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<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
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<td>ASAL</td>
<td>Arid and Semi-Arid Lands</td>
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<td>AU</td>
<td>African Union</td>
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<td>CRPD</td>
<td>Convention on the Rights of Persons with Disabilities</td>
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<td>HIV</td>
<td>Human Immune-deficiency Virus</td>
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<td>ICPD</td>
<td>International Conference on Population and Development</td>
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<td>Internally Displaced Persons</td>
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<td>IYF</td>
<td>International Year of the Family</td>
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<td>KDHS</td>
<td>Kenya Demographic and Health Survey</td>
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<td>KNBS</td>
<td>Kenya National Bureau of Statistics</td>
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<td>M&amp;E</td>
<td>Monitoring and Evaluation</td>
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<td>MTEF</td>
<td>Medium Term Evaluation Framework</td>
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<td>NHIF</td>
<td>National Hospital Insurance Fund</td>
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<td>OPCT</td>
<td>Older Persons Cash Transfer Programme</td>
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<td>OVC</td>
<td>Orphans and Vulnerable Children</td>
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<td>SDGs</td>
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DEFINITION OF KEY TERMS

Child-headed household: A household without an adult caregiver, which is headed by the eldest or most responsible child who assumes parental responsibility.

Cohabitation: A union in which two adults stay together without any contractual agreements, with or without children.

Dysfunctional family: A family in which conflict, misbehaviour, neglect, or abuse occur continually or regularly.

Extended family: A multigenerational family that may or may not share the same household.

Family: A societal group that is related by blood (kinship), adoption, foster care or the ties of marriage (civil, customary or religious) of two persons of opposite sex.

Family Enrichment: The combination of people and material aimed at providing parents with pedagogical ideas and guides for educating their children at different ages.

Family policy: any direct and indirect policy that influences the well-being of families

Family protection: Support to families that focus on family resilience in order to strengthen families, so as to keep families together as far as possible.

Family promotion: The deliberate process of giving families the necessary opportunities, relationships, networks, and support to become functional and self-reliant. The promotion of families is driven by certain core areas, namely: family economic success, family support systems, and thriving and nurturing communities.

Family Resilience: the ability of families “to withstand and rebound from disruptive life challenges.

Healthy family: a family characterized by good interpersonal relations and good a state of physical, mental, and social well-being among all members.

Household: A household is composed of one or more people who occupy a housing unit. Not all households contain families.

Intergenerational solidarity: Reciprocal care, support and exchange of material and non-material resources between family members, typically younger and older generation.
Marriage: A voluntary union of a man and woman whether in a monogamous or polygamous union. A Christian, Hindu or civil marriage is monogamous while customary and Islamic are polygamous or potentially polygamous.

Nuclear family: a family group consisting of parents with their biological or adoptive children only.

Primary educator: is the principal/foremost provider of instruction or education.

Older Person: a person who has attained the age of sixty years and above

Reproductive health: is a state of complete physical, mental and social well-being in all matters relating to the reproductive system.

Skip-generation households: A family type where grandparents raise their grandchildren (without the grandchildren’s parents).

Social capital: resources embedded within a person’s social network that influences decisions and outcomes by shaping a personal identity while delineating opportunities and obstacles within a person's social world.

Social cohesion: a process of building shared values and communities of interpretation, reducing disparities in wealth and income, and generally enabling people to have a sense that they are engaged in a common enterprise, facing shared challenges, and that they are members of the same community.

Social protection: policies and programmes that protect people against risk and vulnerability, mitigate the impact of shocks, and support people from chronic incapacities to secure basic livelihoods.

Vulnerability: inability of individuals, communities and societies to withstand adverse impacts from multiple stressors to which they are exposed. These impacts are due in part to characteristics inherent in social interactions, institutions, and systems of cultural values.

Work-family balance: is a term that refers to an individual’s perceptions of the degree to which s/he is experiencing positive relationships between work and family roles, where the relationships are viewed as compatible and at equilibrium with each other.

Youth: persons in the age bracket of 18 to 35 years.
FOREWORD

The Constitution of Kenya Chapter 4, Article 45 recognizes the family as the natural and fundamental unit of the society and the necessary basis of social order and should therefore enjoy the recognition and protection of the State. It further states that, every adult has the right to marry a person of the opposite sex, based on the free consent of the parties. In Article 45(3), the Constitution states that parties are entitled to equal rights at the time of the marriage, during the marriage and at dissolution of the marriage. In addition to the Constitution, at national level there are various legislations which are relevant to the family in general and to specific family members and issues affecting them.

The National Family Promotion and Protection Policy will provide a coherent and comprehensive framework for the implementation and monitoring of policies and programmes to ensure that the protection and support of the family is ingrained in them. This will enable the family to play effectively its vital role in the country’s development. It is envisaged that this Policy will facilitate the existence of an environment that will strengthen the capacity of families to enhance and support the socio-economic empowerment, nurturance and protection of individuals and vulnerable members.

This Policy is built around the recognition of the family as a fundamental social unit and of the various educational, nurturing and caring functions they perform towards their members. It identifies issues/challenges facing families, and also provides a broad based framework for implementing strategies that will enable families make meaningful participation in the development processes.

This Policy is also a commitment by the Government to provide services and protection to families while according them an environment conducive for the enjoyment of their freedoms, liberties and pursuit of happiness. The support of various stakeholders in the implementation of this Policy will be critical. The Government therefore welcomes partners, stakeholders and other players in the implementation of this Policy.

I believe this Policy will help to positively transform the lives of the Kenyan people.

Mrs. Phyllis J.K. Kandie, EGH,
Cabinet Secretary,
Ministry of East African Community, Labour and Social Protection
ACKNOWLEDGEMENT

This Policy was developed during a process that involved widespread consultations and the participation of stakeholders, thereby engendering ownership by the people of Kenya. I wish to thank all those who gave their input either individually or through their organisations and institutions.

I wish to commend the Director for Social Development, Mrs. Josephine Muriuki for providing leadership in the process of developing the policy. The Technical Working Group members coordinated by Ms. Julliet Kola, comprised of Mr. Vincent Kimosop, Mrs. Theresa Abuya, Mr. Raymond Mutura, Mrs. Veronica Kabari, Mr. Bakary Chemaswet, Ms. Phyllis Wanjiru, Mr. Raghupati Shetty, Ms. Roseline Orwa, Mr. Steve Kiteto, Dr. Leah Wanjama, Dr. Robinson Ocharo, Ms. Alice Maranga and Mrs. Phoebe Nyagudi. Last but not least, I would like to thank the Social Welfare and Older Persons Division in the Department of Social Development, in particular Ms. Jane Thiga, for providing logistical support during the entire process.

The implementation of this Policy will, without doubt, require huge financial outlays. I have no doubt that all stakeholders will work in partnership to help mobilise these resources as well as fully participate in the design, implementation, monitoring, and evaluation of the programmes that will be inspired by this Policy.

Ms. Susan Mochache, CBS,
Principal Secretary,
State Department for Social Protection,
Ministry of East African Community, Labour and Social Protection
EXECUTIVE SUMMARY

The Constitution of Kenya Chapter 4, Article 45 recognizes the family as the natural and fundamental unit of the society and the necessary basis of social order and should therefore enjoy the recognition and protection of the State.

Along with the economy, governance and education, the family is universally viewed as one of the measures of civil order without which no society can function. As the setting for demographic reproduction, the seat of the first integration of individuals into social life, and the source of emotional, material and instrumental support for its members, the family influences the way society is structured, organised, and functions. It is essentially through the family that each generation is replaced by the next; that children are born, socialized and cared for until they attain their independence; and that each generation fulfils its care responsibilities to minors, older persons, the sick and other vulnerable members.

This Policy intends to realize the vision of “happy and stable families for a strong society” with the associated positive outcomes. These include higher levels of self-esteem; lower levels of antisocial behaviour such as crime, violence and substance abuse; higher levels of work productivity; lower levels of stress; and more self-efficacy to deal with socioeconomic hardships. To this end, it is envisioned that happy and stable families will demonstrate high levels of social capital and resilience, and contribute to smooth functioning of society and, hence, to social cohesion.

The overall goal of this Policy is to provide an environment that recognizes and facilitates family well-being, and empowers families to participate in the socioeconomic development of the country. The specific objectives of the Policy are to:

a) Enhance the caring, nurturing and supporting capabilities of families so that their members are able to contribute effectively to the overall development of the country;

b) Develop the capacities of families to establish social interactions that contribute towards promoting a sense of community, cohesion and national solidarity;

c) Empower families and their members by enabling them to identify, negotiate and maximize socio-economic and other opportunities available in the country;
d) Enhance programs that support persons with disabilities and other vulnerable family members to participate in every sphere of society;

e) Monitor and evaluate the State of the Family periodically through research;

f) Mainstream interventions that promote and protect the family in all policies, strategies, programmes and projects.

The Policy is based on key guiding principles which include: strong marriage, responsible parenting, family diversity, family resilience, community participation, human rights and partnerships.

