

THE PARTICIPATION OF ORPHANED AND
VULNERABLE CHILDREN (OVC) IN FREE PRIMARY
EDUCATION IN KENYA

A REPORT PREPARED BY WERK

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ACRONYMS AND ABBREVIATIONS

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| ACRWC | Africa Charter for the Rights of the Working Children |
| AEO | Assistant Education Officer |
| AIDS | Acquired Immune Deficiency Syndrome |
| ASAL | Arid and Semi-arid Land |
| CRC | Child Rights Campaign |
| EARC | Educational Assessment and Resource Centre |
| EFA | Education for All |
| FPE | Free Primary Education |
| HIV | Human Immune-deficiency Virus |
| LOI | Language of Instruction |
| MOEST | Ministry of Education, Science and Technology |
| MPCP | Mentally and Physically Challenged Persons |
| NCNN | National Children in Need Network |
| NFE | Non-Formal Education |
| OVC | Orphans and Vulnerable Children |
| GOK | Government of Kenya |

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CHAPTER ONE

1.0 INTRODUCTION AND BACKGROUND INFORMATION

Human rights law legally guarantees human rights, protecting individuals and groups against actions that interfere with fundamental freedoms and human dignity. They encompass civil, cultural, economical, political and social rights.

Since 1948, the Universal Declaration of Human Rights has become the inspiration for National and International efforts to promote and protect human rights and fundamental freedom. But it is only in 1989 that the standards concerning children were brought together in a single legal instrument approved by the international community and spelling out in an unequivocal manner the rights to which every child is entitled; regardless of where born, or to whom, regardless of sex, religion, or social origin.

1.1 Orphaned and Vulnerable Children(OVC)

The principle objective of this study was to investigate the status of OVC in terms of their full participation in free primary education in Kenya today. In particular, the study was to investigate the following factors:

- Different categories of OVC
- Participation (enrolment/attendance/repetition/dropout/achievement/transition) in view of FPE in Kenya
- Views on quality of education under FPE in Kenya
- Adequacy of learning and teaching facilities for FPE in Kenya
- Adequacy of teachers for OVC in FPE in Kenya
- Views on Regulatory framework of FPE and implication on OVC
- Funding mechanisms and adequacy for OVC in FPE
- Priority needs for OVC under FPE

Available documentation confirms that there exist different categories of OVC in need of special care and protection. One such category is the “street child” who according to The Undugu Society of Kenya (1994) is:

Any child who is out of school and lacks basic care such as shelter, food, clothing, health, security, and love and protection offered by a parent or guardian...

Such children do not grow up well physically, morally, socially or psychologically. They are afflicted with many diseases, and are vulnerable to exploitation by unscrupulous individuals in matters of sex and labor. Other categories of OVC include children threatened by exploitation e.g. working children, sexually exploited children or child prostitutes, and abandoned children. A report of the Commission of inquiry into the education system of Kenya identifies one of the categories of OVC as:

The “handicapped”, such as physical, visual, hearing, mental, emotional, language, learning abilities, communication disorders and multiple handicaps (GOK, 1999).

A report of the GOK/ILO/IPEC (1996) defines various categories of OVC to include:

Orphans, child labourers (both boys and girls), street children, disabled and handicapped, abused and neglected children, child mothers, child brides, child prostitute, drug addicts and traffickers, HIV/AIDS children, children of imprisoned mothers, refugee children

This definition concurs with that of the National Children in Need Network (NCNN) which defines different categories of OVC to include:

Orphans and destitute, child labourers, children suffering from various forms of abuse, children of imprisoned mothers, children in prison and remand homes, children with disabilities, abandoned foundlings, child brides, children of nomadic groups, refugee and displaced children (GOK, 2001)

The National Report further confirms these definitions for the Special Session of the UN General Assembly on Follow Up to the World Summit for Children in Nairobi (GOK, 2000), which defines various categories of OVC to include:

Street children both boys and girls, child labourers, children with

disabilities, adolescent mothers, child brides, abandoned children, neglected, battered children, children of imprisoned mothers, HIV/AIDS orphans

The Sessional Paper No. 4 of 1997 on HIV/AIDS in Kenya identifies OVC to include

Orphaned children due to HIV/AIDS, street children, those in remedial/correctional institutions, sexually abused, and children growing up in slum areas (GOK, 1997)

The Children and Young Persons Act Chapter 141 defines different categories of OVC to include

“Abandoned, neglected, ill-treated, assaulted children, orphans, beggars, children with no parents or guardians, children in bad company or association.” (GOK, 1972)

These definitions are in line with the current MOEST draft policy on Gender and Education (unpublished document), which identifies OVC to include

The child labourers, child prostitutes, disabled children, orphans, girl children, and child marriages”.

The Kenya National Development Plan, 2002-2008 confirms the existence of OVC by enlisting the different categories to include

The disabled, nomadic children in ASAL regions, especially the girl child, handicapped children, street children, abandoned, neglected, abused, exploited and adolescent mothers (GOK, 2002)

The Convention on the Rights of the Child (CRC) incorporates the full range of human rights such as civil and political rights as well as economic, social and cultural rights of all children. The CRC outlines in 41 articles the human rights to be respected and protected for every child under the age of 18 years and requires that these rights are implemented in the light of the convention’s four guiding principles; non-discrimination,

best interests of the child, survival and development, and participation of the child.

1.2 Convention on Rights of the Child (CRC) in Relation to Education of Children

A child is defined in the first article of CRC as *“any human being under the age of 18 years, unless national laws recognize the age of majority earlier”*. All rights in the convention apply to all children without exception. Article number 28 of the Convention states that, the child has the right to education and that it is the State’s duty to ensure that primary education is free and compulsory, to encourage different forms of secondary education accessible to every child and make higher education available to all based on capacity. Education according to the CRC recommendations, should aim at developing the child’s personality, talents, mental and physical abilities fully. Education should prepare the child for an active adult life in a free society and foster for the child’s parents, his or her own cultural identity language and values and for the cultural background and values of others. Article 29 states that the State shall engage in international co-operation to implement this right. In some countries, children living in the rural areas may have fewer opportunities to obtain an education of good quality than those in the urban areas. The CRC seeks to correct these kinds of inequalities by the State the responsibility to protect children from any form of discrimination and to take positive action to promote their rights (article 2).

In the effort of preparing the child to foster respect for his or her own culture and values, the convention goes on to provide the child with the right to leisure, play and participation in cultural and artistic activities (article 31).

For a child to be able to achieve any education goals, his or her survival and development need to be ensured. It is for this reason that the CRC caters for the child’s inherent right to life. In connection with this, parents and Governments have a joint responsibility for raising the child. Nevertheless, the State has the duty to ensure the child’s survival and development (article 6 and 18).

Child abuse and neglect are issues that are common in most developing countries. Parents and some times other care givers such as legal guardians and teachers, have been reported to either have had physically or mentally abused children under their care, as a result most children are forced to drop out of school. To protect children from this kind of violence, article 19 of CRC, protects the child from all forms of maltreatment by parents or other adults responsible for the care of the child and to establish appropriate social programmes for the prevention of abuse and the treatment of victims.

Education achievements in schools have been affected by the exposure of students to drugs. Drugs have been said to be the cause of most unrest in schools. The CRC in article 32, states the children have the right to be protected from use of narcotic and psychotropic drugs and from being involved in their production and or distribution.

Children abused or neglected by caretakers or children from very poor families have always left home in search of solutions to their problems. Girls in particular have ended up in towns and usually engage in commercial sex activities to sustain themselves economically. According to the CRC article 34, it is the responsibility of the state to protect children from sexual exploitation and abuse, including prostitution and involvement in pornography.

The living standard of a child will greatly influence his or her educational outcomes. Children in most developing countries are reared in environments that lack basic requirements such as safe drinking water, good shelters and sanitation facilities among others. According to the CRC article 27, every child has the right to a standard of living adequate for his or her physical, mental, spiritual, moral and social development. Parents have the primary responsibility to ensure that the child has adequate standard of living.

1.3 The Kenyan Children's Act

The Kenyan children's act is an act of parliament to make provision for parental responsibility, fostering, adoption, custody, maintenance, guardianship, care and protection of children; to make provision for administration of children's institutions to

give effect to the principle of the Convention on the rights and Welfare of the Child and the connected purposes. Part two of the children's act 2001 addresses the issues of safe guarding the rights and Welfare of the child. This includes the right to non-discrimination, right to parental care, education, health care, protection among others (GOK, 2002).

1.3.1 Child Rights Provisions in the Kenya Children's Act

Part II Section 3 and 4 of the Children's Act states that:

The government shall take steps to the maximum of its resources with a view to achieving progressively the full realization of the rights of the child

Section 4(1) further states that:

Every child shall have an inherent right to life and it shall be the responsibility of the government and the family to ensure the survival and development of the child

Section 5 of the Children's Act addresses the issue of non-discrimination and states that:

No child shall be subjected to discrimination on the ground of origin, sex, religion...birth, social, political, economic or other status...disability...

1.3.2 Right to Education

The Children's Act further observes the child rights to education in Section 7(1), which states that

Every child shall be entitled to education, the provision of which shall be the responsibility of the government and parents

While Section 7(2) affirms the right and entitlement for every child to free basic education which shall be compulsory in accordance with article 28 of the UN Convention on the rights of the child (GOK, 2002)

1.3.3 Protection from Child Labor

The Kenyan Children's Act Section 10(1) protects every child from economic exploitation and any work that is likely to be hazardous or to interfere with the children's education, or to be harmful to the child's health, physical, mental, spiritual, moral or social development.

1.3.4 Children with Disabilities

In addition, Section 12 of the Act safeguards the disabled child and affirms his/her right to be treated with dignity, and to be accorded appropriate medical treatment, special care, education and training free of charge or at a reduced cost whenever possible

1.3.5 Protection from Harmful Cultural Practices

Section 14 of the Kenyan Children's Act protects the female child from harmful cultural practices by stating that:

No person shall subject a child to female circumcision, early marriage or other cultural rites, customs or traditional practices that are likely to negatively affect the child's life, health, social welfare, dignity or physical or psychological development

Further efforts to domesticate the CRC in Kenya are found in the Children's Bill 2001, which was passed into law and is only awaiting presidential assent. The Bill seeks to raise the children's rights into International Standards by domesticating provision of the CRC and African Charter on the Rights and Welfare of the Child. It also seeks to consolidate the three statutes that are exclusive to children in Kenya that is the children's and young persons Act (Cap141), the guardianship of infants Act (Cap 144) and the adoption Act (Cap 142).

1.4 Kenya Government Policy on UPE

The Kenyan government in its National Development Plan, 2002-2005 indicates that the population of Kenya was estimated at 30.4 million in 2001 and is increasing at 2.4% per annum. Currently, about 44% of the population is of age group 0-15years. In line with the child rights' legal framework, the current Kenya government National Development Plan, 2002-2005 recognizes education as a fundamental strategy for human resource development. In line with the EFA goals, the Plan echoes that primary goal of education is to achieve and sustain Universal Primary Education (UPE) by 2005 and to raise transition rates from primary to secondary from the current 40% to 70% by year 2008.

The Plan indicates that significant resources have been invested over the years by the government and other stakeholders to expand and improve education at all levels. Despite the major strides made in education and training, the plan document states that a number of challenges still persist. These include:

- Cost of education and training
- Inequity in access
- High wastage rates
- Problems of relevance and quality

1.4.1 Access and Enrolment

The Development Plan acknowledges that enrolment at various levels is characterized by gender, region and income disparities. In 2000, National GER in primary education was 87% but was only 17.8% in North Eastern Province, as compared to 106% in Central Province. In 2000, female representation was 49.1% at pre primary, 49.4% at primary, 46.2% at secondary, 29.2% in national polytechnics and 31.7% in public universities. The National Report for the Special Session of the UN General Assembly on follow up to the World Summit for Children, (GOK, 2000) observes that enrolment is still very low especially of the disabled children. The report states that late enrolment and repetition especially for OVC has distorted age groups to the extent that the average age of children completing primary education is 17 years, the theoretical age of completion of secondary. However, school completion rate has increased from a national average of 43% (46% boys and 41% girls) in 1990 to 47.7% in 1999 with near gender balance.

In 1990s, the transition rate for girls was lower than that of the boys in education. Repetition rates tend to undermine completion rates especially for the girl child for example in 1998 data shows that 61% of Standard Six pupils had repeated at least once and 23% had repeated twice or more. Attendance rates have fluctuated with a tendency towards lower level, they are affected by health and nutrition factors including the impact of HIV/AIDS and other diseases, and inability to pay school levies. Poor attendance leads to increased repetition and drop out. In the ASAL, girl's enrolment at primary school may be as low as 14% (Garissa). Cultural practices related to dowry price, early marriages and childbirth, distance to school, water carrying and lack of security at school, conspire to keep girls out of school.

The draft Policy on Gender and Education (GOK, 2003) states that 10% of the Kenya's total populations is people with disability, which gives a total of 3.0 million handicapped. Of the handicapped persons, 25% (750,000) are children of school going age but only 14,614 (0.5%) are enrolled in educational programmes with disabilities. This implies that over 90% of handicapped children are either at home or in regular programmes with little

or no special assistance

An analysis of law and policy on children in need of special protection that was done in 2001 by the National Children in Need Network (NCNN) reveals that 52% (1.5 million) children in Kenya suffer from disability (GOK, 2001). The girl child with disability suffers triple discrimination because of being a child, having a disability, and being a female. In 1995, the World Bank estimated that there were 2.2 million persons with disabilities aged between 0-19 in need for special education. Statistics show that only 6% of these are receiving education. Data from the Education Assessment and Resource Center (EARS) indicate that out of 80,000 children with disabilities surveyed only 0.5% children are in special schools. Sample surveys further reveal that only 25% children from pastoralist communities have access to preschool education.

A report of the Commission of Inquiry into the Education System of Kenya (GOK, 1999) indicates that there were only 479 special education programs, which include 385 units and 94 schools including vocational and technical institutions. The number of children enrolled in these schools as at 1999 stood at 14,600 with 1,962 teachers and 1,449 classrooms. Out of 90,452 estimated physically handicapped children only 3,003 are in special education programmes. Among the visually impaired only 2,208 children out of the 220,000 are enrolled. These figures demonstrate that special education has not received adequate attention to ensure equal access to education for the learners with special needs. About 54,000 children have been denied admission to schools due to severity of their handicap and lack of space in special schools.

1.4.2 Regularity of Attendance

The above report further states that family and societal attitudes are negative and do not encourage educating non-handicapped children first. As such handicapped children report to school nearly one or two months late.

