faith leaders can seek meetings to present their policy asks face-to-face or virtually.

Faith leaders can also make submissions to UN bodies to inform their review of Kenya and related recommendations for the Kenyan government:

The UN Human Rights Council assesses how countries are meeting their human rights obligations through the Universal Periodic Review (UPR). The UPR process allows civil society actors to make written contributions to the Office of the High Commissioner for Human Rights to inform the review. More information on the submissions process and Kenya's next review period can be found here: <https://www.ohchr.org/en/hr-bodies/upr/ngos-nhris>

The UN Committee on the Elimination of Discrimination Against Women (CEDAW) monitors how countries are implementing the Convention on the Elimination of All Forms of Discrimination Against Women, which includes the right to marry with free and full consent. Civil society and contribute written submissions to inform on how the government is fulfilling its obligations. Information on the reporting cycle, where information on how to make a submission is also posted, can be found here:

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CEDAW

Convene a high-level interfaith forum

Faith leaders can convene a high-level interfaith forum to develop and agree on a coordinated advocacy approach to end child and forced marriage, targeting all levels of government. This approach takes advantage of the intra and interfaith structures that exist across the country and internationally. The forum will facilitate the development of a faith-led agenda anchored in faith leaders' shared commitments to work with youth, the girl child, promote education for all, and transform harmful attitudes and traditions.

Advocacy campaigns using traditional and social media

Faith leaders can design, develop, and implement advocacy campaigns using traditional and social media. It can focus on one or more areas where further action is required to address forced and child marriage and call for increased action. Advocacy campaigns can be disseminated through multiple channels, including for example, via social media; newspaper features; and television, radio, and podcast interviews and discussions.

Faith leaders should consider the diversity of their audiences and seek to provide content in diverse languages (including Kiswahili and English), observe cultural and traditional sensitivities, and involve both traditional and local leaders in these conversations.

IRCK and Walk Free, in collaboration with faith leaders, have created Information, Education and Communication (IEC) materials to support faith leaders to disseminate key messages and conduct advocacy and on elimination of child and forced marriage.

IEC materials are available to download at:

Inter-Religious Council of Kenya
<https://interreligiouscouncil.or.ke>

[Faith For Freedom](#) (scan QR code below)

Processions and annual commemorations

Faith leaders can conduct advocacy through processions and annual commemorations, harnessing the rich faith tradition of community outreach. In this setting, messages could include, but are not limited to: how to report cases and where to seek help, using the Faith For Freedom app for deeper learnings, promoting equity for both genders, promoting education for girls, and calling to be each "brother's/sister's keepers."

Use the pulpit to disseminate messages

Through the congregational model, the pulpit provides an opportunity for faith leaders to draw on the religious scriptures highlighted in this guide to deliver key advocacy messages. Faithfuls hold a deep conviction as to how religion shapes their lives, and the pulpit allows faith leaders to raise awareness of the issue of child and forced marriage to foster greater understanding, attitudinal and behavioural change.

Faith For Freedom

Scan the QR code to download the Faith For Freedom app and learn more about modern slavery, how to respond to situations of modern slavery, and the important role of faith in addressing the issue >



APPENDIX 1: LEGISLATIVE FRAMEWORK

Table 3: Laws, policies, and gaps in the response to forced and child marriage in Kenya