The National Family Promotion and Protection Policy identifies challenges affecting the family and undertakes to address them by providing guidelines on what the Government in collaboration with stakeholders will do to realize the policy goal.

The implementation of the Policy will involve a multi-sectoral approach. The Ministry responsible for Family which is currently the Ministry of East African Community, Labour and Social Protection will play a coordination role. Other key players include line Ministries, Departments and Agencies, County Governments, Civil Society Organizations, Private Sector, Faith-based Organizations and Development Partners.
CHAPTER 1

1.0 INTRODUCTION

The development of a National Family Promotion and Protection Policy arose from the Government’s realization that there was need for a coherent and comprehensive framework for the implementation and monitoring of policies and programmes to ensure that the protection and support of the family is ingrained in them. This will enable the family to play effectively its vital role in the country’s development. It is envisaged that the Policy will facilitate the existence of an environment that will strengthen the capacity of families to enhance and support the socio-economic empowerment, nurturance and protection of individuals and vulnerable members.

The contribution of the family in society and in the achievement of development goals continues to be largely overlooked and underemphasized. The development of the National Family Promotion and Protection Policy is in recognition of the potential of the family to contribute to national development, including the eradication of poverty and the creation of a just, stable and secure society.

The majority of the national, regional, internationally agreed development goals, especially those relating to the reduction of poverty, education of children and the reduction of maternal mortality, would be difficult to attain unless the strategies to achieve them focus on the family, which can contribute positively to, inter alia, eradicating poverty and hunger, achieving universal primary education, promoting gender equality and empowering women, reducing child mortality, improving maternal health, and combating HIV/AIDS, malaria and other diseases.

The analytical report on household and family dynamics prepared by the Kenya National Bureau of Statistics revealed that according to the last population census the number of conventional households has grown from about 6.3 million in 1999 to about 8.8 million in 2009. The average household size declined from 5.7 in 1969 to 4.5 in 1999 and to 4.4 in 2009 respectively. About 9 percent of households are headed by youth age group 15-24 while 15 percent of the households are headed by elderly persons age 60 and above. The most prevalent family type is the nuclear although non family households are beginning to emerge in the urban centers. Most households whose heads have ever been married are either nuclear or extended. Males who are divorced or separated tend to live alone compared to women, irrespective of place of residence.

The National Family Promotion and Protection Policy is premised on existing national, regional and international policy frameworks. These include:

- UN International Year of the Family and its follow-up frameworks
- Universal Declaration of Human Rights
Constitution of Kenya

In Kenya the role of the family in the socio-economic, political and cultural development of an individual and society is acknowledged. The Constitution of Kenya Chapter 4, Article 45 recognizes the family as the natural and fundamental unit of the society and the necessary basis of social order and should therefore enjoy the recognition and protection of the State. It further states that, every adult has the right to marry a person of the opposite sex, based on the free consent of the parties. In Article 45(3), the Constitution states that parties are entitled to equal rights at the time of the marriage, during the marriage and at dissolution of the marriage. In addition to the Constitution, at national level there are the following legislations which are relevant to the family in general and to specific family members and issues affecting them:

- The Marriage Act 2014
- The Matrimonial Properties Act 2014
- The Protection Against Domestic Violence Act 2015
- The Children’s Act 2001
- The Social Assistance Act 2014
- The Persons with Disabilities Act 2003
- The Sexual Offences Act 2006
- The Employment Act

Vision 2030

The Vision 2030 is Kenya’s national development blueprint which is expected to guide the country’s development in all its forms. The Vision is anchored on three interrelated pillars - Economic, Social and Political. These aim at transforming Kenya into a globally competitive and prosperous nation, providing a high quality of life in a clean and secure environment. It further aims to transitioning the country to a newly industrialized, middle level income
by 2030. The National Family Promotion and Protection Policy primarily will contribute to the Social Pillar of the Vision which seeks to create a just, cohesive and equitable society living in a clean and secure environment. The objective of the social pillar of the vision is investing in the people of Kenya.

1.1 SITUATIONAL ANALYSIS

1.1.1 Defining the family
A family is a unit of people connected by natural genealogical links (most basically and ideally consisting of a father and mother with their children). The children could also be legally and morally adopted (Corbett & Institute, 2004). Usually the family can be classified into either nuclear or extended whereby the former consists of only parents and their children while the latter consists of other relatives such as aunts, uncles, grandmothers and grandfathers. Family is defined as the smallest unit of a society. It is through families that societies are formed. Therefore, the status of a society is predetermined by the family. This shows a greater relationship that exists between the family and society. Therefore, for the purpose of this Policy “family” will be defined as:

“A societal group that is related by blood (kinship), adoption, foster care or the ties of marriage (civil, customary or religious) of two persons of opposite sex.”

1.1.2 Types of families
This section presents an overview of the different types of families in Kenya. Evidence shows that the nuclear family (which consists of parents with their biological or adoptive children only) is the most common type.

Over the last few decades there has been a rising trend in cohabitation or ‘living in an arrangement in which an unmarried couple lives together in a long term relationship that resembles a marriage’. Another type of family that could be attributed to changing lifestyles of Kenyans is the single-parent family. The single-parent families are mostly headed by women. This has implications for family poverty given that female-headed households have been shown to be generally disadvantaged in terms of access to important socio-economic resources such as land, livestock, credit, education, health care and extension services.

Skip-generation or grandparent headed households, where grandparents live with, and are responsible to care for, their grandchildren is another type of family in the country. These households have often been described as “fragile” largely because the grandparents in the households often simultaneously
struggle with their own personal health, financial constraints and obligations as well as with the psychosocial and behavioural issues they face with their grandchildren.

Child-headed households can be described as households with no adult members, where children live without parents or prime-aged adults. These households are at risk of having to cope not only without adults, but also with poorer living conditions than children in mixed-generation households.

Polygamous households though not very prevalent are one of the types of families found in Kenya. Polygamy is defined in the Marriage Act 2014 as, “the state or practice of a man having more than one wife.”

Blended families can arise from various situations such as divorce, being widowed or from adoption of children into a family that had children of their own. Finances, parenting, couple relationship are some of the conflict areas that may be experienced in such families.

1.2 RATIONALE FOR THE POLICY

The development of the National Family Promotion and Protection Policy is based on the requirement in the Constitution that the family shall enjoy the recognition and protection of the State. The policy will enable a more comprehensive and focused approach in ensuring that;

i. The family as the most fundamental unit of society provides the platform for human capital development that will propel the development of the nation. This will be achieved by developing and implementing policies, strategies, programmes, services, and the supporting infrastructure to empower families through their inherent strengths.

ii. There is a total and holistic direction for family wellbeing that encompasses physical, mental, economic, social, psychological and spiritual development at every stage in the family life cycle.

iii. Formation and strengthening of the family institution so that each family member can be empowered to perform, jointly and fairly, their roles in terms of family relationships, economy, career and lifestyle in order to improve stability, harmony and well-being.

iv. Efforts to guide and nurture families with skills to inculcate, internalize and practice good moral and family values. These values can be the catalyst for success and self protection. The practice of moral values by each individual family member will be reinforced in educational institutions, the community and at the workplaces.
v. Efforts to strengthen inter-generational ties where the elderly are valued and are critical in transferring positive values to future generations. Hence, a culture of a close-knitted family having the attributes of loving, caring, commitment will be enhanced to review and restructure policies, objectives, strategies and programme development to be more family-friendly.

vi. Enhancing the implementation of family wellbeing programs. Service facilities and infrastructures will be expanded and coordinated to support programs targeted for different family types. These include widow(er) headed families, single-parent families, impoverished families, hardcore poor families, vulnerable families (neglected or street families), families having children with special needs, families with disabled family members and families caring for frail older persons.

1.3 VISION

“Happy and Stable Families for a Strong Society”

1.4 MISSION

To promote and protect families through innovative policies, strategies, programmes, projects and services that strengthen society.

1.5 GOAL

To provide an environment that recognizes and facilitates family well-being, and empowers families to participate in the socio-economic development of the country.

1.6 OBJECTIVES

a) Enhance the caring, nurturing and supporting capabilities of families so that their members are able to contribute effectively to the overall development of the country;

b) Develop the capacities of families to establish social interactions that contribute towards promoting a sense of community, cohesion and national solidarity.

c) Empower families and their members by enabling them to identify, negotiate and maximize socio-economic and other opportunities available in the country;

d) Enhance programs that support persons with disabilities and other vulnerable family members to participate in every sphere of society.
e) Monitor and evaluate the State of the Family periodically through research.
f) Mainstream interventions that promote and protect the family in all policies, strategies, programmes and projects.