1.4.3 Wastage

The Development Plan observes high wastage rates associated with drop out in schools, low transition, over-centralized school curriculum development and unduly lengthy completion periods which render the education system inefficient. Hence, primary school completion and transition rates have remained below 50% over the last 10 years. The repetition rate in 1999 stood at an average of 13.8% for males and 13.2% for females while the drop out rate stood at 4.1% and 4.2% for females and males respectively (GOK, 2002). The development Plan further notes that increasing poverty and HIV/AIDS pandemic has also exacerbated the drop out and non-completion rates.

1.5 Special Education

The Kenya National Development Plan states that out of the 1.8 million handicapped children of ages 0-19, only 5.5% (100,000) have been assessed and 22% (22,000) enrolled in both regular and special schools. This low enrolment has been caused by high costs of providing adequately trained teachers and other support personnel, specialized equipment and instructional materials, appropriate physical facilities and medical facilities, and increased poverty. About 1.9 million children aged 5 to 17 years are working for pay or family gains and this represents 17.4% of the children population and 14.4% of the estimated workforce. The working children comprised of 984,168 boys and 909,596 girls. To this end, the government states that it is committed to making curriculum content and teaching methods more appropriate to the needs of the learners (p.58). The Plan does not however provide disaggregated data on the different categories of OVC, including human and material resources for OVC.

1.5.1 Physical Infrastructure for the OVCS

The above report further observes that there was a general lack of appropriate facilities to ensure that children with special needs, and especially the physically and mentally challenged, can move and function safely, conveniently and without obstruction, and be provided with facilities to make adaptive AIDS. The environment is hostile and is structurally unfriendly to the physically and visually impaired.

The report of the National Children in Need Network (NCNN) observed that in Kenya:

- Public schools do not have ramps to facilitate the movement of wheelchairs
- There is no disability conscious architectural and building policy to address such issues
- Public transport system is unfriendly to children with physical disabilities
- Lack of facilities, inadequate trained personnel; negative societal attitudes and lack of specific policy guidelines also contribute to poor delivery of special education and related services. This has led to low enrolment rates for children with special disabilities (GOK, 2001).

The draft Policy on Gender and Education (GOK, 2003) notes that children in special education programmes require special AIDS and equipment some of which are quite expensive. The policy further contends that due to poor planning on location of schools, many schools are very far from homes or pupils have to travel through difficult terrain. Parents in such circumstances wait until the girl child is older to enable her cope with rigorous journey to and from school. This delay means that she spends a shorter time in school.

The draft policy observes that lack of adequate toilets also makes it difficult for girls especially during their menses. Lack of water in school compounds the problem further due to the required hygiene during menstruation. As such school infrastructure has a gendered impact.

The report further observes that the seating arrangements and class register is such that boys are considered more active therefore sit at the front of the class and girls behind. While in the class register, boys' names come first and girls names second. These actions send negative messages to girls that they are always second to boys. The impact of this kind of arrangement on female and male OVC would be more severe compared to the other children.

The lack of adequate and appropriate/gender friendly physical facilities is further echoed by National Report for the Special Session of the UN General Assembly on Follow Up to the World Summit for Children (GOK, 2000). The report notes that gender disparities in access to education are reinforced by the lack of adequate water, sanitation facilities and classroom space. Sanitation facilities affect girl's enrolment more than the boys. Classroom space is in most schools also very low and therefore not conducive to female and male children with special needs.

1.5.2 Curriculum and Learning Materials for the OVCs

The draft Policy on Gender and Education, (2003) observes that the competitive nature of the curriculum, which is examination oriented, has promoted practices such as forced repetition, which weakens the internal efficiency of the school system. The provision of unfriendly gender teaching and learning facilities such as textbooks hinder effective participation of learners in educational programmes leading to poor performance. Such facilities are certainly not conducive OVC.

Curriculum depends on the various disability disorders. The subjects offered include mathematics, English, Kiswahili, Sciences, Geography, History, Civics, and Religious Education. Others are Music in Sign Language, Home Science, Speech Reading, History and Citizenship, Religious Education Sign Language, Art and craft, Music, Braille reading and writing, Craft, Agriculture, Perceptual training, Basic reading, Prevocational Skills, Physical Education Development, Survival Skills, Pastoral Care, Typing and Computer Applications, Physiotherapy and Occupational Therapy. Specialist curriculum

includes Braille, Sign language, Orientation and Mobility. Adequate and relevant syllabuses are needed (GOK, 1999).

The report further states that equipment and materials are lacking in special education. These include Braille machines, quality paper for Braille, wheel chairs, calipers and shoes, optic glasses, ear moulds and white canes. Other materials include a sign language textbook covering 1500 signs, audio taped books and materials, Braille maps, taped recorded materials, videotape recordings, note-takers and interpreters. General lack of special education equipment and materials is further confirmed by a report by the National Children in Need Network (NCNN) which observes that Braille is expensive and secluded, and that frequent changes in the syllabus make it difficult for visually challenged children to effectively use Braille (GOK, 2001). The report further notes that there are no clear guidelines on how to formulate specific learning approaches to suit the respective forms of disability particularly in instances of multiple challenges.

The draft Policy on Gender and Education (2003) asserts that the competitive nature of the curriculum, which is examination oriented, has promoted practices such as forced repetition, which weakens the internal efficiency of the school system. The provision of unfriendly gender teaching and learning facilities such as textbooks hinder effective participation of learners and especially special categories of OVC in educational programmes leading to poor performance and participation.

1.6 Provision of Children in Need of Special Protection by the CRC and ACRWC

Both the CRC and the African Charter have catered for the children in need of special protection. They include the orphaned and vulnerable children (OVC), children with disabilities, refugee children, working children, girl child among others.

1.6.1 Orphaned and Vulnerable Children (OVC)

Many individuals and agencies are profoundly concerned about AIDS orphans. These are persons under 18 years of age and have lost one parent (maternal or paternal Orphans) or both parents (double orphans) because of AIDS. AIDS orphans are children whose lives are profoundly changed by the epidemic and whose needs need to be protected (Richter, 2001). These children need special care in areas such as education, health, nutrition, and shelter.

In households affected by AIDS, the school attendance of children drops off because their labour is required for subsistence and the money earmarked for school expenses is needed for medication and health services. School begins to compete with the many other duties that affected children are required to take on. Stigmatization may prompt affected children to remain away from school and some of the children end in the streets. A study carried out in Zambia for example showed that 75% of non-orphaned children in urban areas enrolled in school compared to 68% of orphaned children (Richter, 2001). Children orphaned by HIV/AIDS are likely to have poor care hence being malnourished and less access to health services. Apart from other impacts, children affected by AIDS are themselves highly vulnerable to HIV infection. Their risk for infection arises from early onset of sexual activity, commercial sex and sexual abuses, which are precipitated by economic need, peer pressure, exploitation and rape. To protect children under these kinds of circumstances, the State has been given the responsibility to provide special protection for a child deprived of the family environment and to ensure that appropriate alternative family care or institutional placement is available in such cases. Efforts to meet this obligation shall pay due regard to the child's cultural background (article 20). The African Charter also states that a child who is deprived of his or her family environment shall be entitled to special protection, assistance and alternative family care, which could include among others, foster placement, or placement in suitable institutions for the care of children.

In Kenya, current estimates indicate that about 2.2 million Kenyans are HIV positive.

1.5million have died since 1984 leaving behind about 1.3million orphans (GOK, 2002). Majority of these orphans who are of school going age face major challenges which call for their entitlement for special protection in all areas of their physical, mental and social well being, including the basic right to education.

1.6.2 Children with Disabilities

Article 6 of the CRC assures every child with the inherent right to life and the State has the obligation to ensure the child's survival and development. Children with disabilities experience various problems such as social discrimination and neglect. The CRC is clear in article 2 that all rights apply to all children without exception and it is the state's obligation to protect children from any form of discrimination. The disabled children are specifically catered for in the CRC and the African Charter. Article 23 of the CRC States that a disabled child has the right to special care, education and training to help him or her enjoy full and decent life in dignity and achieve the greatest degree of self- reliance and social integration possible. The African Charter (Article XIII), states that every child who is mentally or physically disabled shall have the right to special measures of protection, access to effective training, preparation for employment and recreation opportunities. The State shall use the available resources with a view of achieving full convenience of movement for the mentally and physically disabled persons for example access to highway and buildings.

The Kenya National Development Plan, 2002-2007 affirms that the MPCP form a significant proportion of the vulnerable groups in the country. According to the Plan, issues that affect the MPCP include:

- Inaccessibility to physical structures e.g. houses/vehicles (transport)/public offices and places, telephone booths and passageways
- Insufficient provision of integrated and subsidized educational facilities

During the plan period, the government proposes to:

- Operationalize the National Disability Policy and enactment and enforcement of the Disability Bill to ensure proper coordination of all programs for MPCP

- Affirmative action for MPCPs in areas of education and training, among others (p.74)

In Kenya, 10% of the total population consists of people with disability, which gives a total of 3.0 million handicapped persons. Out of this, 25% (750,000) are children of school going age. However, only 14,614 (2%) of the children are enrolled in educational programmes for those with disabilities. This implies that over 90% of handicapped children are either at home or in regular school programmes with little or no special assistance.

1.6.3 Working Children

For most part, child labour takes the form of unpaid work in the family such as domestic service, agriculture, piecework, and small family enterprises whether in rural or urban areas. Many of the activities are gender-specific with the majority of child domestic workers being girls. These children are often at risk of exploitation and abuse. Among the worst forms are forced and bonded labour, prostitution and hazardous work.

The elevation of child labour on global agenda in recent years owes much to the support given to the international programme on the elimination of child labour, launched by ILO in 1992 and the debates concerning human rights and the ethical dimensions of international trade (UNICEF, 2000). The impact of child labour must be understood in terms of denial of children's rights, particularly to education and as regards to exploitation and exposure to danger. Both the CRC (Article 32) and the African Charter (Article XV) provides the child with the right to protection from work that threatens his or her health, education or development.

The Kenya Eighth National Development Plan 1997-2001, affirms that children of school going age who are not in school includes orphans who are victims of the HIV/AIDS scourge, and child labourers. The Plan document estimates that there are approximately 3 million children between 6-16 years not in school; hence they may be working

somewhere.

1.6.4 The Girl Child

In many countries, especially in developing countries, for a long time girls have not been treated equally with their counterparts in areas such as education and job opportunities. Girls are the most affected by child labour especially domestic labour, sexual exploitation, female genital mutilation, early marriages and social discrimination therefore, qualifying to be in the category of children that need special protection.

Though Article 2 of the CRC states that all rights apply to all children with no exception (non-discrimination), it is evident that the CRC does not address directly issues that adversely affect the girl child. It is not a wonder that African governments had to come up with a document, which would put the African child needs into consideration. It is in Article XXI of this document that the children have been protected against harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular. These include those customs and practices prejudicial to the health or life of the child and those customs and practices discriminatory to the child on the grounds of sex or other status. Child marriage and the betrothal of girls and boys are prohibited and effective action, including legislation, is to be taken to specify the minimum ages of marriage to be eighteen years and make registration of all marriages in an official registry compulsory. Article XXVII of the same document protects children from all forms of sexual exploitation and sexual abuse. It is the state's responsibility to take measures to prevent engagement of a child in any sexual activity, prostitution or use of children in pornographic activities. Compared to boys, girls are more prone to sexual exploitation and sexual abuse.

Though relief agencies, NGOs, governments and others seek to ensure that the basic needs of children are met through food distribution, support to food production, supplies of medicine, vaccines, and education materials little is being done to protect children as effectively as needed. Protecting children is not just a responsibility of the government or

the group that is in control in the area, it is the responsibility by all.

1.7 Government Proposed Policy Interventions during the Plan Period

The National Development Plan 2002-2005 proposes the following policy interventions during the period:

- Intensify awareness of special education opportunities for the handicapped
- Increase budgetary allocation for bursaries and grants to special schools
- Enhance integration of persons with special learning needs into the education system
- Increase the number of trained teachers in special education
- Establish Educational Assessment and Resource Centres (EARCs) in the new districts and fully operationalize all the existing ones
- Review policy framework for special needs in education

During the plan period, the government also proposes to:

- Operationalize the National Disability Policy and enactment and enforcement of the Disability Bill to ensure proper coordination of all programs for MPCP
- Affirmative action for MPCPs in areas of education and training, among others (p.74)
- Intensify school feeding programme in needy areas especially ASAL and establish sustainability mechanisms
- Provision of learning materials and equipment to schools and grants to low cost boarding schools
- Sensitize communities against cultural practices that impact negatively on enrollment, transition and completion rates especially for the OVC and the girl child.
- Establish and promote Non-Formal Education (NFE) and mechanism for transition to formal education.
- Strengthen guidance and counseling services in primary schools especially for OVC
- Establish the number and types of persons who are mentally and physically

challenged especially children and youth, provide relevant facilities and formulate broad programmes of training and their placement. This will enable MPCP to develop and realize their full potential and participate in social life and development.

- Establish special programmes for people with disabilities and children in schools with special needs
- Intensify awareness of special education opportunities for the handicapped and other special categories of OVC
- Review policy frameworks for special needs in education
- Enhance integration of persons with special learning needs into the education system.
- Affirmative action for MPCP in education

1.7.1 Budget Allocation for OVCs

The Ministry of Education allocates only 0.2-0.4% of its budget to special education (GOK, 2001). In addition the government has in the past put in place measures to ensure the inclusion of OVC in education. Bursaries and loans have been availed through funds by the Danish Government through the Danish International Development Agency (DANIDA) and the Government of Kenya. The funds were used to assist with the unit in the Ministry dealing with Special Education Inspectorate that is Education Assessment and Resource Services (EARS). But when DANIDA stopped its funding in 1994 EARS services are severely constrained (GOK, 1999).

A report by GOK/ILO/IPEC, (1996) proposed an establishment of a bursary scheme aimed at assisting working children resettle back to formal school system. The report further proposes that the need for sponsorship programmes that focus on the child family and provide clothing, school fees, nutrition, and health. However, The above initiatives by the government are hardly sufficient to ensure full participation of OVC in education in Kenya.

1.7.2 Physical Infrastructure for OVC

Children in special education programmes require special learning aids and equipment some of which are quite expensive. Many parents and schools cannot afford to buy these gadgets hence the children do not get to use them resulting in poor learning. Many of the special schools are poorly planned in terms of their location and are often far from home or they require pupils to move across difficult terrain. Parents in such circumstances wait until the child is old enough to cope with rigorous journey to and from school. This delay means that such a child spends a shorter time in school than the able bodied. Lack of adequate and gender friendly toilets make it difficult for girls especially during their menses. Lack of water in the school compound further compounds this problem of hygiene during menstruation. As such, the school infrastructure has a gendered impact on girls and boys education. For the OVC, such an impact is a double jeopardy.