Law/policy	Description	Gaps
The Constitution of Kenya, 2010	Establishes the right of every adult to marry a person of the opposite sex, based on the free consent of the parties under article 45(2).	<ul style="list-style-type: none"> Lack of implementation.
The Children Act, No. 29 of 2022	<p>Defines a child as a person who has not attained the age of 18 and prohibits child marriage and other harmful cultural or religious rites, customs, or practices likely to adversely affect a child under article 23. A person who subjects a child to marriage commits an offence is liable to imprisonment for not less than three years or to a fine of not less than five hundred thousand shillings, or to both.</p> <p>A child defined as in need of care and protection includes a child who has been or is likely to be subjected to child marriage under article 144.</p> <p>Under article 145, any person who has reasonable cause to believe that a child is in need of care and protection may report the matter to the nearest authorised officer, who shall take such steps as may be necessary for securing a Court order for the care and protection of the child in a place of safety or other alternative care in accordance with the Act.</p> <p>Under article 150, if a Court is satisfied that a child brought before it is in need of care and protection, the Court may – if the child is subjected to early marriage – make an order declaring the marriage null and require that the child be placed in the care of a fit person.</p>	<ul style="list-style-type: none"> The law is insufficiently enforced.
The Marriage Act, No. 4 of 2014	<p>States a person shall not marry unless they have reached 18 years of age and declares marriages of those under the age of 18 void per articles 4 and 11.</p> <p>Establishes that a party to a ceremony who knows or has reason to believe that the consent of the other party was induced by coercion or fraud or by a mistake as to the nature of the ceremony, or that the other party was suffering from any mental disorders, mental disability, was intoxicated, or under the influence of drugs, commits an offence and is liable to imprisonment for up to three years or a fine of three hundred thousand shillings or to both, per article 89, and declares these marriages void per article 11.</p> <p>A person who marries a person below the minimum age commits an offence and is liable to imprisonment for up to five years or a fine or both, per article 87.</p> <p>A person who celebrates or witnesses a union where at least one party is below 18 is liable to imprisonment for a term not exceeding six months or a fine or both, per article 92.</p>	<ul style="list-style-type: none"> The law is insufficiently enforced. Proof of age is often not produced for marriage ceremonies. Police officers and court officials lack resources and capacity to enforce the law and may hamper enforcement efforts.⁶⁸ Police lack sufficient training and often do not see it as their role to prevent child marriages, or defer to the parents' wishes. Current legislation does not cover all cases where consent has not been given.
The Sexual Offences Act, No. 3 of 2006	Establishes offences for penetration of a child, termed 'defilement' under article 8.	<ul style="list-style-type: none"> The law is insufficiently enforced. Police officers lack adequate training and resources to address the issue. Lack of referral pathways hampers access to justice.
The Prohibition of Female Genital Mutilation Act, No. 32 of 2011	Under Part IV, establishes offences for performing or facilitating female genital mutilation, a known driver of child marriage in Kenya.	<ul style="list-style-type: none"> Enforcement is often compromised at the local level by cultural norms. Police officers lack sufficient training to enforce the law.⁶⁹
The Counter-Trafficking in Persons Act, No. 8 of 2010	<p>Establishes the offence of trafficking in persons whereby the purpose of exploitation includes child marriage and forced marriage, per article 2.</p> <p>A person who traffics another person for the purpose of exploitation commits an offence and is liable to imprisonment for a minimum term of thirty years or to a fine or to both, per article 3. A person who finances, controls, aids or abets the commission of an offence of trafficking in persons is also liable to punishment.</p>	<ul style="list-style-type: none"> The law is insufficiently enforced.
National Plan of Action for Children in Kenya 2015-2022	Planned actions include the elimination of child marriage and awareness raising sessions on issues such as child marriage.	<ul style="list-style-type: none"> The implementation period of the plan ended in 2022 but its impact in addressing child marriage cannot be clearly established.

*As at April 2023

APPENDIX 2: KEY ACTORS IN NATIONAL AND COUNTY GOVERNMENTS

Table 4: Key actors addressing forced and child marriage

Actors	Role
State Department for Social Protection and Senior Citizen Affairs, Ministry of Labour and Social Protection	Responsible for the promotion of decent work and protection of vulnerable groups, including through development and implementation of programmes to address child labour. Website: socialprotection.go.ke/
State Department for Gender and Affirmative Action, Ministry of Public Service Gender and Affirmative Action	Responsible for the coordination of gender mainstreaming in national development planning and the promotion of equitable political and socio-economic development for women, men, girls, and boys. This includes monitoring prevalence and coordinated programmes to address FGM/C and sexual and gender-based violence. Website: gender.go.ke/
The National Council for Children's Services (NCCS), Ministry of Labour and Social Protection	Responsible for the regulation and coordination of provision of children's services; ensuring compliance with international, regional, and national obligations, statutes, laws, and policies on children; and advising government on children's matters. Website: nccs.go.ke/
Department of Children's Services (DCS), Ministry of Labour and Social Protection	Mandated to safeguard and protect the rights and welfare of children for national prosperity in accordance with the Children's Act. Website: socialprotection.go.ke/children-services/
Counties	Counties act as a link between the county and the national government and they coordinate, implement, monitor and evaluate child protection services at the county level. They provide capacity building for frontline workers, mobilise resources, and disseminate information and policies on children.
National Police Service	Responsible for receiving complaints and recording witness statements, investigations, collection and preservation of evidence, present witnesses in court, work in collaboration with gender desks. Website: npsc.go.ke/ nationalpolice.go.ke
Ministry of Health	Responsible for providing a progressive, sustainable and equitable health care system for all. Website: health.go.ke/
Ministry of Education	Responsible for the coordination of education, training and research. Website: education.go.ke/
National Gender and Equality Commission (NGEC)	Mandated to promote and ensure gender equality, principles of equality and non-discrimination for all persons in Kenya as provided for in the 2010 Constitution, with a focus on special interest groups including women and children. Website: ngeckkenya.org/
Kenya National Commission on Human Rights (KNCHR)	An independent National Human Rights Institution established to protect and promote human rights in Kenya. Website: knchr.org/

*As at April 2023

ENDNOTES

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- 3 These marriages are prohibited by several international conventions, including those that prohibit slavery and slavery-like practices, including servile marriage. Other forms of exploitation can also occur within the context of a forced marriage, such as human trafficking and forced labour. The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956) defines servile marriage as a “slavery like practice,” in Article 1(c) as follows: “Any institution or practice whereby: (i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or (iii) A woman on the death of her husband is liable to be inherited by another person.” See also, UN General Assembly, Resolution 2200A (XXI), International Covenant on Civil and Political Rights, 1966, Article 8; UN General Assembly, resolution 71/480, Child, Early and Forced Marriage, A/RES/71/480 (2016); and UN General Assembly, Resolution 1763 A (XVII), Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages Resolution, 1962. Cited in International Labour Organization, Walk Free & International Organization for Migration 2022, Global Estimates of Modern Slavery, p. 15. Available from: <https://www.walkfree.org/reports/global-estimates-of-modern-slavery-2022/>.
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