1.7 GUIDING PRINCIPLES
The Policy is informed by the following guiding principles:

i. *Strong marriages*
Marriages are essential for the stability of families and society’s well-being. Efforts will be made to promote and strengthen them.

ii. *Responsible parenting*
Family stability hinges on responsible parenting. Parents and caregivers are expected to play their roles in the upbringing of their children.

iii. *Family diversity*
Recognize diversity of families in terms of social-cultural and religious background. This will guide the Government and other stakeholders in their engagement with the family.

iv. *Family resilience*
Families have inherent capacities and strengths that sustain them in times of prosperity, as well as adversity. Interventions therefore should recognise these qualities and enhance these attributes.

v. *Community participation*
The family is an integral part of the Kenyan society. To this end, Government and other actors will promote active participation of the community in actions that safeguard and support the family.

vi. *Human rights*
This policy will be guided by basic human rights principles, including equality and non-discrimination, and the protection of the rights of individual family members, notably those that might find themselves in a situation of vulnerability.

vii. *Partnerships*
This implies the Government and other stakeholders (e.g. faith-based institutions, civil society, private sector and NGOs) working together to promote and protect families.
1.8 BUILDING BLOCKS

Family Values
Family values constitute the moral and ethical principles upheld and transmitted within a family. The family values advocated in this policy include: family unity, family care, inclusiveness of all, selflessness, self-mastery, honour to God, resilience, joy and courage.

Protection of the Vulnerable
This policy will ensure the protection of vulnerable members of the family against all kinds of discrimination, violence or abuse.

Family Education and Empowerment
Parents and caregivers are the primary educators and empowerment agents of their children.

Family Cohesion
Family cohesion is founded out of the unity of the spouses. Family cohesion extends to the children when they see the unity demonstrated by their parents. The warmth and unity of the parents and children then extends to the greater extended family, the village, and community and to the nation as a whole.

Security
Families thrive in an environment that assures them of security from all forms of exploitation, violence and abuse, neglect, physical, psychological, emotional, sexual or financial abuse.
CHAPTER 2

2.0 POLICY AND LEGAL AND FRAMEWORK

2.1 Global Context

In December 1989, by its resolution 44/82, the UN General Assembly proclaimed 1994 as the International Year of the Family (IYF) with a view to: creating greater awareness on family issues and promoting activities to support it; strengthen national institutions; enhance the effectiveness of local, regional and international efforts; improve collaboration and partnerships; and build upon the results of international activities concerning women, children, youth, older persons, persons with disabilities and the family as a whole. A major principle underlying the proclamation of the Year was that the family constitutes the basic unit of society and, therefore, warrants special attention. These objectives reflect the multi-dimensional approach on issues affecting the family in the process of development. In order to keep the momentum of the IYF and in keeping with the growing consensus in the global community on the integrated, holistic nature of economic and social progress and development, Kenya has continued to commemorate the International Day of the Family annually on the 15th of May.

Since the Universal Declaration of Human Rights in 1948 which defined the family as “the natural and fundamental group of society,” the International Community has continued to give special consideration to the needs and challenges facing the family and its role in development. These concerns have been articulated in a number of blue-prints including: the Programme of Action of the International Conference on Population and Development (ICPD), the Copenhagen Declaration and Programme of Action, the Beijing Platform for Action, the Agenda 21, the Rio Declaration on Environment and Development, the Plan of Action of the World Summit for Children and the Vienna Declaration and Plan of Action, the Madrid Plan of Action on Ageing to mention but a few.

At the United Nations Sustainable Development Summit on 25 September 2015, more than 150 world leaders adopted the new 2030 Agenda for Sustainable Development, including the Sustainable Development Goals. The goals aim to end poverty, protect the planet, and ensure prosperity for all as part of a new sustainable development agenda.

Article 23 of the UN Convention on the Rights of Persons with Disabilities states that:

1. States Parties shall take effective and appropriate measures to eliminate discrimination against Persons with Disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:
a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;

b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise their rights are provided;

c) Persons with disabilities, including children, retain their fertility on an equal basis with others.

2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

2.2 Regional Context
The AU Plan of Action on the Family in Africa 2004 requires Member States to:
1. Formulate, implement and monitor policies and programmes to ensure protection of and assistance for the family;
2. Create structures and mechanisms for responding to problems affecting the family;
3. Develop a Management Information System (MIS) on the African family, for data collection, analysis, utilization, dissemination, storage and retrieval at all levels;
4. Develop capacity for the improvement of the standard of living of the family;
5. Share experiences and disseminate information on the family;
6. Create a conducive environment for all family members regardless of sex, age, status or disability, with special attention to the rights of women and girls; and
7. Ensure the survival, development, protection and participation of vulnerable groups such as children, youth, women, the elderly, the disabled, the terminally ill and families in difficult circumstances such as, displaced persons and refugees.

The principle of Human rights, individual rights and freedom are enshrined in the Constitutive Act of the African Union as well as in the African Charter on Human and Peoples’ Rights.

The following regional instruments touch on the family.
1. The Dakar/Ngor Declaration on Population, Family and Sustainable Development,
2. The African Charter for Social Action ,
4. The African Common Position on Human and Social Development in Africa
5. The Programme of Action on the Decade of Education in Africa.
6. The African Common Position on Children
7. The Addis Ababa Declaration on Violence against Women
8. Protocol to the African Charter on Human and People’s Rights
10. The Protocol to the African Charter on Human and People’s Rights on Older Persons that was adopted by the AU Summit in 2016

They require Member States to:
- Respect the rights of the family;
- Upgrade family welfare services and integrate family in effective development;
- Enhance the capacity of the family to enable it play its meaningful role in sustainable development.
- Highlight the problems of the family and the need to have a holistic approach to ensure the protection of the family,
- Help the family cope with HIV/AIDS,
- Educate and inform the family on its role towards children.
- Focus on the role of women in the family.
- Acknowledge that family remains the most important source of support for older people and requires Member States to enact legal provisions that promote and strengthen the role of the family and the community in the care of its older members.
- Address the role of older persons in the family.

2.3 National Context
The Constitution of Kenya states in the preamble: “committed to nurturing and protecting the well-being of the individual, the family, communities and the nation. Further Article (45) gives a clearer specification on how the family is viewed, by stating that:

1) “The family is the natural and fundamental unit of society and the necessary basis of social order, and shall enjoy the recognition and protection of the State.
2) Every adult has the right to marry a person of the opposite sex, based on the free consent of the parties.
3) Parties to a marriage are entitled to equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage.
4) Parliament shall enact legislation that recognizes:
   a) marriages concluded under any tradition, or system of religious, personal or family law; and
   b) any system of personal and family law under any tradition, or adhered to by persons professing a particular religion, to the extent that any such marriages or systems of law are consistent with this Constitution”.

Article 45(4) requires the development of new laws in Marriage within 5 years once the new Constitution is promulgated. By April 2014, all subsequent legislation was passed by Parliament. The new Acts are illustrated below;

ii. Marriage Act: Enacted 29.04.2014. An Act that “consolidates the various laws relating to marriage and divorce”

The other provisions in the Constitution that touch on the family include:

• Article 26 of the Constitution which states that every person has a right to life. This protects the youngest member of the family from conception up to death.
• Article 10 which defines national values as patriotism, national unity, sharing the rule of law, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized, transparency and accountability that should be replicated at family level.
• In Article 53, the Constitution provides for the right of the child to a name and nationality, basic healthcare, education, shelter, the right from detention (unless really necessary) and equal care from both parents. A child’s best interests are considered paramount.
• In Article 55, the Constitution talks about the youth and the government ensuring education and training, their right to be represented and to participate in all areas of life; economic, social and political and the right to be protected from harmful cultural practices and exploitation.
• In Article 57, the Constitution describes the rights of the older persons. The Constitution gives them a right to be catered for by the state and their families, the right to personal development and participation in the affairs of society. They are also protected from abuse and the lack of dignified treatment.
• In Article 60 of the Constitution, it protects individuals from the discrimination in law, customs, practices related to Land and property in land.
• Article 68 of the Constitution speaks about the protection and regulation of the matrimonial property particularly the matrimonial home during and in the case of termination of marriage.

In addition, at national level the following legislations are relevant to the family in general and to specific family members and issues affecting them:

**Persons with Disabilities Act 14 of 2003**
Section 45 of this Act seeks to protect persons with disabilities from being afflicted by stigma from the family by particularly indicating the illegality of hiding persons with disabilities.

**Marriage Act of 2014**
The Marriage Act of 2014 seeks to regulate the concept of marriage and divorce in the family and gives an overview of the types of marriages as recognized by Kenya: Christian, Hindu, Customary, and Muslim (Section 6). It also defines that a Christian, Hindu or civil marriage is monogamous. The Act defines that a marriage celebrated under customary law or Islamic law is presumed to be polygamous or potentially polygamous. In addition, the Act also:

- Outlines situations that would render a marriage illegal such as an incestuous marriage, fraud and underage candidates. In addition it describes how a marriage can be voidable and void (Sections 11, 12 and 86).
- Describes the rights of the Widow (er).
- Gives the concept of marriage as that of the opposite sexes (Section 3) by outlining the meaning of marriage as one between a man and a woman and gives a requirement of the ages of the individuals as 18 years of age (Section 4).
- Gives basis for annulment and dissolution (Sections 65, 66, 69, 70, 72).
- Addresses the compulsory registration of marriages in Kenya regardless of the type of Marriage (Sections 53-63).