1.7.3 Interventions Targeting OVCs

Although not enough, both the Kenyan government, local and international NGOs have embarked on a number of interventions aimed at alleviating the status of OVC. The Ministry of Education has established Education Assessment and Resource Services (EARS) that coordinates assessment centers in 44 districts (GOK, 1999). The centers assess and place children in special schools. They constitute integral parts of special education since they serve as special education advisory centers.

The GOK/ILO/IPEC (1996) report proposes the following interventions aimed at alleviating the status of the different categories of OVC

- Need for greater families' and community participation in ways of awareness, possible action oriented strategies and resource mobilization towards family improvement
- Organize barazas to sensitize parents to take OVC to school
- Equip schools with special facilities to cater for OVC
- Empower chiefs to compel parents to take their children to school and prosecute

any parents whose children are found loitering during school hours.

- Advocacy through media documentary and brochures on evils of child labour.

The Sessional Paper No. 4 of 1997 on HIV/AIDS proposes the following interventions

- Advocacy on the rights of OVC to be intensified
- Communities to be persuaded to take responsibility of these children as practiced in the traditional society
- Children will require to be persuaded from situations, which predispose them to HIV infection, and those affected and infected will be assisted to continue to be relevant to children who are HIV positive.
- Within the framework of Universal Primary Education, offer free education and social support to orphans

A report on National Programme Guidelines on Orphans and Other Children made Vulnerable by HIV/AIDS observes that children are often compelled to drop out of schools to care for the ailing parents or due to diminished resources to keep them in school. Those who remain in school are not able to concentrate fully on their education as they constantly worry about what would befall their parents (GOK, 2003). The report further states that education of children is affected whether or not it is their parents who are ill and proposes the following interventions:

- Give particular attention to the roles of boys and girls, men and women and address gender discrimination.
- Strengthen schools and ensure access to education for OVC
- Enrolling and retaining OVC in educational institutions like schools, non-formal schools and village polytechnics through mobilizing sufficient resources for tuition fee waivers accessible bursary facilities, educational supplies and feeding programmes.
- Conduct monitoring and evaluation study to determine the following:
 - The number of OVC serving organizations
 - Number and distribution of OVC
 - Number and types of Vulnerability
 - Number and percentage of OVC enrolled in, retained at and completing

school

- Number of stakeholders catering for gender differences between boys and girls in their OVC interventions
- Ratio of OVC to parents and guardians

The Kenya National HIV/AIDS Strategic Plan 2000-2005 observes that the numbers of OVC in schools are few, because such children are kept out of school to care for the sick and help support the family. Others are kept out of school when families cannot afford school fees due to HIV/AIDS illness or death. The National AIDS Control Council of Kenya proposes the following interventions:

- Increase school bursaries for children who would otherwise drop out due to AIDS illness or death in the family.
- Develop and teach curricula that include education on family life, reproductive health and prevention of HIV/AIDS
- Attract more resources for education through the Medium Term Expenditure Framework (MTEF) budgetary process and development partners

The draft Policy on Gender and Education (2003) proposes the following interventions on OVC

- Formulate a legal framework to enhance mainstreaming of children with special needs in the education system.
- Advocate for elimination of harmful and exploitative practices towards children like child labour, child prostitution, child marriage and other forms of physical and mental abuse.
- As a measure to alleviate poverty and increase access and retention, issuance of bursaries, loans and scholarships should be streamlined and the school-feeding programme enhanced in ASAL areas.
- Parents, teachers and the entire community should be sensitized on how to socialize their children to get rid of unnecessary gender stereotypes

Related literature further suggests that more emphasis should be put on preventive

measures through community-based interventions as opposed to institutional rehabilitation. Sommers (2003) observes that community care and assistance can take many forms and differ across communities based on the scope of the AIDS situation, the number of orphans, and the capacity and resources available to community leaders. She notes that communities differ in their capacity to raise funds and resources for orphan services. In an assessment of community mobilization, USAID found that “Several community-based programs in Zambia and elsewhere in Sub-Saharan Africa, have shown that people at the grassroots level are not only concerned about the impacts of HIV/AIDS, but are also prepared to take leadership roles, demonstrate ownership, and devise ways of sustaining the activities they initiate (USAID, Community Mobilization for...)” These are the characteristics of effective intervention and reminiscent of the traditionally effective community orphan care. The main reason that community based initiatives seem to be successful is the fact that they are able to mobilize their resources for what is most in need in that community. According to UNAIDS, sustainable support systems are formed for orphaned and other vulnerable children when community members and leaders are actively involved (UNAIDS- AIDS and Education). Declining school enrolments among orphaned children is a very real concern for many communities. Community based approaches to this problem provide excellent examples of how community members can mobilize themselves effectively in meeting the needs of its vulnerable youth.

It is against the above background and literature review that this study was carried out.

CHAPTER TWO

METHODOLOGY

2.1 Target Population

Categories of target groups identified as key respondents for the study were:

- Primary school pupils
- Primary school teachers
- Parents
- Education Officials
- School Management Committees

The above respondents were drawn from 16 formal primary educational institutions in Ruiru and Embakasi divisions. The schools were purposely chosen from those that serve pupils in the upcoming slums and plantations. In addition, two non-formal primary schools were selected one of which was a special school, while the other had a majority of orphaned children.

2.2 Sample Size and Sampling Procedures

Purposive sampling was employed in the identification of study sites in the two divisions of Ruiru and Embakasi. Specific schools within the study sites were further purposively selected, with the help of the Area Education Officers for the two divisions. However, the criteria used was the geographical context- semi urban slums versus urban, schools in the plantations (coffee/pineapple/coffee), the socio-economic background- orphans, street children, living in the slums, and children with special needs- physically, visually, hearing, and mentally challenged. This mode of selection was considered adequate to cater for different backgrounds and categories of OVC, and also related to their status in free primary education. Factors that could affect the OVC access, retention, participation and achievement in primary education were explored.

With the help of AEO in the two divisions, stratified sampling technique was applied to

ensure that various categories of schools in terms of their enrolment, location, integration and different categories of OVC were selected. The number of schools sampled from each division was ten, eight of which were regular and two were non-formal schools making a total of twenty schools.

From each selected school, interviews were conducted with one female and one male teacher whenever possible with one representing the lower and the other upper primary section. Questionnaires were administered to head teachers in the sampled schools in the study but only 18 out of the 20 were completed. Information sought from the head teachers included the school's enrolment data including that of OVC, participation, issues of performance, quality education and availability of appropriate infrastructure to cater for OVC. FGDs were conducted with the four SMCs per division, who presented the parents views. Gender balancing was however not possible with all SMCs as majority of them had only 30% representation of females. In all the sampled schools, there were FGD for the pupils who were purposively selected from Standard Seven as it was felt they could clearly articulate issues and were likely to be more relaxed than those in Standard Eight who were preparing for the KCPE. Whenever possible the pupils FGD included those considered to be OVC and gender balance was observed in all cases at 50% level. The administration of FGDs was done using guides, which contained open-ended questions that made it possible to elicit qualitative open responses. Probing was done during the discussions to get in-depth information on attitudes on Free Primary Education, including the respondents' awareness of the different categories of OVC. Interviews were held with local authorities and government representatives. Other stakeholders' representatives found in the districts/division were also interviewed. These included- AEO for each division, DO, Children Officers, EARC coordinators, local CBOs and NGOs representatives, and Children Homes managers.

2.3 The Data Collection Process

The study used mainly qualitative research technique although some quantitative approaches were also used. Interviews and FGDs were particularly preferred for this study as they provided intensive information, which may not be found by use of questionnaires. They also allowed for the verification and confirmation of all the information generated from different categories and individual respondents. The aim was to generate data on the status of OVC under FPE in Kenya, identify barriers to access, retention, quality and learning achievements and come up with practical and workable recommendations on how to redress the situation for ensuring full participation of OVC in FPE in Kenya.

Survey design was used as it allowed a collection of data and information from a wide range of respondents. The data collected therefore brought a wide range of views, opinions, attitudes and values, from which similarities were extracted and comparisons made. Survey method also enabled for the solicitation of views from a large number of respondents with use of such instruments as interview schedules, FGDs, and questionnaires. These instruments, made it possible to generate adequate analytical and sex desegregated data on the situation of OVC under FPE in Kenya, on the basis of which findings, conclusions and recommendations were made.

Secondary data was obtained from a wide range of literature review, which comprised of documentary sources on similar studies and policy documents from Kenya, and international instruments such as International Convention on Child Rights, Human Rights Declarations, and policy statements on OVC.

CHAPTER THREE

FINDINGS ON THE STATUS OF OVC EDUCATION UNDER THE FPE

3.1 Views on FPE

The pupils who participated in the FGD agreed that the implementation of the FPE had brought a major change in their schools. They said that FPE was timely since children who were not able to go to school previously due to lack of school fees were now able to. The fact that the pupils are issued with textbooks and stationery at school has made schooling quite affordable and children of the poor as well as those from well up families can now meet in school. Those children who had dropped out of school due to lack of fees and were working or living in the streets had been able to go back to school because of FPE. The pupils said that as a result of more children enrolling, there are now more pupils per school; than in the previous years. The pupils felt that this move has given them a bright future and as one of them put it:

FPE promotes young people who are tomorrow's generation.

(Pupil's FGD, Imara Primary School, 16th Sept 2004)

According to the pupils, parents who previously were straining to pay fees and buy textbooks can use the savings to pay for food, shelter and buy school uniform. The parents have less financial stress now and since all their children are in school, they have more time to attend to their chores and businesses so they can now start saving for the children's secondary school fees.

The parents in the SMC interviewed had similar views as the pupils and agreed that FPE had made many children go back to schools. They were also glad that the government had assisted in the provision of learning materials, stationery, and funds to run the school. They said that the parents who had previously pulled out their children from school could now take them back. This was especially pronounced with those from the slums, orphans, and street children. A number of overage and working children had also enrolled.

According to the teachers the provision of stationery and textbooks had provided them with resource materials that they were previously lacking and which had made their work now much easier.

3.1.1 Increase in Enrolment

The changes on the overall school enrollment in the 18 schools that completed the questionnaire can be seen in the table 1 below which shows that there was a 36.5 percent increase between 2002 and 2003 and a further increase of 9.1 percent between 2003 and 2004. This vindicates the views given by the pupils on expanded enrollment.

Table 1 Enrolment in Sampled Schools Before and After FPE

| Year | Girls | Boys | Total | Yearly Percent Increase |
|------|-------|-------|-------|-------------------------|
| 2002 | 7068 | 7257 | 14320 | - |
| 2003 | 9666 | 9837 | 19552 | 36.5 |
| 2004 | 10732 | 10597 | 21332 | 9.1 |

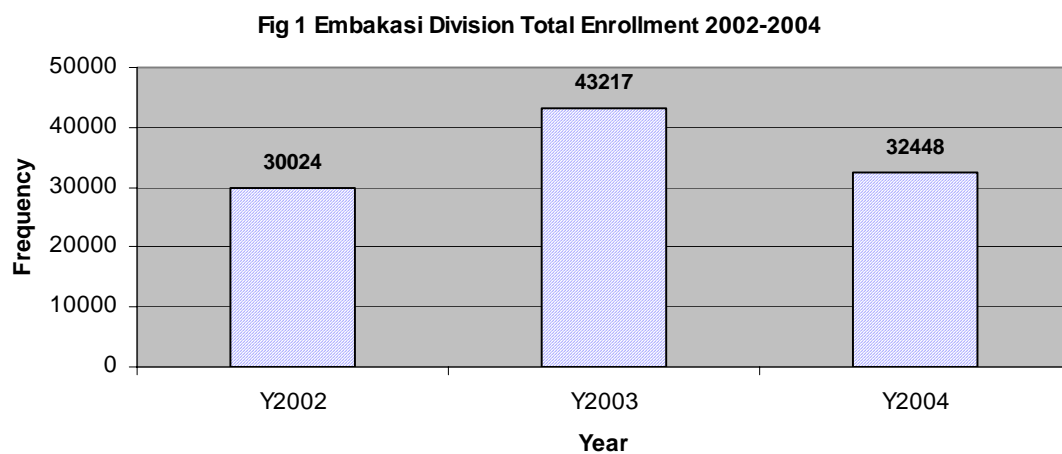


Figure 1 below shows the increased enrolment in the densely populated Embakasi division. Between the years 2002 to 2004 the pupil's population in the division's public schools rose from 30,024 to 42,217 then slightly dropped to 32,448. The division has 31 public schools, which means that the average number of pupils per school changed from 969 in 2002 to 1,394 and 1,046 in 2003 and 2004 respectively. On average a two-streamed school would have a total of 640 pupils and this is a clear indication of how the Embakasi schools are densely populated. On the other hand, Ruiru division in 2004 had

29281 pupils in 248 schools giving an average of only 118 pupils per school.

All the respondents had a number of factors that they felt were negative about FPE. The pupils complained of classes being congested, as there were too many pupils per class with some having up to 80 compared to the previous 35-40. The number of pupils joining a particular school depends on the perception of the parent/guardian, most of whom prefer schools that have been doing well in the KCPE. This has resulted in a school like Busara in Embakasi getting as many as 70 pupils in a class yet a neighbouring school, Peter Kibukosya that is barely 100 metres away has only 50 in a class. The teachers felt this large numbers made it impossible for them to provide individual attention as the numbers overwhelms them. This has made it impossible for them to check the pupils' books even after giving them assignments. They ask the pupils to swap the books and mark them using the answers the teacher writes on the chalkboard. The pupils are not happy with this as they think the teachers are being lazy and most of them do not even bother to do the assignments, as they know the teacher will not find out.

3.1.2 Problems in the Implementation of FPE

The teachers said that the implementation process of FPE was very hasty and led to a shortage of teachers with those available being overworked, lack of physical facilities, and learning materials. They also cited too much bureaucracy in getting the funds and in purchasing the school materials. One teacher suggested that the implementation should have been done in two phases starting with nursery school to lower primary (Standard Three). After this had run successfully, the government would have then proceeded to the upper primary (Standard Four to Eight). She went on to say that at the same time the government should have revived the adult education classes so that the overage could have enrolled there and not cause disruption to primary schools, as it is the case now.

In some schools, multi-shift learning has been introduced whereby the lower primary pupils attend school in two shifts, morning and afternoon. This reduces the congestion in class and allows more pupils to attend. In one school in Kayole, the multi-shift class had been modified to have two teachers teaching at the same time all the pupils in a class

instead of having two groups, coming in the morning and afternoon. It was not clear how effective this was. Multi-shift classes offer some remedy where classes are few and also when there are few teachers. However, there were complaints by teachers and school heads that due to the tender age of Standard One pupils most cannot cope with the afternoon shift. This is especially so when they cannot afford lunch before coming to school due to poverty. Cases were also cited of pupils whose parents had to work and there was nobody to prepare them for school in the afternoon thus making many of them to miss school. While it was easy to have multi-shift classes in the lower primary it was not the case in upper classes. For example in one of the schools in Embakasi, pupils in the multi-shift class had to be made to repeat Standard Three as they could not all proceeded to Standard Four due to shortage of classes and the fact that pupils in upper classes need a full day in school as there were more subjects to be taught.

A major complaint was that the textbooks and stationery provided were not enough and the supply was erratic. The books are supplied once a year according to the enrollment figure given, which means anybody else who joins midway, will not get any. There is also undue delay in delivering the supplies to schools and pupils may go halfway the term without any writing materials. Textbooks issued are usually shared between two or three pupils hence they use them alternatively. This creates a problem if the book gets lost or the person with it decides to move to another school, as it is common. This would leave the other members without a textbook. The parents, even the able ones, do not buy any extra books for their children, as they believe everything should be provided for. One pupil said that:

Some parents have taken the opportunity of misusing the money they used to pay the school fees with by drinking beer.

(Pupils FGD, Gatwanyaga Primary School 20th Sept 2004)

In one school, pupils complained that the books are first issued to those pupils who attend the subject teacher's private tuition thus one child could be the assigned all the books yet another one has none. Private tuition has been banned in schools by the MOEST but some teachers still offer it at private premises to supplement their income. The pupils

went on to say that, such teachers will cover certain topics during tuition and will not repeat them in class thus giving the ones who attend these sessions undue advantage over others. Due to the extra costs, it is only children from the well to do families who can afford hence creating inequity in school.

In all the schools visited, there was a critical shortage of most physical facilities and furniture, for example a desk meant for two was shared amongst four and in some classes amongst five pupils. As a result new comers are now required to bring their own desks to school on admission. This will obviously be a disadvantage to the OVC who may not afford one. In the lower primary where the enrollment is extremely high, most pupils have to sit on mats placed on the floor, as desks required for the over 80 pupils in a class cannot fit in the space available.

In many schools, the toilets are no longer adequate to serve the expanded population. For example in some of the schools in Embakasi, there was no running water and the toilets were filthy to the extent that in one school the girls said that they had to wait until they went back home to relieve themselves. However, at Ruiru, some schools had added toilet facilities and there was one school where the pupils said:

After FPE, there are now more toilets that have been put up e.g. 10 for girls and 10 for boys

(Pupil's FGD, Matopeni Primary School, 14th Sept 2004)

3.1.3 Rising Indiscipline Cases

According to the respondents, discipline has deteriorated in many schools with the onset of FPE. The pupils attribute this to various factors such as the joining in of the overage and street children who were not used to structured lifestyles as one finds in the school. They also came in with bad habits, which they have introduced to the other children such as smoking, sex and taking alcohol and drugs. One pupil put it clearly:

Discipline in the school has deteriorated. Children fight, they do not obey school rules, nor do they obey their teachers or respect them

(Pupils FGD Mwangaza Primary School, 17th Sept 2004)

The overage and bigger boys claim to belong to gangs and often carry weapons such as knives that they use to bully and extort money from other pupils' especially young boys. They were said to be intimidating even the teachers. The teachers said that ever since caning was banned in primary schools, pupils' indiscipline has risen and it has worsened after the introduction of FPE due to the OOS pupils who came in from diverse backgrounds. They argued that guidance and counseling does not work, as the pupils are sometimes too young to understand what they are being told.

The schools in Embakassi division border the estates and pupils sneak out of school any time since the fences are not well maintained and have many *Panya routes* (secret alleys). In most schools, the pupils easily communicate with outsiders through the fence and gates, which are not guarded. This makes it is easy for pupils to get access to various illegitimate goods such as alcohol and drugs. In one school the pupils complained of a man who sells ice cream to them outside the gate all year round even when it is raining and they said they suspect it was not genuine, with some suggesting it is coated with alcohol.

Cases of indiscipline were not however limited to the pupils alone as teachers were also said to be offenders. The pupils especially girls complained of the teachers verbally abusing them possibly because of the inability to physically punish them. Female teachers were said to be especially fond of taunting pupils by telling them:

Some of you came to school because of FPE and if you fail, you will go back to where you came from (in the streets)

(Pupils FGD, Kayole Primary School 16th Sept2004)

Other pupils said:

*Female teachers have become very abusive e.g. “**ukivaa sweta ati unaficha matiti** (If you put on a sweater you are said to be hiding*

*breasts), if you are found borrowing a book from a boy you are asked whether you want to marry him, the overage girls are called “cucu”(grandmother). Girls are at times caned on the buttocks and asked embarrassing questions such as “**umevaa pant?** (Do you have a pant), do you have a petticoat? These questions are asked in the presence of boys. However, our male teachers are very good and do not abuse us. (Pupils FGD, Matopeni Primary School, 14th Sept 2004)*

3.2 Categories of OVCs in existence in school/ community

The various categories of the OVCs in the schools and the community were given in order of dominance as:

- Children from single headed households mostly of single mothers
- Children from very poor backgrounds
- Orphans without one or both parents
- Neglected/abandoned children from separated or divorced families
- Street children
- Overage children
- Children living with HIV/AIDS
- Physically handicapped
- Mentally handicapped
- Visually impaired
- Hearing impaired
- Autistic children

In all the public schools visited, we noted that there were very few children with handicaps, as one would expect in a given population. One of the reasons given for such few cases in the two divisions was that there exist a number of specialized schools such as Kambui School for the Deaf, Joy Town for Physically Impaired, Thika School for the

Blind, Jacaranda, Mathare, Waithaka, and Nile road special schools that take care of children with special needs.

3.3 OVCs Access to FPE

The data on the OVC was not easy to get in most schools, as it seems like there is lack of a proper mechanism with which to identify OVCs in school. In almost all the primary schools, teachers keep a register of attendance which only provides data for daily attendance, age and gender of the pupils. When asked why they didn't have records about the various OVCs, the teachers said that it is seen as intrusive and a taboo to ask children such details as their parental marital status and whether they are orphans. From the data available, the overage and orphans appear to be the greatest beneficiaries of FPE as they came to enroll in large numbers as can be seen in table 2 below for the schools sampled.

Table 2 OVCs Enrolment in Sampled Schools

| Category | Year | Girls | Boys | Total | Yearly Percent Increase |
|-----------------|------|-------|------|-------|-------------------------|
| Disabled | 2002 | 52 | 67 | 119 | - |
| | 2003 | 66 | 80 | 146 | 22.7 |
| | 2004 | 74 | 76 | 150 | 2.7 |
| Orphaned | 2002 | 131 | 143 | 274 | - |
| | 2003 | 317 | 308 | 625 | 128.1 |
| | 2004 | 470 | 511 | 1081 | 72.9 |
| Overage | 2002 | 54 | 73 | 127 | - |
| | 2003 | 167 | 190 | 357 | 181.1 |
| | 2004 | 600 | 774 | 1374 | 284.9 |
| Living with HIV | 2002 | 4 | 3 | 7 | - |
| | 2003 | 7 | 3 | 10 | 42.9 |
| | 2004 | 9 | 3 | 12 | 20.0 |

From table 2 the enrolment of each category shows an increment of the OVC with the overage children having the highest increase of 181.1% and 284.9% in 2003 and 2004 respectively followed by the orphans with 128.1% and 72.9% in the same period. According to the teachers, some of these overage children and orphans were previously

living with their grandparents' upcountry and were not in school. However after the introduction of FPE, they were brought to the urban centres and enrolled in school by their relatives/guardians to take advantage of the well-equipped schools. The guardians felt that since they do not have to pay any fees then they can provide them with shelter and food as they attend school. Children of single parents, most of who have low incomes, also benefited as the educational financial burden became lighter for their parent.

A large number of street and working children also joined the various schools after the introduction of the FPE. Most of these children come from bGOKen families or alcohol abusive homes in which the parents were previously unable or not ready to cater for their education, but once they were told it is free then they enrolled them. The category that does not seem to have been greatly affected by the increased enrollment is that of the physically and mentally challenged children. Their enrollment is comparable to that before FPE an issue attributed to stigmatization of the handicapped as many parents with such children are said to be extremely sensitive and are usually reluctant to let people know that they have a handicapped child hence they did not enroll those at home. Some parents were said to keep the handicapped child locked up at home rather than take them to school. In the whole of Embakasi division only two schools, Mwangaza and Unity had special education units to cater for the mentally handicapped. The number in the two schools was 15 and 6 respectively, yet the total population for each school was about 2000, giving a ratio of the handicapped in the population less than one per cent, against the average ratio of six percent (UNICEF2002) which shows how few the special needs children are in the public schools.

3.4 Participation in FPE for the OVCs

3.4.1 Absenteeism

In terms of their attendance to school, the teachers said that most of the OVCs had maintained regular attendance after enrolling in school. Those who had irregular attendance were mainly the ones in the special needs unit who constantly fall sick. There

were a few cases of truancy mainly from children who used to work and had gotten used to having money all the time. They were said to at times prefer missing school and go looking for money. Others do so as a necessity to support their families:

One of the challenges we have been facing is absenteeism during coffee picking season. Many pupils, particularly boys, absent themselves in order to pick coffee in order to earn some money.

(Teacher's Interview Matopeni Primary School, Ruiru 14th Sept 2004)

During wet season, some pupils opt to stay out to help their parents as well as to earn some money for themselves since everyone is usually planting and need labour

(Teacher's Interview Juja Farm Primary School, Ruiru 16th Sept 2004)

A few orphans are made to work by the guardians they live with as their house helps and will at times miss school or come late when they are extremely tired such that they doze in class and cannot participate effectively.

A number of factors jeopardize girls' participation in school in terms of attendance to school. The girls who have special needs miss classes when they have their monthly periods:

Girls in the special unit do not attend class especially during the menstrual period because they cannot be able to cope with it in school. As a result, boys are more advantaged

(Teacher's Interview, Juja Farm Primary School, 16th Sept 2004)

BOX 1: Girl Child Absenteeism

There is this girl who is an orphan in my class who would miss classes every month and each time I asked her she would say that she was sick. After much prompting, she opened up and said that she lived with her guardian who was poor. So whenever she had her periods she would be asked to use rags made from old blankets, as they could not afford the pads. The rags were quite uncomfortable for her in school and so she would prefer staying at home until she was through with her periods.

Teacher Interview, Busara Primary School, 15th Sept 2004 Another cause of absenteeism was said to be that of insecurity on the way to and from school especially for those traversing the slums and agricultural plantations. Girls were especially said to be vulnerable as they travelled to and from school. The teachers cited cases of girls who come to school late and have to leave early so that they do not travel alone along isolated paths. According to a teacher at Thawabu Primary, Kayole there was a girl who was raped last year as she walked home through the Soweto slums. At Kibii School, pupils said that schoolgirls are often raped on their way to and from school, as the distances are long and not safe.

However, rape cases were not only on the way to school but did happen even out of school, as one of the teachers said that:

A "pastor" raped a class one girl during this year's April holiday.

Two boys also raped a mentally challenged pupil during August holiday.

These rape cases are normal here!

(Teachers Interview, Juja Farm Primary School, 16th Sept 2004)

It also emerged that older women who may have offered to assist orphaned boys also do sexually molest boys. This was put as:

...Some guardians chase away the orphans... while looking for places to spend the night they are taken in by some of the elderly women pretending to be out to help...but who force the boys to have sex with them ... Such boys are likely to get the HIV/AIDS

(SMC FGD, Bethel Children's Home, 21st Sept 2004)

A teacher in the school confirmed of such incidents and gave the example of a 16 year-old orphan boy currently in pre-unit class who was raped by the woman they were living with. She said that teachers have been counselling the boy and "sharing with him the word of God". The unfortunate thing with all these rape cases was that nobody was sure if any legal action had been taken against the culprits.

3.4.2 Class Repetition

In all the schools visited, repetition of classes was discouraged by MOEST especially after the FPE, as it creates a backlog of those who want to enroll. However, teachers said that at times the parents do request for their children to repeat and the schools do consider the case on merit. Most of the poor parents do it when they cannot afford to take children to secondary schools because they have other children already there whom they want to finish school before the younger ones join. According to a teacher at Peter Kibukosya Primary School, the majority of those who repeat are boys from needy families.

3.4.3 Dropouts

In the schools visited, there were a few cases of some OVCs who had enrolled but later dropped out due to various reasons. In one school a case was cited of a girl who was previously, working as a house help who had enrolled but after only two terms in school went back to work as she claimed that "she could make money even without going through school". In another school, the teacher said that some of the former street children who had enrolled dropped out, as they did not have a regular source of food and shelter. He said:

In 2003, many street children here in Ruiru moved to school but are now going back (to the streets). It is not just a question of FPE, what about food and other needs not catered for in school under FPE?

(Teacher's Interview Matopeni Primary School, Ruiru 14th Sept 2004)

Although no statistics were furnished, teenage pregnancy was cited as another cause of girls dropping out of school. At Gachororo Primary School, Ruiru the pupils cited two girls in class seven who got pregnant last year. A teacher at Thawabu Primary School said that at least one girl gets pregnant every year in their school.

Most of the respondents however were not very sure on the issue of OVCs dropping out

of school since it was argued that nowadays a pupil could move from one school to the other quite easily without the teachers knowing what happened to him/her. This usually happens when the parent/guardian thinks the other school is doing better academically based on the results of KCPE. In other cases when a pupil wants to avoid being disciplined at school, s/he just moves to another school. The same case happens when a child loses the textbook and the parent is supposed to buy a replacement. Teachers felt that this constant movement is disruptive and that there is need to have a proper transfer procedure in place so that they can know of the child's history from the previous school.

3.5 Views on Quality of Education under FPE

When asked about the quality of education offered in the public schools, the respondents were almost unanimous in saying that it had gone down since the introduction of FPE. They used the following parameters to gauge the quality of education:

3.5.1 Teacher Pupil Ratio

In all the formal public primary schools visited, the teachers were professionally qualified and therefore competent to teach in the assigned classes. But, due to the high enrolments, most classes were congested with the lower primary being most affected with up to 200 pupils in Standard 1 in a three-streamed school. There has been no corresponding increase in the teaching force hence the Teacher: Pupil ratio in many schools has shot up to over 1: 70 which is way beyond the recommended maximum of 1:40 (GOK, 2003). From the head teacher's questionnaire, 88.9 Percent of them agreed that the pupil-teacher ratio has gone up to almost twice as much as it was before the FPE. This has made it almost impossible for the teachers to provide individual attention to the pupils thus making them to lag behind in learning how to read and write.