**Matrimonial Property Act (2013)**
The Act defines matrimonial property as the matrimonial home and home; household goods and effects in the matrimonial home or homes; and any other immovable and movable property jointly owned and acquired during the subsistence of the marriage.
Law of Succession CAP 160
• The Act gives a framework on the succession of property in case of a death by a spouse or a parent. The act outlines the types of successions as Testate and Intestate; death with the presence of a Will and one without respectively. (Section 5(2))
• The Act states that all parties have the capacity to make wills in Kenya regardless of gender. (Ibid Section 5(2))
• The Act provides for the enablement of the court to give provisions for dependents in case they are not included in the will in case of a testate death (Section 26).
• The Act also states that where one has died intestate, their property (personal and household items), where the other spouse is alive, shall be given to them together with the life interest in the property. The spouse has the use and utility of the property during the life interest (Section 35).
• The estate shall also be divided between the deceased’s relatives who have a direct blood link. If there are none, the estate shall be taken by the state.
• Where the spouse (female) remarries or dies, then their property shall be given to the children and divided among them (Section 39).
• Where the spouse who has been bereaved has no children, then in addition to the life interest, personal property and household items, they are also entitled to 20% of the net estate. (Section 36)

Children’s Act CAP 141
• The child is a part of the family and therefore this statute applies directly to the family.
• This Statute sets out the rights of the child such as the right to an education (Section 3).
• The child is always supposed to be protected with its interests being considered first in any circumstances. Their survival is considered paramount (Section 4).
• The child is also supposed to be free from discrimination of any kind (Section 5). The statute also provides for the compulsory provision of parental care of the child, with parents expected to take equal responsibility regardless of whether they are married or not.
• According to the law, if one of the parents dies, then the other parent shall take full responsibility of the child together with any other guardian appointed by the deceased spouse or the relatives of the deceased (Section 23-26). Where both spouses (parents) are deceased the child can be taken by several of the groups provided for by the statute (Section 27).
• Section 21 outlines the duties and responsibilities of a child giving the sense that even when a child receives protection by the conferring of rights; they still have to honour their obligations.
• Section 28 of the statute talks about the extension of the parental responsibility beyond the 18th birthday of the child which can be through a court order.
Protection against Domestic Violence Act 2 of 2015

- This Act protects members of families from abuse. It lists abuse as not only physical but psychological, emotional and economic as well.
- The Act speaks about a domestic relationship which it describes as being one of marriage or co-habitation with other individuals regardless of whether they are in a romantic relationship or not.
- It also considers a child as part of domestic relations and provides avenues in which a child can be represented in court.
- The Act provides the aspect of a protection order through which the accused can be restrained from approaching the victims before the court has concluded the case.
- This Act is thoroughly protective of the child in the case of domestic violence by providing avenues in which the child can voice their wishes but in consideration of the child’s age and maturity. It also concludes that if a child is exposed to the abuse of another person, this amounts to domestic violence.
- This Act is a basic supporter of the protection of the members of the family both male and female.
CHAPTER 3- POLICY IMPLEMENTATION FRAMEWORK

Family issues cut across all sectors requiring a multi-sectoral and multi-disciplinary approach to address them. This Chapter identifies the following thematic areas and presents them in the form of policy issue(s), policy objectives and policy statements:

i. Marriage  
ii. Parenting  
iii. Religion and Culture  
iv. Education  
v. Health  
vi. Economy  
vi. Vulnerability and Social Protection  
viii. Media  
ix. Security

3.1 Marriage

3.1.1 Policy Issue

The Kenya Constitution in Article 45 (3) acknowledges the family as the fundamental unit of society and a basis of social order and further provides in Article 45(4) for the enactment of laws on marriage and family. The two laws are the Marriage Act and the Matrimonial Property Act. These Acts have placed focus on guidelines around how marriage is conducted but not provided for how to strengthen the marriage.

The key policy issues are related on how to promote a culture of marriage and family by ensuring that the family that emerges from marriages becomes a true foundation for social order in Kenya. For this to happen there should be sufficient working together and strengthening of the relationship between the man and woman so that it becomes the community of life and love, placing love at the centre of the family. This involves mutual self-giving, a close integration of the sexual and affective dimensions in the relationship with the aim for stability of the formed family. A greater emphasis on personal communication between those married helps to make family life more humane. The communication and stability of those married enables them to educate their children in virtues and values that will lead them to be citizens of sound judgement, courage, responsibility and able to master themselves in handling situations when fully grown up. Strong marriages will help to confront the different challenges experienced in families today.
3.1.2 **Policy Objective**

- To promote and encourage a culture of marriage.

3.1.3 **Policy Interventions**

The Government shall in collaboration with relevant stakeholders:

i. Review the registration processes and procedures with the intent of easing the registration and formalization of marriages.

ii. Promote gender responsive programs that help young people understand healthy sexuality framed in the context of marriage as the best option.

iii. Encourage and promote dispute resolution mechanisms that keep couples together.

iv. Encourage positive portrayal of marriages in all communication channels.

v. Promote positive cultural aspirations while discouraging those that are inconsistent with the dignity of men and women in a marriage such as Female Genital Mutilation, Wife Inheritance and Child Marriages.

vi. Promote values that would encourage chastity and life skills programmes to reduce early sexual debut for both men and women including ways to discourage pornography and related practices.

vii. Promote principles on sexuality in the context of marriage.

viii. Provide preventive relationship support at key points in couples’ relationships to mitigate the substantial costs upon individuals and society often brought about by the breakdown of stable marital structures.

ix. Ensure that children born of de facto unions or out of wedlock enjoy equal rights in relation to those born from married couples, including the rights to be registered and to have a name.

x. Encourage and fund research on marriage and family to demonstrate the contribution to the socio economic development.

3.2 **Parenting**

Parenting is the process of promoting and nurturing the physical, emotional, social, spiritual and intellectual development of a child from infancy to adulthood. Motherhood and fatherhood is made up of both a biological and a social dimension. While several factors including existing economic and social trends may contribute to parents failing to take responsibility for their children, this tendency is a cause for concern given the significant body of
evidence showing the positive effect of the presence and active involvement of both parents in a child’s life; academic performance; and social, emotional and cognitive functioning. Children brought up by loving parents develop a sense of self-esteem and belonging, family values, religious and cultural identity. They learn to interact better with the community and to face life challenges better. All efforts need to be made to support parents to raise their children and, if this is not possible, to place a child in a family-based alternative care arrangement, such as kinship care, foster care, guardianship or adoption.

3.2.2 Policy Objective

a. To promote and appreciate equal parental responsibility at home and in the public sphere.

b. Enhance parents’ ability and capability to protect children from exposure to, and participation in activities that may be detrimental to their physical, emotional, psychological and intellectual well-being.

3.2.3 Policy Interventions

The Government shall in collaboration with relevant stakeholders:

i. Promote strategies, programs, projects and services that reinforce a culturally relevant role of men and women in giving leadership and defending their families.

ii. Support institutions that teach responsibility to young men and women on their roles as potential family leaders.

iii. Promote programmes that strengthen the role of fathers and mothers in children’s upbringing

iv. Encourage initiatives that enable parent/child relationship

v. Demonstrate a positive image of parenthood through responsible media messages.

vi. Promote and determine the fundamental bond between work and the family.

vii. Promote programs that empower youth to be responsible future parents.

viii. Strengthen and expand existing adoption and foster care mechanisms and support measures to ensure rapid family placement of all children in need thereof.

ix. Promote responsible parenting through appropriate or acceptable cultural values.
3.3 Religion and Culture

3.3.1 Policy Issue

Throughout the centuries, different religions maintain their constant teaching on marriage and family by promoting the dignity of marriage and family and defining marriage as a community of life and love. Religion considers the family as the natural and fundamental unit of the society and the necessary basis of social order. Religion defines marriage as a source of life and love in a community.

Religion teaches that the institution of marriage is not an undue interference by society or authority, nor the extrinsic imposition of a form. Rather it is an intricate requirement of the covenant of conjugal love which is publicly affirmed as unique and exclusive, in order to live in complete fidelity to the plan of God, the Creator. A person’s freedom, far from being restricted by this fidelity, is secured against every form of subjectivism or relativism and is made a sharer in creative Wisdom.

Religion teaches the importance of family prayer and offering adequate pastoral guidance to concretize family spirituality. Strong faith experiences would nourish a family spirituality. In addition, it conscientizes the people about the dangers of negative laws affecting the family, dangers of conflicts to the family unit and comes out very strongly to defend the family values.

Culture is defined as the integrated pattern of human knowledge, belief, and behaviour that depends upon the capacity for learning and transmitting knowledge to succeeding generations. People’s characters are moulded by the culture in which they are raised in. The family plays a crucial role in the preservation of cultural identity, traditions, morals, heritage and the value system of society. Assumptions about what is right and wrong, good and bad, reflect the beliefs, values and traditions of a society. The dynamic nature of culture ensures that individuals and their families are in a constant state of transition as each member moves through the cycle of life and the family moves from one stage of development to the next. Interaction with different cultures has a lot of influence in the way individuals relate within and outside the family.