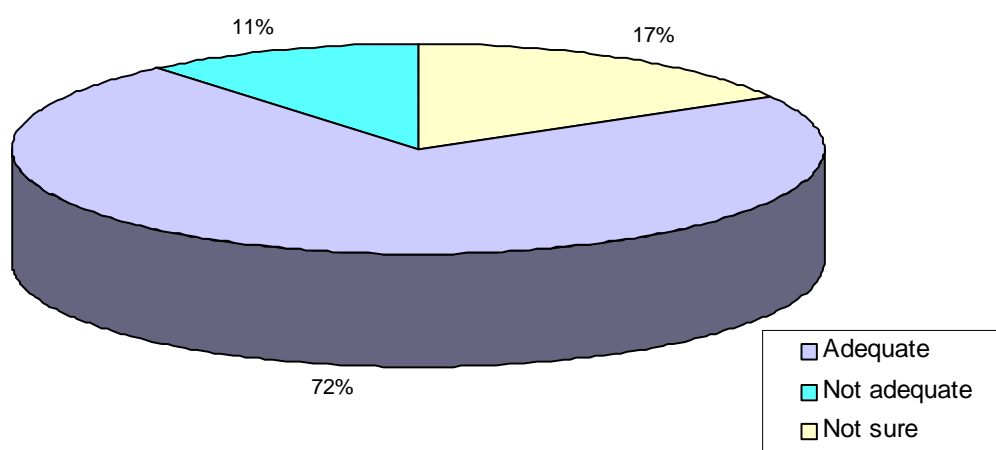
Teachers also cited pupils who had joined Standard One without having gone through nursery school and were currently in Standard Two and still struggling to read and write. The teachers said that they feel overwhelmed by the big numbers and rarely give

assignments and even if they do, they do not mark it. This has left most of them demoralized and lethargic to work and this has resulted in children getting what one respondent called *Elimu Bure* (education of no value) instead of *Elimu Ya Bure* (free education). An indicator used by most teachers as a sign of deteriorating quality was the schools mean score at KCPE or the zonal exams that have steadily gone down over the last two years.

3.5.2 Education Learning Materials

Under the FPE, every pupil is entitled to get writing materials such as pencils, pens and exercise books in addition to sharing textbooks in the ratio of 1:3 and 1:2 for the lower and upper primary respectively. This is a great improvement as previously many could not afford to buy the required stationery and textbooks. The availability of learning materials was appreciated by both the teachers and pupils who said that they could now read on their own and do assignments. Figure 2 below shows the head teachers' responses when asked about the adequacy of FPE learning materials with 72% saying it was adequate, 17% were not sure and 11% said it was not adequate.

Fig 2 Impact of FPE on Learning Materials



However both the teachers and pupils deemed the availability of education learning

materials as not adequate. The pupils complained that by sharing one book amongst three or two of them they were not getting access to the books while at home and most had to do their homework, early in the morning the following day when in school. This points to a possible problem in how the teachers give assignments for example asking pupils to attempt all the sums in a given page. With proper management and distribution of the available textbooks, they should be adequate for the whole class to ensure that each pupil conveniently uses them.

It was also noted that in all classes there was a shortage of supplementary reading books, as many parents were not willing to buy books for their children. The teachers complained that many parents, even the financially able ones, would not buy any supplementary books or even an exercise book once it gets filled up, as "everything in school is free".

Pupils are supplied with all the required stationery once a year and this creates a problem when an exercise book gets filled up or the pupil loses a pen/pencil. Instead of replacing the item, the parents/guardians are adamant that the school should replenish these items, yet it is not possible since the school had received an exact number according to its population and there is no surplus. This means that the pupil stays without writing as the parent maintains the standoff. Unlike the children whose parents are well off and may eventually buy the exercise books or a pen, the poor are hard hit because they may not afford it. There is need therefore to re-evaluate the supply mechanism of the stationery. In certain cases, pupils who enrol in a class after the stationery has been issued do not get anything as the school's supply was based on the number of those present at the beginning of the year. In some cases the subject teacher ends up improvising or buying for them exercise books. One of the teachers who had learnt how to improvise said that she would get her children's old books, cut out the unused pages and staple them together. She then added:

The government should provide a certain percentage of (extra) stationery for contingencies of the orphans, the poor and newcomers.

(Teacher Interview, Busara Primary School, 15th Sept 2004)

3.5.3 Physical Facilities

Despite the increased enrolments after the introduction of FPE, none of the schools visited had built new classes to accommodate the extra pupils and therefore those joining the school had to squeeze into the available space. Classes meant for 35-40 pupils are now hosting twice that number thus leading to congestion with desks arranged end to end with little or no space in between. The head teachers' response when asked about the state of the school's physical infrastructure was almost unanimous with 77.9 percent saying it was not adequate as shown in Table 3 below:

Table 3 Adequacy of Physical Infrastructure after FPE

| Opinion | Frequency | Percent |
|--------------|-----------|---------|
| Not adequate | 14 | 77.9 |
| Adequate | 4 | 22.1 |
| Total | 18 | 100 |

Initially, the newcomers would come and share the available desks but after sometime these were exhausted as more pupils kept coming. The school heads now ask them to come with their own desks, which has resulted in some not enrolling while others come with various desk designs including stools. In Embakasi, the schools in conjunction with UNICEF have introduced floor mats in the lower primary so that they can host more pupils per class as opposed to when seated on desks. This way, up to seventy pupils per class can seat on the mats. However the teachers complained about this arrangement:

The children's writing skills cannot develop properly as they write when placing exercise books on their laps. This poor posture might also affect their growing up.

(Teachers Interview, Mwangaza Primary School 15th Sept 2004)

3.5.4 Pupils Mobility

The teachers complained that the pupil's frequent transfers from one school to another at any point of the term and in any class was affecting content delivery. They alleged that

some of the pupils who join a school may have missed out on a whole term or several months and will find some topics have already been covered in their new school. This means that the teacher has to look for ways of providing them with remedial lessons, although there is very little time due to the large workload. The teacher in such a situation may just assume everything is okay and move. This has the repercussion of having pupils in the same class who are at different ability levels, which in turn means that introducing advanced topics will be more difficult. Some teachers felt that there is need for policy guidelines on transfers so as to control the current disruptive trend whereby pupils keep moving from school to school in between the term. They suggested that:

The Education Minister should enact rules on transfers such that a pupil gets a transfer certificate from the previous school showing the reasons why he is leaving..

(Teacher's Interview Busara Primary School, 15th Sept 2004)

Since FPE does not extend to the pre-primary level, a majority of the pupils are not attending nursery school, as they have to pay. Instead they join Standard One directly yet they cannot read and the teachers have to start by teaching them about letters and numbers, a role that is usually played by the nursery school teachers. This is tasking to the teacher as they have other pupils who are at an advanced reading level who will be restless. As a teacher commented:

The pupils who did not learn letters and numbers at nursery school level have made the work of the lower primary teacher very difficult.

(Teacher Interview Thawabu Primary School, 15th September 2004)

In the schools visited, enrolment to a class was not restricted to the beginning of the year and pupils could join in at any time. For example, in the course of this research (third term) a pupil who was a dropout joined Standard Seven in one of the schools, and he is expected to sit for the KCPE next year. Such a pupil who may have missed out a lot in the course of the year is likely to drag the others behind as the teacher strives to make him catch up. Another enrolment problem cited was that of the overage pupils and their parents/guardians insisting on them being enrolled in the upper primary classes. They feel

uncomfortable in the lower classes due to their size and age.

In other situations the newcomers cheat on the classes that they had reached before dropping out. For example one may claim to have gone up to Standard Six but upon assessment by the teachers they are found to be capable of handling class five materials in subjects like English and Kiswahili yet their Mathematics skills are suitable for class three. However, the parent/guardian will still insist that they be placed in Standard Six yet such a child will still have to learn some basic mathematics skills taught in lower primary. One of the teachers felt that:

There should be a special class to screen all those who are joining a school where they can spend a few weeks being assessed before being placed in the respective classes.

(Teacher's Interview Bethlehem Children's Home, 17th Sept 2004)

The pupils who have been brought from the rural areas to study in urban centres were said to be experiencing problems in learning certain topics in class because the language of instruction (LOI) is mainly English yet they were previously used to teachers speaking in their mother tongue. According to one of the teachers:

Even when such pupils are invited for remedial classes, they will not come as they face a language barrier and cannot communicate

(Teacher's Interview Busara Primary School, 15th September 2004)

Another form of pupil mobility that has been noted since introduction of FPE, especially in Standard Seven and Eight, is that of financially able parents transferring their children from public to private schools. This is done so that they can get individualised learning and thus better scores at KCPE that will ensure that they join high performing public secondary schools. Teachers feel that this outward movement has brought down competition between pupils in class since most of those who leave are often the bright ones.

3.5.5 Water and Sanitation Facilities

In most of the schools visited, piped water was quite irregular and therefore pupils were living in unhygienic conditions. At Embakasi area where schools like Kayole Imara and Thawambu are situated, piped water is received only twice a week. The situation in the toilets in these schools is quite bad as there is hardly any water to flush or clean them and since the toilets were meant for half the number they are now serving they are always in a mess.

Most pupils especially the girls said they preferred avoiding the toilets until they got home in the evening. For the mature girls, they find it very uncomfortable to use the dirty toilets especially when they are menstruating. Most of them will fake illness and stay at home for three to five days until they are through with the monthly periods. One teacher felt that as part of learning materials allocation to schools under FPE, all girls who are mature should be provided with sanitary pads.

In Mwangaza school which has a special unit, the situation at one time was so bad that using the toilets caused infections to those children with special needs. This made the school to embark on constructing a special tuition and ablution block for the special unit children with the assistance of World Vision and parents contributions. To alleviate the water crisis, most schools are now buying water storage tanks using the money allocated under FPE for water and sanitation. The stored water will be used when taps run dry.

3.6 Issues of Transition and Achievement of OVCs

In all the schools visited, data on students' achievement and transition was not disaggregated into the various categories found in school such as OVCs. The most that had been done in a few schools was comparison by gender. The respondents could not therefore provide the actual data on the transition of pupils especially of the OVC from primary school and most talked in general terms on these issues.

One teacher said that:

The children who have been out of school and have now enrolled usually lag in academics initially, but they pick up quite fast with time.

(Teacher's Interview Busara Primary School, 15th Sept 2004)

Another teacher at Mwangaza said:

Some of the pupils with special needs have been integrated in normal streams. Their performance is usually average to above average.

(Teacher's Interview Mwangaza Primary School, 15th Sept 2004)

A member of the Mwangaza SMC confirmed this and added that

There is one special needs boy who was in an integrated class who scored well in KCPE and joined a Secondary School.

(SMC FGD Mwangaza Primary School, 15th Sept 2004)

The girl child appears to have fewer chances of continuing with education as some girls complained that they did not have equal chances of proceeding to high school as their brothers since parents prefer educating boys. They alluded to some socio-cultural factors for this such as:

Parents argue that girls get pregnant by the time they are in Form 2 or 3.

And that

Some parents force their girls to get married so that they can get money to drink. While other parents make their girls get circumcised against their wishes.

(Pupil's FGD Gatwanyaga Primary School, 20th September 2004)

In the same school, pupils give an example of what appears to be a case of incest by saying:

Sometimes when a mother in a family dies, the father gets "married" to the

eldest daughter, so the best thing would be to run away.

(Pupil's FGD Gatwanyaga Primary School, 20th September 2004)

The issue of FGM appears to be commonly practiced in Ruiru division as pupils in two of the visited schools confirmed it does happen in their area. This leads to wastage as many of the girls who undergo the rite dropout of school to get married now that they are "mature" women.

3.7 Performance Comparisons Before and After FPE

There were no records in the various schools showing how the OVCs performed compared to the normal children before and after introduction of FPE. The data available for the KCPE results of the year 2002 and 2003 was general for all the pupils. The mean score performance did not show a big variation for the two divisions with Ruiru dropping from 258.3 to 257.3 while at Embakassi it rose from 265.0 to 269.4 respectively. The main reason given by teachers why there was not much change on performance despite the big enrollments under FPE was that most schools did not accept pupils to join Standard 8.

On comparing the performance of the OVC and the other children, the teachers were of the opinion that both competed favorably. Sometimes OVCs were said to perform even better, as a teacher at Juja Farm Primary said that last year their best KCPE candidate was an orphan. Another teacher added that:

OVCs work harder than the normal children do because they know that FPE has provided a rare opportunity and they have to make use of it to the full. The best pupils in KCPE last year in the school were two OVCs girls.

(Teachers Interview, Kaspi Children Home, 22nd Sept 2004)

BOX 2: Performance of an OVC

Kareku is a 15-year-old OVC boy. He was a herds boy who decided to come to school in class 1, and due to his good performance, we have promoted him consistently. After second term, we promoted him to class 2 then 3. He then went to class 4, got pushed to class 5 after one term then again was pushed to class 6 where he was number one last term. The challenge is however at class 8 and the transition to form 1. Where will he get fees? He might end up as a labourer in the coffee plantations.

Teacher's Interview, Kibii Primary School 15th Sept 2004

3.8 Legal-Regulatory Framework of FPE

Respondents felt that there was need to enhance the legal-regulatory framework in place if FPE is to be implemented smoothly and effectively. Some were of the opinion that in order for the government to ensure EFA it should not just stop at providing FPE but go a step further and make basic education compulsory.

The government should make FPE compulsory. As of now, some children are still out of school.

(Teacher's Interview, Bondeni Primary School 17th Sept 2004)

In addition to making basic education compulsory, the scope of FPE should be expanded to include the pre-primary level, which currently is not supported. This will ensure that all children will have a good education foundation and be ready for Standard 1.

This was clearly put as:

FPE does not cater for ECD at nursery and pre-unit classes. The children have to pay a fee. Parents who cannot afford to pay at this level end up not enrolling their children in class 1, as they cannot be admitted in a City Council School without passing through nursery school

(Lydia, Word Vision-Soweto ADP Manager, Personal Interview 23rd Sept 2004)

Teachers felt that there is need to address the issue of inadequate physical facilities vis-a-vis the increasing enrolment. Currently a desk meant for two is serving four. A teacher at

Thawabu said:

At the moment there is lack of coordination between the existing legal framework and the physical infrastructure. For example, we are supposed to admit all pupils seeking enrolment without considering if classes or desks are available.