Introduction of children to the culture, values and norms of their society begins in the family. However, with modernity in addition to the immediate family this role is now played by schools, religious organizations, media and peers. This can be confusing to children especially if the values promoted by each institution are contrary to those taught at home. To better ensure the full and harmonious development of their personality all institutions of society should respect and support the efforts of parents and other caregivers to nurture and care for children in a family environment.
Some of the challenging cultural issues observed in the family context include:

1. Degrading discrimination that emanates from our cultures that affect and seriously harm particular categories of women, as for example childless wives, separated or divorced women, and unmarried mothers.
2. Discrimination of widows allowing for “inheritance” as wives or concubines to their husband’s brother or forcibly placed in a “levirate” relationship, or forcibly made pregnant by a relative in order to continue producing children in her dead husband’s name.
3. Coercing a widow to participate in harmful traditional practices in the context of funeral and burial rites (for example: ritual cleansing through sex; scarification; isolation; restrictions on diet and dress endangering mental and physical health)
4. Female genital mutilation
5. Early marriages
6. Social and cultural conditions that have easily encouraged a father to be less concerned with his family or at any rate less involved in the work of education.
7. Wrong superiority of male prerogatives which humiliates women and inhibits the development of healthy family relationships.

3.3.2 Policy Objective
- To promote and enhance religious and cultural practices that are legally acceptable and supportive to the dignity of the family.

3.3.3 Policy Interventions
The Government shall in collaboration with relevant stakeholders:

i. Document, publish, and disseminate information on religious and cultural practices supportive of the family.

ii. Support educational programmes that promote cultural and religious practices that strengthen the family.

iii. Encourage preservation of good cultural practices at the family level by strengthening intergenerational links.

iv. Review and make laws to manage cultural practices that are against human dignity.

v. Promote marriage preparation and enrichment programmes.
vi. Provide opportunities for individual members of the family to develop and utilize their creative, artistic and intellectual potential.

3.4 Education

3.4.1 Policy Issue

Every child has the right to education. That education should be directed to the development of the child’s personality, talents, mental and physical abilities to their fullest potential. In addition, it should enable the development of respect for human rights and fundamental freedoms, the development of respect for the child’s parents, his or her own cultural identity, language and values. Education should prepare the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious group. Parents have a prior right to choose the kind of education to be given to their children and have the primary responsibility for the upbringing and development of the child. However, the best interests of the child should be the guiding principle of those responsible for the child’s education and guidance.

3.4.2 Policy Objective

- To empower families to effectively play their role as the primary educators of their children.

3.4.3 Policy Interventions

The Government shall in collaboration with relevant stakeholders:

i. Promote and enhance family enrichment programs that can enable families to educate their children freely and make them realize they are the first school, the primary educators of their children.

ii. Provide support through programmes for families that are under distress for instance, due to situations of conflict, war and other conditions in appreciating the importance of the home as the first school through collaboration with family-centred enrichment programmes.

iii. To promote and enable close collaboration between the schools and family centred enrichment programmes with the aim of ensuring the parent-child and parent-school relationships are constantly achieving the full aim of educating the children to be cultured and with relevant values for the future.

iv. Promote programmes that equip young people with social and interpersonal skills to make informed decisions, and develop coping and self-management mechanisms.
v. Promote and support the establishment of early childhood development centres to provide an affordable means of childcare for working parents and basic education for young children.

vi. Strengthen young people’s life and survival skills through formal and non-formal education, vocational training and apprenticeships.

vii. Encourage research to demonstrate how a positive family as a primary educator impacts on a nation’s socio-economic reality.

viii. Encourage positive portrayal of parents as primary educators in all communication channels.

3.5 Health

3.5.1 Policy Issue

The family has an important role in healthcare. Health affects the family first, being the core unit of the society. It is the family that bears the burden of mortality and morbidity. In case of an infectious disease the family members are most vulnerable. Disease prevention measures are best taken within the family, for instance; ensuring, balanced diet, child immunization, hygiene and sanitation.

The government has acknowledged that good health is a pre-requisite for socio-economic development. To lessen the burden of mortality and morbidity, the state has put in place both preventive and curative measures in terms of policies, programmes, systems and strategies to ensure a healthy nation. Under the Ministry of Health, there is the Division of Family Health, mandated to develop national guidelines on standards of health care for both clinical and community health practice in reproductive, maternal, family planning, newborn and child health. This includes directing and developing preventive policies at the national level, initiating partnerships with stakeholders and development partners to ensure family health welfare in the country.

While access to quality health care is a constitutional right, millions of Kenyans cannot afford to pay for health services in public or private clinics. Even with public health insurance being available since 1966 through the National Health Insurance Fund, only 20% of Kenyans have access to some sort of medical coverage. With population at over 44 million and rising, it means as many as 35 million Kenyans are excluded from quality health care coverage.
3.5.2 Policy Objective

- To ensure that every member of the family accesses the highest attainable standard of health care.

3.5.3 Policy Interventions

The Government shall in collaboration with relevant stakeholders:

i. Ensure availability, accessibility and utilization of well equipped maternal, neonatal and child health care facilities with qualified personnel.

ii. Ensure provision of gender responsive family planning services information and education to citizens aged 18 years and above and in the marriage context.

iii. Ensure access to health and reproductive health information and services to youth and adolescents that conform to the national and cultural values aimed at family strengthening.

iv. Encourage parents to take a lead role in teaching and counselling their children on responsible sexual behaviour.

v. Promote gender responsive fertility programs, education and medical management to give support to families in decisions regarding spacing their children and on issues surrounding infertility.

vi. Ensure that health facilities have well equipped geriatric units with adequate qualified personnel to specifically handle older persons’ health problems.

vii. Ensure that NHIF is a fully fledged comprehensive national health insurance scheme, which covers all Kenyans including outpatient care, specialized treatment, access to care and treatment for HIV and AIDS and other terminal illnesses, and quality of care assurance, sickness benefits and mandated post retirement health coverage to which all who can afford must contribute.

viii. Educate and empower families on the use of health related information and services

ix. Ensure revival and sustainability of health education and extension services in communities

x. Encourage healthy living and feeding habits at the family level.

xi. Provide a supportive framework for private sector participation in the health sector and determine the exact role, place and
function as they partner with the government interventions in health care.

xii. Strengthen routine evaluation of health factors affecting the family.

3.6 Economy

3.6.1 Policy Issue

The economy plays a significant role in advancing the welfare of the populace. When the country realises economic growth and development, the positive effects trickle down to the basic economic units and families are the major beneficiaries. In times when there is high inflation, unemployment and macroeconomic instabilities, savings are wiped out and incomes are therefore depleted. This puts a lot of strains on families and deviant tendencies are likely to emerge as individuals look for coping mechanisms.

This is why it is critical that economic planning be done with families in mind so that strategies devised work to advance both the welfare of individuals and families because their prosperity resonates well with efforts of forging a stronger society.

The structure of a country’s economy, for example, will influence the extent to which members of a family are able to enter and participate in the labour market; determine whether family members are able to derive livelihoods from decent work opportunities, earn a living wage and have benefits which enable them to have acceptable standards of living; and have a bearing on the ability of family members to access quality health care, quality education and decent employment.

A large percentage of the Kenyan workforce is employed in the informal sector. The informal sector is known for its long working hours, low productivity, low earnings and the high poverty among its workers. Overall, the informal sector workers are generally known to live and work under harsh conditions associated with shocks such as illness, loss of assets, and loss of income. They also have little or no access to formal risk-coping mechanisms such as insurance, pensions and social assistance.

Among the most striking labour market trends of recent times has been the growing proportion of women in the labour force and the narrowing gap between male and female participation rates. According to the International Labour Organization, women’s participation in income-earning activities outside the home has been increasing conspicuously and significantly in almost all countries. Despite their increasing entry into wage employment, women continue to be primarily responsible for the general management of their households and for the care of minor children and elderly members in
their families. The members of the family need to make the necessary adjustments to ensure “work-family balance”. This will help family relations become stronger and develop tighter bonds.

3.6.2 Policy Objective

- To strengthen the family through the effective implementation of policies, strategies and programmes on socio-economic development goals that support the family well-being.

3.6.3 Policy Interventions

The Government shall in collaboration with relevant stakeholders:

i. Progressively monitor and evaluate the impact of fiscal and monetary policies on the institution of the family.

ii. Mainstream family needs in economic planning policies, strategies and programmes.

iii. Ensure reasonable and gainful employment and adequate standard of living for all families.

iv. Promote entrepreneurship skills as a culture early in life through the formal, non-formal and informal empowerment programs.

v. Expand and strengthen youth empowerment initiatives such as the National Youth Service, Youth Enterprise Development Fund, Uwezo Fund and National Government Affirmative Action Fund.

vi. Identify, target and support those families who are the most vulnerable and the least likely to have alternative sources of livelihood.

vii. Provide direct support to family caregivers in the form of economic and non-economic measures, such as personal income tax relief and subsidies for care of children, older persons and persons with disabilities.

viii. Ensure national commitment to maintain the centrality of the family in national development policies, strategies and programmes.

ix. Set up financial safety nets (social assistance) for the purpose of minimizing poverty arising from old age, disability and sickness.

x. Enforcing and encouraging laws to establish housing units that are supportive of the family and proper recreation programmes for the children that can be easily accessed by the public.

xi. Adopt policies aimed at ensuring that persons with family responsibilities can exercise the right to work without discrimination.

xii. Develop strategies and programmes to help individual workers reconcile their employment and family responsibilities.
3.7 Vulnerability and Social Protection

3.7.1 Policy Issue

Vulnerable persons are mainly Orphans and Vulnerable Children (OVC), Persons with Disabilities (PWDs), older persons, street families, offenders and ex-offenders, widows and widowers, internally and externally displaced persons, marginalized persons and pastoralists living in the Arid and Semi Arid Lands (ASAL), among others. All these groups are faced with multiple challenges in their daily life including high level of poverty and various forms of deprivation. It is estimated that these vulnerable persons comprise about 40 per cent of the total population.