(Teacher's Interview Thawabu Primary School, 15th Sept 2004)

The provision of textbooks at a ratio 1:3 and 1:2 in the lower and upper primary respectively was also found to be contentious with most teachers feeling that each pupil should be given a copy. As one teacher put it:

One book is shared among 3 pupils, which means that two children may not be able to do the given homework.

(Teacher's Interview, Peter Kibukosya Primary School 14th Sept 2004)

In order to protect the rights of children and those in need of special protection it was felt that there was need for the government to pass all the pending bills.

The children's bill has not been put in place... The rights of children should be enforced and adhered to. We need the full backing of the government to ensure that the rights of children are respected

(Tom Ombogo, Manager- Imani Children's Home, Personal Interview
16th Sept 2004)

But some scepticism was expressed given the poor response by the government so far towards disabled children.

It is doubtful whether the Children and the Disability Acts will function as proposed. There is need to have the disabled participate fully in education

(Elizabeth Karuga, Director, Disabled Child Monitor, Personal Interview
22nd Sept 2004)

Individuals and faith groups are bringing up most of the orphans and neglected children in the various Children's homes. While some of these homes are doing a commendable job, there was a feeling some are offering substandard services and the government

should enforce standards.

There are so many fake homes for orphans and community schools in the Embakasi area, some of which are used to reap parents financially. What is lacking is a strong referral system for destitute children mainly due to a shortage of government run homes. The SDO therefore does not know where to refer such children

(Lydia, Word Vision-Soweto ADP Manager, Personal Interview 23rd Sept 2004)

The government on the other hand has no link to these homes and does not support those children taken to the privately run homes. The area DO concurred and said that in Dandora zone there were so many homes that had come up catering for the orphans. Religious bodies and individuals with faith inclination start most of these homes and the challenge for the government remains in ensuring that these homes continue to provide proper care of the children taken in and not to end up as being a hazard as can be seen in Box 3.

BOX 3: Effects of poor regulatory framework

BXZ* Orphaned Children's home is situated in the densely populated Kayole estate in Embakasi. It has no adequate space, as it is located on two floors of a four-floor commercial building. It houses 350 children of various ages (approximately 80% of them are AIDS orphans) who are brought to the home by well wishers and others by their

sickly parents when they reach the terminal stage. The school has a feeding programme and provides uniforms to pupils and as result; it attracts many of the poor children more than public schools offering FPE. All the workers there including the teachers are volunteers (we found some Americans too) and not necessarily trained to teach. The school hosts pupils from Nursery to Secondary school (Up to Form 4) although it lacks many facilities for example there is no playing field, rooms are congested and poorly ventilated. There are only two toilets one for the boys and the other one for the girls. The founder said that they rely on well wishers and do not have a regular finance source. They have identified a plot of land but cannot afford it so they are waiting for donations to purchase it. The area DO said that he was aware of the pathetic situation of the institution and he had actually recommended it to be closed down by the Public Health Officer but local politicians intervened promising to be given time to relocate it to a better place. They are yet to honour the pledge. Teachers were also concerned about the overage pupils in class with very young children and suggested that there is need for a policy on this. In addition they said that although the overage pupils were learning very well, it was not clear what will happen to them after Standard 8. One teacher was concerned on whether Secondary schools would accept the overage:

When an overage child who is over 20 years old, gets high marks that qualify him to go to Secondary school for instance, will he get admitted?

(Teacher's Interview, Kibii Primary School, 15th Sept 2004)

There is also rigidity in the way the school system operates in the country. For example a pupil is supposed to join school at Standard One and progress steadily from one class to the other. It doesn't consider the case of exceptional children who can be moved up a class before the year ends. With the overage pupils, the teachers face a dilemma as many of them learn very fast and can be promoted to another class before the year ends. The teachers suggested that there should be a policy that allows gifted and clever children to skip classes if they merit it. However there was at least one case in which the teachers had decided to push a bright student from Standard One to Six within a span of two years (see Box 2).

Parents on the other hand felt that since the performance of pupils in the public schools is bound to go down as a result of the over enrollment, there is need for a policy on admission to the public secondary school. This should differentiate between pupils from public and private schools so as to reduce the pressure on the teachers and the pupils to excel in difficult environments. Parents said:

There should be no comparison with private schools as their situation is quite different. Pupils from the private schools should be restricted to a certain quota of about 2%, to attend public secondary schools.

(SMC FGD, Mwangaza Primary School, 15th Sept 2004)

Many slums do not have schools because no portion of land has been set aside for building public utilities nor do the residents possess a title deed. It was therefore suggested that the government should legalize slums by providing land ownership to the people living there, as has been done in Soweto, Kayole. This will facilitate the communities to put up primary schools and other social amenities.

3.9 School Funding Mechanism and Adequacy for OVC

Under the current FPE programme, a school is allocated funds according to the number of pupils enrolled there. In order to receive the funds, each school is required to have two bank accounts where the money is remitted directly. The Headteacher as the accounting officer and the SMC are the signatory to the accounts. The accounts are namely:

- 1) School Instructional Material Bank Account (SIMBA) Account
- 2) General Purpose Account

Under SIMBA each child is allocated KSh. 570 to meet the cost of purchasing curriculum instructional material that include textbooks, exercise books, pens, pencils and other related stationery. For the General Purpose account, a pupil is allocated KSh. 450 for maintenance of the school such as payment of water, telephone, and electricity bills, paying salaries for the subordinate workers, and repairs. Thus the total allocation per child in a year comes to KSh. 1020 per child. Those schools with a special needs unit are

allocated an extra KSh. 2000 per pupil to meet the needs of their specialised equipment. A number of schools, especially those with handicapped children, have been allocated an additional KSh. 10,000/= to make them *Disability-friendly schools*.

During this study, we asked Headteachers the amount of money each child is allocated under FPE. The answers given were conflicting as shown in Table 4 below whereby only 39.9% give the correct figure of KSh 1020, raising the question of whether they really knew how much money comes in. However, some of the headteachers said that since the money comes in bits they could only cite what they had received so far.

Table 4 Money Allocated to Each Pupil

| Amount (KSh) | Frequency | Percentage |
|--------------|-----------|------------|
| 335 | 1 | 5.6 |
| 485 | 1 | 5.6 |
| 1000 | 1 | 5.6 |
| 1020 | 7 | 38.9 |
| 1025 | 1 | 5.6 |
| 1040 | 1 | 5.6 |
| 1200 | 1 | 5.6 |
| 3020 | 1 | 5.6 |
| No answer | 4 | 22.2 |
| Total | 18 | 100 |

The head teachers were further asked whether the OVC got the same share as other pupils and nine of them (50%) said yes, three (16.7%) said no while the other six (33.3%) did not respond to the question.

The various respondents when asked to comment about the adequacy of the FPE funding as pertains to OVCs had different views with most expressing doubt on adequacy:

Currently each child is allocated a standard amount of money, whether rich or poor. The poor children should be given more as they have more needs. The OVCs need at least one and a half times the money allocated.

(Teacher's Interview Unity Primary School, 14th Sept 2004)

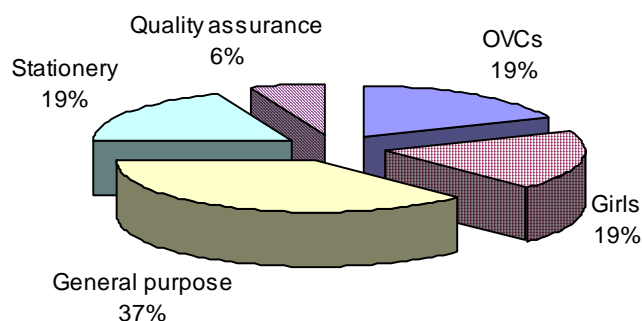
In one of the special schools visited, the teachers suggested that the amount of money needed for the mentally handicapped child is much more than that provided. They stated:

The OVC should be given more funds than the normal children should. A survey conducted at one time showed that a mentally handicapped child needs 30,000/= per year for them to be able to meaningfully access education

(Teachers Interview, Maria Magdalena Special School, 20th Sept 2004)

The head teachers provided the following as priority areas that require extra funding:

Fig 3: Areas that Need Extra Funding



It can be seen from Figure 3 above that the Headteachers' highest concern was the general-purpose account (37%) that takes care of the school's bills, repairs, and maintenance. Three other areas of need namely OVC, Girls, and Stationery tied in position two, each at 19%. However, if girls were to be considered as part of the OVC then this combined category would be the one with the highest rating (38%).

Members of the SMCs expressed the need for further training so that they can monitor spending of funds in schools as they felt some headteachers were taking advantage of their ignorance. The parents argued that the headteachers are to blame for not utilising the money the way it is supposed to.

Funding received is more than enough if only it was well used. Unfortunately, the money lands in the wrong hands. Pupils in this school are still asked to pay for examinations yet FPE has a vote, which should cater for this.

(SMC FGD, Bondeni Primary School, Embakasi, 17th Sept 2004)

In addition, the parents said that the government should be firm and not to be seen as reluctant in dealing with headteachers who misuse school funds.

According to other respondents, additional funding was not the priority as they argued

that money could never be enough as needs cannot be fully satisfied and what is important is how it is spent. The Embakasi DO gave similar sentiments:

Initially the funding was thought not to be adequate. Recently, my survey findings indicate that the headteachers who are serious are able to utilize the available funding effectively

(Key informant Interview, DO Embakasi, 21 Sept 2004)

3.10 Priority Needs for OVCs under FPE

The various respondents were asked to provide a list of priority areas that require intervention for the OVCs to effectively access education. The priority needs cited in order of importance were:

1. Provision of basic needs especially food, shelter and clothing. Many respondents recommended the introduction of school feeding programmes as part of FPE so that the poor and street children benefit.
2. Provision of medical services to all school children who don't have access to medical care
3. Provision of specialized equipment such as Braille machines, hearing aids, crutches and wheel chairs to the handicapped pupils
4. Deployment of trained special needs teachers who can handle the OVC cases.
5. Educating and sensitising the community members about OVC to help reduce stigmatisation and lead to acceptance and love.
6. Provision of appropriate facilities in schools that takes into consideration the needs of OVCs such as having ramps for those using the wheel chairs.
7. Proper data collection of OVC to know the extent of the problem in Kenya
8. Increase the supply of education learning materials given to OVC from those currently offered under FPE to cushion them against shortages.

3.11 Challenges Faced in Providing FPE to OVC

According to the Head teachers, there were a number of challenges faced in providing the OVCs with FPE. The main challenges are as shown in Table 5 below with that of having inadequate learning materials being the most cited.

Table 5 Challenges faced by OVC in FPE

| Challenge | No. of times cited | Percent of Responses |
|------------------------------------|--------------------|----------------------|
| Inadequate learning materials | 6 | 31.6 |
| Parental negligence | 4 | 21.1 |
| Provision of basic needs e.g. food | 3 | 15.8 |
| Teacher shortages | 2 | 10.5 |
| Lack of appropriate classes | 2 | 10.5 |
| Lack of medical care | 1 | 5.3 |
| Over enrolment | 1 | 5.3 |
| Total | 19 | 100 |

The other respondents had similar views as they give the challenges faced as:

- Most of the OVC suffer due to inadequate provision of materials as they live in abject poverty and cannot afford even an exercise book once it fills up.
- Lack of food makes many OVC to stay away from school.
- Rejection and bias of the OVC by the school community mainly due to ignorance.
- FPE funding is not specific to the different categories of OVC so they may be left without appropriate equipment and facilities
- Many of the orphaned children have been brought from rural areas by relatives to enrol in schools in the urban areas. However, some relatives are abusing them by turning them to house helps while others get sexually abused.
- In many schools there are few sanitary facilities shared by all pupils most of which are not appropriate for the pupils with physical handicaps
- Poor infrastructure and poor planning makes some slum areas inaccessible during the rainy seasons thus making the children to miss school.
- Inadequate number of trained special needs teachers. In most schools, the priority is on the normal child, and in case of a shortage the teacher assigned to the special unit is often withdrawn to take care of the other classes.
- Parents do not support the education of their children under FPE as they took it

literally that everything is now "Free". Many of them do not contribute to supplement the items required to assist the OVC learning.

- Communities in the slum areas and plantations keep moving as they look for jobs hence their children are in one school for only a short time then they move.
- Medication for the children is very expensive and parents will often give priority to the normal child over the handicapped ones.
- There is uncertainty on education continuity with many OVC wondering whether they will get someone to support their high school education. This is demoralizing many of them who are bright, as they do not see a future in education.

3.11 Possible Solutions to Challenges Faced in Providing FPE to OVC

Some of the possible solutions given to overcome these problems included:

- The FPE programme to have an enhanced provision to support special needs programmes by including the specialised equipment required
- The government to start special school feeding programmes for OVCs
- The government together with the civil society to undertake public sensitisation about the OVCs so that they are accepted and provided with love by all. In addition the parents should be encouraged to take the handicapped children to school and not hide them at home.
- Increased supply of furniture and books for the OVCs by the government, donors and parents
- The government and NGOs can build homes and special schools for the institutionalisation of OVCs who are destitute and for taking children with disabilities to schools that cater for their specific needs. Alternatively, the government can subsidize the privately run homes by providing some grants or paying for teachers and other skilled workers there.
- Parents to build more appropriate facilities for the different categories of OVCs
- Government to provide sanitary towels to primary school girls free of charge
- Schools to be staffed by the government with trained teachers who can handle special needs

- All Parents in a school should collectively contribute to support the poor pupils
- Through the help of the government, NGOs and CBOs there should be efforts to start some income generating activities (IGAs) for the poor so that they can financially support their families
- The Ministry of Health in conjunction with the private sector should organize for regular medical check ups in schools. Orphans in schools' should be attended to promptly when they fall sick; it was alleged that they are only rushed to hospital when seriously sick.
- Proper identification of the needy children by the school administration is important so that the available bursaries at the secondary school level can be used to assist the OVC who join Form 1. Various philanthropists and donors can provide additional scholarships to the needy students.
- Role models who had an upbringing as OVCs to be identified and requested to give talks in schools to encourage others.

3.12 Teacher's Experiences with OVCs

Teachers expressed various views on their experiences with OVCs in school. Lack of appropriate facilities to handle special needs such as the hearing and visually impaired was a major complaint. The schools hosting special units were no different as they lacked equipment and most just had a classroom that had been set aside with nothing else but desks. In one school, the special unit class served as a store where all the broken furniture and various building materials were kept. The learning environment in such a case is definitely not conducive and the safety of the pupils is not guaranteed.

Without adequate facilities, special needs teachers do not know what to do as some of them explained:

We lack the required facilities e.g. sleeping space and mattresses that is required by the epileptic child to recover after a fit. There is also no soap and water to clean the mentally handicapped who at times soil themselves in class.

(Teacher Interview, Mwangaza Primary School, 17th Sept 2004)

Teachers cited lack of cooperation from parents and guardians of the OVCs as another major problem. They said that whenever they summon the guardians to school to discuss an issue affecting the children, only a few of them turn up. At times, the parents will claim that it is the teacher who is trained on how to handle a child so there is no need for them to come. A teacher said that parents will even spurn professional advice when it is offered; she give an example of how she usually advices parents with handicapped children in the community to enrol them in the special unit class in her school but many of them usually turn down the offer.

Negative attitudes from the community and/or the pupils towards the OVC are a major issue that the teachers have to deal with. Many pupils at school do not want to mix with those who have special needs especially the mentally handicapped. The pupils claim that they "fear" the handicapped children and this poses a problem to the teacher who is trying to integrate them in class. Similarly, members of the community are ignorant about the OVC and hold stereotypes, which are hard to change. As a result of fear and ignorance they often discriminate others and at times act irrationally.

There are some parents who threatened to withdraw their children from public schools that admitted HIV positive children. This caused stigmatisation of these children which makes them withdrawn and difficult to teach.

(Interview, Anne Wamugunda, Special Education Advisor-City Education office, 22nd Sept 2004)

Most teachers felt that they are not professionally equipped to handle children with special needs especially those who have joined after introduction of FPE such as the overage, those from the streets and former working children who were not used to strict discipline. They said that most of these children took long to adjust to the school routine and some had drug abuse problems. Some of these children dropped out as they could not cope with the school routine and academics. One of the teachers said:

We need training in guidance and counselling to handle such cases.

(Teacher Interview, Busara Primary School, 15th Sept 2004)

A teacher is usually the first person to notice cases of mistreatment of the OVC by guardians. The affected child although initially afraid, eventually opens up to a teacher who shows concern. Teachers give examples of orphans who were being treated as labourers by their guardians who insist on them first finishing their chores at home before attending school. Such pupils come late to school and often doze in class as they are already tired from the work done. Some of these orphans become attention seekers and thus disruptive in class as they look for that psychological attachment that they miss at home. There were also allegations of some orphans especially the girls getting sexually abused by the guardians they live with. Two head teachers confirmed that they had to intervene and report the cases to the police when the girls complained to them of what was going on at home. The two girls were moved back to their rural homes to live with the grandparents. Teachers in schools bordering the slums said that there was rampant child labour after school as pupils helped their poor parents to supplement their meagre income. But, some of the jobs that these children engaged in are illegal such as selling illicit brew and child prostitution. Such pupils were said to have a negative influence on the other children in school.

Many of the teachers were found to be sympathetic to the OVC and at times contribute towards their education. Some teachers said that at times they have to use their own money to help some of the poor pupils buy items such as exercise books when they get filled up. Some poor children cannot afford school uniforms and the teachers source some for them from the pupils who have completed school. Another teacher said that at one

time she had to foot a medical bill and transport cost to hospital for a sick poor girl. However, the teachers said they could only do so much for the needy pupils and thus requested for a more formal arrangement to fund such cases under the FPE.

3.13 Role of the Parents to OVCs

For the parents who have special needs children, they should accept these children as part of the family and extend their emotional and material support to them. Parents should take disabled children to school and love them like any other children. There was a feeling that many parents with such children look at them, as belonging to the government and as such felt no obligation to provide for them. A teacher at Ruiru cited a wealthy parent who owns several properties and cars yet was requesting that the teacher looks for a "donor" for their mentally handicapped child. There are other parents who still hide their handicapped children at home and won't take them to school. A member of Mwangaza Primary School gives of an incident involving such a parent:

There is this parent with a physically handicapped child near where I live. I approached him with a suggestion that he brings the child to this school as it has a special unit. The parent turned hostile and chased me away saying I should mind my own business.

(SMC FGD Mwangaza Primary School, 15th Sept 2004)

The pupils suggested that parents should also help in supplementing in providing facilities and equipment, which the school cannot afford for example by donating the clothes and books their children are not using to the needy pupils. They can also start a school feeding programme for these children by contributing foodstuffs and money. All parents should therefore get involved in school matters and stop thinking of their children only.

Teachers also suggested that there is need for the parents/guardians to work hand in hand with the teachers as most of them have neglected their role in their children's education, they do not care about their performance. They expect the teacher to do everything and

few check their children academic work. Some parents are always away from home when the child is there due to the nature of work and thus it's hard to mould children. Some never come to school for functions or when summoned but instead send neighbours and maids. One teacher said:

Many of the parents do not appreciate the teacher's role and will often come abusing us yet they don't play their roles. We are even expected to handle growing up issues (sexual maturation).

(Teachers Interview Thawabu School, 15th Sept 2004)

Another teacher said:

Most parents have left the teachers to do everything; the school committee is no longer active. It is as if they no longer value the education of their children

(Teachers Interview Gachororo Primary School, 15th Sept 2004)

3.14 Interventions in Place Targeting OVCs

A number of innovative interventions are in place targeting the OVCs in the two divisions visited. The government, NGOs, private institutions, and CBOs offer this.

3.14.1 Government Agency- Educational Assessment and Resource Centres

In 1984, the Government of Kenya with assistance from the Danish aid agency DANIDA started a programme of Educational Assessment and Resource Centres (EARC) in all the districts. The units were to be attached to a centrally located public primary school from where they would provide the assessment services to all schools in the district. However, DANIDA pulled out in 1997 from the programme when it withdrew its project support to the Kenyan government citing massive corruption in the public sector as the main reason. This resulted in poor funding of the centres thereby not attracting the qualified and skilled personnel required to operate them. In addition, provision of necessary teaching AIDS and expansion of the centres could not go on.

The Nairobi EARC is based at St. Anne's Primary School along Jogoo road. Although the

staff establishment is six, the centre currently has three employees; a physiotherapist and two assessment specialists. In Thika the centre took time to be established as it was formerly based in the bigger Kiambu district and it is equally understaffed.

The St. Anne's center has been working together with psychologists and psychiatrists many of them who have been resident doctors at the city council sponsored Lord Northey health clinic that has unfortunately closed. During that time, it was quite affordable to access the doctor's services but now most of the doctors are in private practice and the consultancy fee has become prohibitive to many parents. This is a barrier for many children who come from the low socio- economic class and thus fail to get specialized assessment.

The EARC carries out assessment for the physical and mentally handicapped plus those with visual and hearing impairment. Some of the cases brought are of slow learners, others have behavioral problems, and yet others have psychosis. After assessment, the children are placed in different schools and institutions depending on the degree of handicapped for example the mild and borderline cases are taken to special units in the various public primary school. Those with moderate to severe cases are placed in special schools such as Jacaranda, Mathare, Waithaka (the only boarding special school in Nairobi) and Nile road (previously served physically handicap but now serving even the mentally handicap). In Thika district there is Kambui School for the Deaf, Joy Town for Physically Impaired and Thika School for the Blind. Before 2003, there were about 15 schools with special education units for MC but now they have 35 units with Ruiru division having three It is expected that once in the special units the children will be provided with minimum basic education skills especially for the mentally handicapped who can't cope with rigorous academic work. However, for the others such as the physically handicapped they can and do undertake the normal curriculum. Those in the special units are expected to stay there until they are sixteen years old after which it is recommended that they be taken to vocational centres. These centres are very few compared to the demand that exist. After the introduction of FPE, children with handicaps who used to stay at home are now at school. The parents' attitude has

positively changed a lot although some think that SNE children belong to donors. Parents have also realized that you do not get support by keeping the child at home but by taking the child to school. As a result of FPE, fees in boarding schools has come down

In order to publicize its work and reach all the parents, EARC has a newsletter, gets a chance to address the parents during "barazas" held by the chiefs and District Officers and occasionally places an advert in the daily newspapers. In spite of this, some parents only get to know that their children have a learning disability when they enroll them in primary school. To help in alleviating such cases MOEST is offering distance education programmes at certificate and diploma level at KISE for primary school teachers so that more teachers are able to assess pupils at school level. There are plans to offer a degree course in the near future. There is also an ongoing pilot project to have an all inclusive education system where by all schools will integrate the SN pupils with the rest. There are already doubts about it, as it requires availability of specialists and appropriate equipment, which are quite expensive.

Some of the problems facing the handicapped children include discrimination by society even after undergoing the education process and lack of further training opportunities. Mr. Soi said that although most of the mild MH cases can do manual labour and tasks such as being security guards, receptionists and telephone operator, they are rarely if ever given the chance yet some are computer literate. There is a proposed vocational centre that was to be built at St. Anne's to provide an exit for the pupils coming from the special units but the government says it has no money for it. Potential donors who have been approached on the other hand say that they do not want to get involved in a government project due to corrupt practices. Mr. Soi feels that there is need for political leadership to get involved in disability issues and not to think of only the physically handicapped but to remember that there exist other categories. He further suggests that the government should enact an affirmative action compelling all employers to have a certain percentage of jobs reserved for the handicapped.

3.14.2 Non Government Organizations Targeting OVCs

What follow is a discussion of some NGOs one from each division who have unique intervention programmes for the OVCs.

3.14.2.1 World Vision

World Vision is a child-focused international organization whose development activity is specifically targeted to the child. The sponsored children in a school provide ways through which other children are assisted. In Embakasi division, World Vision Soweto ADP operates in the following areas: Kayole/Komarock, Mukuru-Kwa Njenga, Kwa Reuben, Quarry, Umoja, Donholm, and Ruai-Ngundu

The organization has been collaborating with MOEST to provide in-house training of teachers for example upon the introduction of the new standard five and 6 syllabus they trained the teachers. They have supplied schools with desks; about 45% of the schools needed some after the introduction of FPE. In addition, they have been subsidizing the governments' effort by supplying additional textbooks and teaching AIDS for teachers in the primary schools.

World vision also has a component on health provision which gives medical care to children whose parents who are ailing and also train parents on nutrition to reduce malaria, diarrhoea, and malnutrition for the under five years old children. They have community trained health workers and works together with MOH to train Traditional Birth Attendants (TBAs). They have trained home-based caregivers to assist AIDS ailing patients. They have trained ten pastors who offer spiritual guidance to parents and have engaged the services of psychologists to offer counselling to children and get them out of trauma after their parents' deaths.

In some schools, World Vision is working with PTAs to build toilets for children and

purchasing water storage tanks to solve the problem of water shortages. So far they have offered uniforms, schoolbags and medical checkups to over 3,000 children in the Embakasi area. On specific help to OVCs, they are currently supporting 240 children from Soweto slum. These children are from different backgrounds, some have no parents, and some are from parents who are ailing. They also support vulnerable children who they define as orphans living with relatives (aunties or uncles) who have other children of their own to take care of. They have supplied building materials to Mwangaza Primary School to put up a special unit for children with mental handicaps. The sponsored children in various schools have been trained to form child rights clubs and they work closely with ANPCANN to champion the child rights. World Vision is also a member of KAARC

The World Vision policy guidelines state that there has to be a working committee in each of the areas of operation to help in identifying the needy cases. Ideally only vulnerable children (as per their definition) should benefit from the program. However, so far there are a few cases of cheating, which once discovered are discontinued. They also work with TAC tutors and the education officers to target the most needy cases and schools. World Vision has a children's desk where issues concerning children are reported.

Innovations in their work include the current programme where they are working on formation of academic clubs. They have trained two teachers in each of the sponsored schools, plus one boy and one girl on how to form and run the clubs. The teachers are patrons of these clubs. The clubs are meant to make learning enjoyable. The clubs are to be named after celebrities and the members should seek to emulate those celebrities. On solving the problems facing orphans the project manager, Lydia said that there is need to strengthen African culture; the extended family system should be used to take care of the orphans instead of setting up institutions for orphans. Only those orphans without relatives should be put in children's homes. The government should set up support mechanisms for families with orphaned children.

3.14.2.2 Plan International

This is an international NGO and it has been in Ruiru division for the last 10 years. This is the last year as they are usually in an area for 10 years then phase out. Plan has five domains through which it structures its intervention.

- a) Health
- b) Education
- c) Habitat water, communication programmes
- d) Livelihoods- food security programmes, micro enterprise and IGAs
- e) Socio-cultural- child rights issues, capacity building etc.

Therefore, Plan has an intervention that target OVCs and that is holistic in nature. They assist children in need of special protection such as orphans, those with disabilities, street children, child workers, and those living with HIV/AIDS. These categories of OVCs come up because of family break ups, HIV/AIDS, poverty, parents abandoning their responsibilities and exposure to drugs among other reasons.

According to Plan, many children actually went to school after FPE. Comparatively, it is a 70:30 situation between those who went to school and those still at home respectively. Those OVCs still at home are there because of poverty and lack of basic needs. There are child headed households, which need to look for food for their brothers and sisters. Plan concedes that there is no single organization that can cover all that needs to be done and funding can ever be adequate to meet the needs of OVCs. The government for instance cannot meet all the needs and that is why it is only meeting learning resources. The numbers are overwhelming and the resources cannot be enough.

The priority needs that the organization has identified for OVCs include food, shelter, clothing, medication, and education. In order to assist in providing this, the organization suggests that there should be a more participatory approach. The OVCs and the community do not seem to have an idea of what they need and how they could be helped. They need to be consulted if the intervention is to have the desired impact. This should be done by programmes/projects/organization seeking to help the OVCs, including the government. In addition, organizations also need to coordinate among themselves to tap into one another's strengths. It is not prudent to take food to an area only to find somebody else was there with food the previous day. If the government is providing learning materials, all other interested parties should intervene with different programmes.

Resource allocation should be coordinated to avoid duplication and waste.

Plan has several interventions in place, which are holistic in nature so that they do not just address one need. They give food, medication, clothing, shelter if possible, and pay fees at secondary and for those stopping at class 8, they cater for vocational training. They cater for a child up to 18 years when s/he is considered an adult since they are a child centred organization. They provide food for orphans in and out of school and usually have a budget for these OVC intervention e.g. 30 bags of maize; rice and beans. They collaborate with CBOs who identify the OVCs. They also link OVCs with other organizations for further help e.g. Hope for African Children Initiative (HACI) who have also supplied food, uniforms, IGAs for the families.

The organization also has programmes in counseling, awareness creation,

training, where they equip teachers with counseling skills, train the SMCs, and encourage peer counseling among pupils. Last year alone, they built about 60 classrooms and equipped them with desks. Over 60 schools have benefited from this intervention.

3.14.3 Privately Run Institutions Targeting OVC

There exist a number of private initiatives in the two divisions that try to intervene on behalf of the OVCs. A few of them are discussed below.