The number of vulnerable children remains high due to the diverse nature of vulnerabilities. There are about 2.4 million orphans in the country, which includes over 1.2 million children orphaned due to HIV and AIDS. Additionally, there are 3,500 children in 25 Statutory Children Institutions and 39,840 OVC under the Cash Transfer Programme. The number of children in need of care and protection has been on the increase. Over 60,000 cases involving children are handled in the sub counties every year. A toll free Helpline 116 was launched by the Children’s Department and has been devolved to all counties where children can get advice and counselling services when in distress. In addition, child labour in Kenya is quite high. Although this has been acerbated by poverty it nevertheless constitutes a significant share of household income. The unfortunate fact is that children who sacrifice schooling for employment are highly likely to be poor as adults.

Persons with Disabilities (PWDs) in Kenya consist of approximately 3.7 million people. The majority of these people live a vicious cycle of poverty due to stigmatization, limited education opportunities, inadequate access to economic opportunities and access to the labour market. Accordingly, the government enacted The Persons with Disabilities Act No. 14 of 2003 to ensure that the issues and concerns of PWDs are mainstreamed.

Widowhood can be the root cause of poverty across the generations. Widows are among the poorest of poor women, due to lack of rights to inheritance, land, property, employment, credit, and services. Widows and widowers often experience physical, economical and psychological abuse at the hands of family members. The situation is worse for widows as unprotected women in society at large, especially when they are minority women, or are refugees and internally displaced people, migrants, and asylum seekers. Widows and their daughters are prime targets for rape and are vulnerable to economic and sexual exploitation, for example, by traffickers. Widows and widowers accused of witchcraft, may be stoned or beaten to death.

Street Families in Kenya refers to all citizens who for one reason or the other are experiencing homelessness and who therefore are subjected to living on the streets of major cities, towns and market centers as well as areas reserved for overnight public transit transport vehicles in towns and major highways. It is
estimated that Kenya has around 250,000 - 300,000 street people. This figure is not disaggregated by gender, age and region.

Eighty per cent of Kenya consists of Arid and Semi-Arid land (ASAL), which are prone to disasters such as droughts and floods. An estimated population of 7.4 million constitutes the vulnerable and food insecure population in these areas. To further compound the problem, Kenya has a huge refugee burden. The country currently plays host to an estimated 239,800 refugees from the region. Most of these refugees lack the capacity to manage risks such as unemployment, illness, disability and old age. Most of these refugees are women and children.

The number of older persons (age 60 and above) in Kenya has risen from a modest 270,000 in 1949 when the first National Census survey was carried out to 1,900,000 in 2009. It is projected that the number of old persons will be over 2 million by the year 2020. At present, this category of the Kenyan population is faced with various challenges which include poor health, food security and nutrition, lack of adequate physical amenities especially proper housing, low education levels, low or no income, and lack of participation in social order. The large population of older persons in the society has created huge challenges about how to respond and meet their needs and problems to ensure their safety, security, dignity and better living in old age.

Changes in family structure have been a major force behind poverty and family poverty in particular. Families have undergone fundamental demographic, economic and sociological changes that have stretched and in some cases exhausted, the socio-economic support mechanisms that were traditionally offered by extended families. To mitigate against the inability of families to provide support to their vulnerable members, countries have designed social protection interventions. Article 43 of the Constitution confers on all persons the right to social security and commits the State to providing appropriate social security to persons who are unable to support themselves and their dependants.

All the aforementioned vulnerable target groups will require adequate mechanisms to address their concerns through programmes and projects to alleviate their conditions and enable them and their families to get equitable opportunities to participate in socio-economic activities.

3.7.2 Policy Objective

- To put in place legal and programmatic measures to ensure that the rights of vulnerable members of the family are protected, promoted and fulfilled.
3.7.3 Policy Interventions

i. Promote the removal of barriers and implement enabling and inclusive mechanisms within the families to protect Persons with Disabilities from discrimination at the family and community levels.

ii. Sensitize community and family members on the causes of disability to reduce stigmatization of families of persons with disabilities.

iii. Ensure that children with disabilities enjoy equal rights in relation to family life, including preventing their “concealment, abandonment, neglect and segregation.

iv. Ensure that Persons with Disabilities and their families participate in the design and organization of rehabilitation services concerning themselves.

v. Support and encourage inclusive education through provision of financial, material and other support services for orphaned children.

vi. Make all schools accessible to all children irrespective of their plight in the society.

vii. Collaborate with stakeholders to provide a conducive learning environment that takes care of special needs of children including orphans.

viii. Encourage family centred extended kin fostering as the most appropriate and cost effective placement for children.

ix. Promote measures that will enhance integration of offenders and ex-offenders to their families and the community.

x. Strengthen support systems within the society to help in the rehabilitation of the offenders with an aim of making them resourceful members of the society.

xi. Ensure provision of alternative income and social security to promote strong family bonds in the pastoralists communities.

xii. Promote good governance and political will in the country to reduce the incidences of displacement of people thus weakening families.

xiii. Recognize widows as a distinct group in need of empowerment alongside women and girls.

xiv. Ensure that affirmative action measures are put in place to enable widow(ers) access existing Funds (Woman Enterprise fund, Youth Fund, Uwezo Fund, National Government Affirmative Action Fund).

xv. Facilitate the review of existing legislation to be responsive to the plight and protection of street families.

xvi. Establish family strengthening, rehabilitative and integration programmes for Street Families.

xvii. Develop and support programs for reducing social distance between the aged and the rest of the community.

xviii. Ensure progressive realization of social assistance for needy households.

xix. Promote and strengthen comprehensive social security schemes in all sectors.
3.8 Media

3.8.1 Policy Issue

The extraordinary growth of the communications media and their increased availability has brought exceptional opportunities for enriching the lives not only of individuals, but also of families. At the same time, families today face new challenges arising from the varied and often contradictory messages presented by the mass media.

Thanks to the unprecedented expansion of the communications market in recent decades, many families throughout the world, even those of quite modest means, now have access in their own homes to immense and varied media resources. As a result, they enjoy virtually unlimited opportunities for information, education, cultural expansion, and even spiritual growth - opportunities that far exceed those available to most families in earlier times.

Yet these same media also have the capacity to do grave harm to families by presenting an inadequate or even deformed outlook on life, on the family, on religion and on morality. This power either to reinforce or override traditional values like religion, culture, and if the media are to be correctly employed, it is essential that all who use them know the principles of the moral order and apply them faithfully. Communication in any form must always be inspired by the ethical criterion of respect for the truth and for the dignity of the human person.

These considerations apply in particular to the treatment of the family in the media. On the one hand, marriage and family life are frequently depicted in a sensitive manner, realistic but also sympathetic, that celebrates virtues like love, fidelity, forgiveness, and generous self-giving for others. This is true also of media presentations which recognize the failures and disappointments inevitably experienced by married couples and families - tensions, conflicts, setbacks, evil choices and hurtful deeds - yet at the same time make an effort to separate right from wrong, to distinguish true love from its counterfeits, and to show the irreplaceable importance of the family as the fundamental unit of society.

On the other hand, the family and family life are all too often inadequately portrayed in the media. Infidelity, sexual activity outside of marriage, and the absence of a moral and spiritual vision of the marriage covenant are depicted uncritically, while positive support is at times given to divorce, contraception, abortion and homosexuality. Such portrayals, by promoting causes inimical to marriage and the family, are detrimental to the common good of society.
3.8.2 **Policy Objective**

- To promote a responsible and supportive media to the family institution.

3.8.3 **Policy Interventions**

The Government shall in collaboration with relevant stakeholders:

i. Develop and promote gender responsive media messages that depict families and marriages in a positive light.

ii. Encourage positive portrayal of marriage in all communication channels.

iii. Collect and disseminate disaggregated data and information on the state of the family periodically.

iv. Partner with the media in promoting family values.

v. Ensure monitoring the implementation of media rules and regulations that promote family values.

vi. Ensure the content aired before the watershed hours (5am-10pm) promote family values.