3.14.3.1 Imani Rehabilitation Centre

Imani Rehabilitation centre situated at Kayole takes in the orphaned, neglected and abandoned children who are often brought in by good Samaritans or the provincial administration. It began as a home for street children on a plot donated by the founder, Ms Wanjiru, but it has gradually changed and now mainly caters for the OVCs most of whom come from the slums surrounding Kayole such as Soweto, Kijiji , Kwa Nguruwe, and Carton city. The centre is Christian based, supported by the Redeemed church. Currently the program has about 350 children, with 23 employees and 6 volunteers. A half of the children are orphans, out of which a quarter have relatives and another quarter are from bGOKen or single families. A number of the children are mentally handicapped and six have epilepsy. Two qualified nurses are employed to take care of abandoned infants some of whom are just a day old when they are brought in. The home is well equipped and has facilities such as incubators to take care of such young children. The home is run using funds and donations in kind from various individual and corporate donors. The centre also has a team of acrobats and footballers made up of both boys and girls who participate in national celebration activities and are paid for it. Others have learnt vocational skills such as dressmaking and artifacts production that are sold to raise money for Imani.

Imani provides shelter, clothing, and food to orphans living in the home. Most of these items are obtained from various sources for example they have an arrangement with the

horticulture exporters whereby the products which are rejected for not meeting export quality are donated to the home instead of being thrown away. This provides them with large quantities of nutritious food at no cost. The centre does not have a school but children from there are attached to neighbouring public schools, which they attend and then come back in the evening. Pupils who pass KCPE are sponsored to Secondary schools and over the holidays, they come back to the centre. Imani operates as a family and as such, unity is encouraged. Members understand each other and both staff and children have a closely-knit relationship. At age 18, they integrate the children into the community. The social workers employed at the centre go out to the communities regularly to follow up on these children most of who are working.

According to the centre manager Tom Ombogo, some of the challenges faced include the fact that the number of OVCs has been growing rapidly due to the rise in poverty and the centre cannot accommodate all of them. This has brought conflicts with the local communities who have not accepted the home fully. Some parents want their children admitted into the centre despite the fact that they are not needy. Some of the community members want to grab donations given to the home such as food from the government arguing that they have a share. Another challenge is the provision of medication to the children in the centre, which is very expensive as some are living with HIV/AIDS, and there is need for the government to subsidize it. Thirdly, there is lack of support for the children's high school education from the various donors; Imani struggles to see that those who qualify proceed to high school.

3.14.3.2 Maria Magdalena Special School

This home is situated in Thika district, Ruiru division and Gatwanyaga zone. The school caters for the mild mentally retarded children who are between ages 6- 25yrs old. It has a population of 67 pupils 34 are boys and 33 girls. 64 of the pupils are boarders and 3 are day scholars. The three have been admitted after the introduction of FPE and are reporting on 21st September 2004. There are 8 teachers, 4 male and 4 female who have

attended special training to enable be able to handle the children well. I interviewed a male teacher. The school cannot enroll more than 64 pupils to be boarders because of limited facilities.

As for academics, the teachers consider the pupil's ability and age to decide on whether she/he should repeat. One teacher reported that in his class where he has 9 pupils only Two pupils qualified to move to the next class. The curriculum is very different from what other public primary schools do as they mostly teach simple language, writing, and mathematics. Pupils benefit more from the vocational training offered in the school, which includes woodwork, knitting, and dressmaking, agriculture, and gardening. They are given skills, which helps them to be self-reliant pupils in future.

Transition of these children is not a smooth process; teachers consider the age and mental ability of the pupils and majority of the pupils are not able from one level to another smoothly. This is because majority of them are slow learners. Some can remain in one level for even three years.

Funding for the home comes from **two donors from the Netherlands, Terres des Home, and Lilian Foundation.** Some local NGOs give food and medication while the parents pay boarding fees which amounts to KSh. 12,000/= per child per year. The headteacher commends the parents there for their dedication and cooperation in ensuring that their children are learning in a good environment. The home has some IGA activities such as poultry keeping dairy cows and a workshop, which is unique because it makes learning materials that are supplied to Nairobi, Mombasa, and North Eastern. A teacher who trained in carpentry and masonry at KTTC is in charge and makes these items with the help of pupils. A number of SNE teachers in various districts also buy the materials.

The home needs electricity to enable the pupils to be able to make use of the modern tools adequately. They also need land for expansion and to build teachers houses in the school if they have to help the pupils achieve more. The home has strategies such as

- i) Home Visits: The school plans to be visiting pupils who graduate from the school for purposes of follow-up of what they have learnt. This has been possible because of some funds, which have been made available.
- ii) Individualized learning programme: This involves identifying the weak areas in a child and trying to develop it maximally
- iii) The school has started a programme to cater for non-boarders

Teachers in the school suggested that they should be allowed to use funds for textbooks to also buy more need equipments and other teaching materials. The government should not restrict them to buy certain textbooks because the curriculum is very different from that of the normal schools. In addition, a National Association of Teachers under the mentally retarded programmes in the country should be started. This will help them be able organize activities for such children like sports.

3.14.3.3 Kenya Autism Society

Autism is a neurological, developmental disorder with a biological basis, affecting a person's ability to communicate his/her social interaction and imagination. Autism is a severely incapacitating lifelong, neurological developmental disability that typically appears in the first three years. In June 2003, a group of parents with children suffering from Autism met and decided to create the Autism Society of Kenya. In conjunction with the City Education Department, they have set up an Autism unit at City Primary School, Ngara. The unit caters for children aged between 3-18 years and currently has 30 children. They have occupational therapists, special education teachers, and teacher's aides. They occupy two large classes in the school with one serving as the therapy room cum kitchen. Donors who had the walls repainted and the floors fitted with tiles have refurbished the rooms so that they are clean safe.

Activities in the unit include an educational program designed for each child, run concurrently with occupational and speech therapy based on each child's needs and

abilities as part of vocational training for the older children. These need to be run concurrently with dietary intervention as it has been seen that following a Gluten and Casein free diet which is also free from all types of additives and preservatives has a positive impact on the lives of children with autism. This means removing all wheat and dairy products from the diet e.g. milk, chapatti, mandazi, and ice cream among others.

The unit runs on funds from parent's contributions that cover the costs such as salaries for teachers and therapists, food, and operational costs. A number of corporate donors such as Safaricom, Crown Berger, Barclays Bank (K), Kapa oil refinery and Spinners Web Ltd have provided assistance in kind. The founder member, Felicity Nyambura, says that the programme cannot be effective without government support and civil society assistance and cites the Disability bill, which is yet to be implemented. She also adds that there is lack of awareness about the condition and calls for public awareness campaigns through the media, which requires financing.

The Autism Society has been impressive and they won the CEF's 2003 award for offering a flexible, alternative/complementary education. In 2004, it was officially recognized by CEF for having the most innovative non-formal education program.

3.14.4 Community Based Organizations

A number of CBOs also have a number of intervention programmes in place. Some of the CBOs include:

- WEMIHS (WEM Integrated Health Services) based in Thika have a lunch programme to orphans in the school and probably caters for about 200 pupils.
- WOFAK has drop in centres at Embakasi for HIV AIDS orphans whom they provide with lunch and medication.

3.14.5 A Case Study of a Schoolgirl who adopted an Orphan

We came across a unique case of a schoolgirl who took in another who had been

orphaned. They narrated their story to us.

Rachael is a fourteen-year-old girl in class 7 at Kayole I Primary School, Nairobi. She is the second born in a family of two girls and they live with their mother at Kayole that is a low class estate in the Eastlands of the City. Her elder sister Lillian is in form three at Nyabiswa secondary school, Migori. Their dad is polygamous with two wives; he lives with the first wife at Makadara with her four children plus a nephew who is an orphan, and only visits the Kayole home during the weekends.

When in class 6, Racheal befriended Jane Wanjiku who had just joined the school and within a short time they became best friends. As they became close, they started sharing their personal history. Jane informed Rachael that her mother had abandoned her in August 1990 when she was only two months old and the father had to bring her up with the assistance of her paternal grandmother. The mother has never come back and nobody knows where she is. In the year 2000, the father fell sick and died making Jane an orphan. She was now left in the care of the elderly grandmother and her paternal uncles who lived in the same compound at Njiru. The uncles also have children some of whom are Jane's age mates and attend same school. Before her father's death, Jane was attending a private school but the uncles claimed they had no money to educate her there so she was withdrawn and had to stay at home for one term. The grandmother had to beg them to enroll her in the public school, which they reluctantly did. However, this now brought her more problems since they demanded that she does chores in their houses such as doing the dishes, washing clothes, and cleaning the house. She would do this in the two houses every evening and then help her grandmother. If she complained of being overworked, she would be reminded that they were educating her and that had if she not come to "mess the budget" they would be living well. She would often be taunted that if she cannot cope then she can back to Meru (where her mother hailed from). At times, she would not be given the twenty shillings bus fare from Njiru to Kayole School nor packed lunch or money for lunch and as a result, her attendance was quite irregular.

On days when Jane had no lunch, Rachael would take her to their house and they would

share what was available. As a result, Rachael's mother and her sister came to know of Jane. As the mistreatment at home grew, Jane decided she had had enough of it and in the second term of this year ran away to live with a mutual lady friend at Kayole. After staying there for a couple of weeks the friend started complaining of the expenses and Jane had to think of her next step. She decided to look for a job as house help and went searching from door to door in the estates. Most people turned her away as she was underage and had no identity card thus a security risk. Nevertheless, after persistence one lady at Jerusalem estate agreed to employ her. All this time Rachael did not know her whereabouts and went looking for her at her grandmother's place but was informed she was not there. She looked for her in all the possible places she had friends to no avail. One day, Rachael's elder sister, Lillian was visiting a friend at Jerusalem and bumped into Jane who was working in a neighbouring house. Jane was quite excited and sent Lillian to inform her sister she was fine and working.

The next day Rachael came to see her and they had a lengthy talk. She convinced her to go back to school, as there was no future in being a house help. Jane agreed but on condition that she was not going back to her relatives, so Rachael said that she would negotiate with her parents so that they can live together. Rachael decided they should leave together as she feared that if she left her she might change her mind. Therefore, they went home and she informed her mother that she would like Jane to live with them; the mother agreed but said that they have to have the consent of the father as well. When the father came, Rachael explained the case to him and requested that Jane be allowed to be with them. He also agreed but said that he will commit to take care of her while in primary school but not in secondary school.

Jane did not have school uniform as she had sold it when she ran away. Therefore, Rachael who had two sets, give her one and a pair of shoes. When schools opened Rachael convinced the class teacher not cross out Jane's name from the register, as she was back to stay. She agreed but on condition that her attendance was going to be regular. The two girls then went back to Njiru to collect her other items and to inform the relatives that she would be living with Rachael's family. The relatives did not object since

it was as if a burden had been lifted off their shoulders. They are yet to come and see where she lives or even visit her at school. Jane has however fitted well in the new family and considers herself as one of their own although at times she feels like a burden as they are providing so much for her yet the father is supporting such a large family. Most of the other children in the school consider Rachael's action to be incredible and praise her for her kindness.

CHAPTER FOUR

CONCLUSION AND RECOMMENDATIONS

4.0 Conclusion

From the findings of this study, it was apparent that although a number of OVC have benefited as a result of the FPE, many more were still out of school. There is still a lot that needs to be done to ensure that every child has a chance to access basic education. The following are some recommendations which may assist in ensuring that the OVC get access to FPE.

4.1 Streamlining the FPE Implementation Process

Two years after the start of the FPE programme useful lessons have been learnt and it is imperative that MOEST uses this to rectify the implementation process to ensure timely delivery of the required funds. The funds should be released according to the school calendar and not the government financial year. This will ensure that the required teaching-learning resources are purchased and delivered on time unlike at present where the year is ending with some text books yet to be supplied.

4.2 Maintaining proper OVC Records

In almost all the schools visited there were no records of the OVCs in general nor of the various categories. There is need to have records in place indicating the OVCs present in each class by their category at the beginning of each term so as to facilitate proper planning both at the school level and at the national level. In addition to having their daily attendance noted in the usual class registers, additional information should be recorded in a different register so that more details can be included. Confidentiality should be maintained possibly by having the records kept by the head teacher.

4.3 Sensitisation of Parents and School Community on OVCs

A major problem affecting OVCs was that of stigmatisation both at home and at school which resulted in many of them not attending school. There is need to carry out sensitisation campaigns so that they can gain acceptance from their family, members of the community, school children, teachers and the school administration. Teachers especially need to be trained on how to handle the orphans and former street children so that they don't feel stigmatized. The government in conjunction with the civil society should organize for this.

4.4 Enhancing Access to Education for OVCs

There are a number of the OVCs who are still not able to enroll in school despite the FPE having been in place for the last two years. There are a number of barriers still in place such as the lack of adequate shelter, clothing and food for the former street children. There should be a provision under FPE to provide such basic needs to the marginalized, neglected and abandoned children by having them live in government sponsored homes. Those who have been living in social halls set up by the local councils are running away back to the streets due to the hardships there as they are not properly taken care of due to shortage of funding.

4.5 Increasing Participation of the OVCs

It was found that the OVCs dropout of school mainly because they felt they did not fit in. There is need therefore to make them feel welcome by the teachers learning how to handle them so that they do not feel emotionally distraught. The OVCs already in school should be maintained by ensuring they do not get reasons to absentee themselves such as lack of writing materials.

4.6 Enhancing Quality Education for OVCs

In a number of schools there were teachers who were qualified to teach SNE. There is need to have all the teachers during pre-service training to undertake a course in special education so that they know how to handle these children. In addition teachers need skills in guidance and counselling. For those teachers in the field, the MOEST in conjunction with NGOs can organize in-service courses.

As a result of the over-enrollment new teaching methodologies and strategies such as multi-shift and multi-grade teaching will have to be put in place. It is important that teacher are trained on how they will adopt these to suit the different situations.

4.7 Funding the OVCs under FPE

Under FPE all the pupils in primary schools are allocated KSh 1020. There is an additional flat rate of KSh. 2000 for the SNE pupils. This amount is not adequate as pupils who are hearing or visually impaired need much more for the hearing aid or braille equipment respectively. The orphans and poor may require to be fed and clothed. There is therefore need to allocate money according to the specific needs of the pupils in a school.

4.8 Having a Responsive Legal-Regulatory Framework

There is need to ensure that there is a responsive legal framework in which the education providers will use. Currently there is no harmonization on educating the OVCs in the various legislatives such as the Education Act, Children's Bill and Disability bill. It is important to get these Acts harmonized so that the provision of education to the various OVC is domesticated as a right.