3.9 **Security**

3.9.1 **Policy Issue**

Family or domestic violence is one of the most insidious forms of violence and is prevalent in all societies. Under the Protection against Domestic Violence Act 2015 this violence includes child marriage, female genital mutilation, forced marriage, forced wife inheritance, interference from in-laws, sexual violence within marriage, virginity testing and widow cleansing. Incidents of violence within the family setting contribute to jeopardizing the traditional family solidarity and security. The Children’s Act requires that all children be protected “from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation” in the family context.

The Convention on the Rights of Persons with Disabilities protects persons with disabilities from “all forms of exploitation, violence, and abuse” including within the home (art. 16(1)). States Parties must put in place effective legislative and policy measures in order to ensure that these practices are identified, investigated and prosecuted.

Older persons too are vulnerable to neglect or to physical, psychological, emotional, sexual or financial abuse within the family.
Despite the Sexual Offenses Act prohibiting out-of-court settlement most families seek the intervention of community elders, who tend to shield the perpetrators, to the disadvantage of the victims. Moreover, the silence around these forms of violence and lack of social references make it difficult to punish perpetrators.

3.9.2 Policy Objective

- To ensure that every member of the family is assured of their security.

3.9.3 Policy Interventions

The Government shall in collaboration with relevant stakeholders:

- Develop strategies and programmes to address and minimize family conditions that would lead to violence.
- Establish centres for comprehensive care including counselling and guidance of victims of family violence.
- Facilitate access to information about laws pertaining to human rights, and encourage family members to report all forms of abuse and violence to the relevant authorities.
- Speed up judgments of the perpetrators of family violence.
- Develop support programmes for sexual violence victims, children, drug addicts, offenders and delinquents.
- Within the legal frameworks, strengthen alternatives mechanisms of conflict and dispute resolution by involving families in the mediation and dispute settlement.
- Undertake regular research studies and situational analyses to acquire an information base for understanding the factors that place families at risk.
- Mainstream personal safety and security awareness, seal loopholes of security threats and provide interventions to families struck by disaster.
CHAPTER 4
4.0 INSTITUTIONAL FRAMEWORK FOR THE IMPLEMENTATION OF NATIONAL FAMILY PROMOTION AND PROTECTION POLICY

The implementation of the National Family Promotion and Protection Policy requires an intersectoral and interdepartmental system and mechanism for it to be realised.

4.1. Intersectoral Coordination Mechanism

The successful development of an intersectoral coordination structure and system will determine the extent to which the whole policy is implemented effectively and efficiently. This can be addressed through formalised institutional arrangements that facilitate co-ordination, collaboration and synergy in implementation.

The National Family Promotion and Protection Policy will be managed by formalised interdepartmental mechanisms at a national, county, and sub-county level to facilitate the intersectoral work required for its successful implementation. Each Ministry, Department and Agency, and participating civil society organization will ensure that they plan and provide the integrated projects, programmes and services required of them in the Policy.

A national Inter-departmental structure for services to families will be established under the lead of the Ministry responsible for family issues. Other national departments and institutions will be invited to participate in the National Inter-departmental Structure, the core functions of which will be to:

- Facilitate coordination, collaboration and synergy in the implementation of the Policy.
- Develop, where needed, and review all existing policies, laws and programmes and projects and services and their impact on the well-being of the family.
- Ensure the availability of the required financial and human resources to oversee and implement the Policy.
- Guide and direct the process of ensuring that services get to the designated groups, their families and communities.
- Establish relationships with other existing national coordinating structures and services to families.
- Consult and establish partnerships with a wide range of relevant service providers and stakeholders working with families.
- Facilitate the establishment of inter-departmental structures and/or mechanisms at county and sub-county level to ensure the implementation and monitoring of the National Family Promotion and Protection Policy based on local needs.
- Support, monitor and evaluate the implementation of the Policy.

4.2 Implementation

Government will provide leadership in the implementation of the National Family Promotion and Protection Policy, while also developing partnerships with civil society and the private sector. Such partnerships would be based on an integrated approach to social service delivery. The following are the key stakeholders that will play a pivotal role in the implementation of the Policy.

4.2.1 National Government

Ministry responsible for Social Development

The Ministry responsible for Social Development is the main focal point for actions aimed at supporting family life and the strengthening of families in the country. The Ministry as a lead agency should coordinate the activities that would contribute to the successful implementation of the National Family Promotion and Protection Policy. It will also ensure that all policies, legislation and initiatives of Government are explicitly mainstreamed and aligned to families in the country. It will be the leading agency in implementing the Policy while performing the following tasks:

- Developing and facilitating the implementation of intersectoral and interdisciplinary protocols
- Mitigating the risk factors that impede families from fulfilling their various roles and responsibilities
- Ensuring an effective and holistic service delivery system, including prevention, early intervention, statutory intervention, and reunification/after care services and programmes
- Advocating on behalf of families through the dissemination of information and education strategies.
- Involving men in home-based care and the care of orphaned and children with disabilities and vulnerable children in order to lessen the burden on women.
- Developing minimum norms and standards for service delivery in the field of families.
- Ensuring that all eligible families, family members, and caregivers have access to the various social security and social assistance programmes aimed at strengthening and protecting the family.
- Generate a report on the state of the family after every five years.

**Ministry responsible for Arts and Culture**

With its vision being to develop and preserve Kenyan culture to ensure social cohesion and nation-building, the Ministry’s role in the implementation of the Policy will entail making sure that youth and families take part in positive and constructive extra-curricular activities such as drama and art projects with the aim to bring families and communities together and expose young people to constructive and rewarding activities.

**Kenya Prisons Service**

The Kenya Prisons Service has a crucial role to play in guaranteeing the well-being of Kenyan families, as many offenders are also members of different families in the country. Since the department’s primary goal is to facilitate the correction of offending behaviour, mainly through rehabilitation, families are considered as pivotal partners in this process. Families also play an important role in the reintegration of offenders back into society. To this end:

- Families should be involved in rehabilitation programmes for family members who are prisoners.
- Kenya Prisons Service should facilitate and support contact between families and prisoners, particularly children.
- Kenya Prisons Service should strengthen its relationship with other departments, especially Department of Social Development, in order to effectively involve families in rehabilitation programmes for prisoners and to facilitate family contact successfully.
Ministry responsible for Education

The Ministry will respond to the vision of the Policy by ensuring that all children have access to quality education. The Ministry will also ensure that an inclusive education and training system is availed to children with special educational needs and assist families through the placement of such children in mainstream schools, full-service schools and special schools. It will also attend to the following:

- The involvement of families in the education of children
- Ensuring that life skills curricula incorporate family values, gender equality and human rights, HIV and AIDS and alcohol and substance abuse.
- The promotion of parental involvement in their children’s schooling
- The provision of Early Childhood Development services
- Advocating for the provision of psycho-social services in schools
- The provision of Youth Development Programmes with an emphasis on skills development and training including trade and industry skills.

Ministry responsible for Health

The Ministry will contribute towards the implementation of the Policy by ensuring that families have access to affordable and high-quality health services by:

- Developing family-focused policies, strategies, programmes and services addressing the mental and physical well-being of families, including: primary healthcare services and health services for families affected by HIV and AIDS, violence, malnutrition, infectious diseases, chronic illnesses and mental health-related problems
- Health promotion and education at community level.
- Actively involving patients and their families in the service provision process. Patients should be empowered and educated to understand their health needs rather than given instructions that are not accompanied with sufficient information.
Ministry responsible for Labour

The Ministry will be involved in the implementation of the Policy through, inter alia, the following:

- Ensuring that labour policies and laws support gender equity at the workplace
- Protecting workers' rights through the monitoring of employment conditions
- Monitoring fair practices at the workplace, especially with regard to maternity leave
- Contributing towards conditions conducive to the creation of employment by developing sound labour legislation
- Protecting children against child labour through the detection of such practices and the prosecution of perpetrators.
- Mainstreaming education on human rights, gender equality and work-life balance issues into workplaces.
- Raising awareness concerning child labour.
- Prioritising the skills development of workers.

Other Ministries, Departments and Agencies

Ministries, Departments and Agencies shall include activities relating to family promotion in their programmes and sector strategies. They shall also participate in the development of family-oriented programmes, as well as in monitoring and coordinating their implementation.

4.2.2 County Governments

At the County level a structure consisting of various core departments will be established. Further to these core members, other departments and service providers at the County level will be invited to participate in the County Inter-departmental Structure, the core functions of which will be to:

- develop an integrated local plan of action for the implementation of the National Family Promotion and Protection Policy and the County operational plan on services to families and;
- Facilitate coordination, collaboration and synergy in the implementation of integrated services to families at the County level.
- Dedicate resources to the implementation activities of the National Family Promotion and Protection Policy.
- Develop, where needed, and review all the existing laws that impact on the well-being and development of families, in line with the National Family Promotion and Protection Policy.
- Guide and direct the process of ensuring that services get to the designated groups, their families and communities.
- Establish relationships with other existing local structures on services to families.
- Consult and establish partnerships with a wide range of relevant service providers and stakeholders working with families.
- Support, monitor and evaluate the implementation of the National Family Promotion and Protection Policy at the County level. These inter-departmental structures have the primary aim to achieve inter-sectoral collaboration that will ensure an integrated service delivery to the whole family.

4.2.3 Civil society

Civil society, including non-governmental organisations, community- and faith-based organisations is an important intermediary in the light of government public policy and an important avenue for articulating the vision of the National Family Promotion and Protection Policy by, among other things, promotion of, and advocating of, the general well-being of families; facilitation of referrals of families and/or their members to the relevant services, where necessary; and by facilitating family reintegration where necessary. Furthermore, Civil Society organisations that specialise in family issues can be utilised to train other service providers in these issues.

4.2.4 Private sector

The role of the private sector in the promotion of family life and the strengthening of families needs to be informed by the manner in which employers are able to develop programmes that create a healthy balance between work and the family. The private sector must therefore strive to achieve a better work-life balance for its employees by ensuring that the work environment is family-friendly through benefits that impact on the quality of life
of family members; affording employees their full family-related entitlements and benefits such as maternity leave and family responsibility leave. With regard to family strengthening, the private sector, through Corporate Social Responsibility projects, will play an important role in supporting the efforts of organisations involved in different initiatives aimed at raising the quality of life of persons with disabilities and vulnerable families.

4.2.5 Faith-based and religious organisations

As custodians of morality, religious and faith-based organisations will work closely with governmental and other civil society organisations to advocate for healthy and functional family life as well as marital stability in the society.

4.3 FUNDING THE POLICY

The implementation of the National Family Promotion and Protection Policy will require additional expenditure of public funds. These will be factored in the annual budget of the Ministry responsible for Family Issues. However, additional resources shall be sought from NGOs, the Private Sector and Development Partners.

4.4 MONITORING AND EVALUATION

The availability of reliable and consistent information is essential for planning and monitoring policies and programmes, making decisions about the support that should be provided to families and their members, as well as for providing focus for the different sectors and stakeholders involved in the implementation of the National Family Promotion and Protection Policy. To this end, the coordination of different government policies that promote family life and the strengthening of the family will be dependent on a clearly defined and executed Monitoring & Evaluation (M&E) process. The M&E will then serve as an important stage for the implementation of the Policy as it will provide Government with the means for learning from past experience, improving service delivery, planning and allocating resources, and demonstrating results as part of accountability to key stakeholders.

The M&E of the Policy will also be consolidated by ongoing research through the identification of changing trends in families using, to the extent possible, the set of ‘family indicators’ developed by the United Nations (2003) which are
related to household structures; patterns and rules of residence and associated indicators related to fertility, mortality, marriage, age distribution (first marriage, age at first birth); disruption and dissolution of the family; and migration.

The Department of Social Development will facilitate the M&E process and hence shall develop programme supervision and control mechanism which will be established at the national and county levels to assess progress made. To this end, all government departments will have elaborate information management systems to generate detailed data for regular situational analyses of families.

4.4.1 Monitoring

Monitoring will involve collecting data regularly to contribute positively to the successful implementation of the Policy. The results of the monitoring process will be used to reflect on what is actually happening on the ground in relation to the implementation plan. The results of monitoring will feedback into the implementation process on a regular basis and will continually be utilised to improve services offered. This process will provide opportunities to learn from the actual and present options for adjustment and improved implementation.

4.4.2 Evaluation

Evaluation is the systematic appraisal system used to assess the quality and impact of implementation against the set objectives reflected on the integrated implementation plan of the National Family Promotion and Protection Policy. The evaluation process will utilise diverse approaches using both qualitative and quantitative methods.

4.4.3 Policy Review

The National Family Promotion and Protection Policy shall be reviewed from time to time as need may arise in order to bring on board emerging issues and new ideas that will inform timely and appropriate intervention. Nevertheless, the review will always conform to the Medium Term Evaluation Framework (MTEF) and Medium Term Plan under Vision 2030.
APPENDIX
FACTS AND FIGURES ABOUT FAMILY

The figures are mainly derived from an analysis of the 2009 census.

Population

According to the Kenya Population and Housing Census conducted in 2009, the total population was 38,610,097 out of which 19,192,458 were male and 19,417,638 females. The United Nations estimates the population in 2016 to be 47.4m. By 2020 it is predicted that the Kenyan population will have risen to 51.7m.

Persons with Disabilities in 2009 formed 3.5 percent of the total population out of which, 51.3 percent were females and 48.7 percent males. Males with visual disabilities accounted for 23.7 percent and 26.0 percent females

The population of children aged 5-17 was 13.2 million and this constituted 34 percent of the 2009 population. The total number of children aged 5-17 rose by 31.8 percent between 1999 and 2009.

Persons aged 65 and above were 1.33 million, of whom 600,675 were men and 728,729 were women. Out of the total, 886,850 were reported as employed, which gave an employment-to-population ratio of 66.7 percent.

Household Dynamics

The number of conventional households during the 2009 census was found to be 8,767,954. This indicates a growth rate of 3.6% per annum. Average household size is 4.4 persons, while proportion of households with 10 or more persons is 3%. Those with no children are 54.3%, with 3 or more orphans 2.9%, 2 or more persons age 60 and above 3.7%. Female headed households accounted for 32.1 percent while male headed households accounted for the remaining proportion 67.9 percent.

Marriage

The median age at first marriage among women age 25-49 is 20.2 years; the median age at first marriage among men age 30-49 is 25.3 years. Median age at marriage has remained stable in the past 10 years for both women and men. Six percent of currently married men are in a polygynous union; 11 percent of currently married women have co-wives.

Fertility

The total fertility rate in 2011 was 3.9 births per woman, with rural women having at least one child more than urban women. Fertility has decreased from 4.9 births per woman in 2003 to 3.9 births per woman in 2014, a one-child decline in the past 10 years. Half of births occur within three years of a previous birth, with 18 percent occurring within 24 months. Childbearing begins early in
Kenya, with almost one-quarter of women giving birth by age 18 and nearly half by age 20.

**Education**
Thirty-three per cent of Kenyans have completed primary or higher level of education. The population with no education is 17% with 15.4% being females and 19.3% males. Majority of those with no education are from the rural areas. Percentage of Population with Std 1-4 as the highest level of education completed is 21.0, Std 5-8 36%, Form 1-4 7%, University 1%, Middle level Colleges 3% and Youth Polytechnic 0.3%.

**Employment**
Among the working population in Kenya, 48.9 percent are female and 57.1 percent male. There are more men at 44.0 percent working for pay, compared to women at 26.5 percent. The proportion that worked in own/family business or own/agricultural business was 64.2 percent. Most of the working persons, 44.1 percent, were employed in the informal sector (including persons employed in private households). More males at 53.3 percent than females at 46.5 percent were reported to be unemployed. Among the working children, females were 34.3 percent compared to males at 33.0 percent. Females dominate the economically inactive measuring 55.1 percent and males 44.9 percent at national level.

There were about 475,000 persons with disability who were employed, or 3.2 percent of the total employed population aged 15-64. Almost 52.0 percent of these persons reported to have been engaged in own/family agricultural business. The proportion that reported to have worked for pay was 28.0 percent. Further analysis reveals that 48.6 percent were employed in the informal sector, while only 16.2 percent were absorbed in the modern sector.

**Health**
The Kenya Demographic and Health Survey (KDHS) of 2014 found that ninety-six percent of women with a live birth in the five years preceding the survey received antenatal care from a skilled provider. Sixty-one percent of live births in the five years preceding the survey were delivered in a health facility; 62 percent were assisted by a skilled provider. More than half (53 percent) of women who gave birth in the two years before the survey received a postnatal care check-up in the first two days after delivery. Thirty-six percent of infants born in the two years before the survey had their first postnatal check-up within the first two days after birth. One in three newborns received postnatal care from a doctor, a nurse, or a midwife.

Ninety-nine percent of children have ever been breastfed; however, only 61 percent of children less than age 6 months are exclusively breastfed.
Complementary foods are generally introduced at the recommended age; 81 percent of breastfed children age 6-9 months received complementary foods in the 24 hours preceding the survey. Only 22 percent of children are fed in accordance with the three recommended infant and young child feeding practices.

Seventeen percent of women received intermittent preventive treatment (IPTp) for malaria during pregnancy; that is, they received two or more doses of SP/Fansidar, at least one during an antenatal care visit. In malaria endemic areas, 39 percent of women received IPTp. Twenty-three percent of children under age 5 who had a fever took ACT, and 13 percent took ACT within 24 hours of fever onset.

**Domestic Violence**

Forty-five percent of women and 44 percent of men age 15-49 have experienced physical violence since age 15, and 20 percent and 12 percent, respectively, experienced physical violence within the 12 months prior to the survey. The main perpetrators of physical violence against women are husbands, whereas the main perpetrators against men are parents, teachers, and others.

Fourteen percent of women and 6 percent of men age 15-49 report having experienced sexual violence at least once in their lifetime. Overall, 39 percent of ever-married women and 9 percent of men age 15-49 report having experienced spousal physical or sexual violence. Among women and men who have ever experienced spousal violence (physical or sexual), 39 percent and 24 percent, respectively, reported experiencing physical injuries. Forty-four percent of women and 27 percent of men have sought assistance to stop the violence they have experienced.